

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Nicholas Smith and Derik George,
individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

Sun Country, Inc., The Board of
Trustees of the Sun Country, Inc.
401(k) Profit Sharing Plan, John
Does and Jane Does 1-50,

Defendants.

The Sun Country, Inc. 401(k) Profit
Sharing Plan,

Nominal Defendant.

No. 24-cv-619-KMM-EMB

Hon. Kate M. Menendez
Magistrate Judge Elsa M. Bullard

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

Pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, Plaintiffs move the Court for an order:

1. Preliminarily approving the Class Action Settlement Agreement between Plaintiffs and Defendants as fair, reasonable, and adequate under Rule 23(e) of the Federal Rules of Civil Procedure;

2. Preliminarily approving the proposed Class Notice and approving the plan for sending the Class Notices as satisfying the requirements of Rule 23(c)(2) and (e)(1) and due process;

3. Preliminarily approving the proposed Plan of Allocation;

4. Appointing a Settlement Administrator; and

5. Setting dates and deadlines under Rule 23(d) and (e) of the Federal Rules of Civil Procedure in order for the Court to evaluate whether to grant final approval to the Settlement and to evaluate Plaintiffs and Class Counsel's request for an award of attorneys' fees and reimbursement of litigation expenses and service awards to Class Representatives as follows:

Event	Proposed Deadline/Date
Defendants to provide Class Data for Notice	7 days after Preliminary Approval Order is entered, subject to a confidentiality agreement or order
Settlement Administrator to provide notice to the Class	30 days after deadline for Defendants to provide Class Data for Notice
Settlement Administrator to file Declaration re Class Notice	30 days after date on which Notice is required to be distributed
Plaintiffs to file Motion for Service Award	7 days before deadline for objection by Class Members
Class Counsel to file Motion for an Award of Attorneys' Fees, Expenses and Costs from the Settlement Fund	14 days before deadline for objections by Class Members
Class Members to file any objections to the Settlement	At least 45 days after Class Notice is sent
Class Members to challenge Class Account Data	60 days after Class Notice is sent
Class Counsel to file Motion for Final Approval	At least 15 days after deadline for Class Member to Object

Fairness Hearing (i.e., Hearing on Motion for Final Approval of the Settlement and Motion for Attorneys' Fees and Litigation Expenses)	At least 100 days after Motion for Preliminary Approval filed
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The grounds for this motion are set forth in the accompanying memorandum of law and the attachments thereto.

Dated: July 30, 2026

Respectfully submitted,



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