

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

BLAIR DOUGLASS, on behalf of himself and all
others similarly situated,

Plaintiff,

v.

MONDELÉZ GLOBAL LLC,

Defendant.

Civil Action No. 2:22-cv-00875-WSH

**ORDER GRANTING PLAINTIFF’S MOTION TO CERTIFY THE
CLASS FOR SETTLEMENT PURPOSES AND FOR
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

WHEREAS, the Parties in the above-captioned litigation have advised the Court that they have settled the litigation, the terms of which have been memorialized in a proposed settlement agreement (“Agreement”);

WHEREAS, presently before the Court is Plaintiff’s Motion to Certify Class for Settlement Purposes and for Preliminary Approval of Class Action Settlement (“Plaintiff’s Motion”) (Docket No. 12), moving for an order (1) certifying the class for settlement purposes, (2) granting preliminary approval of the Agreement, (3) directing notice to the class, and (4) setting a final approval hearing; and

WHEREAS, the Court has reviewed and considered Plaintiff’s Motion, the points and authorities and exhibits submitted therewith and contained in Plaintiff’s Memorandum in Support of Plaintiff’s Motion (Docket No. 13), including the Agreement; and

WHEREAS, the Court has reviewed and considered the Joint Notice Regarding Plaintiff’s Motion (Docket No. 15), indicating that Defendant does not oppose the relief sought by the proposed Order proffered by Plaintiff; and

WHEREAS, upon undertaking an exacting and thorough review of the present record, the Court has not discerned any obvious deficiencies or other grounds to doubt the fairness of the proposed settlement; and

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. This Order incorporates by reference the definitions in the Agreement and all terms defined therein shall have the same meaning in this Order as set forth in the Agreement.

2. Plaintiff's Motion is GRANTED. It appears to this Court on a preliminary basis that the Agreement satisfies the elements of Fed. R. Civ. P. 23 and is fair, adequate, and reasonable.

3. The proposed Settlement Class is hereby preliminarily certified pursuant to Fed. R. Civ. P. 23(a) and (b)(2) for purposes of settlement. The Settlement Class is defined as:

[A] national class including all Blind or Visually Disabled individuals who use screen reader auxiliary aids to navigate digital content and who have accessed, attempted to access, or been deterred from attempting to access, or who may access, attempt to access, or be deterred from attempting to access, the Website from the United States.

4. The Court finds that Plaintiff Blair Douglass will fairly and adequately protect the interests of the Settlement Class. As a result, the Court appoints and designates Mr. Douglass as representative of the Settlement Class.

5. The Court finds that attorneys Kevin Tucker, Kevin Abramowicz, Chandler Steiger, and Stephanie Moore of East End Trial Group LLC are experienced and competent counsel who will continue to fairly and adequately protect the interests of the Settlement Class. As a result, the Court appoints and designates attorneys Tucker, Abramowicz, Steiger, and Moore as Class Counsel for the Settlement Class.

6. The Court finds that the Long-Form Notice attached to the Agreement as Exhibit A and the Notice Plan attached to Plaintiff's Motion as Exhibit 3 meet due process requirements,

the requirements of Rules 23(c)(2) and 23(e) of the Federal Rules of Civil Procedure, and ensure notice is well calculated to reach representative class members. The notice and notice plan are hereby approved.

7. As soon as practicable, but no later than twenty-one (21) days after the Court's entry of this Order ("Notice Deadline"), Mondelēz Global LLC shall, at its expense:

(a) Cause the Long-Form Notice accompanying the Agreement as Agreement Exhibit B to be published on, and make the following documents filed in the Lawsuit available for download on, the Settlement Website, located at <https://www.mondelezADAsettlement.com>:¹

- i. the class action complaint;
- ii. Plaintiff's preliminary approval motion and supporting documents, including the Agreement; and
- iii. this Order and the accompanying memorandum.

(b) Request that the following organizations publish notice in the form of Section 25.1.3 of the Agreement in their respective electronic newsletters so that notice is sent out within sixty (60) days of this Order. Mondelēz Global LLC shall copy Class Counsel on each request at the addresses provided in Section 38.1 of the Settlement Agreement.

- (1) Achieva,
- (2) American Council of the Blind,
- (3) American Foundation for the Blind,
- (4) Blinded American Veterans Foundation,
- (5) Blinded Veterans Association,
- (6) Foundation Fighting Blindness,
- (7) Guide Dogs for the Blind,
- (8) National Association of Blind Merchants,
- (9) National Council on Disability, and
- (10) National Federation of the Blind.

¹ The Settlement Website and the documents identified in Section 1(a) shall be fully accessible by individuals who screen reader auxiliary aids.

8. As soon as practicable, but no later than seven (7) days after they are filed, Mondelēz Global LLC shall make any motion for attorneys' fees and costs, and supporting documentation, as well as any order granting or denying any motion for attorneys' fees and costs, available for download on the Settlement Website.

9. Within forty-five (45) days of the Notice Deadline, Plaintiff shall move for final approval and for reasonable attorneys' fees and costs.

10. Within sixty (60) days of the Notice Deadline, Defendant or Defendant's counsel shall file a declaration evidencing Defendant's compliance with this Order.

11. Within sixty (60) days of the Notice Deadline, any Settlement Class Member may object to the Agreement by filing written objections with the Clerk of the Court ("Objection Deadline"). Only such objecting Settlement Class Members shall have the right, and only if they expressly seek it in their objection, to present objections orally at the Fairness Hearing.

12. Within fourteen (14) days of the Objection Deadline defined above, the parties shall respond to any timely-filed objections.

13. A hearing (the "Fairness Hearing") shall be held before this Court on **September 19, 2023 at 9:30 AM ET**, which is at least ninety (90) days after the Notice Deadline, in the United States District Court for the Western District of Pennsylvania, located at Joseph F. Weis, Jr. U.S. Courthouse, 700 Grant Street, Courtroom 3B, Pittsburgh, PA 15219, to determine whether the Agreement shall be granted final approval, and to address any related matters.

14. The Fairness Hearing may, from time to time and without further notice to the Settlement Class members (except those who have filed timely objections or entered appearances), be continued or adjourned by order of the Court.

15. Counsel for the parties are hereby authorized to utilize all reasonable procedures in connection with the administration of the Agreement which are not materially inconsistent with either this Order or the terms of the Agreement.

IT IS SO ORDERED this 13th day of April 2023.

/s/ **W. Scott Hardy**

W. Scott Hardy
United States District Judge

cc/ecf: All Counsel of Record