

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

\_\_\_\_\_  
KEVIN VANDERMARK, )  
individually and on behalf of all others )  
similarly situated, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
MASON TENDERS DISTRICT COUNCIL )  
WELFARE FUND; MASON TENDERS )  
DISTRICT COUNCIL ANNUITY FUND; )  
and MASON TENDERS DISTRICT )  
COUNCIL OF GREATER NEW YORK, )  
 )  
Defendant. )  
\_\_\_\_\_

**Index No. 153365/2023**

**PLAINTIFF’S NOTICE OF MOTION AND MOTION FOR AWARD OF ATTORNEYS’  
FEES, REIMBURSEMENT OF EXPENSES, AND SERVICE AWARD  
TO CLASS REPRESENTATIVE**

Plaintiff Kevin Vandermark (“Plaintiff” or “Class Representatives”), individually and on behalf of all others similarly situated, will moves this Court, in the Motion Submission Part at 60 Centre Street, Room 130, New York, New York, at 9:30 A.M. on the 27th day of September, 2023, for an order to:

- 1) award requested attorneys’ fees and reimbursement of expenses in the amount of \$175,000, as contemplated by the Settlement Agreement;
- 2) make service awards to the Class Representative in the amount of \$1,500.

This Motion is made pursuant to N.Y. C.P.L.R. Ch. 8, Art. 9, § 909 and is based on: (1) this Motion; (2) Plaintiffs’ Memorandum in Support (“Memorandum”), and; (3) the Declaration of David K. Lietz, attached as **Exhibit 1** to the Memorandum; (4) the Settlement Agreement; (5) the Court’s Order Granting Preliminary Approval of Class Action Settlement; (6) the records,

pleadings, and papers filed in this action; and (7) upon such other documentary and oral evidence or argument as may be presented to the Court at or prior to the hearing of this Motion.

Dated: August 25, 2023

Respectfully submitted,

/s/ Vicki J. Maniatis

Vicki J. Maniatis, Esq.

**MILBERG COLEMAN BRYSON**

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David. Lietz (*pro hac vice*)

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*Counsel for Plaintiff*

*and Proposed Class*

**CERTIFICATE OF SERVICE**

I, Vicki J. Maniatis, hereby certify that on this 25th day of August, 2023, I caused a true and correct copy of the foregoing Plaintiffs' Notice of Motion and Motion for Award of Attorneys' Fees, Reimbursement of Expenses, and Service Award to Class Representative to be electronically filed using the Court's NYSCEF system, which will serve all counsel of record.

*/s/ Vicki J. Maniatis*  
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Vicki J. Maniatis