

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ARKANSAS TEACHER RETIREMENT)
SYSTEM, on behalf of itself and all others)
similarly situated,)

Plaintiffs,)

v.)

C.A. No. 11-10230-MLW

State Street Bank and Trust Company,)

Defendants.)

ARNOLD HENRIQUEZ, MICHAEL T.)
COHN, WILLIAM R. TAYLOR,)
RICHARD A. SUTHERLAND, and those)
similarly situated,)

Plaintiffs,)

v.)

C.A. No. 11-12049-MLW

State Street Bank and Trust Company,)

Defendants.)

THE ANDOVER COMPANIES)
EMPLOYEE SAVINGS AND PROFIT)
SHARING PLAN, on behalf of itself, and)
JAMES PEHOUSHEK-STANGELAND,)
and all others similarly situated,)

Plaintiffs,)

v.)

C.A. No. 12-11698-MLW

State Street Bank and Trust Company,)

Defendants.)

**ERISA COUNSEL'S MOTION TO CLARIFY, OR IN THE ALTERNATIVE, FOR
RECONSIDERATION OF EXHIBIT 1 TO THE COURT'S JANUARY 19, 2021
DECISION AND ORDER (DKT. NO. 662-1)**

Keller Rohrback L.L.P., Zuckerman Spaeder LLP, and McTigue Law LLP (“ERISA Counsel”) respectfully move that the Court clarify, or in the alternative, reconsider Ex. 1, the Second Revised Payment Plan, Dkt. No. 662-1, to the Court’s January 19, 2021 Memorandum and Order to the extent that it, (a) suggests that ERISA Counsel’s fee would be reduced in the event Lief Cabraser Heimann & Bernstein, LLP prevails in the First Circuit and is not required to pay, and may retain as attorney fees, the \$1,139,457 to be escrowed; and (b) conflicts with the Final Judgment Concerning Attorneys’ Fees and Service Awards. Dkt. No. 663.

As grounds for the motion, ERISA Counsel rely on the accompanying Memorandum, and all other prior papers and proceedings in this Action.

WHEREFORE, for the reasons discussed more fully in the accompanying Memorandum, ERISA Counsel respectfully seek the relief requested.

Dated: January 29, 2021

Respectfully submitted,

KELLER ROHRBACK L.L.P.

By: /s/ Lynn Lincoln Sarko

Lynn Lincoln Sarko
Laura R. Gerber
1201 3rd Avenue, Suite 3200
Seattle, WA 98101
Tel.: (206) 623-1900

*ERISA Counsel for Class Representatives The
Andover Companies Employee Savings and
Profit Sharing Plan and James Pehoushek-
Stangeland*

By: /s/ J. Brian McTigue

J. Brian McTigue
James A. Moore
McTIGUE LAW LLP
4530 Wisconsin Ave, NW
Suite 300
Washington, DC 20016
Phone: 202-364-6900

By: /s/ Carl S. Kravitz

Carl S. Kravitz
ZUCKERMAN SPAEDER, LLP
1800 M Street, NW
Washington, DC 20036
Phone: 202-778-1800

*ERISA Counsel for Class Representatives
Arnold Henriquez, Michael T. Cohn, William R.
Taylor, and Richard A. Sutherland*

CERTIFICATE OF COMPLIANCE

I certify that pursuant to Local Rule 7.1(a)(3), my firm conferred with counsel for the other parties and non-parties prior to filing this motion. The Special Master supports the proposed filing and does not believe that ERISA Counsel or class distributions should be reduced. Lief Cabraser Heimann & Bernstein does not object to the motion. Labaton Sucharow and Thornton Law Firm both object to the extent that the relief sought in the motion would be for Labaton Sucharow and Thornton to bear any financial burden of an appellate decision favorable to Lief Cabraser, including a further reduction in fees. State Street takes no position on the motion. HLLI did not respond to my request for a conferral.

/s/ Lynn L. Sarko

Lynn L. Sarko
KELLER ROHRBACK L.L.P

CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2021, I electronically filed the above with the Clerk of the Court using the CM/ECF system, which in turn sent notice to all counsel of record.

/s/ Lynn L. Sarko

Lynn L. Sarko
KELLER ROHRBACK L.L.P.