

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

IN RE: SUNEDISON, INC. SECURITIES
LITIGATION

This Document Relates To:

Horowitz et al. v. SunEdison, Inc. et al.,
1:16-cv-07917-PKC

Civil Action No. 1:16-md-2742-PKC

MDL Docket No. 2742

**PLAINTIFFS' NOTICE OF UNOPPOSED MOTION
FOR APPROVAL OF DISTRIBUTION PLAN**

PLEASE TAKE NOTICE that Lead Plaintiff Municipal Employees' Retirement System of Michigan ("MERS") and Named Plaintiff Arkansas Teacher Retirement System ("ATRS," and together with MERS, "Plaintiffs") hereby respectfully move the Court, pursuant to Federal Rule of Civil Procedure 23(e) for entry of the accompanying [Proposed] Order Approving Distribution Plan (the "Class Distribution Order"), which would, *inter alia*: (i) approve the administrative determinations of the Court-approved Claims Administrator, Analytics Consulting, LLC ("Analytics"), accepting and rejecting Claims submitted in connection with the Settlement reached in the above-captioned Action as stated in the Declaration of Richard W. Simmons in Support of Plaintiffs' Unopposed Motion for Approval of Distribution Plan (the "Simmons Declaration"); (ii) direct the distribution of the Net Settlement Fund to Claimants whose Claims are accepted by Analytics as valid and approved by the Court ("Authorized Claimants"), while maintaining a Reserve for any tax liability and claims administration-related contingencies that may arise; (iii) direct that distribution checks state that the check must be cashed within 90 days after the issue date; (iv) direct that Authorized Claimants will forfeit all recovery from the Settlement if

they fail to cash their distribution checks in a timely manner; (v) approve the recommended plan for any funds remaining after the Initial Distribution; (vi) approve Analytics' fees and expenses incurred and estimated to be incurred in the administration of the Settlement; (vii) release claims related to the administration process; and (viii) authorize the destruction of Claim Forms and supporting documents at an appropriate time; and (ix) provide that the Court retains jurisdiction to consider any further applications concerning the administration of the Settlement and such other and further relief as this Court deems appropriate.

This motion is based upon the accompanying Memorandum of Law in Support of Plaintiffs' Unopposed Motion for Approval of Distribution Plan and the Simmons Declaration submitted on behalf of Analytics. Defendants have no role in or responsibility for the administration of the Settlement Fund or processing of Claims, including determinations as to the validity of Claims or the distribution of the Net Settlement Fund.¹

¹ See Stipulation and Agreement of Settlement dated July 11, 2019 (ECF No. 631-1), ¶¶ 25, 27.

As this motion is unopposed and there are no disputed Claims requiring resolution by the Court, it is ripe for determination based on the papers pending before the Court.

Dated: August 20, 2020

Respectfully submitted,

/s/ Salvatore J. Graziano

**BERNSTEIN LITOWITZ BERGER &
GROSSMANN LLP**

Salvatore J. Graziano

Katherine M. Sinderson

Adam Hollander

1251 Avenue of the Americas

New York, New York 10020

Tel: (212) 554-1400

Fax: (212) 554-1444

Email: salvatore@blbglaw.com

katiem@blbglaw.com

adam.hollander@blbglaw.com

***Lead Counsel for Lead Plaintiff and the
Class***