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14 UNITED STATES DISTRICT COURT
15
16 NORTHERN DISTRICT OF CALIFORNIA

17 MARK COMIN and MARK BRIGGS, on
18 behalf of themselves and all others similarly
19 situated,
20 Plaintiffs,
21 v.

22 INTERNATIONAL BUSINESS MACHINES
23 CORPORATION,
24 Defendant.

Case No. 3:19-cv-07261-JD

**PLAINTIFFS' AND DEFENDANT'S RE-
NOTICE OF JOINT MOTION FOR
PRELIMINARY APPROVAL OF THE
PROPOSED CLASS SETTLEMENT,
PRELIMINARY CERTIFICATION OF
SETTLEMENT CLASS, AND APPROVAL
OF CLASS NOTICE**

DATE: October 6, 2022
TIME: 10:00 A.M.
COURTOOM: 1

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Attorneys for Defendant

TO THE COURT, ALL PARTIES, AND ALL COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on October 6, 2022 at 10:00 a.m., or as soon thereafter as this matter may be heard, in Courtroom 1, 4th Floor, before the Honorable James Donato, Plaintiffs Mark Comin and Mark Briggs (collectively, “Plaintiffs”) and Defendant International Business Machines Corporation (“IBM”) respectfully move this Court for preliminary approval of the class action Settlement reached in this case, the terms of which the Parties describe more specifically in the Memorandum of Points and Authorities in support of this Motion.

The Parties request that the Court enter the proposed Preliminary Approval Order and:

1. Preliminarily approve the Settlement;
2. Appoint Mark Comin as the Class Representative and Briggs as the PAGA Representative;
3. Appoint Milberg Coleman Bryson Phillips Grossman, PLLC as Settlement Class Counsel;
4. Certify the Class and Subclass for settlement purposes only;
5. Approve the proposed Notice of Class Action Settlement (“Class Notice”) (attached as Exhibit C to the Declaration of Matthew E. Lee) and direct the mailing of the Class Notice to the Class and Subclass; and
6. Schedule a Final Approval Hearing.

The Parties base the motion on the following documents: this Notice of Motion and Motion; the Memorandum of Points and Authorities in support thereof; the Settlement Agreement, the pleadings, record, and other filings in the case; and such other oral and written points, authorities, and evidence as the parties may present at the time of the hearing on the Motion.

Dated: August 23, 2022

MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN, PLLC

By: /s/ Matthew E. Lee
Matthew E. Lee

Attorneys for Plaintiffs
MARK COMIN AND MARK BRIGGS

1 Dated: August 23, 2022

JONES DAY

2
3 By: /s/ Cindi L. Ritchey

Cindi L. Ritchey

4 Attorneys for Defendant

5 INTERNATIONAL BUSINESS MACHINES
6 CORPORATION

SIGNATURE ATTESTATION

I, Cindi Ritchey, hereby attest that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

Dated: August 23, 2022

By: /s/ Cindi Ritchey
Cindi Ritchey

Attorney for Defendant
INTERNATIONAL BUSINESS MACHINES
CORPORATION