

**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-KLL

Judge Karen L. Litkovitz

PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR ATTORNEYS' FEES AND COSTS, ADMINISTRATIVE EXPENSES, AND CLASS REPRESENTATIVES' COMPENSATION AWARDS

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on December 12, 2024, 10:00 a.m., before the Honorable Karen L. Litkovitz, United States Magistrate Judge, in Courtroom 6, Potter Stewart U.S. Courthouse, 100 East Fifth Street, Cincinnati, Ohio 45202, Plaintiffs Wendy Berry, Lorri Hulings, and Kathleen Sammons will and hereby do move this Court for an Order awarding: (1) attorneys' fees to Class Counsel in the amount of \$3,000,000.00 (one-third of the \$9 million Qualified Settlement Fund); (2) reimbursement of \$614,047.43 in litigation costs; (3) \$116,444.00 in settlement administration expenses; and (4) settlement class representatives' compensation awards in the amount of \$10,000 to each of the Class Representatives (\$30,000 total).

This motion is made under Federal Rule of Civil Procedure 23(h) and Article 6 of the Parties' Class Action Settlement Agreement, *ECF No. 175-1*, and is based on the accompanying

Memorandum of Law and authorities cited therein, the Declaration of Brock J. Specht and exhibits thereto, the previously filed declarations of Brock J. Specht, *ECF Nos. 144-02, ECF No. 175*, the Settlement Agreement, and all files, records, and proceedings in this matter.

Pursuant to Article 6 of the Settlement Agreement, Defendants do not object to this motion. As of the filing of this motion, there have been no objections to the proposed attorneys' fees and costs, Settlement Administrative Expenses, or Class Representative Awards.

Respectfully Submitted,

Dated: November 7, 2024

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 November 7, 2024.

/s/ Brock J. Specht
Brock J. Specht