

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JASMYN BICKHAM, AMANDA BAILEY,  
AND LISA GORDON, individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

REPROSOURCE FERTILITY DIAGNOSTICS,  
INC.

Defendant.

No: 1:21-cv-11879-GAO

**PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY  
APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiffs Jasmyn Bickham, Amanda Bailey, and Lisa Gordon (collectively, “Plaintiffs”), individually and on behalf of all others similarly situated, move this Court, pursuant to Federal Rule of Civil Procedure 23, for an Order granting preliminary approval of the proposed class action settlement agreement agreed to by the Parties (the “Settlement Agreement”).<sup>1</sup> This Motion seeks preliminary approval of Plaintiffs’ agreement with ReproSource Fertility Diagnostics, Inc. (“ReproSource” or “Defendant”) to settle all individual and class claims that were made, or that could have been made, in Plaintiffs’ First Amended Class Action Complaint. ECF No. 11.

In support of this motion, Plaintiffs rely upon the accompanying Memorandum in Support and the Declaration of Nicholas Migliaccio.

Plaintiffs respectfully request that the Court: (1) grant preliminary approval of the Settlement Agreement; (2) provisionally certify the Settlement Class under Federal Rules of Civil Procedure 23(a), 23(b)(2) and 23(b)(3) in connection with the settlement process; (3) provisionally appoint Plaintiffs as representatives of the Settlement Class; (4) provisionally appoint Migliaccio & Rathod LLP, Pastor Law Office PC, Kind Law, and Freedom Law Firm, LLC as class counsel (“Class Counsel”), with Migliaccio & Rathod LLP as lead class counsel (“Lead Class Counsel”); (5) find that the proposed Settlement is sufficiently fair, reasonable, and adequate to allow dissemination of notice of the settlement to the proposed Settlement Class by a settlement administrator; (6) appoint Kroll Settlement Administration LLC as Settlement Administrator; (7) approve the Notice Plan for the Settlement described in the Settlement Agreement and its Exhibits, as well as the specific Notice of Class Action and Proposed Settlement (the “Proposed Notice”) and direct distribution of the Proposed Notice; (8) establish dates for a hearing on final approval of the proposed Settlement, Plaintiffs’ service awards and Plaintiffs’ counsel’s request for

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<sup>1</sup> The Settlement Agreement and its exhibits are submitted herewith as Exhibit 1 to the Declaration of Nicholas Migliaccio.

attorneys' fees and expenses; and (9) establish a deadline for the filing of objections by Settlement Class Members and for them to exclude themselves from the proposed Settlement Class with respect to the settlement.<sup>2</sup>

Pursuant to Local Rule 7.1(a)(2), Plaintiffs' counsel requested concurrence in the filing of this Motion, and counsel for ReproSource advised Plaintiffs' counsel that ReproSource does not oppose the relief requested by this Motion.

Dated: January 10, 2024

Respectfully submitted,

*/s/ David Pastor*

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<sup>2</sup> A Proposed Order is included as an exhibit to Plaintiffs' accompanying Supporting Brief.

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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on January 10, 2024.

*/s/ David Pastor* \_\_\_\_\_  
David Pastor