

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

FERNANDA GARBER, MARC LERNER,  
DEREK RASMUSSEN, ROBERT SILVER,  
GARRETT TRAUB, and VINCENT  
BIRBIGLIA, representing themselves and all  
others similarly situated,

Plaintiffs,

v.

OFFICE OF THE COMMISSIONER OF  
BASEBALL, et al.,

Defendants

No. 12-cv-3704 (SAS)

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

Pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, Plaintiffs Marc Lerner, Derek Rasmussen, Garrett Traub, and Vincent Birbiglia (“Plaintiffs”), on behalf of themselves and the Class certified by this Court on May 14, 2015,<sup>1</sup> respectfully move the Court for preliminary 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 Preliminary Approval of Class Action Settlement, and are further supported by the Declaration of Howard Langer, and all papers and records on file in this matter.

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<sup>1</sup> 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: January 20, 2016

Respectfully Submitted,

/s/ Howard Langer

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