

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FIRST CHOICE FEDERAL CREDIT UNION, AOD FEDERAL CREDIT UNION, TECH CREDIT UNION, VERIDIAN CREDIT UNION, SOUTH FLORIDA EDUCATIONAL FEDERAL CREDIT UNION, PREFERRED CREDIT UNION, ALCOA COMMUNITY FEDERAL CREDIT UNION, ASSOCIATED CREDIT UNION, CENTRUE BANK, ENVISTA CREDIT UNION, FIRST NBC BANK, NAVIGATOR CREDIT UNION, THE SEYMOUR BANK, FINANCIAL HORIZONS CREDIT UNION, NUSENDA CREDIT UNION, GREATER CINCINNATI CREDIT UNION, KEMBA FINANCIAL CREDIT UNION, WRIGHT-PATT CREDIT UNION, and MEMBERS CHOICE CREDIT UNION, on Behalf of Themselves and All Others Similarly Situated,

and

CREDIT UNION NATIONAL ASSOCIATION, GEORGIA CREDIT UNION AFFILIATES, INDIANA CREDIT UNION LEAGUE, MICHIGAN CREDIT UNION LEAGUE, and OHIO CREDIT UNION LEAGUE,

Plaintiffs,

v.

THE WENDY'S COMPANY, WENDY'S RESTAURANTS, LLC, and WENDY'S INTERNATIONAL, LLC,

Defendants.

Civil No. 2:16-cv-00506-NBF-MPK

**PLAINTIFFS' UNOPPOSED MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Plaintiffs hereby respectfully move the Court for an order to, among other things:
(1) preliminarily approve the terms of the Settlement as fair, reasonable, and adequate;

(2) provisionally certify the Settlement Class pursuant to Rules 23(b)(3) and (e) of the Federal Rules of Civil Procedure for settlement purposes only; and (3) approve the Settlement Administrator, Notice Program, form and content of the Notice, and Claim Form.¹ Defendants The Wendy's Company, Wendy's Restaurants, LLC, and Wendy's International, LLC (collectively, "Wendy's" or "Defendants") do not oppose this Motion. In further support of this motion, Plaintiffs submit the accompanying memorandum of law; proposed Settlement Agreement and its attachments; proposed Preliminary Approval Order (SA Ex. 4); proposed Final Approval Order and Judgment (SA Ex. 5); Declaration of Gary F. Lynch ("Lynch Decl."); and the Declaration of Richard W. Simmons ("Simmons Decl.").

WHEREFORE, Plaintiffs request that their motion be granted.

Dated: February 13, 2019

Respectfully submitted,

**CARLSON LYNCH SWEET
KILPELA & CARPENTER, LLP**

**SCOTT+SCOTT
ATTORNEYS AT LAW LLP**

/s/ Gary F. Lynch
Gary F. Lynch
Jamisen A. Etzel
1133 Penn Avenue, 5th Floor
Pittsburgh, PA 15222
Telephone: (412) 322-9243
Facsimile: (412) 231-0246
glynch@carlsonlynch.com
jetzel@carlsonlynch.com

/s/ Erin Green Comite
Erin Green Comite
Joseph P. Guglielmo
156 South Main Street
P.O. Box 192
Colchester, CT 06415
Telephone: (860) 537-5537
Facsimile: (860) 537-4432
ecomite@scott-scott.com
jguglielmo@scott-scott.com

Co-lead Counsel and Proposed Class Counsel for Plaintiffs

¹ All capitalized terms not defined herein have the same meaning as those defined in the Settlement Agreement and Release (the "Settlement" or "Settlement Agreement"), attached as Ex. A to the memorandum of law filed concurrently herewith.

CERTIFICATE OF SERVICE

I hereby certify that on February 13, 2019, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses denoted on the Electronic Mail Notice List.

/s/ Erin Green Comite
Erin Green Comite (*pro hac vice*)