

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.7.1.1
Eastern Division**

Colin Lateano

Plaintiff,

v.

Case No.: 1:23-cv-02757

Honorable Joan B. Gottschall

Chicago Cubs Baseball Club, LLC

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Tuesday, February 6, 2024:

MINUTE entry before the Honorable Joan B. Gottschall: In their motion [43] for preliminary approval of their revised proposed class settlement agreement, the parties propose distributing the settlement fund on a pro rata basis, but they also indicate that they have agreed in paragraph 52 of their proposed settlement agreement to distribute the fund based on the number of text messages each class member received (i.e., on a "per-violation" basis) if the court would prefer. Generally speaking, the court's role at the preliminary approval stage does not include rewriting the terms of the proposed settlement, though a court may sometimes impose conditions upon preliminary approval. See *Am. Int'l Grp., Inc. v. ACE INA Holdings, Inc.*, 2011 WL 3290302, at *7 (N.D. Ill. July 26, 2011); see also *In re Sears, Roebuck & Co. Front-Loading Washer Prods. Liab. Litig.*, 2018 WL 1138541, at *3 (N.D. Ill. Mar. 2, 2018). Accordingly, the parties are instructed to supplement their motion [43] for preliminary approval on or before 2/12/2024 and indicate whether they wish the court to adjudicate their motion based on a pro rata or per-violation distribution method. Mailed notice(mjc,)

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