

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re Morgan Stanley Data Security Litigation

Civil Action No. 1:20-cv-05914

STIPULATION AND ORDER RE SCHEDULING

Plaintiffs Mark Blythe, Martin Behar, Cheryl Gamen, Richard Gamen, Amresh Jaijee, Howard Katz, Richard Mausner, John Nelson, Midori Nelson, Desiree Shapouri, Sylvia Tillman, and Vivian Yates (collectively, “Plaintiffs”), and Defendant Morgan Stanley Smith Barney LLC (“Morgan Stanley” or “Defendant”) hereby stipulate and agree as follows:

WHEREAS, on November 3, 2021, the parties informed the Court by joint letter (ECF No. 76) that they had reached a class-wide settlement in principle;

WHEREAS, on December 31, 2021, Plaintiffs filed an Unopposed Motion for Preliminary Approval of the Class Action Settlement (ECF No. 81);

WHEREAS, on January 18, 2022, the Court issued an Order Granting Plaintiffs’ Unopposed Motion for Preliminary Approval of the Class Action Settlement (ECF No. 82) (the “Order”); and

WHEREAS, in relevant part, the Order established a schedule that set the deadline for objections and exclusion requests for May 3, 2022; the deadline to file claims with the Settlement Administrator for June 3, 2022; the deadline for Class Counsel to file a motion for final approval for May 25, 2022; and the final approval hearing for June 8, 2022;

WHEREAS, on April 20, 2022, Morgan Stanley identified a minor technical error that resulted in approximately 61,000 class members not being sent Notices of the Settlement and provided the Settlement Administrator with corrected data;

WHEREAS, Morgan Stanley promptly notified Class Counsel on April 22, 2022, and the parties immediately consulted with the Settlement Administrator to determine next steps for notifying these class members;

WHEREAS, to allow sufficient time for these class members to receive Notices and submit claims, objections, and/or exclusion requests, the parties agree that extending the current settlement schedule entered by the Court by sixty (60) days from the date Notice is disseminated to these 61,000 class members would be advisable;

WHEREAS, the extended schedule set forth below will allow these 61,000 class members the same amount of time to submit claims, objections, and/or exclusion requests that the current schedule entered by the Court provided to the class;

WHEREAS, the parties agree that Notices sent to these 61,000 class members should reflect the new deadlines provided in the extended schedule set forth below;

WHEREAS, the extended schedule would benefit the entire class as it will also allow the Settlement Administrator to continue its ongoing efforts to reach class members for whom Notices were returned as undeliverable due to outdated contact information;

WHEREAS, the parties agree that the extended schedule should apply to all class members, regardless of whether they already received Notices, such that no class members will be prejudiced by extending the current schedule; and

WHEREAS, the parties agree that the new deadlines should be posted on the settlement website;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, subject to the Court's approval, that:

1. The Settlement Administrator shall commence Notice to the aforementioned approximately 61,000 class members by May 13, 2022 in conformance with the Settlement Agreement;
2. The postmark deadline for class members to submit objections and requests for exclusion shall be extended to July 12, 2022;
3. The postmark deadline for class members to submit claims to the Settlement Administrator shall be extended to August 11, 2022;
4. The deadline for Class Counsel to file a motion for final approval shall be extended to July 22, 2022;
5. The final approval hearing shall be scheduled at the Court's convenience, but no earlier than August 5, 2022; and
6. The Settlement Administrator shall post the revised schedule set forth herein on the settlement website.

STIPULATED and AGREED to this 28th day of April, 2022 by:

Respectfully submitted,

**PAUL, WEISS, RIFKIND, WHARTON
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Class Counsel

SO ORDERED.

Dated: April 28, 2022
New York, New York



The Honorable Paul A. Engelmayer
United States District Judge

The final approval hearing will be held on August 5, 2022 at 9:30 a.m. in Courtroom 1305 at the Thurgood Marshall U.S. Courthouse, 40 Centre Street, New York, New York 10007. Pursuant to the Court's order at docket 107, counsel are expected to attend in person.

Objectors and members of the public may join the hearing telephonically. Interested parties may call into the Court's dedicated conference line at (888) 363-4749, and enter Access Code 468-4906, followed by the (#) pound key.

Any objectors who wish to speak at the hearing shall notify the Court by July 22, 2022, by sending an email to EngelmayerNYSDCChambers@nysd.uscourts.gov. Objectors will be permitted to speak either in person or telephonically.