

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
TRIAL COURT DEPARTMENT

JANE DOE 1 and JANE DOE 2, on behalf of
themselves and others similarly situated,

Plaintiffs,

v.

No. 2284CV00831

John Hancock Life Insurance Company (U.S.A.),
First Fitness Management, LLC,
and Commonwealth Flats Development Corp.
d/b/a Second Wave Health & Fitness,

Defendants.

**PLAINTIFFS' CROSS-MOTION
FOR NOTICE PURSUANT TO RULE 23(d)**

Plaintiffs Jane Doe 1 and Jane Doe 2, on behalf of themselves and others similarly situated ("Plaintiffs"), hereby cross-move for notice to absent class members pursuant to Mass. R. Civ. P. 23(d). As grounds for this cross-motion, Plaintiffs state:

1. Mass. R. Civ. P. 23(d) states that a court "at any stage of an action under this rule may require such security and impose such terms as shall fairly and adequately protect the interests of the class in whose behalf the action is brought or defended."

2. Specifically, the court "may order that notice be given, in such manner as it may direct, of the pendency of the action...or of any other proceedings in the action, including notice to the absent persons that they may come in and present claims and defenses if they so desire." *Id.*

3. Here, notice is to putative class members is appropriate to alert them of Defendants efforts to defeat the class action and the “significant prejudice” to their interests that could result.

4. As further grounds for this motion, Plaintiffs have submitted the accompanying memorandum entitled Plaintiffs’ Opposition to Joint Motion to Strike Plaintiffs’ Class Allegations and Memorandum in Support of Cross-Motion for Notice Pursuant to Rule 23(d), which is incorporated by reference herein.

WHEREFORE, Plaintiffs Jane Doe 1 and Jane Doe 2 cross-move for notice to absent class members pursuant to Mass. R. Civ. P. 23(d).

Respectfully submitted,

Dated: September 25, 2023

/s/ Ilyas J. Rona
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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I, Ilyas J. Rona, hereby certify that on the September 25, 2023, a true copy of the above document was served upon on the attorney of record for each party by email as follows:

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Dated: September 25, 2023

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