

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

VINCE MULLINS, on behalf of himself	)	
and all others similarly situated,	)	
	)	
Plaintiff,	)	Case No. 13-CV-01829
	)	
v.	)	Hon. Charles R. Norgle, Sr.
	)	
DIRECT DIGITAL, LLC., a Delaware	)	
Corporation,	)	
	)	
Defendant.	)	

**PLAINTIFF’S RENEWED MOTION FOR CLASS CERTIFICATION**

In accordance with Rule 23, Federal Rules of Civil Procedure, Plaintiff Vince Mullins hereby moves for an order certifying the following Multi-State Class, or alternatively Illinois-only Class,<sup>1</sup> and appointing Plaintiff as Class Representatives:

**Multi-State Class**

All consumers in Illinois and states with similar laws,<sup>2</sup> who purchased Instaflex within the applicable statute of limitations of the respective Class States, for personal use until the date notice is disseminated.

**Illinois-Only Class**

All Illinois residents who purchased Instaflex, within the applicable statute of limitations, for personal use until the date notice is disseminated.

Plaintiff seeks certification of his claims under the Illinois’ Consumer Fraud and Deceptive Business Practices Act (“ICFA”), 815 Ill. Comp. Stat. 502/1, et seq. As set forth in the accompanying memorandum, the proposed class(es) satisfy all requirements of Rules 23(a), (b)(2)

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<sup>1</sup> Excluded from the proposed Classes are Defendant, its parents, subsidiaries, affiliates, officers and directors, and those who purchased Instaflex for resale.

<sup>2</sup> The Class States, which are those with similar consumer fraud laws under the facts of this case, include: California (Cal. Bus. & Prof. Code §17200, et seq.); Florida (Fla. Stat. §501.201, et seq.); Illinois (815 Ill. Comp. Stat. 502/1, et seq.); Massachusetts (Mass. Gen. Laws Ch. 93A, et seq.); Michigan (Mich. Comp. Laws §445.901, et seq.); Minnesota (Minn. Stat. §325F.67, et seq.); Missouri (Mo. Rev. Stat. §407.010, et seq.); New Jersey (N.J. Stat. §56:8-1, et seq.); New York (N.Y. Gen. Bus. Law §349, et seq.); and Washington (Wash. Rev. Code §19.86.010, et seq.).


and (b)(3) of the Federal Rules of Civil Procedure, thereby warranting class certification. Further, Plaintiff meets all the requirements for appointment as Class Representative.

Additionally, Plaintiff moves for an order appointing the law firms of Bonnett, Fairbourn, Friedman & Balint, P.C., Stewart M. Weltman, LLC, and Sipur PC as Class Counsel in this action. As set forth in the accompanying memorandum and the Declaration of Stewart M. Weltman, Plaintiff's counsel meets each of the requirements of Rule 23(g).

This motion is based upon this notice of motion, the accompanying memorandum of law, the evidentiary submissions, including the Declaration of Stewart M. Weltman, and such other evidence and argument as may be presented at or before the hearing of this motion.

Dated: February 18, 2014

VINCE MULLINS, On Behalf Of Himself  
And All Others Similarly Situated,

By:   
One of the Attorneys for Plaintiff  
And the Proposed Putative Class

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**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that a true and correct copy of the foregoing **Renewed Motion For Class Certification** was filed this 18th day of February, 2014, via the electronic filing system of the Northern District of Illinois, which will automatically serve all counsel of record.

A handwritten signature in blue ink, appearing to read "Joseph J. Sipur", is positioned above a horizontal line.

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Joseph J. Sipur