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VIA CM/ECF

The Honorable Colm F. Connolly
J. Caleb Boggs Federal Building
844 N. King Street
Unit 31, Room 4124
Wilmington, DE 19801-3555

Re: *Kyles et al v. Stein Mart, Inc. et al.*, C.A No. 1:19-cv-00483-CFC

Dear Chief Judge Connolly:

Along with my co-counsel, we are interim co-lead counsel for the Plaintiffs and the settlement class in this case. As the Court may recall, the Plaintiffs reached a proposed class-wide settlement with Defendants Social Annex, Inc. and SteinMart, Inc. in March of 2019. *See* DE 26-1. The Court granted Plaintiffs' motion for preliminary approval of the settlement and scheduled a final approval hearing for August 19, 2020. *See* DE 28. However, shortly before the August 19 hearing - and after notice of the settlement had been disseminated to the class¹ - SteinMart filed a notice of bankruptcy and the hearing was canceled. *See* DE 39.

We are pleased to report that there have been two material developments:

1. Plaintiffs participated in a mediation session with the remaining solvent Defendant, Social Annex, Inc., on May 10, 2021. The sole issue was to see whether the parties could agree upon the amount of Plaintiffs' attorneys' fees that Social Annex, Inc. would pay - in addition to funding the full settlement consideration to the class and the proposed Plaintiff incentive awards. With the assistance of a mediator, the parties reached agreement that Social Annex, Inc. would pay \$210,000 - subject to Court approval - for Plaintiffs' attorneys' fees and expenses.
2. Subsequent to the May 10 mediation, counsel for the parties conferred with the Plan Administrator for SteinMart's bankruptcy proceeding. The parties have now executed an agreement, attached hereto as Exhibit A, to

¹ No objections to the settlement were filed. The deadline for doing so was July 23, 2020.

lift the bankruptcy stay for purposes of allowing Plaintiffs and the class members to proceed with their settlement with Social Annex, Inc. Neither of these two developments will alter the consideration going to the class, should the settlement be approved by this Court.

Accordingly, the parties respectfully request that the Court reschedule the final approval hearing for as soon as convenient for the Court. We are available should the Court have any questions.

Respectfully,

A handwritten signature in blue ink, appearing to read "Robert J. Kriner, Jr.", written in a cursive style.

Robert J. Kriner, Jr.

cc: All Counsel of Record (via CM/ECF)
Erin P. Severini, Esquire
Matthew C. Higgins, Esquire
Ronald E. Gold, Esquire
Brad Boe, Esquire
Bob Michaelson, Esquire