

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

RIGOBERTO SANDOVAL,	:	Civil Action
individually and as a representative of a class of	:	No. 3:17-cv-1573 (MPS)
similarly situated plan participants and	:	
beneficiaries, on behalf of the	:	
EXELA 401(k) PLAN,	:	
the successor-in-interest of the	:	
NOVITEX ENTERPRISE SOLUTIONS	:	
RETIREMENT SAVINGS PLAN,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
EXELA ENTERPRISE SOLUTIONS, INC.,	:	
NOVITEX ENTERPRISE SOLUTIONS	:	
EMPLOYEE BENEFITS COMMITTEE	:	
and DOES NO. 1-10, Whose Names Are	:	
Currently Unknown,	:	
	:	
Defendants.	:	April 22, 2021

**PLAINTIFF’S UNOPPOSED, RENEWED MOTION FOR PRELIMINARY APPROVAL
ORDER OF CLASS SETTLEMENT**

Plaintiff, Rigoberto Sandoval (“Plaintiff”), on behalf of the proposed Settlement Class (defined in the accompanying Memorandum of Law and the Amended Settlement Agreement and Release dated April 22, 2021 (“Agreement”)) and the Exela 401(k) Plan, the successor-in-interest of the Novitex Enterprise Solutions Retirement Savings Plan (the “Novitex Plan”), respectfully submits this Unopposed, Renewed Motion for Preliminary Approval of Class Settlement (“Motion”) with Defendants, Exela Enterprise Solutions, Inc. and the Novitex Enterprise Solutions Employee Benefits Committee (together, “Defendants”). For the reasons detailed in the accompanying Memorandum of Law and Agreement, Plaintiff submits that the

proposed settlement (“Settlement”) is fair, reasonable, and adequate, and should be granted preliminary approval so notice can be provided to the proposed Settlement Class.

The Settlement is the product of protracted, arm’s-length negotiations between counsel for the Class and Defendants, all of whom have significant experience in matters arising under the Employee Retirement Income Security Act, 29 U.S.C. § 1001, *et seq.*, and are well informed regarding all of the issues in this case based upon the comprehensive manner in which this action was litigated by both sides. The Agreement and accompanying papers specifically address the concerns identified by the Court in its April 16, 2021 Order [Dkt. No. 84], as discussed by the parties in the conference with the Court on April 21, 2021.¹ Accordingly, Plaintiff respectfully requests that the Court enter the Proposed Preliminary Approval Order.

The agreed-upon Proposed Preliminary Approval Order is attached as Exhibit “D” to the Agreement, which appears as Exhibit “1” to the accompanying Declaration of Laurie Rubinow supporting this Motion. Plaintiff stands ready to provide any additional information that the Court may require in connection with its consideration of this Motion.

¹The accompanying Memorandum of Law also addresses the requirement that objectors list other cases in which they objected to guard against so-called “professional objectors,” *see In re Elec. Books Antitrust Litig.*, 639 F. App’x 724, 728 (2d Cir. 2016), *citing* William B. Rubenstein, NEWBERG ON CLASS ACTIONS § 13:21 (5th ed.2012) (explaining that “[i]n the class action settlement context, ‘professional objectors’ are lawyers [or others] who ‘file stock objections to class action settlements’—objections that are ‘[m]ost often ... nonmeritorious’—and then are ‘rewarded with a fee by class counsel to settle their objections’”), a matter not directly addressed during the April 22, 2021 conference by counsel, an inadvertent omission for which counsel apologize to the Court.

Dated: April 22, 2021

Respectfully submitted,

MILLER SHAH LLP

/s/ James E. Miller

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*Attorneys for Plaintiff, the Proposed Class
and the Exela 401(k) Plan*

CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2021, I caused the foregoing to be electronically filed with the Clerk of Court using the CM/ECF system, which will send notification to all counsel of record.

/s/ James E. Miller

James E. Miller

Miller Shah LLP