

DOCKET NO.: FST-CV21-6054676-S	:	SUPERIOR COURT
	:	
SARAH KENT, and ALISON PACTONG, individually and on behalf of all other similarly situated,	:	JUDICIAL DISTRICT OF
	:	
	:	STAMFORD/NORWALK
Plaintiff,	:	
	:	
VS.	:	AT STAMFORD
	:	
WOMEN’S HEALTH USA, INC., IN VITRO SCIENCES, LLC, CENTER FOR ADVANCED REPRODUCTIVE SERVICES, P.C., and REPRODUCTIVE MEDICINE ASSOCIATES OF CONNECTICUT, P.C.,	:	
	:	
Defendants.	:	JULY 8, 2022

**[PROPOSED] ORDER GRANTING PLAINTIFFS’ MOTION, ON
CONSENT, FOR PRELIMINARY APPROVAL OF PROPOSED SETTLEMENT,
CERTIFICATION OF A SETTLEMENT CLASS,
AND APPROVAL OF NOTICE PLAN**

This matter comes to be heard on the Motion, On Consent, for Preliminary Approval of Proposed Settlement, Certification of a Settlement Class, and Approval of Notice Plan (the “Motion”) filed by Plaintiffs Sarah Kent and Alison Pactong, individually and on behalf of the Settlement Class (as defined below), by and through Jonathan M. Shapiro of Aeton Law Partners LLP and Jonathan M. Jagher or Freed Kanner London & Millen, LLC, requesting that the Court enter an Order: (1) granting preliminary approval of the Settlement Agreement; (2) certifying the Settlement Class; (3) appointing Sarah Kent and Alison Pactong as Class Representatives and their counsel, Jonathan M. Shapiro and Jonathan M. Jagher, as Settlement Class Counsel; (4) approving the form and manner of the Notice Plan and appointing Epiq as Settlement Administrator; (5) directing Defendants to provide Settlement Class Counsel and the Settlement Administrator the data and other information reasonably necessary to effectuate the Notice Plan; and (6) scheduling

a Fairness Hearing to consider final approval of the settlement and setting various related deadlines.

Having reviewed and considered the Settlement Agreement, the Motion and supporting memorandum and affidavits, and having heard and considered the arguments of counsel, the Court makes the finding and grants the relief set forth below, preliminary approving the settlement contained in the Settlement Agreement upon the terms and conditions set forth in this Order. Terms and phrases in this Order shall have the same meaning as defined in the Settlement Agreement.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Having made the findings set forth below, the Court hereby preliminary certifies a plaintiff class for settlement purposes only in accordance with the terms of the Settlement Agreement (the “Settlement Class”), defined as:

All natural persons that purchased or paid for, in whole or in part, assisted reproductive technology (“ART”) services from Center for Advanced Reproductive Services, P.C. (“CARS”) or Reproductive Medicine Associates of Connecticut P.C. (“RMACT”) from January 1, 2004 through the date of this Order.

Specifically excluded from this Settlement Class are Defendants’ officers, directors, and employees; all counsel of record; and the Court, Court personnel, and members of their immediate families.

2. The Court finds, based on the terms of the Settlement Agreement and the Motion and its supporting memorandum and affidavits, that:

- a. There are questions of law and fact common to the Settlement Class;
- b. The claims of the Class Representatives are typical of the claims of the Settlement Class;

- c. Class Representatives and Settlement Class Counsel will fairly and adequately represent the interests of the Settlement Class, and that there are no conflicts of interest between Class Representatives and the other members of the Settlement Class;
 - d. Questions of law and fact common to Settlement Class Members predominate over any questions affecting only individual members of the Settlement Class; and
 - e. Certification of the Settlement Class is superior to other methods for the fair and efficient adjudication of this controversy.
3. For these reasons, the Court hereby certifies the Settlement Class, for settlement purposes only, pursuant to Connecticut Practice Book § 9-9.
4. Any person seeking exclusion from the Settlement Class must submit a written request for exclusion by the Objection & Opt-Out Deadline (see below) that complies with the requirements and procedures set forth in the Notice. The written request must:
- a. Be signed;
 - b. Make reference to the case name and docket number, *Kent, et al. v. Women's Health USA, Inc., et al.*, Case No. FST-CV-21-6054676-S (Superior Court Judicial District of Stamford/Norwalk);
 - c. Clearly manifest the person's intent to be excluded from the Settlement Class;
 - d. Be filed with the Court by, and mailed to the Settlement Administrator at [address to be provided] with a postmark on or before, the Objection & Opt-Out Deadline.
5. All persons falling within the definition of the Settlement Class who do not submit a timely and valid request to be excluded from the Settlement Class shall be bound by the terms

of the Settlement Agreement, the Judgment Order entered thereon, and all Orders entered by the Court in connection with the settlement set forth in the Settlement Agreement.

