

**IN THE IOWA DISTRICT COURT IN AND FOR JOHNSON COUNTY**

MICHAEL CLARK, individually and on behalf of all others similarly situated, )  
)

Plaintiff, )

Case No. CVCV082275

v. )

MERCY HOSPITAL, IOWA CITY, IOWA )  
d/b/a Mercy Iowa City, )

Defendant. )

**PLAINTIFF’S UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiff Michael Clark, individually and on behalf of others similarly situated (“Plaintiff”), hereby move this Court to:

1. Preliminarily approve the Settlement described in the “Settlement Agreement” between Plaintiff and Defendant Mercy Iowa City (“Defendant”), and the attachments thereto, including the Short Notice, the Long Notice, and the Claim Form, attached to the Declaration of Syed Ali Saeed, filed herewith in support of this Motion;

2. Conditionally certify the Settlement Class;

3. Appoint Michael Clark as Class Representative;

4. Appoint Brad Schroeder of Hartung Schroeder Law, Gary M. Klinger of Mason Klinger & Lietz LLP, and Syed Ali Saeed of Saeed & Little, LLP as Settlement 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;

6. 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;

7. 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, B, and C thereto;

8. Appoint RG2 as Notice Specialist and Claims Administrator;

9. Approve the use of a Claim Form substantially similar to that attached as Exhibit C to the Settlement Agreement; and

10. 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.

11. This Motion is based upon: (1) this Motion; (2) the Memorandum In Support of Plaintiff’s Unopposed Motion for Preliminary Approval of Class Action Settlement; (3) the Settlement Agreement; (4) the Notices of Class Action Settlement (including Short Form and Long Form Notices); (5) the Claim Form; (6) the [Proposed] Order Granting Preliminary Approval of Class Action Settlement; (7) the [Proposed] Order Granting Final Approval; (8) documents submitted by proposed Settlement Class Counsel in support of adequacy including the declarations of Gary M. Klinger and Syed Ali Saeed; and (9) and other documentary and oral evidence or argument as may be presented to the Court at or prior to the hearing of this Motion.

Dated: January 27, 2022

Respectfully submitted,

*/s/ Gary M. Klinger*  
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*Attorneys for Plaintiff and the Class Counsel*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing was filed on this 27<sup>th</sup> day of January, 2022, via the Court's electronic filing system, which will serve copies to all counsel of record.

*/s/ Gary M. Klinger* \_\_\_\_\_  
Attorney for Plaintiff