

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

SVETLANA SHOLOPA and MILICA  
MILOSEVIC, individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

TURK HAVA YOLLARI A.O. (d/b/a Turkish  
Airlines, a foreign corporation), and TURKISH  
AIRLINES, INC., a New York Corporation,

Defendants.

Case No. 1:20-cv-03294-ALC

Hon. Andrew L. Carter

**REPLY IN SUPPORT OF PLAINTIFFS' MOTION FOR FINAL APPROVAL OF  
CLASS ACTION SETTLEMENT; MOTION FOR ATTORNEYS' FEES, COSTS,  
EXPENSES, AND INCENTIVE AWARDS**

Dated: July 19, 2023

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*Class Counsel*

Plaintiffs Svetlana Sholopa and Milica Milosevic (“Plaintiffs”), by and through their undersigned counsel, Bursor & Fisher, P.A. and Liddle Sheets Coulson P.C. (“Class Counsel”),<sup>1</sup> respectfully submit this Reply in support of Plaintiffs’ Motion for Final Approval of the Class Action Settlement (ECF No. 91) and Motion for Attorneys’ Fees, Costs, Expenses, and Incentive Awards (ECF No. 94).

As set forth in the Motion for Final Approval of the Class Action Settlement, the Settlement reached after three years of litigation is fair, reasonable, and adequate, and should be approved. Similarly, as set forth in the Motion for Attorneys’ Fees, Costs, Expenses, and Incentive Awards, Plaintiffs’ request for \$900,00 in fees, costs, and expenses (just 6.38% of the value of the Settlement) and \$7,000 in incentive awards (\$3,500) is also reasonable and should be approved. Nothing since Plaintiffs filed the Motions on June 29, 2023 should change this assessment.

The Claims Deadline in this matter is August 18, 2023. ECF No. 90. As set forth in the Supplemental Declaration of Bronyn Heubach (“Supp. Decl.”), with several weeks left to go in the claims period, 10,860 Class Members have submitted claims. Supp. Decl. ¶ 9.

Further, the Objection and Exclusion Deadline was on July 17, 2023. ECF No. 90. There have been only 37 valid and timely exclusions (approximately 0.011% of the Settlement Class) and only one Objection. Supp. Decl. ¶¶ 10, 12.<sup>2</sup> And, as set forth in Plaintiffs’ Memorandum in Support of Final Approval (ECF No. 92), the Objection was not as to the terms of the Settlement, but only based on the fact that a Class Member believed he was improperly

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<sup>1</sup> All capitalized terms not otherwise defined herein have the same definitions as set out in the settlement agreement. *See* ECF No. 96-1.

<sup>2</sup> An updated list of Exclusions is as **Exhibit A** to the Supplemental Declaration of Bronyn Heubach, which accurately reflects the final list of Settlement Class Members who have opted out of the Settlement. This updated list of Exclusions should replace the list attached to the June 29, 2023 [Proposed] Final Order and Judgment (ECF No. 91-2).

classified as a Refunded Claimant. Thus, there has been no true opposition to the Settlement or to Plaintiffs' request for fees, costs, expenses, and incentive awards, which supports their reasonableness. *See, e.g., Massiah v. MetroPlus Health Plan, Inc.*, 2012 WL 5874655, at \*4 (E.D.N.Y. 2012) ("The fact that the vast majority of class members neither objected nor opted out is a strong indication of fairness."); *Nichols v. Noom, Inc.*, 2022 WL 2705354, at \*9 (S.D.N.Y. July 12, 2022) ("There have also been no objections to the settlement and only a total of eight opt-outs—a tiny amount in relation to the 2 million members of the settlement class."); *In re Baldwin-United Corp. (Single Premium Deferred Annuities Ins. Litig.)*, 607 F. Supp. 1312, 1321 (S.D.N.Y. 1985) (factor met where 0.3% of class members opted out of the settlement).

For the reasons set forth above, and for those set forth in the prior briefing, Plaintiffs respectfully request that the Court grant their Motion for Final Approval of the Class Action Settlement and Motion for Attorneys' Fees, Costs, Expenses, and Incentive Awards.

Dated: July 19, 2023

Respectfully submitted,

By: /s/ Max S. Roberts  
Max S. Roberts

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