

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

GAYLE LEWANDOWSKI, JANET  
AGARDY, and MARISA MARTINEZ,  
individually and on behalf of all others  
similarly situated,

Case No. 2:19-cv-00858-MJH

Plaintiffs,

v.

FAMILY DOLLAR STORES, INC., FAMILY  
DOLLAR, INC., AND DOLLAR TREE  
STORES, INC.,

Defendants.

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

Through their undersigned counsel, Plaintiffs Gayle Lewandowski, Janet Agardy, and Marisa Martinez (collectively, "Plaintiffs" or "Named Plaintiffs") respectfully move this Court for an Order preliminarily approving the terms of a proposed class action settlement; approving the form and method of providing notice of the settlement to the class; and scheduling a final hearing regarding the settlement.

In support of this Motion, the Named Plaintiffs aver as follows:

1. After conducting motions practice, discovery, multiple mediations, and multiple proposals/counterproposals, as well as consideration of the risks, possible delays and expense likely to result from prolonged litigation, Plaintiffs and Family Dollar Stores, Inc., Family Dollar, Inc., and Dollar Tree Stores, Inc. (collectively, "Family Dollar" or "Defendants") have reached agreement on the terms of a proposed class settlement. The Parties executed a Class Action

Settlement Agreement (“Settlement Agreement”), a copy of which is attached hereto as **Exhibit A**.

2. The Settlement Agreement represents a comprehensive settlement of the issues raised in the above-captioned case.

3. Plaintiffs believe that the Settlement Agreement offers a fair and equitable result to those affected by it.

4. Plaintiffs believe that the Settlement Agreement will result in significant long-term benefits for individuals who are members of the proposed settlement class.

5. Defendants do not oppose Plaintiffs’ motion for the purposes of settlement only.<sup>1</sup>

6. Consistent with the Memorandum of Law filed herewith, Plaintiffs respectfully request that the Court sign the proposed Order preliminarily approving the terms of a proposed Class Action Settlement; approving the form and method of providing Notice of the Settlement to the Class; and scheduling a final hearing regarding the Settlement.

7. In support of their motion, Plaintiffs also submit the Resumes of Lynch Carpenter, LLP and Carlson Brown as **Exhibits B1 and B2**.

WHEREFORE, Plaintiffs hereby move this Court for an Order: (1) preliminarily approving the terms of the Settlement as set forth in Exhibit A; (2) approving the form of Notice and method of providing Notice of the Settlement to the Class and directing that said form of Notice be provided to Class Members in that manner; and (3) scheduling a Final Fairness Hearing at which the request for final approval of the Class Settlement and the entry of the Final Judgment and Order will be considered.

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<sup>1</sup> Plaintiffs agree that Defendants do not waive their right to oppose any of the required elements of Rule 23 Class Certification or oppose any factual or legal liability arguments contained herein should litigation ensue.

Dated: October 26, 2021

Respectfully submitted,

/s/ R. Bruce Carlson  
R. Bruce Carlson  
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*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that, on Tuesday, October 26, 2021, a true and correct copy of PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT was served on all counsel of record via the Court's electronic filing system.

By: /s/ R. Bruce Carlson