

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ERIN SPENCER and NICKOLE  
GONZALEZ, individually and on behalf of  
all others similarly situated,

Plaintiffs,

v.

KNIX WEAR, INC., KNIX WEAR LLC,  
KNIX WEAR CALIFORNIA LLC, KNIX  
WEAR US, INC., and KNIX SAN DIEGO  
UTC, LLC,

Defendants.

**CASE NO. 1:23-cv-07823**

**UNOPPOSED MOTION FOR PRELIMINARY  
APPROVAL OF SETTLEMENT AGREEMENT**

Plaintiffs Erin Spencer and Nickole Gonzalez (collectively, “Plaintiffs”), by counsel and on behalf of themselves and the putative Class Members, submit this Unopposed Motion for Preliminary Approval of Settlement Agreement. Plaintiffs and Defendants Knix Wear, Inc., Knix Wear LLC, Knix Wear California LLC, Knix Wear US, Inc., and Knix San Diego UTC, LLC (“Defendants” or, collectively “Knix”) by counsel, have reached a proposed settlement (the “Settlement”) in this class action. Plaintiffs request the Court enter an Order:

1. Preliminarily approving the Settlement;
2. Preliminarily certifying the Settlement Class for purposes of settlement only;
3. Appointing proposed Class Counsel as Class Counsel and Plaintiffs as Class Representatives;
4. Approving the form and content of the Notices and Claim Forms attached as Exhibits C-G to the Settlement Agreement, which is attached as Exhibit 1 to Plaintiffs’ Memorandum of Law in Support of Unopposed Motion for Preliminary Approval of Settlement Agreement;

5. Finding that the proposed procedures for dissemination of the Notices and Claim Forms constitute the best notice practicable under the circumstances, and comply with due process and Fed. Rule Civ. P. 23;
6. Setting a date and time for the Final Approval Hearing, at which the Court will consider final approval of the Settlement, Class Certification, and Class Counsel's application for attorneys' fees and expenses and Class Representatives' application for service awards.

In support of this Motion, Plaintiffs submit herewith: (1) Plaintiffs' Memorandum of Law in Support of Unopposed Motion for Preliminary Approval of Settlement Agreement ("Memorandum"); (2) the Settlement Agreement, which is being submitted as Exhibit 1 to the Memorandum; (3) the Joint Declaration of Proposed Class Counsel, which is being submitted as Exhibit 2 to the Memorandum; and (4) a [Proposed] Preliminary Approval Order.

For the reasons set forth more particularly in the accompanying Memorandum and supporting exhibits, Plaintiffs request that the Court grant this Motion.

DATED: September 1, 2023

Respectfully submitted,

**MILBERG COLEMAN BRYSON  
PHILLIPS GROSSMAN, PLLC**

*/s/ Mitchell Breit*

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