

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ROBERT GALLAGHER)

Plaintiff,)

vs.)

TWEEN BRANDS, INC.,)

Defendant.)

Case No. 4:15-cv-00833-HEA

**DEFENDANT’S MOTION TO STAY PENDING JUDICIAL APPROVAL
OF NATIONWIDE SETTLEMENT OF CLASS ACTION**

Defendant Tween Brands, Inc. d/b/a Justice respectfully moves this Court for an order staying this action pending judicial approval of a nationwide class action settlement (the “Nationwide Settlement”) reached in a substantially identical and first-filed class action pending in *Rougvie et al v. Ascena Retail Group, Inc. and Tween Brands, Inc. d/b/a Justice*, No. 2:15-cv-00724 (E.D. Pa.) (“*Rougvie*”). After extensive negotiations, the *Rougvie* parties moved for preliminary approval of the Nationwide Settlement on September 24, 2015. See Motion for Preliminary Approval of Nationwide Settlement, *Rougvie*, Dkt. No. 71, attached as Exhibit A.

A Memorandum in Support is attached hereto and incorporated herein by reference.

Respectfully submitted,

Dated: September 29, 2015

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing motion and all supporting documents were filed using the Court's electronic filing system on this 29th day of September, 2015, which system shall send notice of the same to all counsel of record.

/s/ Eric M. Walter

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[PROPOSED] ORDER

AND NOW, this ____ day of _____, 2015, upon consideration of Defendant Tween Brands, Inc.'s Motion to Stay Pending Judicial Approval of Nationwide Settlement of Class Action, and any response thereto, it is ORDERED that the Motion is GRANTED and this matter is STAYED pending judicial approval of the nationwide class action settlement reached in *Rougvie et al. v. Ascena Retail Group, Inc. and Tween Brands, Inc.*, No. 2:15-cv-00724 (E.D. Pa.).

Hon. Henry Edward Autrey