

quinn emanuel trial lawyers



November 9, 2018

VIA ECF

Honorable Jesse M. Furman
U.S. District Court for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Centre Street, Room 2202
New York, NY 10007

Re: *Alaska Electrical Pension Fund v. Bank of America Corp.*, 14 Civ. 7126 (JMF);

Dear Judge Furman:

Pursuant to the Court's direction at yesterday's hearing on Class Plaintiffs' Motion for Final Approval of Settlement with Five Defendants, Final Approval of Plan of Distribution, and Certification of Settlement Class, please find attached a revised Exhibit 1 to the [Proposed] Final Judgment and Order of Dismissal [ECF No. 727]. This revised Exhibit 1 strikes the names of each of the three entities listed on the original Exhibit 1 other than Commonwealth Bank of Australia.

The Court's June 26, 2018 Notice Order provided specific requirements for what an entity needed to include in a Request for Exclusion, among which was "proof of membership in the Proposed Settlement Class." (ECF No. 669 at ¶ 21.) The Notice Order stated further that "A Request for Exclusion that does not include all of the foregoing information . . . shall be invalid, and the Person(s) submitting such an invalid request shall be a Settlement Class Member and shall be bound by [the settlement and] any Final Judgments and Orders of Dismissal approving the same." (*Id.*) The notice provided to prospective Class Members also made these requirements clear.

As set forth in Class Plaintiffs' reply in support of their motion for final approval of the settlement, "[t]he requests for exclusion submitted by Anadarko Petroleum Corporation, Qantas Airways Limited, and Métropole Européenne de Lille do not appear to contain proof of membership in the Settlement Class, as is required by the Court's Notice Order ¶ 21." (ECF No. 719 at 3, n.4.) Accordingly, defense counsel requested at yesterday's hearing that Exhibit 1 be revised to delete those three entities. Following the hearing Class Plaintiffs have confirmed that these three requests do not contain proof of membership, and concur with defense counsel's request.

Per the Court's direction, a copy of this letter has been emailed and posted to the three entities whose requests for exclusion were invalid.

Respectfully submitted,

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Exhibit 1

Exclusion Requests:

1. Commonwealth Bank of Australia