

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

RONDA A. PLEDGER, *et al.*,

Plaintiffs,

v.

RELIANCE TRUST COMPANY, *et al.*,

Defendants.

Civil Action No.
1:15-cv-04444-MHC

**UNOPPOSED MOTION FOR PRELIMINARY
APPROVAL OF CLASS SETTLEMENT**

Plaintiffs and Defendant Reliance Trust Company (the “Settling Parties”), by and through their counsel, in accordance with Rule 23(e) of the Federal Rules of Civil Procedure, hereby move for preliminary approval of a class settlement. The Insperity Defendants do not intend to oppose this motion. In support, the Settling Parties state the following:

1. This action involves claims for alleged breaches of fiduciary duty and prohibited transactions in violation of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001, et seq. (“ERISA”) with respect to the Insperity 401(k) Plan (“Plan”).

2. On October 12, 2020, after extensive litigation, lengthy discovery, and protracted arm’s-length negotiations, the Settling Parties reached a Settlement that

provides meaningful monetary relief to Class Members. The fully executed Settlement Agreement dated October 12, 2020 (“Settlement”) is attached hereto as Exhibit 1. Capitalized terms herein are defined in the Settlement.

3. The Settlement is fundamentally fair, adequate, and reasonable in light of the circumstances of the litigation. Preliminary approval of the Settlement is in the best interests of the Class Members. In return for a release of the Class Representatives’ and Class Members’ claims, Reliance Trust Company has agreed to pay a sum of \$39,800,000 into a Settlement Fund.

4. The first step in approving any proposed settlement in a class action is preliminary approval. Manual for Complex Litigation, Fourth, § 21.632, at 320–21 (Fed. Jud. Ctr. 2004). At this stage, the Court reviews the proposed settlement to determine whether there is “cause to believe” the agreement is “fair, reasonable, and adequate, and within the range of possible approval,” was negotiated in good faith at arm’s-length, and the class notice provides the material terms of the settlement for class members’ consideration to warrant sending notice and setting a final approval hearing. *Cross v. Wells Fargo Bank, N.A.*, No. 15-1270-RWS, 2016 WL 5109533, at *1 (N.D. Ga. Sept. 13, 2016); *Agnone v. Camden Cty., Georgia*, No. 14-24, 2018 WL 4937061, at *5 (S.D. Ga. Oct. 10, 2018).

5. The Settlement reached between the Settling Parties more than satisfies this standard and is clearly sufficient to warrant being preliminarily approved by the Court. Preliminary approval will not foreclose interested persons from objecting to the Settlement and thereby presenting dissenting viewpoints to the Court.

6. In support of this Motion, Plaintiffs separately submit a Memorandum of Law in Support of Preliminary Approval, as well as the Declaration of Class Counsel (Jerome J. Schlichter).

7. In accordance with this Motion, the Settling Parties request the following:

- That the Court enter an Order granting preliminary approval of the Settlement Agreement;
- That the Court order any interested party to file any objections to the Settlement within the time limit set by the Court, with supporting documentation, and that such objections, if any, be served on counsel as set forth in the proposed Preliminary Approval Order and Class Notice, and permit the Parties the right to limited discovery from any objector as provided for in the proposed Preliminary Approval Order;

- That the Court schedule a Fairness Hearing for the purpose of receiving evidence, argument, and any objections relating to the Settlement Agreement. Given the processing and mailing of Settlement Notices, the objection deadline to the Settlement, the review and approval period of the Independent Fiduciary, among other interim milestones and deadlines, the Settling Parties request that a Fairness Hearing **not be scheduled before February 8, 2021 (or at least 120 days from the date of the order preliminarily approving the Settlement)**; and
- That following the Fairness Hearing, the Court enter an order granting final approval of the Settlement and dismissing the Amended Complaint (Doc. 37) with prejudice.

Respectfully submitted this 12th day of October, 2020.

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CERTIFICATE OF COMPLIANCE

Under the Civil Local Rules of Practice for the United States District Court for the Northern District of Georgia, this is to certify that the foregoing document complies with the font and point selections approved by the Court in Local Rule 5.1.C. The foregoing was prepared on computer using Times New Roman font (14 point).

/s/ Jerome J. Schlichter
Jerome J. Schlichter

CERTIFICATE OF SERVICE

I certify that on October 12, 2020, I caused to be served a true and correct copy of the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all parties to this matter via electronic notification or otherwise.

/s/ Jerome J. Schlichter
Jerome J. Schlichter