

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DAVID BURNETT, MICHAEL PARADISE,)
and DAVID NELSON, as representatives of a)
class of similarly situated persons and on behalf)
of the WESTERN GLOBAL AIRLINES, INC.)
EMPLOYEE STOCK OWNERSHIP PLAN,)

Plaintiffs,)

v.)

C.A. No. 22-270-RGA

PRUDENT FIDUCIARY SERVICES LLC,)
MIGUEL PAREDES, JAMES K. NEFF,)
CARMIT P. NEFF, JAMES K. NEFF)
REVOCABLE TRUST DATED 11/15/12,)
CARMIT P. NEFF REVOCABLE TRUST)
DATED 11/15/12, WGA TRUST DATED)
8/16/13, and JOHN DOES 1-10,)

Defendants.)

**MOTION TO COMPEL ARBITRATION AND TO STAY
PURSUANT TO SECTIONS 3 AND 4 OF THE FEDERAL ARBITRATION
ACT, OR, IN THE ALTERNATIVE, TO DISMISS**

Defendants Prudent Fiduciary Services LLC, Miguel Paredes, James K. Neff, Carmit P. Neff, James K. Neff Revocable Trust Dated 11/15/12, Carmit P. Neff Revocable Trust Dated 11/15/12 and WGA Trust Dated 8/16/13 (collectively, “Defendants”) respectfully move this Court for an order compelling Plaintiffs to arbitrate their claims and staying this action or, in the alternative, dismissing Plaintiffs’ Class Action Complaint (D.I. 1) pursuant to Federal Rule of Civil Procedure 12(b)(1) and/or 12(b)(6). The grounds for this motion are set forth in Defendants’ Opening Brief filed contemporaneously herewith.

RICHARDS, LAYTON & FINGER, P.A.

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Attorneys for Defendants James K. Neff, Carmit P. Neff, James K. Neff Revocable Trust dated 11/15/12, Carmit P. Neff Revocable Trust dated 11/15/12, and WGA Trust dated 8/16/13

Dated: April 29, 2022

CHIPMAN BROWN CICERO & COLE

/s/ Mark L Desgrosseilliers

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Fiduciary Services LLC and Miguel
Paredes*

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DATED 11/15/12, WGA TRUST DATED)
8/16/13, and JOHN DOES 1-10,)

Defendants.)

[PROPOSED] ORDER

The Court, having considered Defendants’ Motion to Compel Arbitration and to Stay Pursuant to Sections 3 and 4 of the Federal Arbitration Act, or, in the Alternative, to Dismiss (the “Motion”), as well as submissions related thereto,

IT IS HEREBY ORDERED this ____ day of _____, 2022 that the Motion is **GRANTED.**

UNITED STATES DISTRICT JUDGE

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DATED 11/15/12, WGA TRUST DATED)
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Defendants.)

CERTIFICATION PURSUANT TO LOCAL RULE 7.1.1

Pursuant to D. Del. L.R. 7.1.1, counsel for Defendants Prudent Fiduciary Services LLC, Miguel Parades, James K. Neff, Carmit P. Neff, James K. Neff Revocable Trust Dated 11/15/12, Carmit P. Neff Revocable Trust Dated 11/15/12 and WGA Trust Dated 8/16/13 (collectively, “Defendants”) certify that they have made reasonable efforts to reach agreement with Plaintiffs David Burnett, Michael Paradise, and David Nelson (collectively, “Plaintiffs”) concerning the relief sought in Defendants’ Motion to Compel Arbitration and to Stay Pursuant to Sections 3 and 4 of the Federal Arbitration Act or, in the Alternative, to Dismiss (the “Motion”). Plaintiffs’ counsel has indicated that Plaintiffs will oppose the Motion.

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