

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK**

JOSHUA HOMER, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

HY ATTRACTIONS MANAGER, LLC,

Defendant.

Index No. 631543/2024

Motion Seq. No. 001

**NOTICE OF UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on January 17, 2025 at 9:30 a.m., upon: (1) the accompanying Memorandum of Law, and (2) the Affirmation of Philip L. Fraietta, and the exhibits attached thereto (including the Parties' Class Action Settlement Agreement), Plaintiff Joshua Homer, through his undersigned attorneys, will move this Court, at the Supreme Court of the State of New York, County of Suffolk, 1 Court Street, Riverhead, New York, for an Order, pursuant to Article 9 of the CPLR: (i) granting preliminary approval of the Class Action Settlement; (ii) provisionally certifying the Settlement Class under CPLR 902 in connection with the settlement process; (iii) appointing Philip L. Fraietta, Stefan Bogdanovich, and Eleanor R. Grasso of Bursor & Fisher, P.A. as Class Counsel; (iv) appointing Joshua Homer as the Class Representative for the Settlement Class; and (v) approving the Notice Plan for the Class Action Settlement described in the Settlement Agreement and its Exhibits, as well as the specific Notice of Class Action and Proposed Settlement (the "Proposed Notice"), attached as Exhibits B-C to the Settlement Agreement, and directing distribution of the Proposed Notice.

* * *

A Proposed Preliminary Approval Order is submitted herewith.

Dated: January 9, 2025

Respectfully submitted,

BURSOR & FISHER, P.A.

By: /s/ Philip L. Fraietta
Philip L. Fraietta

Philip L. Fraietta
Eleanor R. Grasso
1330 Avenue of the Americas, 32nd Floor
New York, NY 10019
Telephone: (646) 837-7150
Facsimile: (212) 989-9163
Email: pfraietta@bursor.com
egrasso@bursor.com

Stefan Bogdanovich (*pro hac vice app.
forthcoming*)
1990 North California Blvd., Suite 940
Walnut Creek, CA 94596
Telephone: (925) 300-4455
Facsimile: (925) 407-2700
E-mail: sbogdanovich@bursor.com

Proposed Class Counsel