

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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

v.)

C.A. No. 11-10230-MLW

STATE STREET BANK AND TRUST COMPANY,)
Defendant.)

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,)
STATE STREET GLOBAL MARKETS, LLC and)
DOES 1-20,)
Defendants.)

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

v.)

C.A. No. 12-11698-MLW

STATE STREET BANK AND TRUST COMPANY,)
Defendant.)

ORDER

WOLF, D.J.

March 1, 2021

On January 19, 2021, the court issued a Memorandum and Order awarding attorneys' fees to the Center for Class Action Fairness, see Dkt. No. 662 (the "Attorneys' Fees Order"), and a revised schedule for distributing funds from Class Counsel to ERISA Counsel and the class. See Dkt. No. 662-1 (the "January 19, 2021 Schedule"). Liefc Cabraser Heimann & Bernstein, LLP ("Liefc") and Keller Rohrback, LLP ("Keller") have since each requested clarification or correction of that schedule. See Liefc's Memorandum in Support of Motion to Stay (Dkt. No. 668); ERISA Counsel's Motion to Clarify or for Reconsideration (Dkt. No. 670).

Liefc seeks clarification regarding whether the second distribution of Class Counsel's funds into escrow is to occur on March 3, 2021 or, on March 30, 2021. See Dkt. No. 668 at 3. Consistent with the Attorneys' Fees Order, the second Class Counsel payment into escrow is to be made on or before March 30, 2021.

Keller Rohrback moves for clarification of whether, if Liefc prevails on its appeal, ERISA Counsel's fee will be reduced by half of the additional \$1,140,000 of attorneys' fees that Liefc seeks to have awarded to it. In the January 19, 2021 schedule, the court did not intend to communicate that ERISA Counsel's fee and the class's recovery would be permanently reduced if Liefc's appeal is successful. Rather, the court intended to communicate that the distribution of the \$1,140,000 that Liefc has been ordered

to pay into escrow would be delayed if Lieff is granted a stay pending appeal.

A revised payment schedule which reflects the foregoing correction and clarification is appended as Exhibit 1 hereto.

In view of the foregoing, it is ORDERED that:

1. Class Counsel shall make payments into escrow on the dates, and in the amounts, stated in Exhibit 1.

2. Distributions from the funds escrowed by Class Counsel shall be made on the dates, and in the amounts, stated in Exhibit 1.

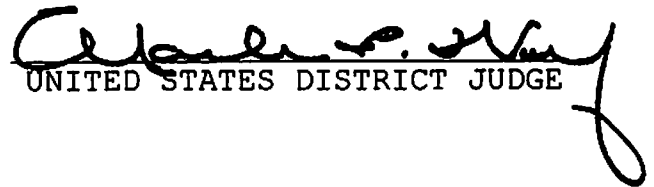

UNITED STATES DISTRICT JUDGE

EXHIBIT 1

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EXHIBIT 1

SECOND REVISED PAYMENT PLAN

Date	Purpose/recipient	Total amount paid	Payment by Labaton	Payment by Lieff Cabraser	Payment by Thornton	Funds paid to the class
9/1/20	Lead Counsel to file motion for authorization to conduct First Distribution to ERISA and Public & Other Class members; deadline by which Final Distribution to Registered Investment Companies (RICs)	\$128.75 million				All
1/27/21	First Customer Class Counsel payment into escrow	\$8,607,807.51	\$4,793,742.18	\$569,728.50	\$3,244,336.83	
14 days after final decision on whether funds from Lieff will be distributed pending appeal.	First Distribution to Class and ERISA Counsel					\$7,192,413.59 to Class, or \$6,907,549.34 if Lieff is granted a stay 1,415,393.92 to ERISA Counsel, or \$1,130,529.67 if Lieff is granted a stay

14 days after final decision on whether funds from Lieff will be distributed pending appeal.	First Distribution to CCAF from Common Fund					\$30,345.00 to CCAF
3/30/21	Second Customer Class Counsel payment into escrow	\$8,607,807.49	\$4,793,742.17	\$569,728.50	\$3,244,336.82	
4/30/21	Second Distribution to Class and ERISA Counsel					\$7,192,413.59 to Class, or \$6,907,549.34 if Lieff granted a stay 1,415,393.92 to ERISA Counsel, or \$1,130,529.67 if Lieff granted a stay
4/30/21	Second Distribution to CCAF from Common Fund					\$30,345.00 to CCAF