

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

REBECCA NOCERA, TRACY MICHEL,  
JENNIFER ROSSMAN, ANGELA  
RENEAU, FELICIA SAMMARCO, JOHN J.  
NOTTO, STEVEN WILLNER and  
HEATHER SHARP, individually and on  
behalf of all others similarly situated,

Case No. 2:18-cv-01222

Plaintiffs,

v.

DOLLAR GENERAL CORPORATION  
D/B/A DOLLAR GENERAL,  
DOLGENCORP, LLC D/B/A DOLLAR  
GENERAL, DOLGEN NEW YORK, LLC,  
DG RETAIL, LLC, AND DOLGEN  
CALIFORNIA, LLC,

Defendants.

**(PROPOSED) ORDER GRANTING AMENDED MOTION FOR PRELIMINARY  
APPROVAL OF CLASS SETTLEMENT; DIRECTING ISSUANCE OF SETTLEMENT  
NOTICE; AND SCHEDULING OF HEARING ON FINAL APPROVAL**

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 settlement agreement (hereafter, "Settlement Agreement").

WHEREAS, Plaintiffs have applied to this Court through an amended unopposed motion for an order (1) granting preliminary approval of the Settlement Agreement resolving all claims in the above-captioned matter, (2) directing notice to the class, and (3) setting a fairness hearing; and

WHEREAS, the Court has read and considered Plaintiffs' Amended Unopposed Motion for Preliminary Approval, the points and authorities submitted therewith, the proposed Settlement Agreement, and all of the supporting documents; and good cause appearing:

NOW, THEREFORE, IT IS HEREBY ORDERED:

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

2. Plaintiffs' Amended Unopposed Motion for Preliminary Approval of Class Action Settlement ("Motion") is granted. It appears to this Court on a preliminary basis that the Settlement 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:

All individuals with qualifying disabilities who use wheelchairs, scooters, or any other device for mobility and who have been, or in the future during the term of the Settlement Agreement will be, denied the full and equal enjoyment of the Stores owned and/or operated by Dollar General in the United States because such person encountered Access Barriers at those stores.

4. The Court hereby appoints and designates Named Plaintiffs Rebecca Nocera; Tracy Michel; Jennifer Rossman; Angela Reneau; Felicia Sammarco; John J. Notto; Steven Willner; and Heather Sharp as representatives of the Settlement Class.

5. The Court hereby appoints and designates R. Bruce Carlson and the law firm of Carlson Lynch, LLP, and Christina Asbee and Disability Rights New York, as Class Counsel for the Settlement Class.

6. Notice of the proposed Settlement Agreement shall be given to class members. The Notice attached as Exhibit C to the Settlement Agreement is hereby approved as to form. On or before **February 10, 2021**, the Parties shall distribute the Notices of the proposed Settlement Agreement advising the Class of the terms of the proposed Settlement Agreement and their right to object to the proposed Settlement Agreement.

The Notices shall be distributed as follows:

a) Class Counsel shall send the Notice attached to the proposed Settlement Agreement as Exhibit C via electronic mail or U.S. Mail to the following organizations serving individuals with mobility disabilities: (i) American Association of People with Disabilities

(AAPD); (ii) Disabled American Veterans; (iii) Paralyzed Veterans of America; (iv) Disability Rights Education & Defense Fund (DREDF); (v) National Center on Health, Physical Activity and Disability (NCHPAD); (vi) National Council on Independent Living; (vii) National Disability Rights Network; (viii) The Consortium for Citizens with Disabilities; (ix) Spina Bifida Association of America; (x) National Organization on Disability; (xi) National Brain Injury Association of America; (xii) Disability Rights Advocates; (xiii) Disabled Veterans National Foundation; (xiv) National Multiple Sclerosis Society; (xv) United Cerebral Palsy; (xvi) United Spinal Association; (xvii) Amputee Coalition; (xviii) Independent Living Research Utilization (ILRU); (xix) Disabled in Action; and (xx) Association of Programs for Rural Independent Living.

b) Class Counsel shall publish the Notice attached as Exhibit C on a public website dedicated to the Class Settlement, at [www.dollargeneraladasettlement.com](http://www.dollargeneraladasettlement.com). The website shall also provide access to the operative pleadings, Plaintiffs' motion for preliminary approval with exhibits and brief in support, this Order, and Plaintiffs' motion for attorneys' fees.

c) The Court finds that the form of notice to Class Members regarding the proposed Settlement Agreement, including the methods of dissemination to the proposed Settlement Class in accordance with the terms of this Order, meets the requirements for due process, the requirements of Rules 23(c)(2) and 23(e) of the Federal Rules of Civil Procedure, and is well calculated to reach representative class members.

7. On or before the date for Class Notice set forth in paragraph 6, Class Counsel shall file its motion for attorneys' fees and costs.

8. Within ten (10) days prior to the date of the Fairness Hearing set forth in paragraph 10, Class Counsel shall file a declaration evidencing compliance with the notice provisions of this Order.

9. A hearing (the "Fairness Hearing") shall be held before this Court on **May 11, 2021** at **1:30 PM EST** in the United States District Court for the Western District of Pennsylvania,

located at 700 Grant Street, Courtroom 7B, Pittsburgh, PA 15219, to determine whether the Agreement shall be granted final approval, and to address any related matters.

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

11. Members of the Class may register their objections to the Settlement Agreement by filing written objections with this Court. Objections and accompanying verification must be received **within forty-five (45) days of the date for Notice specified in Paragraph 6 of this Order**. Members of the Class who also wish to appear at the Fairness Hearing and object to the Settlement Agreement in person must so state at the time they file their written objections. Any Class member who does not make his or her objection in the manner provided for in this Order shall be deemed to have waived such objection.

12. All responses to objections shall be filed with the Court and served by mail on the Parties' Counsel and on any objectors within sixty (60) days of the date for Notice specified in Paragraph 6 of this Order.

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

IT IS SO ORDERED:

Dated: \_\_\_\_\_

\_\_\_\_\_  
The Honorable William S. Stickman