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MEMO ENDORSED

May 2, 2023

By **CM/ECF**

Honorable Andrew L. Carter
United States District Court
Southern District of New York
40 Foley Square
Courtroom 1306 New York, New York 10007
ALCarterNYSdChambers@nysd.uscourts.gov

Re: *Sholopa v. Turk Hava Yollari A.O., Inc., et al.*, 20-cv-03294 (ALC)

Your Honor:

On behalf of Plaintiffs Svetlana Sholopa and Milica Milosevic (collectively, “Plaintiffs”) and Defendants Turk Hava Yollari A.O. (d/b/a Turkish Airlines) and Turkish Airlines, Inc. (collectively, “Defendants”), the Parties respectfully submit this letter to jointly move for additional brief extensions to the deadlines set forth in Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement (“Motion for Preliminary Approval”) (ECF No. 86) as follows:

Event	Deadline	Amended Date	Proposed Date
Last day for Turkish Airlines to provide Settlement Class Member contact information to the Settlement Administrator	14 days after entry of Preliminary Approval Date	May 2, 2023	N/A
Parties approve Publication Notice/Digital Ads	At least one week in advance of media launch	N/A	May 11, 2023
Notice Date (Email and Direct Mail)	Within 30 days after entry of Preliminary Approval Date	May 18, 2023	N/A
Publication Notice Commence	Same date as Notice Date	N/A	May 18, 2023
Email Notice Complete	14 business days after Publication Notice Commence	N/A	June 8, 2023
Publication Notice Complete	Four weeks after Publication Notice Commence	N/A	June 15, 2023
Reminder Email Notice	30 days after first Email Notice is sent	June 19, 2023	N/A

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Mail Notice to Class Members with Undeliverable Emails	10 days after Email Notice Complete	N/A	June 19, 2023
Exclusion/Objection Deadline	30 days after Publication Notice Complete (adjusted for weekend date)	July 6, 2023	July 17, 2023
JND to Provide Final List of Op-Outs and Objections	Same date as Exclusion Deadline	N/A	July 17, 2023
Last day for Plaintiffs and Class Counsel to file motion for final approval of the Settlement, and motion for attorneys' fees, costs and service awards	14 days before the Exclusion/Objection Deadline	June 29, 2023	TBD
Last day for the Parties to file any responses to objections, and any replies in support of motion for final settlement approval and/or Class Counsel 's application for attorneys' fees, costs and service awards	7 days before Final Approval Hearing	July 13, 2023	July 19, 2023
Final Approval Hearing	July 20, 2023	July 20, 2023	N/A
Claims Deadline	60 days after Notice completion	July 17, 2023	August 18, 2023

These dates are reflected in the proposed Amended Proposed Order Granting Plaintiffs' Motion for Preliminary Approval of Class Action Settlement attached as **Exhibit 1**. On April 17, 2023, the Parties submitted their first Joint Motion to extend the deadlines set forth in the Motion for Preliminary Approval. As more fully set forth in the Joint Motion, despite Defendants' best efforts, Defendants required additional time to provide all Settlement Class Member contact information to the Settlement Administrator. On April 19, 2023, this Court granted the Parties' Joint Motion (ECF 88).

Good cause exists for further extension. Due to complications with collecting contact information for a small subset of Settlement Class Members who purchased tickets from Defendants through third parties, Defendants require additional time to execute a four-week digital notice campaign (the "Notice Plan"). New York District Courts hold that good cause to extend a scheduling order exists when "despite [] having exercised diligence, the applicable deadline could not have been reasonably met." *Sjunde AP-Fonden v. Gen. Elec. Co.*, 341 F.R.D. 542, 551 (S.D.N.Y. 2022) (citations and quotations omitted). Defendants have adequately demonstrated that standard here. Defendants conducted an extensive internal investigation to determine whether contact

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information for the subset of Settlement Class Members is maintained. Defendants further sent correspondence to numerous travel agencies in hopes of retrieving additional contact information. Despite Defendants' diligence, the Notice Plan is necessary to target additional Settlement Class Members. The Settlement Administrator designed the Notice Plan to reach an estimated 70% of potential Settlement Class Members when combined with a 30% direct notice effort. A true and correct copy of the Notice Plan is attached as **Exhibit 2**.

The Notice Plan satisfies the requirements of Rule 23 of the Federal Rules of Civil Procedure and the Federal Judicial Center's (FJC) *Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide*. As such, the Notice Plan provides the best notice practicable for the Settlement Class Members and remains consistent with the methods and tools employed in other court-approved notice programs. New York district courts have found digital notice "the most practicable and feasible means of circulating notice to class members" where individual notice is not possible and the proposed notice plan will reach 70% of class members. *Elkind v. Revlon Consumer Prods. Corp.*, No. CV 14-2484 (JS) (AKT), 2017 WL 9480894, at *20 (E.D.N.Y. Mar. 9, 2017) (holding the digital notice plan "satisfies the requirements of Rule 23(c)(2)(A) and (B)"); *Patellos v. Hello Prod., LLC*, No. 19-CV-09577-SDA, 2022 WL 2159566, at *2 (S.D.N.Y. June 15, 2022) (similar).

* * *

We thank the Court for its consideration. Should the Court wish to discuss this request, the Parties are available at the Court's convenience.

Respectfully submitted,

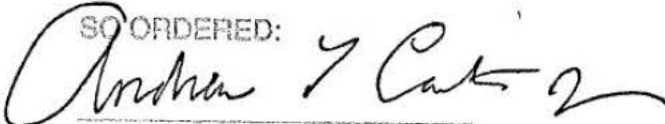
/s/ Steve Dollar

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Attorney for Plaintiffs

SO ORDERED:


HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

5/4/2023

In light of the extension, the final fairness hearing is adjourned to **August 24 at 11:00 A.M.** The hearing shall take place via telephone at **1-888-363-4749** (access code: 3768660).