

**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-JPH

Judge Jeffery P. Hopkins

**NOTICE OF GLOBAL SETTLEMENT**

Plaintiffs Wendy Berry, Lorri Hulings, and Kathleen Sammons (“Plaintiffs”) and Defendants FirstGroup America, Inc., FirstGroup America, Inc. Employee Benefits Committee (the “FGA Defendants”), and Defendant Aon Hewitt Investment Consulting, Inc. (“Aon Hewitt”) jointly notify the Court that all Parties have reached an agreement in principle to settle all of the claims in this case amongst all of the parties on a class-wide basis. The comprehensive class settlement, subject to the Court’s approval under Fed. R. Civ. P. 23(e), fully resolves all of the issues presented in this litigation and will moot several pending motions, including the FGA Defendants’ Motion for Summary Judgment, *ECF No. 107*, the FGA Defendants’ Motion to Exclude Opinions of Plaintiffs’ Expert Brian C. Becker, Ph.D., *ECF No. 156*, and related motions to seal, *ECF Nos. 148, 158, 164, 165*.

The Parties are in the process of drafting settlement papers that update Plaintiffs’ previous partial settlement with Aon Hewitt, *ECF No. 144*, and will submit an amended Class Action

Settlement Agreement and Amended Motion for Preliminary Approval within 21 days of the date of this notice. Accordingly, the Parties respectfully request that the Court refrain from issuing a ruling on the soon-to-be-moot motions that are presently pending.

Dated: February 8, 2024

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 8, 2024, a true and accurate copy of the foregoing as filed electronically. Notice of this filing will be delivered to the parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Paul J. Lukas  
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