

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

JEREMY BRADEN, individually and on behalf)
of all others similarly situated,) Case No. 6:08-cv-3109-GAF
)
Plaintiff,) Hon. Gary A. Fenner
)
v.) CLASS ACTION
)
WAL-MART STORES, INC., et al.,)
)
Defendants.)

**PLAINTIFF’S UNOPPOSED¹ MOTION FOR AN ORDER PRELIMINARILY
APPROVING CLASS ACTION SETTLEMENT, CONDITIONALLY CERTIFYING
SETTLEMENT CLASS, DIRECTING DISTRIBUTION OF CLASS NOTICE,
APPOINTING CLASS COUNSEL AND CLASS REPRESENTATIVE, AND SETTING
HEARING FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

COMES NOW Plaintiff Jeremy Braden (hereinafter referred to as “Class Plaintiff”), by
and through his counsel of record, and moves this Court for an Order:

1. preliminarily approving the proposed Settlement between the Class Plaintiff and
Defendants;²

¹ No Party to this litigation opposes the filing of this Motion. Plaintiff has conferred with all
Defendants in this matter, as defined *infra* note 2, and obtained their consent to file this motion
as one that is unopposed.

² Defendants James W. Breyer, John A. Cooper, Jr., Stanley C. Gault, Frederick S. Humphries,
Dawn G. Lepore, Elizabeth A. (Betsy) Sanders, Donald G. Soderquist, and Jose H. Villarreal
are referred to collectively as the “Compensation Committee Defendants.” Defendants Stephen
R. Hunter, Debbie Davis Campbell, and John or Jane Doe 1 are referred to collectively as the
“VP Retirement Plan Defendants.” Defendants Jeff Amos, Bill Ayers, Terry Bertschy,
Elizabeth Branigan-Evans, Debbie Davis Campbell, Fred Disch, Larry Duff, Sam Dunn, Don
Etheredge, Robin Forbis, Sharon Garmon, Erin Gonzalez (misidentified and named in
duplication as Erin Weitzel), Rob Hey, Stephen R. Hunter, Greg Johnston, David McBride,
Phyllis Morey, Cliff Parker, Arvetta Powell, Charles Rateliff, Dave Reiff, David Scogin, Donna
Spradlin, J.P. Suarez, Jenifer Terrell, Kevin Turner, Jeremy Wilson, Jimmy Wright, and John
or Jane Does 2-5 are referred to collectively as the “Retirement Plans Committee Defendants.”
Wal-Mart and the Compensation Committee Defendants, the VP Retirement Plan Defendants,
and the Retirement Plans Committee Defendants are referred to collectively as “Wal-Mart” or
the “Wal-Mart Defendants.” Merrill Lynch, Pierce, Fenner & Smith Inc., Merrill Lynch Trust

2. conditionally certifying a Settlement Class;
3. directing distribution of notice to the Settlement Class;
4. appointing Class Counsel and Class Representative; and
5. establishing a date for a final Fairness Hearing for certification of the Settlement Class, approval of the Settlement, and consideration of Class Counsel's applications for an award of attorneys' fees, reimbursement of expenses, and a case contribution award to Class Plaintiff.

The facts and arguments in support of this Motion are set forth in the accompanying Suggestions in Support of the Motion filed contemporaneously herewith.

WHEREFORE, for the reasons stated herein, Class Plaintiff respectfully moves this Court for an Order (1) preliminarily approving the proposed Settlement between the parties; (2) conditionally certifying the Settlement Class; (3) directing distribution of notice to the Settlement Class; (4) appointing Class Counsel and Class Representative; and (5) setting a final Fairness Hearing for certification of the Settlement Class, approval of the Settlement, and consideration of Class Counsel's applications for an award of attorneys' fees, reimbursement of expenses, and a case contribution award to Class Plaintiff, as well as for such other relief the Court deems proper.

RESPECTFULLY SUBMITTED this 2nd day of December, 2011.

KELLER ROHRBACK L.L.P.

