

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

AMIT HEZI, JOSEPH NINA, and DANIEL
PRESCOD individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

CELSIUS HOLDINGS, INC,

Defendant.

Case No. 1:21-cv-09892-JHR

Honorable Jennifer H. Rearden

**NOTICE OF MOTION FOR FINAL APPROVAL OF CLASS ACTION
SETTLEMENT**

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*Attorneys for Plaintiffs and the Settlement
Class*

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on March 31, 2023, before the Honorable Jennifer H. Rearden, United States District Court Judge, Southern District of New York, Plaintiffs Amit Hezi, Joseph Nina, and Daniel Prescod (“Plaintiffs”), on behalf of themselves, the general public, and all others similarly situated, by and through their counsel Ryan J. Clarkson, Timothy K. Giordano, Bahar Sodaify, and Zachary T. Chrzan of Clarkson Law Firm, P.C., shall and hereby do move the Court, pursuant to Federal Rule of Civil Procedure 23(e), for an order as follows:

- (1) finally approving the Settlement as fair, reasonable, and adequate to the Class;
- (2) finally certifying the Settlement Class;
- (3) granting Plaintiffs’ motion for award of attorneys’ Fees and Costs and Service Awards;
- (4) directing the parties to undertake the obligations set forth in the Settlement Agreement that arise out of the Court’s final approval;
- (5) entering Judgment; and
- (6) maintaining jurisdiction over this matter for purpose of enforcing the Judgment.

The motion is based on this notice of motion; the concurrently-filed memorandum of points and authorities; the concurrently-filed declarations of Class Counsel Ryan J. Clarkson (“RJC Decl.”) and Class Administrator Brandon Schwartz (“Schwartz Decl.”), and all exhibits thereto; the parties’ Settlement¹ preliminarily approved on November 23, 2023; all prior pleadings, orders, and proceedings; and any additional evidence and argument submitted in support of the Motion.

* * *

¹ The Settlement is attached as Exhibit A to the declaration of Ryan J. Clarkson.

A proposed Final Approval Order is submitted herewith.

Dated: March 17, 2023

CLARKSON LAW FIRM, P.C.

By: /s/ Ryan J. Clarkson
Ryan J. Clarkson, Esq.
Timothy K. Giordano, Esq.
Bahar Sodaify, Esq.
Zachary T. Chrzan, Esq.

*Attorneys for Plaintiffs and the Settlement
Class*