

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JEFFREY CHERY, on behalf of himself and
all others similarly situated,

Plaintiff,

v.

CONDUENT EDUCATION SERVICES,
LLC, *f/k/a ACS*, ACCESS GROUP, INC., and
ACCESS FUNDING 2015-1, LLC,

Defendants.

Case No.: 1:18-cv-75 (DNH/CFH)

**NOTICE OF MOTION TO
CERTIFY CLASS**

PLEASE TAKE NOTICE THAT on March 18, 2021, at 10:00 a.m., or as soon thereafter as counsel may be heard, the undersigned attorneys for Plaintiff Jeffrey Chery shall move before the United States District Court for the Northern District of New York, the Honorable David N. Hurd presiding, at the James T. Foley United States Courthouse, 445 Broadway, suite 509, Albany, NY 12207, or as otherwise directed, for an Order pursuant to Federal Rule of Civil Procedure 23:

(a) Certifying the following class:

All student loan borrowers who submitted an application to consolidate one or more FFELP Loans into a Direct Consolidated Loan between January 18, 2012, and the date of the Order certifying the Class, for which Defendants failed to provide an LVC within ten days of receiving the request therefor.

(b) Appointing plaintiff as class representative;

(c) Appointing the law firms Bragar Eigel & Squire, P.C. and Moore Kuehn, PLLC as co-counsel to the class; and

(d) Granting plaintiff such other and further relief as is just and appropriate.

PLEASE TAKE FURTHER NOTICE THAT Plaintiff shall rely upon the accompanying Memorandum of Law in support of this Motion, Declaration of Justin Kuehn with exhibits, Declaration of Jeffrey Chery, and all other documents on file in this matter.

PLEASE TAKE FURTHER NOTICE THAT pursuant to the scheduling order, Defendants' opposition papers, if any, shall be filed and served by February 12, 2021, and any reply papers shall be filed and served on or before March 5, 2021.

Dated: January 15, 2021

Respectfully submitted,

/s/ Justin Kuehn

Justin A. Kuehn
MOORE KUEHN, PLLC
Justin A. Kuehn
Fletcher W. Moore
30 Wall Street, 8th floor
New York, New York 10005
Tel: (212) 709-8245
jkuehn@moorekuehn.com
fmoore@moorekuehn.com

and

BRAGAR EAGEL & SQUIRE, P.C.

Lawrence P. Eagel
David J. Stone
810 Seventh Avenue, Suite 620
New York, NY 10019
Tel: (212) 308-5858
eagel@bespc.com
stone@bespc.com

Co-Counsel for Plaintiff and the Class