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**UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA DIVISION**

IN RE: VIZIO, INC., CONSUMER
PRIVACY LITIGATION

This document relates to:

ALL ACTIONS

Case No. 8:16-ml-02693- JLS (KESx)

**PLAINTIFFS' NOTICE OF MOTION AND
MOTION FOR PRELIMINARY
APPROVAL OF PROPOSED CLASS
ACTION SETTLEMENT (UNOPPOSED)**

Date: December 7, 2018
Time: 10:30 a.m.
Dept: Courtroom 10-A
Judge: Hon. Josephine L. Staton

To All Parties and Their Counsel of Record:

Please Take Notice that on December 7, 2018, at 10:30 a.m.,¹ or as soon thereafter as the matter may be heard before the Honorable Josephine L. Staton, United States District Judge for the Central District of California, at the Ronald Reagan Federal Building and United States Courthouse, 411 W. Fourth St., Santa Ana, CA, 92701, Courtroom 10A, 10th Floor, Plaintiffs Dieisha Hodges, Rory Zufolo, John Walsh, Chris Rizzitello, Linda Thomson, and Mark Queenan, will and hereby do move the Court, pursuant to Federal Rule of Civil Procedure 23, for an Order:

1. Granting preliminary approval of the proposed class action settlement agreement with Defendants VIZIO, Inc., VIZIO Holdings, Inc., VIZIO Services, LLC (formerly known as “VIZIO Inscape Services, LLC”), and Inscape Data, Inc. (formerly known as “VIZIO Inscape Technologies, LLC”) (collectively, “Defendants” or “Vizio”);

2. Provisionally certifying the settlement class as defined in the settlement agreement;

3. Appointing Plaintiffs as settlement class representatives for the settlement class;

4. Appointing Eric H. Gibbs and Andre M. Mura of Gibbs Law Group LLP and Joseph W. Cotchett and Adam J. Zapala of Cotchett, Pitre & McCarthy, LLP as class counsel for the settlement class;

5. Approving the notice program, including the forms of notice proposed in the settlement, and directing that notice be disseminated in accordance with this program;

6. Appointing A.B. Data, Ltd. as settlement administrator and directing it to carry out the duties and responsibilities stated in the settlement agreement;

7. Approving Electronic Privacy Information Center, Privacy Rights Clearinghouse, and World Privacy Forum as next-best recipients of residual settlement funds in the event such funds cannot feasibly be distributed to settlement class members;

¹ The parties are also available before December 7, 2018, including in October or November, and they welcome any earlier hearing date that pleases the Court.

1 8. Setting a final approval hearing and other deadlines in connection with the
2 settlement approval process.

3 This motion is unopposed and based on this notice of motion and motion, the
4 accompanying memorandum of points and authorities, the settlement agreement and
5 corresponding exhibits, and the following declarations in support of preliminary approval:

6 1. Joint Declaration of Andre Mura and Adam J. Zapala for Class Counsel and
7 the exhibits thereto;

8 2. Declarations of Plaintiffs Hodges, Zufolo, Walsh, Rizzitello, Thomson, and
9 Queenan;

10 3. Declaration of Joseph Turow, professor at the Annenberg School for
11 Communication at the University of Pennsylvania, addressing Vizio's disclosures;

12 4. The report of Serge Egelman, professor at the University of California,
13 Berkeley, addressing maximum value of claims, and valuing injunctive relief;

14 5. Declaration of Wilda Siu, senior director of accounting at Vizio, Inc.,
15 addressing Vizio's financial status;

16 6. Declaration of Eric Schacter, vice-president of A.B. Data, Ltd., addressing
17 notice and administration; and

18 7. all papers and records on file in this matter, and such other matters as the
19 Court may consider.

20 An agreed-upon proposed order is also being filed contemporaneously.

21
22 For the reasons set forth in these materials, the motion for preliminary approval of
23 this proposed class action settlement should be granted.

24
25 Respectfully submitted,

26 **GIBBS LAW GROUP LLP**

27 /s/ Andre M. Mura
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