/s/ Lynn Lincoln Sarko

Lynn Lincoln Sarko (*pro hac vice*)

Michael Woerner (*pro hac vice*)

Derek W. Loeser (*pro hac vice*)

Gretchen Freeman Cappio (*pro hac vice*)

Gretchen S. Obrist (*pro hac vice*)

1201 Third Avenue, Suite 3200

Seattle, WA 98101-3052

Phone: (206) 623-1900

Fax: (206) 623-3384

lsarko@kellerrohrback.com

Company of America, and Merrill Lynch & Co. Inc., are collectively referred to as "Merrill Lynch." The Wal-Mart Defendants and Merrill Lynch Defendants are collectively referred to as "Defendants."

mwoerner@kellerrohrback.com
dloeser@kellerrohrback.com
gcappio@kellerrohrback.com
gobrist@kellerrohrback.com

ALESHIRE ROBB P.C.
Gregory W. Aleshire, MO #38691
William R. Robb, MO #43322
2847 S. Ingram Mill Rd., Suite A-102
Springfield, MO 65804
Phone: (417) 869-3737
Fax: (417) 869-5678
arslaw@arslaw.com

Edward H. Siedle (*pro hac vice*)
Edward H. Siedle Law Offices
79 Island Dr., South
Ocean Ridge, FL 33435
Telephone: (561) 202-0919
esiedle@aol.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to the following: Paul Ondrasik, Morgan D. Hodgson, Eric Serron, Katherine R. Sinatra, William C. Martucci, Richard N. Bien, James Moloney, Robyn L. Anderson, Shannon Barrett, Kristen A. Page, William R. Robb, Edward H. Siedle and Robert N. Eccles.

There are no non CM/ECF participants.

DATED this 2nd day of December, 2011.

/s/ Lynn Lincoln Sarko

Lynn Lincoln Sarko

Motions

[6:08-cv-03109-GAF Braden v. Wal-Mart Stores Inc et al](#)

EAPN,PHV,STAYED

U.S. District Court**Western District of Missouri****Notice of Electronic Filing**

The following transaction was entered by Sarko, Lynn on 12/2/2011 at 5:40 PM CST and filed on 12/2/2011

Case Name: Braden v. Wal-Mart Stores Inc et al

Case Number: [6:08-cv-03109-GAF](#)

Filer: Jeremy Braden

Document Number: [227](#)

Docket Text:

MOTION for order Preliminarily Approving Class Action Settlement and Setting Hearing for Final Approval filed by Lynn Lincoln Sarko on behalf of Jeremy Braden. Suggestions in opposition/response due by 12/19/2011 unless otherwise directed by the court. (Sarko, Lynn)

6:08-cv-03109-GAF Notice has been electronically mailed to:

Derek W. Loeser dloeser@kellerrohrback.com

Edward H. Siedle esiedle@aol.com

Eric Serron eserron@steptoe.com

Gretchen Freeman Cappio gcappio@KellerRohrback.com, cbrewer@kellerrohrback.com, mbates@KellerRohrback.com

Gretchen S. Obrist gobrist@kellerrohrback.com, nstephenson@kellerrohrback.com

James Moloney , V jmoloney@lathropgage.com, cmueller@lathropgage.com, lrittenhouse@lathropgage.com

Katherine R. Sinatra ksinatra@shb.com, egillis@shb.com, lkirby@shb.com

Lynn Lincoln Sarko lsarko@KellerRohrback.com, cengle@KellerRohrback.com

Michael Woerner mwoerner@KellerRohrback.com, mbates@KellerRohrback.com

Morgan D. Hodgson mhodgson@steptoe.com, msherman@steptoe.com

Paul J. Ondrasik , Jr pondrasi@steptoe.com, mkepness@steptoe.com, rjenny@steptoe.com

Richard N Bien rbien@lathropgage.com, asmith@lathropgage.com

Robert N. Eccles beccles@omm.com

Robyn L. Anderson randerson@lathropgage.com, bhicks@lathropgage.com

Shannon Barrett sbarrett@omm.com

William R Robb info@aleshirerobb.com

6:08-cv-03109-GAF It is the filer's responsibility for noticing the following parties by other means:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP MOWDStamp_ID=875559776 [Date=12/2/2011] [FileNumber=3621410-0]

[d0502c8adfb2036fe4cb6e4fba60668b967b6310727c280c271137eb3af19592c 5144
c1fad0add68df6ed333286b153a0459e4deab5ff582e4a7e938de84eeec]]