

IN THE IOWA DISTRICT COURT FOR MARSHALL COUNTY

<p>ROBERT MYSHKA and DANIEL STUMME, <i>individually and on behalf of all others similarly situated,</i></p> <p>Plaintiffs,</p> <p>v.</p> <p>WOLFE CLINIC, P.C. d/b/a WOLFE EYE CLINIC,</p> <p>Defendant.</p>	<p>Case No. 02641 CVC1011151</p>
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**PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION
SETTLEMENT, FOR CERTIFICATION OF A SETTLEMENT CLASS AND FOR
PERMISSION TO DISSEMINATE CLASS NOTICE**

Plaintiffs Robert Myshka and Daniel Stumme, individually and on behalf of all others similarly situated (collectively, "Plaintiffs" or "Settlement Class Representatives"), hereby move this Honorable Court to:

1. Preliminarily approve the proposed class action settlement detailed in the "Settlement Agreement" by, between and among Plaintiffs and Defendant Wolfe Clinic, P.C. d/b/a Wolfe Eye Clinic ("Wolfe" or "Defendant"), and the attachments thereto, including the Short Notice, Long Form Notice, Claim Form, Proposed Preliminary Approval Order, and Proposed Final Approval Order, attached to the Declaration of Gary M. Klinger, attached in support of this motion;

2. Conditionally certify the Settlement Class;
3. Appoint Plaintiffs Robert Myshka and Daniel Stumme as Class Representatives;
4. Appoint Mason Lietz & Klinger LLP as Class Counsel;
5. Approve a customary short form notice to be mailed to Settlement Class Members (the "Short Notice") in a form substantially similar to that attached as Exhibit A to the Settlement Agreement;

7. Approve a customary long form notice (“Long Notice”) to be posted on the settlement website in a form substantially similar to the one attached as Exhibit B to the Settlement Agreement;

8. Direct Notice to be sent to the Settlement Class in the form and manner proposed as set forth in the Settlement Agreement and Exhibits A and B thereto;

9. Appoint Kroll Business Services (“Kroll”) to serve as Notice Specialist and Claims Administrator;

10. Approve the use of a claim form substantially similar to that attached as Exhibit C to the Settlement Agreement;

11. Set a hearing date and schedule for final approval of the Settlement and consideration of Settlement Class Counsel’s motion for award of fees, costs, expenses, and service awards, which will be filed prior to the Objection/Exclusion deadline established by the Court;

This Motion is based upon: (1) this Motion; (2) the Memorandum of Points and Authorities in Support of the Motion for Preliminary Approval of Class Action Settlement, for Certification of a Settlement Class and for Permission to Disseminate Class Notice; (3) the Declaration of Gary M. Klinger filed herewith; (4) the Settlement Agreement; (5) the Notices of Class Action Settlement (Short and Long Form); (6) the Claim Form; (7) the [Proposed] Order Granting Preliminary Approval of Class Action Settlement; (8) the [Proposed] Final Approval Order; (11) the records, pleadings, and papers filed in this action; and (12) 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: February 7, 2022

Respectfully submitted,

By: /s/ Gary M. Klinger
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Counsel for Plaintiffs & the Proposed Class

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 7th day of February, 2022, a true and correct copy of the above and foregoing was served through the Iowa Courts online electronic filing system, which sent notification of the same to the following:

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By: Gary M. Klinger
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