

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

SHAUNA WINKELMAN, MICHAEL)	
LENON, SCOTT CENNA, KALEA)	
NIXON, ROBERT GOLDORAZENA,)	CIVIL ACTION NO.: 1:23-cv-1352-RP
CHAD DIEHL and ROSS NANFELDT,)	
individually and on behalf of all others)	
similarly situated,)	
)	
Plaintiffs,)	
v.)	
)	
WHOLE FOODS MARKET, INC., THE)	
BOARD OF DIRECTORS OF WHOLE)	
FOODS MARKET, INC., THE WHOLE)	
FOODS MARKET, INC. EMPLOYER)	
COMMITTEE, THE WHOLE FOODS)	
MARKET, INC. 401(K) COMMITTEE,)	
THE WHOLE FOODS MARKET, INC.)	
BENEFITS ADMINISTRATIVE)	
COMMITTEE and JOHN DOES 1-50.)	
)	
Defendants.)	

**PLAINTIFFS’ UNOPPOSED MOTION FOR
FINAL APPROVAL OF CLASS ACTION SETTLEMENT, CERTIFICATION OF
SETTLEMENT CLASS, AND APPROVAL OF PLAN OF ALLOCATION**

Plaintiffs, Shauna Winkelman, Michael Lenon, Scott Cenna, Kalea Nixon, Robert Goldorazena, Chad Diehl, and Ross Nanfeldt, (together, “Plaintiffs”), by and through their attorneys, and on behalf of the Whole Foods Market Growing Your Future 401(k) Plan (the “Plan”), hereby respectfully move this Court, pursuant to FED. R. CIV. P. 23, for an Order:

1. Granting final approval to the class action settlement in this action on the terms of the Class Action Settlement Agreement (“Settlement Agreement”), fully executed on June 24, 2025, and previously filed with the Court on June 24, 2025 (ECF No. 44-3);

2. Finding that the manner in which the Settlement Class was notified of the Settlement was the best practicable under the circumstances and adequately informed the Settlement Class members of the terms of the Settlement, how to lodge an objection and obtain additional information; and

3. For such other and further relief as the Court may deem just and proper.

The grounds for this Motion are set forth in the following papers filed contemporaneously herewith:

- (a) Memorandum of Law in support of Plaintiffs' Unopposed Motion for Final Approval of Class Action Settlement, Certification of Settlement Class, and Approval of Plan of Allocation; and
- (b) Declarations of Plaintiffs' Counsel and Plaintiffs.

Attached hereto is the proposed Final Approval Order and Judgment in the form agreed to by the Parties.

Dated: November 14, 2025

Respectfully submitted,

CAPOZZI ADLER, P.C.

/s/ Mark K. Gyandoh
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*Attorneys for Plaintiffs, the Plan
and the Proposed Class*

CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2025, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of the filing to all attorneys of record.

/s/Mark K. Gyandoh
Mark K. Gyandoh