

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

Judy Larson, Janelle Mausolf, and Karen Reese, individually and on behalf of themselves and all others similarly situated,

Plaintiffs,

vs.

Allina Health System; the Allina Health System Board of Directors; the Allina Health System Retirement Committee; the Allina Health System Chief Administrative Officer; the Allina Health System Chief Human Resources Officer; Clay Ahrens; John I. Allen; Jennifer Alstad; Gary Bhojwani; Barbara Butts-Williams; John R. Church; Laura Gillund; Joseph Goswitz; Greg Heinemann; David Kuplic; Hugh T. Nierengarten; Sahra Noor; Brian Rosenberg; Debbra L. Schoneman; Thomas S. Schreier, Jr.; Abir Sen, Sally J. Smith; Darrell Tukua; Penny Wheeler; Duncan Gallagher; Christine Webster Moore; Kristyn Mullin; Steve Wallner; John T. Knight; and John Does 1–20,

Defendants.

Civil Action No.: 17-3835-SRN-SER

**PLAINTIFFS' UNOPPOSED
MOTION FOR PRELIMINARY
APPROVAL OF SETTLEMENT
AGREEMENT**

Plaintiffs Judy Larson, Janelle Mausolf, and Karen Reese (collectively, “Plaintiffs”), by and through their undersigned counsel, hereby submit this Motion for Preliminary Approval of Class Action Settlement. Plaintiffs’ Motion seeks an Order: (1) preliminarily approving the Class Action Settlement Agreement (“Settlement” or

“Settlement Agreement”)¹ under FED. R. CIV. P. 23(e); (2) preliminarily certifying the below-defined Class; (3) appointing Plaintiffs’ Counsel as Class Counsel under FED. R. CIV. P. 23(g); (4) approving the manner of notifying the Class of the Settlement; (5) preliminarily approving the Plan of Allocation; and (6) setting a date for a Fairness Hearing.

The Settlement reached in this Action is fundamentally fair, reasonable, and adequate in light of the circumstances of this case, and preliminary approval of the Settlement is in the best interest of the Settlement Class. While the details of the Settlement are contained within Exhibit 1 to the Gyandoh Declaration, the Settlement includes Defendants creating a \$4.425 million Settlement Fund in exchange for releases of the Named Plaintiffs’ and Settlement Class members’ claims.

As explained in the accompanying memorandum to this motion, the Settlement reached between the Parties here is fair, reasonable and adequate given the nature of the case and the result reached by the Plaintiffs and Class Counsel. Preliminary approval will not foreclose interested persons from objecting to the Settlement and hereby presenting dissenting viewpoints to the Court.

WHEREFORE, Plaintiffs request the following:

¹ The Settlement Agreement is attached as Exhibit 1 to the Declaration of Mark K. Gyandoh in support of Plaintiffs’ Unopposed Motion for Preliminary Approval of the Settlement Agreement (“Gyandoh Decl.”). Undefined capitalized terms herein have the same meaning as in the Settlement Agreement.

- That the Court hold a preliminary approval hearing if it deems it necessary to review the Settlement Agreement and to receive argument from counsel regarding the adequacy of the Settlement;
- That following the preliminary approval hearing, if one is held, the Court enter an Order granting its preliminary approval of the Settlement Agreement in the form attached to the Settlement Agreement, preliminarily certify a Settlement Class, and appoint Plaintiffs' Counsel as Class Counsel;
- 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;
- That the Court schedule a Fairness Hearing for the purpose of receiving evidence, argument, and any objections relating to the Parties' Settlement Agreement; and
- That following the Fairness Hearing, the Court enter an Order granting final approval of the Parties' Settlement and dismissing the Complaint in this Litigation with prejudice.

Dated: October 16, 2019

Respectfully submitted,

**KESSLER TOPAZ
MELTZER & CHECK, LLP**

By: /s/ Mark K. Gyandoh
Mark K. Gyandoh (admitted *pro hac vice*)
280 King of Prussia Road
Radnor, PA 19087
Telephone: (610) 667-7706
Facsimile: (610) 667-7056
mgyandoh@ktmc.com

BAILEY GLASSER LLP

Gregory Y. Porter (admitted *pro hac vice*)
Mark G. Boyko (admitted *pro hac vice*)
8012 Bonhomme Avenue, Suite 300
Clayton, MO 63105
Telephone: (314) 863-5446
Facsimile: (314) 863-5483
gporter@baileyglasser.com
mboyko@baileyglasser.com

IZARD KINDALL & RAABE LLP

Robert A. Izard (admitted *pro hac vice*)
Mark P. Kindall (admitted *pro hac vice*)
Douglas Needham (admitted *pro hac vice*)
29 South Main Street, Suite 305
West Hartford, CT 06107
Telephone: (860) 493-6292
Facsimile: (860) 493-6290
rizard@ikrlaw.com
mkindall@ikrlaw.com
dneedham@ikrlaw.com

NICHOLS KASTER PLLP

Kai H. Richter, MN Bar No. 0296545
Carl F. Engstrom, MN Bar No. 0396298
4600 IDS Center
80 S 8th Street
Minneapolis, MN 55402
Telephone: (612) 256-3200
Facsimile: (612) 338-4878
krichter@nka.com
cengstrom@nka.com

Class Counsel

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of October 2019, I electronically filed a copy of the foregoing with the Clerk of Court using the CM/ECF system which will send a notification to all counsel of record in this Action.

/s/ Mark K. Gyandoh

Mark K. Gyandoh