

**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 COUNSEL'S MOTION FOR
ATTORNEYS' FEES AND LITIGATION EXPENSES**

Pursuant to Federal Rule of Civil Procedure 23(h) and this Court's February 5, 2026 Order granting preliminary approval of the proposed Settlement of the above-captioned action (ECF No. 79), Lead Counsel Bernstein Litowitz Berger & Grossmann LLP respectfully moves 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 an Order awarding attorneys' fees and Litigation Expenses.

Lead Counsel's 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 Counsel's Motion for Attorneys' Fees and Litigation Expenses; and (c) all other papers and proceedings herein. A proposed Order awarding attorneys' fees and Litigation

Expenses will be submitted with the reply papers after the deadline for objecting to the fee and expense motion has passed.

Dated: April 27, 2026

Respectfully submitted,

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Additional Counsel for Lead Plaintiffs

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 are not affected by the motion for fees and expenses, because all fees and expenses will be paid only from the Settlement Fund and Defendants are not responsible for any such fees and expenses beyond their agreement to pay the Settlement Amount. *See* Stipulation and Agreement of Settlement dated December 19, 2025 (ECF No. 77-1) ¶ 8 (“The Settlement Amount represents the entirety of Defendants’ and Defendants Releasees’ financial obligations under this Stipulation and in connection with this Settlement, meaning that it includes any and all attorneys’ fees and expenses . . .”); *id.* ¶ 15 (“Lead Counsel will apply to the Court for a collective award of attorneys’ fees to Plaintiffs’ Counsel to be paid solely from (and out of) the Settlement Fund.”); *id.* ¶ 17 (“Defendants’ Releasees shall have no responsibility for or liability whatsoever with respect to the allocation or award of attorneys’ fees or Litigation Expenses . . .”). Defendants take no position on approval of the motion.

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