

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

RAVI MOTWANI, Individually and  
on behalf of a Class of  
Similarly Situated  
Individuals,

Plaintiffs,

v.

MARINA DISTRICT DEVELOPMENT  
COMPANY, LLC d/b/a BORGATA  
HOTEL CASINO AND SPA,

Defendant.

Civil Action No.  
2:15-cv-02069-JLL-JAD

*Civil Action*

MOTION FOR PRELIMINARY  
APPROVAL OF CLASS ACTION  
SETTLEMENT

Representative Plaintiff, Ravi Motwani, pursuant to Fed. R. Civ. P. 23(e), respectfully move this Court to enter the proposed Order Preliminarily Approving Class Action Settlement, Conditionally Certifying A Settlement Class, Approving Proposed Notice, And Scheduling Final Fairness Hearing (the "Preliminary Approval Order").

In support of this motion, the Plaintiffs rely upon the accompanying Certification of Bruce H. Nagel ("Nagel Cert.") and the brief submitted herewith.

The Plaintiffs state as follow:

1. The Parties have entered into a Settlement Agreement, which is attached to the Nagel Cert. as Exhibit A.

2. The relief requested in this motion is assented to by Defendant, Marina District Development Company, LLC d/b/a Borgata

Hotel Casino and Spa ("Borgata").

3. The parties respectfully request that the Court:

A. Grant preliminary approval to the Settlement Agreement as fair, adequate and reasonable;

B. Conditionally certify the Class as defined in the Settlement Agreement for purposes of settlement;

C. Approve the notice plan in the Settlement Agreement at Paragraphs 32 and 33 and the notice forms, which are attached to the Settlement Agreement as Exhibits 2.

D. Appoint Plaintiff as Class Representative and Nagel Rice LLP as Class Counsel;

E. Schedule the Fairness Hearing to consider the fairness, reasonableness and adequacy of the Settlement Agreement and whether final approval should be granted, as well as, the application for an award of Attorney's Fees and reimbursement of expenses and costs and Class Representative Service Awards.

F. Enter the proposed Preliminary Approval Order annexed to the Settlement Agreement as Exhibit A.

Respectfully submitted this 24<sup>th</sup> day of March, 2016.

NAGEL RICE, LLP

By: /s/ Bruce H. Nagel  
Bruce H. Nagel, Esq.  
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103 Eisenhower Parkway  
Roseland, NJ 07068  
(973) 618-0400  
Class Counsel

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

/s/ Bruce H. Nagel  
Bruce H. Nagel, Esq.  
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Class Counsel

Dated: March 24, 2016