

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

IN RE BANK OF NEW YORK MELLON CORP.
FOREX TRANSACTIONS LITIGATION

No. 12-MD-2335 (LAK) (JLC)

THIS DOCUMENT RELATES TO:

*Southeastern Pennsylvania Transportation Authority v.
The Bank of New York Mellon Corporation, et al.*

No. 12-CV-3066 (LAK) (JLC)

*International Union of Operating Engineers, Stationary
Engineers Local 39 Pension Trust Fund v. The Bank of
New York Mellon Corporation, et al.*

No. 12-CV-3067 (LAK) (JLC)

*Ohio Police & Fire Pension Fund, et al. v. The Bank of
New York Mellon Corporation, et al.*

No. 12-CV-3470 (LAK) (JLC)

Carver, et al. v. The Bank of New York Mellon, et al.

No. 12-CV-9248 (LAK) (JLC)

Fletcher v. The Bank of New York Mellon, et al.

No. 14-CV-5496 (LAK) (JLC)

**NOTICE OF LEAD PLAINTIFFS' UNOPPOSED MOTION FOR (1) PROVISIONAL
CERTIFICATION OF THE SETTLEMENT CLASS; (2) APPOINTMENT OF LEAD
PLAINTIFFS AS SETTLEMENT CLASS REPRESENTATIVES, AND APPOINTMENT
OF LEAD SETTLEMENT COUNSEL AS CLASS COUNSEL; (3) APPROVAL OF THE
PROPOSED FORM AND MANNER OF NOTICE; AND (4) SCHEDULING OF A
FINAL APPROVAL HEARING**

PLEASE TAKE NOTICE that Lead Plaintiffs Ohio Police & Fire Pension Fund, School Employees Retirement System of Ohio, Southeastern Pennsylvania Transportation Authority, International Union of Operating Engineers, Stationary Engineers Local 39 Pension Trust Fund, Joseph F. Deguglielmo (in his capacity as a participant in and representative of the Kodak Retirement Income Plan), and Landol D. Fletcher (in his capacity as a participant in and representative of the Central States, Southeast and Southwest Areas Pension Plan) (collectively,

“Lead Plaintiffs”), on behalf of themselves and the proposed Settlement Class (as defined in the Stipulation and Agreement of Settlement (“Stipulation”), dated March 19, 2015, a copy of which is attached as Exhibit 1 to the accompanying Declaration of Daniel P. Chiplock), hereby move this Court, before the Honorable Lewis A. Kaplan, for an order pursuant to Rule 23 of the Federal Rules of Civil Procedure in connection with the proposed Settlement (“Settlement”) reached between Lead Plaintiffs (together with plaintiffs Deborah Jean Kenny, Edward C. Day, Lisa Parker, and Frances Greenwell-Harrell) and Defendants The Bank of New York Mellon Corporation, The Bank of New York Mellon, The Bank of New York Company, Inc., The Bank of New York, Mellon Bank N.A., The Bank of New York Mellon Trust Company, N.A. (formerly known as the Bank of New York Trust Company, N.A.), and BNY Mellon, N.A., as well as unnamed individuals designated as Does 1-20 in the second amended class-action complaint in *Carver v. The Bank of New York Mellon*, No. 1:12-cv-09248-LAK (S.D.N.Y.), and the amended class-action complaint in *Fletcher v. The Bank of New York Mellon*, No. 1:14-cv-05496-LAK (S.D.N.Y.). Specifically, Lead Plaintiffs move the Court for an order:

- (1) provisionally certifying the Settlement Class (as defined in the Stipulation);
- (2) appointing Lead Plaintiffs as Settlement Class representatives, and appointing Lief Cabraser Heimann & Bernstein, LLP, Kessler Topaz Meltzer & Check, LLP, and McTigue Law LLP (collectively, “Lead Settlement Counsel”) as Class Counsel;
- (3) approving the proposed form and manner of notice to the Settlement Class, substantially in the form attached as Exhibit A-1 to the Stipulation; and
- (4) scheduling a hearing to determine whether the proposed Settlement is fair, reasonable, and adequate. Defendants do not oppose this motion.

PLEASE TAKE FURTHER NOTICE that, in support of this motion, Lead Plaintiffs submit the accompanying (1) Memorandum of Law; (2) Declaration of Daniel P. Chiplock, with

accompanying exhibits (which include the Stipulation and related documents, including a proposed order granting this motion, a proposed notice to Settlement Class Members, a proposed summary notice, and a proposed Final Order and Judgment); (3) Declaration of Sharan Nirmul; and (4) Declaration of J. Brian McTigue.

Dated: March 27, 2015

Respectfully submitted,

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