

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

GENESEE COUNTY EMPLOYEES'  
RETIREMENT SYSTEM, on behalf of itself  
and all others similarly situated,

Plaintiffs,

v.

DRIVEN BRANDS HOLDINGS INC.,  
JONATHAN G. FITZPATRICK, and  
TIFFANY L. MASON,

Defendants.

Case No. 3:23-cv-00895-MOC-DCK

Judge: Honorable Max O. Cogburn, Jr.

**LEAD PLAINTIFFS' MOTION FOR FINAL APPROVAL  
OF SETTLEMENT AND PLAN OF ALLOCATION**

Pursuant to Federal Rule of Civil Procedure 23(e) and this Court's February 5, 2026 Order granting preliminary approval of the proposed Settlement of the above-captioned action (ECF No. 79), Lead Plaintiffs Genesee County Employees' Retirement System, Oakland County Employees' Retirement System, and Oakland County Voluntary Employees' Beneficiary Association (collectively, "Lead Plaintiffs") respectfully move this Court before the Honorable Max O. Cogburn Jr., on June 1, 2026 at 9:45 a.m. in Courtroom 5A of the United States Courthouse, Charles R. Jonas Federal Building, 401 W. Trade St. Charlotte, NC 28202, or at such other location and time as set by the Court, for entry of a Judgment approving the Settlement as fair, reasonable, and adequate; and entry of an Order approving the proposed Plan of Allocation as fair, reasonable, and adequate.

Lead Plaintiffs' motion is supported by (a) the Declaration of Jonathan D. Uslander in Support of (I) Lead Plaintiffs' Motion for Final Approval of Settlement and Plan of Allocation and (II) Lead Counsel's Motion for Attorneys' Fees and Litigation Expenses; (b) the Memorandum of

Law in Support of Lead Plaintiffs' Motion for Final Approval of Settlement and Plan of Allocation; and (c) all other papers and proceedings herein. A final proposed Judgment and a proposed Order approving the proposed Plan of Allocation will be submitted with Lead Plaintiffs' reply papers after the deadline for objecting to the Settlement and Plan of Allocation has passed.

Dated: April 27, 2026

Respectfully submitted,

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### **CERTIFICATION OF CONFERENCE**

Pursuant to the Local Civil Rule 7.1(b), the undersigned counsel hereby certifies that movants have conferred with counsel for Defendants. Defendants, under the terms of the Settlement, have agreed to the relief requested in Lead Plaintiffs' motion for final approval of the Settlement, including entry of the Judgment. *See* Stipulation and Agreement of Settlement dated December 19, 2025 (ECF No. 77-1) ¶ 32 (“Lead Counsel and Defendants’ Counsel shall request that the Court enter a Judgment, substantially in the form attached hereto as Exhibit B.”); *id.* ¶ 55 (“Lead Counsel and Defendants’ Counsel agree to cooperate fully with one another in seeking Court approval of . . . the Settlement, as embodied in this Stipulation, and to use best efforts to promptly agree upon and execute all such other documentation as may be reasonably required to obtain final approval by the Court of the Settlement.”). Defendants take no position on approval of the Plan of Allocation. *Id.* ¶¶ 19, 23.

Dated: April 27, 2026

/s/ Jonathan D. Uslander  
Jonathan D. Uslander

### **CERTIFICATE OF SERVICE**

I hereby certify that on this date I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will automatically send notification of filing to all parties receiving electronic service in this Action.

Dated: April 27, 2026

/s/ William R. Terpening  
William R. Terpening