

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS**

 LISA SIMMONS)
 and KELLY PETERSON-SMALL,)
 individually and on behalf of all others)
 similarly situated,)
)
 Plaintiffs,)
)
 v.)
)
 ASSISTCARE HOME HEALTH)
 SERVICES, LLC, d/b/a Preferred Home)
 Care of New York/Preferred Gold,)
)
 Defendant.)

Index No. 511490/2021

Judge: Hon. Larry D. Martin

**PLAINTIFFS’ NOTICE OF MOTION AND MOTION FOR AWARD OF ATTORNEYS’
FEES, REIMBURSEMENT OF EXPENSES, AND SERVICE AWARDS
TO CLASS REPRESENTATIVES**

Plaintiffs Lisa Simmons and Kelly Peterson-Small (“Plaintiffs” or “Class Representatives”), individually and on behalf of all others similarly situated, hereby move this court to:

- 1) award requested attorneys’ fees and reimbursement of expenses in the amount of \$235,000, as contemplated by the Settlement Agreement;
- 2) make service awards to the two named plaintiffs and class representatives in the amount of \$1500 each (\$3000 total).

This Motion is made pursuant to N.Y. C.P.L.R. Ch. 8, Art. 9, § 909 and is based on: (1) this Motion; (2) Plaintiffs’ Memorandum in Support (“Memorandum”), and; (3) the Declaration of Gary M. Klinger, attached as **Exhibit 1** to the Memorandum; (4) the Settlement Agreement; (5) the Court’s Order Granting Preliminary Approval of Class Action Settlement; (6) the records,

pleadings, and papers filed in this action; and (7) upon such other documentary and oral evidence or argument as may be presented to the Court at or prior to the hearing of this Motion.

Dated: April 10, 2023

Respectfully submitted,

/s/ Gary M. Klinger

Gary M. Klinger
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*Counsel for Plaintiffs Lisa Simmons and
Kelly Peterson-Small and the Settlement Class*

CERTIFICATE OF SERVICE

I, Gary M. Klinger, hereby certify that on this 10th day of April, 2023, I caused a true and correct copy of the foregoing Plaintiffs' Notice of Motion and Motion for Attorneys' Fees, Expenses, and Service Awards to Class Representatives to be electronically filed using the Court's NYSCEF system, which will serve all counsel of record.

/s/ Gary M. Klinger

Gary M. Klinger

