

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

BENJAMIN MICHAEL MERRYMAN, AMY  
WHITAKER MERRYMAN TRUST, B  
MERRYMAN AND A MERRYMAN 4TH  
GENERATION REMAINDER TRUST AND  
CHESTER COUNTY EMPLOYEES  
RETIREMENT FUND, individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

JPMORGAN CHASE BANK, N.A.,

Defendant.

CIVIL ACTION NO. 1:15-cv-09188-VEC

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

Pursuant to Federal Rule of Civil Procedure 23(e) and this Court's Order Approving Plan of Allocation of Net Settlement Fund (ECF No. 145), and upon (a) the accompanying Declaration of Lance Cavallo in Support of Plaintiffs' Motion for Approval of Distribution Plan ("Cavallo Declaration")<sup>1</sup> submitted on behalf of the Court-authorized Claims Administrator, Kurtzman Carson Consultants LLC ("KCC"); and (b) all other papers and proceedings herein, plaintiffs Benjamin Michael Merryman, Amy Whitaker Merryman Trust, B Merryman and A Merryman 4th Generation Remainder Trust and Chester County Employees Retirement Fund (collectively, "Plaintiffs"), on behalf of themselves and the Settlement Class, will and do hereby move this Court,

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<sup>1</sup> All terms with initial capitalization not otherwise defined herein have the meanings ascribed to them in the Cavallo Declaration or in the Stipulation and Agreement of Settlement previously filed with the Court (ECF No. 99) ("Stipulation").

before the Honorable Valerie E. Caproni in Courtroom 443 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007, for entry of the accompanying [Proposed] Order Approving Distribution Plan, which would, *inter alia*: (i) approve the administrative determinations of KCC accepting and rejecting Claims for the Settlement reached in the above-captioned Litigation as set forth in the Cavallo Declaration; (ii) direct the Initial Distribution of the Net Settlement Fund to Settlement Class Members who are approved for payment from the Net Settlement Fund by the Court (“Authorized Recipients”); (iii) direct that distribution checks issued in the Initial Distribution state that the check must be cashed within ninety (90) days after the issue date; (iv) direct that Authorized Recipients 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 payment of KCC’s outstanding fees and expenses incurred in the administration of the Settlement and the estimated fees and expenses to be incurred by KCC in conducting the Initial Distribution; (vii) release claims related to the administration process; (viii) authorize the destruction of Claims 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.

Lead Counsel has provided Defendant’s Counsel with advance notice of this Motion and Defendant does not oppose this Motion.<sup>2</sup> As set forth in the accompanying papers, there are no

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<sup>2</sup> Defendant has no role in or responsibility for the administration of the Settlement or the distribution of the Net Settlement Fund. *See* Stipulation, ¶ 22 (“Defendant and the other Released Defendant Parties shall have no responsibility whatsoever for the selection of the Claims Administrator, the administration of the Settlement or the disbursement of the Net Settlement Fund, and shall have no liability whatsoever to any Person, including, but not limited to, the Settlement Class Members, in connection with the foregoing.”).

disputed Claims by any Settlement Class Member requiring Court review. As such, this matter is fully briefed and this Motion is ripe for determination.

Dated: January 24, 2023

Respectfully Submitted,

**KESSLER TOPAZ MELTZER  
& CHECK, LLP**

*S/Sharan Nirmul*

Sharan Nirmul

Ethan J. Barlieb

Jonathan F. Neumann

280 King of Prussia Road

Radnor, PA 19087

Telephone: (610) 667-7706

Facsimile: (610) 667-7056

snirmul@ktmc.com

ebarlieb@ktmc.com

jneumann@ktmc.com

*Counsel for Plaintiffs and  
the Settlement Class*