

SHORT FORM ORDER

SUPREME COURT – STATE OF NEW YORK  
COUNTY OF NASSAU

~~HON. RHONDA E. FISCHER~~

Present: HON.           A.J.S.C.            
Justice of the Supreme Court

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

ARLEY RUIZ and JOHN WILMAR GIRALDO, on  
behalf of themselves, individually, and on behalf  
of all others similarly-situated,

Plaintiffs,

-against-

NEW YORK ENVIRONMENTAL SYSTEMS, INC.

Defendant.

TRIAL/IAS PART

INDEX NO.: 621167/2024

MOTION SEQ. No.

MOTION SUBMISSION  
DATE

The following papers read on this motion:

	Papers Numbered
Plaintiffs’ Notice of Motion, Affirmation and Exhibits	1
Defendant’s Statement of Non-Opposition	2

Upon the foregoing papers, it is ordered that the motion is decided as follows:

The above-entitled matter came before the Court on Plaintiffs’ Unopposed Motion for Approval of Class Action Settlement. In support of the Motion, Plaintiffs submitted the Affirmation of Michael R. Minkoff (“Minkoff Affirmation”), and all supporting exhibits. Defendant submitted Statement of Non-Opposition. As such, the motion is unopposed.

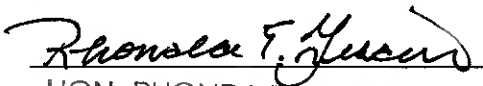
Based on the Court’s review of the Motion for Approval, and of the above-listed papers, the Court approves the class action settlement and orders as follows:

**ORDERED:**

1. The Court approves the Parties' settlement, memorialized in the Agreement attached to the Minkoff Affirmation as Exhibit A, and "So Orders" all its terms which are incorporated herein. Capitalized terms used in this Order have the same meaning as set forth in the Agreement, unless defined otherwise.
2. The Court certifies the Class for settlement purposes.
3. The Court appoints Joseph & Norinsberg, LLC and Katz Melinger PLLC as Class Counsel.
4. The Court appoints Arden Claims Service as the Claims Administrator.
5. The Court appoints Arley Ruiz and John Wilmar Giraldo as the Class Representatives.
6. The Court approves the Notice and Claim form attached to the Minkoff Affirmation, and the distribution plan set forth in the Agreement.
7. The Court hereby authorizes Defendant to disclose the Class Members' contact information, including last known addresses, phone numbers, and Social Security Numbers, to the Claims Administrator and Class Counsel for purposes of distributing the Notice and Settlement Checks, and for tax and income reporting purposes consistent with the Agreement.
8. The Court retains discretion to schedule a hearing in the event any member of the Class files an objection and request to be heard. As per Section 2.8 of the Agreement, Class Counsel shall notify the Court of any objections and requests for a hearing. Should the Court schedule a hearing for this purpose, Class Counsel shall serve notice of the hearing on the objectors via U.S. First Class Mail, advising them of the date, time, and location of the hearing.
9. The Court adopts the following settlement procedure set forth in the Agreement:

- a. Within ten (10) business days of the entry of an Approval Order, Defendant will provide Class Counsel and the Claims Administrator the Class List, in accordance with Section 2.5(A) of the Agreement.
  - b. Within ten (20) days of the entry of an Approval Order, the Settlement/Claims administrator shall mail, via First Class United States mail, the Court-approved Class Notice and Claim Form of the Proposed Class Action Settlement to all Class Members in accordance with Section 2.5(B) of the Agreement. At the same time, the Claims Administrator shall distribute the notice via email and text message to all Class Members for whom such email addresses and phone numbers were provided.
  - c. Class Members will have sixty (60) days from the date the Class Notice and Claim Form is mailed to opt-in, opt-out, or object to the settlement as per Sections 1.6, 2.6(A), 2.7(A), and 2.8(A) of the Agreement.
  - d. In accordance with Section 3.1(B), within twenty (20) business days after the Effective Date of the Settlement, Defendant shall deposit into the QSF established by the Claims Administrator an amount to cover 100% of (a) all Individual Settlement Amounts to be paid to Qualified Class Members and Plaintiff; (b) Service Payment to Plaintiffs; (c) attorneys' fees and costs; and (d) any fees and expenses related to the Claims Administrator.
  - e. Within five (5) days after Defendant's deposit into the QSF the Claims Administrator will commence distributing the money as per Section 3.1(C) and (D) of the Agreement, until such time as all claims are satisfied.
10. The Parties shall abide by the terms of the Agreement and Release.
  11. The Court retains jurisdiction over this Litigation to enforce the Agreement.
  12. This constitutes the decision and order of this Court.

ENTER:

  
 HON. RHONDA E. FISCHER  
 A.J.S.C.

Dated: Mineola, New York  
 February 14, 2025