6. All persons who submit a timely and valid exclusion request shall neither receive any benefit nor be bound by any terms of the Settlement Agreement.

7. The Court preliminarily approves the Plan of Allocation described in the Motion and supporting memorandum and affidavits as being fair and reasonable, subject to final consideration at the Fairness Hearing provided for below.

8. Settlement Class Members who qualify for and wish to submit a claim for any benefit under the settlement is required to complete and submit a claim form online at [INSERT URL] by the Claim Deadline (see below), in accordance with the requirements and procedures outlined in the Notice.

9. The Court hereby appoints Sarah Kent and Alison Pactong as Class Representatives.

10. The Court hereby appoints Jonathan M. Shapiro of Aeton Law Partners LLP and Jonathan M. Jagher or Freed Kanner London & Millen, LLC as counsel for the Settlement Class (“Settlement Class Counsel”).

11. The Court hereby appoints Epiq as Settlement Administrator and approves payment of notice costs as described in the Motion and supporting memorandum and affidavits.

12. The Court finds that the Notice Plan described in the Motion and supporting memorandum and affidavits is the best notice practicable under the circumstances, and constitutes due and sufficient notice of this Order to all persons entitled thereto, and is in full compliance with the requirements of Connecticut Practice Book § 9-9, due process, and applicable law.

13. Accordingly, the Court hereby approves the form and content of the Notice Plan and the proposed Notice.

14. In order to effectuate the Notice Plan, Defendants are hereby directed to provide Settlement Class Counsel and the Settlement Administrator the data and other information reasonably necessary to provide such notice.

15. To object to the settlement, the Plan of Allocation, or to the motions for attorneys' fees, costs and expenses, or the named-plaintiff service award, a Settlement Class Member must timely file a written notice of objection no later than the Objection & Opt-Out Deadline (see below) with the Court, and mail a copy to the Settlement Administrator postmarked by the same date, that complies with the requirements and procedures outlined in the Notice, including:

- a. The Settlement Class Member's full name and address;
- b. The case name and docket number, *Kent, et al. v. Women's Health USA, Inc., et al.*, Case No. FST-CV-21-6054676-S (Superior Court Judicial District of Stamford/Norwalk);
- c. Information identifying the person as a Settlement Class Member, including proof that you are a member of the Settlement Class (e.g., copy of the Notice received or a statement explaining why you believe you are a Settlement Class Member);
- d. A written statement of all reasons for the objection, accompanied by any legal support for the objection that the person believes is applicable;
- e. The identity of any and all counsel representing the person in connection with the objection;
- f. A statement whether the person and/or their counsel will appear at the Fairness Hearing; and

g. The person’s signature or that of their duly authorized attorney or representative (if any) representing them in connection with the objection.

16. All discovery and pretrial proceedings in this litigation are stayed and suspended until further order of the Court.

17. The Court sets the following schedule for the final approval hearing and related deadlines:

18. Event	Date
Notice mailed to Settlement Class Members (“Notice Date”)	On or before 45 days after Preliminary Approval.
Deadline to file (a) Plaintiffs’ application for attorneys’ fees/expenses and named-plaintiff service awards and (b) Motion for Final Approval (“Final Approval and Fee Application Deadline”)	On or before 45 days after Notice Date.
Deadline for Class Members to (a) file objections to the proposed Settlement and/or Plaintiffs’ application for attorneys’ fees/expenses and (b) request to be excluded from the Settlement Class (“Objection & Opt-Out Deadline”)	On or before 30 days after Final Approval and Fee Application Deadline.
Deadline to file reply brief in support of Motion for Final Approval and Notice Report (“Reply ISO Final Approval Deadline”)	On or before 10 days prior to Fairness Hearing
Final Approval Hearing (“Fairness Hearing”)	At least 120 days after Preliminary Approval, as set by the Court.
Deadline to submit claim forms (“Claim Deadline”)	On or before 30 days after Final Approval Hearing.

SO ORDERED.

Dated: _____

 Hon. Kenneth B. Povodator