

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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

v. )

STATE STREET BANK AND TRUST COMPANY, )  
Defendants. )

C.A. No. 11-10230-MLW

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

v. )

STATE STREET BANK AND TRUST COMPANY, )  
Defendants. )

C.A. No. 11-12049-MLW

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

v. )

STATE STREET BANK AND TRUST COMPANY, )  
Defendants. )

C.A. No. 12-11698-MLW

ORDER

WOLF, D.J.

June 13, 2019

On April 22, 2019, the Competitive Enterprise Institute ("CEI") moved to withdraw, and the Hamilton Lincoln Law Institute ("HamLinc") moved to appear in this case. See Dkt. No. 540. As CEI explained, the Center for Class Action Fairness ("CCAF") moved from CEI to HamLinc.

On May 31, 2019, the court provided a preliminary agenda for the hearing scheduled to begin on June 24, 2019. See Dkt. No. 543. On June 7, CEI moved, on behalf of CCAF, for clarification of the May 31, 2019 Order. See Dkt. No. 545. In essence, CCAF seeks to clarify whether it may participate at the upcoming hearing.

CEI's Motion for Leave to Participate as Guardian ad Litem or Amicus (Dkt. No. 126) remains under advisement. However, the court has permitted CCAF, through CEI, to participate as amicus in the last two hearings in this case, on October 15, 2018, and November 7, 2018. As the court noted during the November 7, 2018 hearing, it has found CCAF's participation to date "very helpful." Nov. 7, 2018 Hr'g Tr. at 92:21 (Dkt. No. 519). Furthermore, CCAF has submitted a memorandum on several of the issues the court intends to address at the upcoming hearing. See Dkt. No. 522.

Finally, on June 11, 2019, Customer Class Counsel moved for leave to call Brian T. Fitzpatrick to testify as a witness at the upcoming hearing. See Dkt. No. 546.

In view of the foregoing, it is hereby ORDERED that:

1. CEI's Motion to Withdraw and HamLinc's Motion to Appear (Docket No. 540) is ALLOWED.

2. CEI's Motion for Clarification (Docket No. 545) is ALLOWED. CCAF, through HamLinc, may participate as amicus in the hearing scheduled to begin on June 24, 2019.

3. Customer Class Counsel shall, by June 17, 2019, at 4:00 p.m., file an affidavit by Fitzpatrick describing his proposed testimony in detail. The court will decide Customer Class Counsel's Motion to Call Additional Witness (Docket No. 546) after reviewing Fitzpatrick's affidavit.

4. The May 31, 2019 Sequestration Order (Docket No. 544) shall apply to Fitzpatrick.

/s/ Mark L. Wolf  
UNITED STATES DISTRICT COURT