

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FERNANDA GARBER, et al.,
on behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

OFFICE OF THE COMMISSIONER OF
BASEBALL, et al.,

Defendants.

12-cv-3704 (SAS)
ECF Case

**PLAINTIFFS' MOTION FOR FINAL APPROVAL
OF CLASS ACTION SETTLEMENT**

Pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, Plaintiffs Vincent Birbiglia, Marc Lerner, Derek Rasmussen, and Garrett Traub (“Plaintiffs”), on behalf of themselves and the Class certified by this Court on May 14, 2015,¹ respectfully move the Court for final approval of their Settlement Agreement (“Agreement”) with all Defendants in *Garber v. Office of the Commissioner of Baseball*. The grounds for this motion are set forth in Plaintiffs’ Memorandum of Law In Support of Motion for Final Approval of Class Action Settlement, and are further supported by the Declaration of Professor Ian Ayres, Declaration of Edward Diver, the papers submitted as part of Plaintiffs’ petition for an award of fees and expenses, and all papers and records on file in this matter.

¹ The Court certified two separate classes, an Internet Class and a Television Class. For purposes of this motion, Plaintiffs refer to them jointly as the “Class.”

Dated: April 11, 2016

Respectfully Submitted,

Howard Langer

Edward Diver

Howard Langer

Peter Leckman

LANGER, GROGAN & DIVER, P.e.

1717 Arch Street, Suite 4130

Philadelphia, PA 19103

Telephone: (215) 320-5660

Facsimile: (215) 320-5703

Class Counsel