**IN THE UNITED STATES DISTRICT COURT**
**FOR THE WESTERN DISTRICT OF TEXAS**
**SAN ANTONIO DIVISION**

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|---|---|
| Mark Drust individually and as a representative of a class of similarly situated persons, and on behalf of the Southwest Research Institute Retirement Plan<br><br>      Plaintiff,<br><br>v.<br><br>Southwest Research Institute, and John Does 1-20,<br><br>      Defendants. | Civil Case No. 5:23-cv-767-XR |

## PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

**TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

Plaintiff Mark Drust ("Plaintiff") respectfully moves the Court to: (1) preliminarily approve the Parties' Class Action Settlement Agreement in the above-referenced matter; (2) approve the proposed Settlement Notices and authorize distribution of the Notices to the Settlement Class; (3) preliminarily certify the Settlement Class for settlement purposes; (4) schedule a final approval hearing; and (5) enter the accompanying Preliminary Approval Order. This motion is made pursuant to Federal Rule of Civil Procedure 23(e) and is based on the accompanying Memorandum of Law and authorities cited therein, the Declaration of Brock J. Specht and exhibits attached thereto (including the Settlement Agreement attached as **Exhibit A**), the Declaration of Mark Drust, and all files, records, and proceedings in this matter. Defendants do not oppose the motion as parties to the Settlement.

Dated:  March 11, 2024                    Respectfully submitted,


                                          **NICHOLS KASTER, PLLP**
                                          By:  */s/ Brock J. Specht*
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                                          ATTORNEYS FOR PLAINTIFFS

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via the Court's ECF/CM e-filing system to all counsel of record who are deemed to have consented to electronic service on this 11th day of March 2024.

*/s/ Brock J. Specht*