

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

GINA McINTOSH, Individually and On  
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

KATAPULT HOLDINGS, INC., LEE  
EINBINDER, HOWARD KURZ, ORLANDO  
ZAYAS, KARISSA CUPITO and DEREK  
MEDLIN

Defendants.

Case No. 1:21-cv-07251-JPO

**NOTICE OF MOTION AND UNOPPOSED MOTION FOR  
ENTRY OF ORDER PRELIMINARILY APPROVING SETTLEMENT AND  
ESTABLISHING NOTICE PROCEDURES**

PLEASE TAKE NOTICE that Lead Plaintiff Matis Nayman, individually and on behalf of all others similarly situated, will hereby move this Court on a date and at such time as may be designated by the Honorable Katharine H. Parker, at the United States District Court, Southern District of New York, Courtroom 17D, 500 Pearl Street, New York, NY 10007, for entry of an Order: (1) preliminarily approving the terms of the Settlement as set forth in the Stipulation of Settlement (“Stipulation”), filed concurrently herewith; (2) approving the form and method for providing notice of the Settlement; and (3) scheduling a Settlement Hearing and deadlines for mailing and publication of the Notice, the filing of Settlement Class Member objections, the filing of Settlement Class Member opt-out notices, the filing of Plaintiffs’ motion for Final Approval of the Settlement, and the filing of Class Counsel’s application for attorneys’ fees and expenses.

This motion is based on this Notice of Motion, the Stipulation and all exhibits attached thereto, Plaintiffs’ supporting Memorandum of Law, all filed contemporaneously herewith, and all

pleadings, records, and papers on file herein.

Dated: July 3, 2024

Respectfully submitted,

**WOLF HALDENSTEIN ADLER  
FREEMAN & HERZ LLP**

/s/ Matthew M. Guiney

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*Additional Counsel*

**CERTIFICATE OF SERVICE**

I hereby certify that on July 3, 2024, a true and correct copy of the foregoing document was served by CM/ECF to the parties registered to the Court's CM/ECF system.

/s/ Matthew M. Guiney