

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

Kevin Moitoso, Tim Lewis, Mary Lee Torline, and Sheryl Arndt, individually and as representatives of a class of similarly situated persons, and on behalf of the Fidelity Retirement Savings Plan,

Plaintiffs,

v.

FMR LLC, the FMR LLC Funded Benefits Investment Committee, the FMR LLC Retirement Committee, Fidelity Management & Research Company, FMR Co., Inc., and Fidelity Investments Institutional Operations Company, Inc.,

Defendants.

Case No. 1:18-cv-12122-WGY

**PLAINTIFFS' MOTION FOR FINAL  
APPROVAL OF CLASS ACTION  
SETTLEMENT**

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

PLEASE TAKE NOTICE that on January 12, 2021 at 2:00 p.m., before the Honorable William G. Young, Plaintiffs Kevin Moitoso, Tim Lewis, Mary Lee Torline, and Sheryl Arndt ("Plaintiffs") will and hereby do move this Court for an Order granting final approval of the Parties' proposed Class Action Settlement Agreement. This motion is made pursuant to Federal Rule of Civil Procedure 23, this Court's Preliminary Approval Order dated July 9, 2020 (*ECF No. 250*), and Article 2.3 of the Parties' Class Action Settlement Agreement (*ECF No. 243-01*), and is based on the accompanying Memorandum of Law and authorities cited therein, the declarations of Kai Richter and Jeffrey Mitchell and exhibits attached thereto, the Settlement Agreement, and all files, records, and proceedings in this matter. A proposed Final Approval Order is being submitted in connection with this motion. Defendants do not oppose this motion as parties to the Settlement Agreement.

Respectfully Submitted,

Dated: December 29, 2020

**NICHOLS KASTER, PLLP**

s/Kai Richter

Paul J. Lukas (admitted *pro hac vice*)

Kai Richter (admitted *pro hac vice*)

James H. Kaster (admitted *pro hac vice*)

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ATTORNEYS FOR PLAINTIFFS

**LOCAL RULE 7.1 CERTIFICATION**

I, Kai Richter, hereby certify that I conferred with counsel for Defendants in good faith regarding the issues raised in this motion and have been advised that Defendants do not oppose the motion.

Dated: December 29, 2020

s/Kai Richter

Kai Richter

**CERTIFICATE OF SERVICE**

I hereby certify that on December 29, 2020, a true and correct copy of the foregoing was served by CM/ECF to the parties registered to the Court's CM/ECF system.

Dated: December 29, 2020

s/Kai Richter

Kai Richter