

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

DAVIS, *et al.*, individually and on behalf of all  
others similarly situated,  
Plaintiffs,

- vs -

EASTMAN KODAK COMPANY,  
Defendant.

**Civil Action No. 6:04-CV-06098-CJS(F)**

**PLAINTIFFS' MOTION FOR  
PRELIMINARY APPROVAL OF THE  
SETTLEMENT AGREEMENT**

ALSTON, *et al.*, individually and on behalf of  
all others similarly situated,  
Plaintiffs,

- vs -

EASTMAN KODAK COMPANY,  
Defendant.

**Civil Action No. 07-CV-6512**

**PLAINTIFFS' MOTION FOR  
PRELIMINARY APPROVAL OF THE  
SETTLEMENT AGREEMENT**

**PLEASE TAKE NOTICE** that Plaintiffs, on behalf of themselves and all others similarly situated, through their undersigned counsel, respectfully move this Court to preliminarily approve the Parties' Settlement Agreement, certify a settlement class pursuant to Federal Rule of Civil Procedure 23(b)(3); appoint Class Counsel and a Claims Administrator; approve and direct distribution to the Class of the Notice of Class Action Settlement; and approve a schedule for the final approval process. The support for this Motion is set forth in Plaintiffs' accompanying Memorandum of Law, and accompanying proposed Order. Defendant Eastman Kodak Company ("Kodak") has reviewed and does not oppose this Motion.

**PLEASE TAKE FURTHER NOTICE** that this Motion shall be returnable before the Honorable Jonathan W. Feldman, United States Magistrate Judge, United States Courthouse, 100 State Street, Rochester, New York 14614, at a date and time to be set by the Court.



**CERTIFICATE OF SERVICE**

I hereby certify that on April 27, 2009, I served the foregoing Plaintiffs' Motion for Preliminary Approval of the Settlement Agreement, and supporting papers, on the following attorneys for Defendant Eastman Kodak Company:

Michael S. Burkhardt:  
Robert B. Calihan:

[mburkhardt@morganlewis.com](mailto:mburkhardt@morganlewis.com)  
[rcalihan@nixonpeabody.com](mailto:rcalihan@nixonpeabody.com)

\_\_\_\_\_  
/s/  
Shanon J. Carson