

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Morgan Stanley Data Security Litigation

Civil Action No. 1:20-cv-05914-PAE

**NOTICE OF CLASS PLAINTIFFS'
MOTION FOR FINAL APPROVAL OF CLASS ACTION
SETTLEMENT WITH DEFENDANT MORGAN STANLEY SMITH BARNEY, LLC**

TO: All Counsel of Record

PLEASE TAKE NOTICE that, in accordance with Federal Rule of Civil Procedure 23(e) and this Court's Preliminary Approval Order entered January 18, 2022, Plaintiffs John and Midori Nelson, Sylvia Tillman, Mark Blythe, Vivian Yates, Cheryl and Richard Gamen, Amresh Jaijee, Richard Mausner, Desiree Shapouri, and Howard Katz (collectively, "Plaintiffs"), on behalf of themselves and all other Settlement Class Members, by and through their undersigned counsel, hereby move the Court, before the Honorable Paul A. Engelmayer, United States District Court, Southern District of New York, 40 Foley Square, New York, New York 10007, on August 5, 2022 at 9:30am (EST), for entry of a Final Judgment approving the Settlement between Plaintiffs and Defendant Morgan Stanley Smith Barney, LLC, as fair, reasonable, and adequate and finally certifying the Settlement Class for the purposes of effectuating the Settlement.

This motion is based on: (i) the accompanying Declaration of Linda P. Nussbaum in Support of Plaintiffs' Motion for Final Approval of Settlement; (ii) the accompanying Memorandum of Law in Support of Plaintiffs' Motion for Final Approval of Settlement; (iii) the argument of counsel; and (iv) all other materials presented before and during the hearing on this Motion and any other evidence and argument the Court may consider.

A proposed Final Judgment Order is submitted herewith.

Dated: July 22, 2022

Respectfully submitted,

MORGAN & MORGAN

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Co-Lead Counsel for Plaintiffs and Proposed Class Counsel

CERTIFICATE OF SERVICE

The undersigned certifies that, on July 22, 2022, I caused the foregoing document to be filed electronically through the Court's CM/ECF System and served on all counsel of record.

/s/ Jean Sutton Martin

Jean Sutton Martin