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May 4, 2021

VIA ECF

The Honorable Joseph N. Laplante
United States District Judge
U.S. District Court
55 Pleasant Street, Room 110
Concord, NH 03301-3941

Re: *Levy v. Gutierrez, et al.*, Case No. 1:14-cv-00443-JL (D.N.H.)

Dear Judge Laplante:

We write on behalf of Class Representative and Lead Plaintiff Douglas Kurz (“Lead Plaintiff”) in the above-captioned securities class action (the “Action”).¹ Your Honor previously directed the Court-appointed claims administrator, Epiq Class Action and Claims Solutions, Inc. (“Epiq”), to conduct the Earlier Settlements Initial Distribution of the Earlier Settlements Net Settlement Funds created from each of the two settlements of the Action against the Individual Defendants and Underwriter Defendants (the “Earlier Settlements”).

Pursuant to the Court’s January 13, 2020 Order Approving Distribution Plan, Epiq has distributed almost \$26 million to Authorized Claimants in the Earlier Settlements Initial Distribution. Lead Plaintiff now returns to the Court for approval of a second distribution of funds remaining in the Earlier Settlements Net Settlement Funds.

¹ All terms with initial capitalization shall have the meanings ascribed to them in the accompanying Declaration of Stephanie Amin-Giwner in Support of Lead Plaintiff’s Unopposed Motion for Approval of Second Distribution of Earlier Settlements and Apple Settlement Distribution Plan (the “Amin-Giwner Declaration”) or in the Stipulation and Agreement of Settlement with Defendant Apple Inc. dated as of January 10, 2020 (ECF No. 252-1) (the “Apple Stipulation”).

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In addition, Your Honor granted final approval to the settlement of the Action against Defendant Apple on August 27, 2020, and the Apple Settlement has become final pursuant to its terms.² The claims administration process has been completed, and pursuant to the Apple Stipulation, Lead Plaintiff, on behalf of Apple Class Members, requests the Court's approval of the proposed plan for the Apple Initial Distribution to Authorized Claimants whose Claims are approved for payment by the Court.

Today we filed and served the following documents (the "Distribution Motion") on all counsel of record via the Court's ECF system in support of Lead Plaintiff's Distribution Motion:

- (i) Lead Plaintiff's Unopposed Motion for Approval of Second Distribution of Earlier Settlements and Apple Settlement Distribution Plan (the "Notice of Motion") including the [Proposed] Order Approving Second Distribution of Earlier Settlements and Apple Settlement Distribution Plan, attached to the Notice of Motion;
- (ii) Memorandum of Law in Support of Lead Plaintiff's Unopposed Motion for Approval of Second Distribution of Earlier Settlements and Apple Settlement Distribution Plan ("Memorandum"); and
- (iii) Declaration of Stephanie Amin-Giwner in Support of Lead Plaintiff's Unopposed Motion for Approval of Second Distribution of Earlier Settlements and Apple Settlement Distribution Plan ("Amin-Giwner Declaration") and the exhibits thereto.

The Distribution Motion seeks, among other things, Court approval of the administrative determinations of the Claims Administrator accepting and rejecting Claims submitted by Claimants. The claims administration process affords Claimants whose Claims have been rejected the opportunity to dispute the rejection and the right to ask for judicial review of the determination. As discussed in the motion papers, there are no disputed Claims by any Class Member requiring Court review. As such, the motion is ripe for determination.

This matter having been fully briefed, Lead Counsel respectfully requests that this Distribution Motion be decided on the papers before the Court, without a need for a hearing unless the Court deems one necessary.

² See Memorandum Order Granting Final Approval of Apple Settlement and Class Counsel's Motion for Attorneys' Fees (ECF No. 266).

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We appreciate the Court's consideration of this matter.

Respectfully submitted,

/s/ Lauren McMillen Ormsbee
Lauren McMillen Ormsbee

Enclosures

(via ECF):
Counsel of Record