

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

Jamie Todd, et al.,

Plaintiffs,

v.

Ashley Furniture Industries, LLC, et al.,

Defendants.

Case No. 3:24-cv-615-wmc

PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL

COME NOW, the Named Plaintiffs, Under Federal Rule of Civil Procedure 23(e), and file this Motion for Preliminary Approval of their class action Settlement (the "Settlement") with the Defendants (collectively, the "Settling Parties"). The Named Plaintiffs hereby move the Court to preliminarily approve the proposed Settlement, finding the Settlement Class is likely to be certified at final approval, preliminarily approving the Notice, appointing Class Counsel and Class Representatives, and setting a Final Approval Hearing. In support of this request, the Named Plaintiffs state as follows:

1. This lawsuit arose from Defendants' sale of mattresses that contained fiberglass as a fire-retardant material in the inner sock of the mattress. Plaintiffs alleged that the mattresses were defective in their design and warnings. Defendants deny the material allegations in this case and deny liability.

2. On January 21, 2026, after extensive litigation, lengthy discovery including production and review of tens of thousands of documents, expert analysis, party depositions, nationwide testing and lab analysis, and protracted arms-length negotiations, the Settling Parties reached a Settlement that provides a \$9 million pool of vouchers to the proposed Class.

3. The fully executed Settlement Agreement is attached hereto as **Exhibit 1**.

4. The Settlement is fundamentally fair, adequate, and reasonable in light of the circumstances of the litigation. The Settlement is likely to warrant final approval under the Seventh Circuit's long standing class settlement fairness factors as well as the requirements of Fed. R. Civ. P. 23(e)(2). The Class also meets certification standards under Fed. R. Civ. P. 23(b)(3). Preliminary approval of the Settlement is in the best interest of the Class Members, and the proposed Notice and administration process should be preliminarily approved because they are fair, adequate, and reasonable.

5. In support of this Motion, Named Plaintiffs submit herewith their Memorandum of Law in Support of Unopposed Motion for Preliminary Approval of Class Settlement, along with the following exhibits (and their respective attachments):

- **Exhibit 1:** Settlement Agreement
 - Exhibit A: Email Notice
 - Exhibit B: Long Form Notice
 - Exhibit C: [Proposed] Order Granting Preliminary Approval of Class Action Settlement
 - Exhibit D: [Proposed] Final Approval Order
- **Exhibit 2:** Declaration of James B. Baldinger
- **Exhibit 3:** Declaration of D.G. Pantazis, Jr.
- **Exhibit 3:** Declaration of Cameron R. Azari, Esq.

6. For these reasons, as well as those set forth in the supporting materials submitted herewith, Named Plaintiffs respectfully request that their Motion be granted, and the Court enter a preliminary approval Order in the form proposed as **Exhibit C to Exhibit 1**.

Respectfully submitted,

/s/ D. G. Pantazis, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on February 25, 2026, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will serve a Notice of Electronic Filing generated by CM/ECF on all counsel of record.

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