

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

B & R SUPERMARKET, INC., d/b/a
MILAM'S MARKET, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

VISA, INC., et al.,

Defendants.

Case No. 1:17-cv-02738-MKB-VMS

CLASS ACTION

**ORDER GRANTING
UNOPPOSED MOTION FOR APPROVAL
OF PROPOSED CLASS NOTICE AND
NOTICE PLAN**

Plaintiffs have moved the Court for approval of their Proposed Notice to the Class ("Notice"), as well as Plaintiffs' proposal for distribution of the Notice to prospective class members (the "Motion").¹ The Court, having reviewed the Motion and memorandum, the accompanying declarations, the pleadings and other papers on file in this action, and the statements of counsel and the parties, hereby finds that the Motion should be **GRANTED**, except that the Postcard notice must be edited to include the information that class members may enter an appearance through an attorney.

IT IS HEREBY ORDERED THAT:

The Court approves the proposed Notice program, including the Long Online form of notice and the Postcard form of notice, attached to the declaration of George C. Aguilar in support

¹ Capitalized terms not otherwise defined herein shall have the same meaning set forth in Plaintiffs' Motion.

of Plaintiffs' Motion, except that the Postcard notice must be edited to include the information that class members may enter an appearance also through an attorney. The Court finds that the manner of notice proposed—which includes direct mail, email, a media plan, an online website and information center, and a tollfree direct phone communication center—constitutes the best practicable notice under the circumstances as well as valid, due, and sufficient notice to all persons entitled thereto and complies fully with the requirements of **Federal Rule of Civil Procedure 23(c)** and the due process requirements of the United States Constitution.

Additionally, the Court further sets the following schedule:

1. The Notice shall be distributed in all forms at the same time no later than thirty (30) days from entry of this Order.
2. Class members shall have sixty (60) days from the date Notice is distributed to request to be excluded from the Class.
3. The parties may make non-substantive revisions to the Notice as they jointly deem necessary and appropriate without further approval from the Court.
4. Class Counsel shall be responsible for maintaining a file of all responses to the Notice and other written communications received from those receiving the Notice.
5. Plaintiffs shall provide Defendants a full report on exclusion requests within five (5) business days after the deadline to be excluded from the Class, including copies of all exclusion request correspondence.

DATED:

June 3, 2022

s/ MKB

HONORABLE MARGO K. BRODIE
UNITED STATES DISTRICT JUDGE