

UNITED STATES DISTRICT COURT
 DISTRICT OF MASSACHUSETTS

RUBEN A. LUNA, Individually and on Behalf)	No. 1:19-cv-11662-LTS
of All Others Similarly Situated,)	(Consolidated)
))
Plaintiff,)	<u>CLASS ACTION</u>
))
vs.)	LEAD PLAINTIFF’S NOTICE OF MOTION
)	AND MOTION FOR FINAL APPROVAL OF
CARBONITE, INC., et al.,)	CLASS ACTION SETTLEMENT AND
)	APPROVAL OF PLAN OF ALLOCATION
Defendants.))
))
_____))

PLEASE TAKE NOTICE that on May 15, 2024, at 2:00 p.m. at the United States District Court for the District of Massachusetts, at the John Joseph Moakley U.S. Courthouse, 1 Courthouse Way, Boston, MA 02210, Lead Plaintiff Construction Industry and Laborers’ Joint Pension Trust, on behalf of the Class, will respectfully move this Court, pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, for entry of orders: (a) granting final approval of the proposed Settlement; and (b) approving the proposed Plan of Allocation.

PLEASE TAKE FURTHER NOTICE that, in support of its motion, Lead Plaintiff submits and is filing herewith: the Memorandum of Law in Support of Lead Plaintiff’s Motion for Final Approval of Class Action Settlement and Approval of Plan of Allocation; the Declaration of Robert D. Gerson in Support of: (1) Lead Plaintiff’s Motion for Final Approval of Class Action Settlement and Approval of Plan of Allocation; and (2) Lead Counsel’s Motion for Attorneys’ Fees and Litigation Expenses, Charges and Costs and Award to Lead Plaintiff Pursuant to 15 U.S.C. §78u-4(a)(4); the Declaration of Thomas Clement; and the Declaration of Ross D. Murray.

Proposed orders will be submitted with Lead Plaintiff’s reply submission on May 8, 2024.

DATED: April 10, 2024

Respectfully submitted,

ROBBINS GELLER RUDMAN
& DOWD LLP
SAMUEL H. RUDMAN
DAVID A. ROSENFELD (admitted *pro hac vice*)
ROBERT D. GERSON (admitted *pro hac vice*)

/s/ David A. Rosenfeld

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Local Counsel

CERTIFICATE OF SERVICE

I, David A. Rosenfeld, hereby certify that on April 10, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send a Notice of Electronic Filing to all counsel of record.

/s/ David A. Rosenfeld

DAVID A. ROSENFELD