



FARUQI & FARUQI

NEW YORK

CALIFORNIA

GEORGIA

PENNSYLVANIA

September 19, 2022

**Via ECF**

Hon. Loretta A. Preska  
U.S. District Court, S.D.N.Y.  
500 Pearl Street, Courtroom 12A  
New York, NY 10007

Re: *Hesse, et al. v. Godiva Chocolatier, Inc.*, No. 1:19-cv-0972-LAP

Dear Judge Preska:

We write to provide the Court with an initial update regarding the administration of the class action settlement that was approved by the Court. In short, Defendant Godiva Chocolatier, Inc. (“Godiva”) has not yet paid out Settlement Benefits to the Class, as explained below.

By way of background, on April 20, 2022, the Court granted final approval of the settlement (ECF No. 135), and on July 1, 2022, the Court entered judgment (ECF No. 144). Based on the foregoing, and pursuant to the Settlement Agreement (ECF No. 67-1), the Effective Date was July 31, 2022; the time for Godiva to fund the Settlement Benefits was August 14, 2022; and the time for the Settlement Administrator to distribute payments was September 13, 2022.

Godiva has represented to Plaintiffs that, due to the seasonal nature of its business, it did not have the funds to pay the settlement benefits to the class members on August 14, 2022, and that it needs additional time to do so. Plaintiffs and Godiva have been meeting and conferring regarding a revised schedule by which Godiva will be able to fully fund the Settlement Benefits.

Plaintiffs intend to submit a joint filing with additional details shortly. However, in light of the delay, Plaintiffs wanted to provide the Court with this initial update now.

Plaintiffs will instruct Settlement Administrator to post this letter to the Settlement Website.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'T. Peter', written over a horizontal line.

Timothy J. Peter  
Faruqi & Faruqi, LLP

The Wand Law Firm, P.C.  
Aubry Wand

*Attorneys for Plaintiffs*