

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO**

Wendy Berry, Lorri Hulings, and Kathleen Sammons, individually and as representatives of a class of similarly situated persons, and on behalf of the FirstGroup America, Inc. Retirement Savings Plan,

Plaintiffs,

v.

FirstGroup America, Inc., FirstGroup America, Inc. Employee Benefits Committee, and Aon Hewitt Investment Consulting, Inc.,

Defendants.

Case No. 1:18-cv-00326-MWM

Judge Matthew W. McFarland

PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF PARTIAL CLASS ACTION SETTLEMENT WITH AON HEWITT RETIREMENT CONSULTING, INC.

Plaintiffs Wendy Berry, Lorri Hulings, and Kathleen Sammons (“Plaintiffs”), as representatives of the class previously certified by the Court (*see* Dkt. 82) and on behalf of the FirstGroup America, Inc. Retirement Savings Plan (the “Plan”), respectfully move this Court for an Order: (1) preliminarily approving the Settling Parties’ Class Action Settlement Agreement; (2) approving the proposed Notices of Settlement and authorizing distribution of the Notices; (3) scheduling a Fairness Hearing; and (4) granting such other relief as set forth in the proposed Preliminary Approval Order submitted herewith, including a preliminary bar order consistent with Paragraphs 2.4(g) of the Settlement Agreement.

This motion is made pursuant to Federal Rule of Civil Procedure 23(e), and is based on the accompanying Memorandum of Law and authorities cited therein, the Declaration of Brock Specht and exhibits thereto, the Settling Parties’ Settlement Agreement, and all files, records, and proceedings in this matter.

Aon Hewitt Investment Consulting, Inc. does not oppose Plaintiffs' motion.

Respectfully Submitted,

Dated: December 12, 2022

NICHOLS KASTER, PLLP

By: /s/ Brock J. Specht

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Brock J. Specht, *admitted pro hac vice*

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I, Brock J. Specht, hereby certify that I served this document on counsel of record via ECF on December 12, 2022.

/s/ Brock J. Specht
Brock J. Specht