

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

ANA L. DIONICIO, individually, and as a  
representative of a Class of Participants and  
Beneficiaries of the U.S. Bank 401(k) Savings  
Plan,

Plaintiff,

v.

U.S. Bancorp, the Board of Directors of U.S.  
Bancorp, and U.S. Bancorp's Benefits  
Administration Committee and U.S. Bancorp's  
Investment Committee,

Defendants.

Case No. 0:23-cv-00026-PJS-DLM

**JOINT MOTION FOR LEAVE TO FILE SECOND AMENDMENT TO CLASS  
ACTION SETTLEMENT AGREEMENT**

Plaintiff, Ana L. Dionicio ("Plaintiff"), and Defendants U.S. Bancorp, the Board of Directors of U.S. Bancorp, U.S. Bancorp's Benefits Administration Committee, and U.S. Bancorp's Investment Committee ("Defendants" and, together with Plaintiff, the "Parties"), by and through their respective counsel, respectfully submit this Joint Motion for Leave to File Second Amendment to the Class Action Settlement Agreement (the "Amendment").

In support of this Joint Motion, the Parties state as follows:

1. The Parties executed an Amended Class Action Settlement Agreement Dated January 13, 2026 (Dkt. 144-1) (the “Settlement Agreement”).<sup>1</sup>

2. On March 30, 2026, the Court held a hearing on Plaintiff’s Motion for Preliminary Approval of Class Action Settlement. Dkt. 149. At the hearing, the Court raised questions regarding the language in Section 1.40 of the Settlement Agreement and the Settlement Agreement’s reference to the Long Form Settlement Notice. Dkt. 152, Tr. 10:1–18:22.

3. On April 1, 2026, the Court entered an order granting preliminary approval to the Settlement, directed that notice be sent to the class, and scheduled a Fairness Hearing for August 19, 2026. Dkt. 151.

4. To avoid any delay and confusion in the administration of the Settlement and to address the Court’s questions, the Parties have conferred and agreed to the Amendment, attached as Exhibit A.

5. The Amendment modifies three provisions of the Settlement Agreement: (1) it modifies the definition of the “Long Form Settlement Notice” in Section 1.29 to add the website address of the Settlement Website; (2) it clarifies the scope of the release by amending the definition of “Released Claims” in Section 1.40; and (3) it revises Section 2.3.1 to clarify that the Settlement Administrator will post the Long Form Settlement Notice on the Settlement Website following the date of the Preliminary Approval Order.

---

<sup>1</sup> Capitalized terms have the same meaning as defined in the Settlement Agreement.

6. The Amendment does *not* alter the substantive relief afforded to the Class.

7. The Settlement Notice approved by the Court for distribution (Dkt 144-2 (Ex. A – Long Form Notice); Dkt. 144-3 (Ex. B - Short Form Postcard Settlement Notice)) is set to be issued to the Class on May 15, 2026, and provides Class Members with information regarding the Settlement Website. Upon approval of the Amendment, Class Counsel will ensure that the Amendment is uploaded to the Settlement Website to be accessible to the Class. All information on the Short Form Postcard Settlement Notice and Long Form Settlement Notice remains correct and is not affected by the modifications in this Amendment.

8. No prejudice will result in the Court’s entering of the Amendment, as the Settlement is still subject to final review and approval by the Court. Section 14.12 of the Settlement Agreement addresses amendments, stating in relevant part: “Following entry of the Preliminary Approval Order, this Settlement Agreement may be modified or amended only by written agreement signed on behalf of all Settling Parties, and only if the modification or amendment is approved by the Independent Fiduciary in writing and approved by the Court.”

9. The Parties are seeking the written approval from the Independent Fiduciary consistent with Section 14.12, and upon obtaining that approval, Class Counsel will submit the Independent Fiduciary’s determination to the Court with the motion for Final Approval of the Settlement.

Accordingly, the Parties jointly and respectfully request that the Court enter the accompanying Order Granting Leave to File Second Amendment to the Class Action Settlement Agreement, deeming the Amendment filed and part of the record in this action.

Respectfully Submitted,

Date: May 13, 2026

*/s/ Paul M. Secunda*

---

Paul M. Secunda  
Walcheske & Luzi, LLC  
235 North Executive Drive, Suite 240  
Brookside, WI 53005  
Tel. (414) 828-2372  
psecunda@walcheskeluzi.com

*Counsel for Plaintiff and the Class*

*/s/ Melissa D. Hill*

---

Melissa D. Hill  
Morgan, Lewis & Bockius LLP  
101 Park Avenue  
New York, NY 10178  
Tel. (212) 309-6000  
melissa.hill@morganlewis.com

*Counsel for Defendants*