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On behalf of the Lead Plaintiff Peter Frouws

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

PETER FROUWS, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

ROBERT LYONS; DANIEL BONCEL;
and STEPHEN CUMMING,

Defendants.

No. 2:23-cv-00691-PHX-DJH

CLASS ACTION

**LEAD PLAINTIFF'S MOTION
FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD, PLEASE TAKE NOTICE that, at the Settlement Hearing to be held on September 14, 2026, at 3:00 p.m. Mountain Time, before the Hon. Diane J. Humetewa, United States District Judge for the District of Arizona, Sandra Day O'Connor U.S. Courthouse, 401 West Washington Street, SPC 81, Phoenix, AZ 85003, Lead Plaintiff Peter Frouws ("Lead Plaintiff") will and hereby does move for an order: (i) finally approving the proposed Settlement of this Action as fair, reasonable, and adequate pursuant to Federal Rule of Civil Procedure 23(e)(2); (ii) approving the proposed Plan of Allocation of the Net Settlement Fund as fair and reasonable; and (iii) certifying the Settlement Class for settlement purposes only, pursuant to Federal Rules of Civil Procedure 23(a) and (b)(3), and appointing Lead Plaintiff as class representative and Scott+Scott Attorneys at Law LLP and Schall, Brown, & Schwartz LLP ("SBS" formerly The Schall Firm) ("Co-Lead Counsel") as Class Counsel for the Settlement Class.¹

In support of this motion, Lead Plaintiff and Co-Lead Counsel rely on the accompanying Memorandum of Law; Joint Declaration of William C. Fredericks and Brian J. Schall in Support of Plaintiff's Motion for Final Approval of Class Action Settlement and Award of Attorneys' Fees and Expenses ("Joint Decl."); Declaration of Daryl F. Scott in Support of Co-Lead Counsel's Fee and Expense Application ("Scott Decl."); Declaration of Brian J. Schall in Support of Plaintiff's Counsel's Fee and Expense Application ("Schall Decl."); Declaration of Lead Plaintiff Peter Frouws in Support of Motion for Final Approval of Class Action Settlement and Award Pursuant to 15 U.S.C. §78u-4(a)(4) ("Frouws Decl."); Declaration of Ann Cavanaugh Regarding Notice Dissemination, Publication, and Requests for Exclusion Received to Date ("Cavanaugh Decl."); the pleadings and records on file in this action; and such other matters as the Court may consider.

¹ Unless otherwise indicated, capitalized terms shall have their meaning as defined in the Stipulation and Agreement of Settlement, dated February 11, 2026. Doc. 80-3.

1 Dated: August 14, 2026

Respectfully submitted,
**SCOTT+SCOTT ATTORNEYS AT LAW
LLP**

/s/ William C. Fredericks

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