

STATE OF NORTH CAROLINA  
COUNTY OF DURHAM

IN THE GENERAL COURT OF JUSTICE  
BUSINESS COURT DIVISION  
SUPERIOR COURT FILE NO.  
22-CVS-3533

DANIEL GREEN, individually and  
on behalf of all others similarly  
situated, )

Plaintiff )

v. )

EMERGEORTHO, P.A., )

Defendant. )

**UNOPPOSED  
MOTION FOR PRELIMINARY  
APPROVAL OF CLASS ACTION  
SETTLEMENT**

---

Plaintiff DANIEL GREEN, individually and on behalf of all others similarly situated, has reached a settlement with Defendant EmergeOrtho, P.A. Plaintiff now moves for preliminary approval of a proposed class action settlement, certification of the Settlement Class for purposes of the proposed settlement, appointment of Milberg Coleman Bryson Phillips Grossman, PLLC and Mason, LLP as Class Counsel, an order directing that notice of the proposed settlement be sent to the Settlement Class, and the scheduling of a final approval hearing on the proposed settlement. Defendant does not oppose the relief sought in this motion.

Plaintiff supports this motion with a memorandum and exhibits filed contemporaneously with this motion, and such other written or oral arguments as are permitted or requested by the Court.

Dated: February 9, 2024.

Respectfully submitted,

**MILBERG COLEMAN BRYSON  
PHILLIPS GROSSMAN, PLLC**

*/s/Scott C. Harris*

---

Scott C. Harris

N.C. Bar No.: 35328

900 W. Morgan Street

Raleigh, North Carolina 27603

Telephone: (919) 600-5000

Facsimile: (919) 600-5035

[sharris@milberg.com](mailto:sharris@milberg.com)

*Attorneys for Plaintiffs and the  
putative class*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing has been served on all counsel of record in accordance with Business Court Rule 3.9 through electronic filing with the North Carolina Business Court.

This the 9th day of February, 2024.

**MILBERG COLEMAN BRYSON  
PHILLIPS GROSSMAN, PLLC**

*/s/Scott C. Harris*

---

Scott C. Harris

N.C. Bar No.: 35328

900 W. Morgan Street

Raleigh, North Carolina 27603

Telephone: (919) 600-5000

Facsimile: (919) 600-5035

[sharris@milberg.com](mailto:sharris@milberg.com)

*Attorneys for Plaintiffs and the  
putative class*