**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DAVID B. TRACEY, DANIEL GUENTHER, MARIA T. NICHOLSON, AND CORRINNE R. FOGG, individually and as representatives of a class of participants and beneficiaries on behalf of the MIT Supplemental 401(k) Plan,	
Plaintiffs,	
v.	No. 1:16-cv-11620-NMG
MASSACHUSETTS INSTITUTE OF TECHNOLOGY, THE MIT SUPPLEMENTAL 401(K) PLAN OVERSIGHT COMMITTEE, THE ADMINISTRATIVE COMMITTEE, ISRAEL RUIZ, ALISON ALDEN, MARC BERNSTEIN, LAWRENCE CANDELL, GLENN DAVID ELLISON, MICHAEL HOWARD, MARTIN KELLY, S.P. KOTHARI, ROBERT C. MERTON, GUNTHER ROLAND, LORRAINE A. GOFFE-RUSH, GLEN SHOR, PAMELA WELDON, THOMAS M. WIEAND, and BARTON ZWIEBACH,	
Defendants.	

**NOTICE OF SETTLEMENT AND JOINT MOTION TO STAY ALL
PRE-TRIAL AND TRIAL DEADLINES**

Plaintiffs and Defendants file this Notice of Settlement and Joint Motion to Stay All Pre-

Trial and Trial Deadlines in the above-captioned case for forty-five (45) days. This filing is

made based on the following facts and recitals:

WHEREAS, the parties have reached an agreement in principle to settle this case;

WHEREAS, Plaintiffs anticipate needing 45 days to file a motion for preliminary

approval, including drafts of a notice plan, summary and complete class notices, forms of

1

proposed orders, a plan of settlement allocation, and other ancillary materials necessary for the Court's consideration;

WHEREAS, the current pre-trial and trial deadlines are as follows:

Case Activity	Deadline
Final Pretrial Conference	September 12, 2019
Trial	September 16, 2019

WHEREAS, the parties have conferred and agreed, subject to the Court's approval, to stay all current pre-trial and trial deadlines for 45 days;

WHEREAS, staying all current pre-trial and trial deadlines would avoid potentially unnecessary expenses and fees while the parties finalize their settlement documents and Plaintiffs prepare a motion for preliminary approval;

NOW, THEREFORE, by and through the undersigned counsel, the parties jointly request that the Court enter an order staying all current pre-trial and trial deadlines for 45 days and setting a deadline of October 28, 2019 for Plaintiffs to file a motion for preliminary approval of the settlement.

Respectfully submitted this 12th day of September, 2019.

/s/ Brian D. Boyle
Brian D. Boyle (*pro hac vice*)
Shannon M. Barrett (*pro hac vice*)
Deanna M. Rice (*pro hac vice*)
O'MELVENY & MYERS LLP
1625 Eye Street, N.W.
Washington, DC, 20006
T: 202-383-5300
F: 202-383-5414
bboyle@omm.com
sbarrett@omm.com
derice@omm.com

2

Catalina J. Vergara (*pro hac vice*)
O'MELVENY & MYERS LLP
400 South Hope Street, 18th Floor
Los Angeles, CA 90071-2899
T: 213-430-6000
F: 213-430-6407
cvergara@omm.com

Roberto M. Braceras (BBO# 566816)
GOODWIN PROCTER, LLP
100 Northern Avenue
Boston, MA 02210
T: 617-570-1676
F: 617-523-1231
rbraceras@goodwinlaw.com

Attorneys for Defendants

/s/ Jerome J. Schlichter
Jerome J. Schlichter (*pro hac vice*)
Heather Lea (*pro hac vice*)
Joel D. Rohlf (*pro hac vice*)
Scott T. Apking (*pro hac vice*)
SCHLICHTER BOGARD & DENTON LLP
100 South Fourth Street, Suite 1200
St. Louis, MO 63102
T: 314-621-6115
F: 314-621-5934
jschlichter@uselaws.com
hlea@uselaws.com
jrohlf@uselaws.com
sapking@uselaws.com

Lead Counsel for Plaintiffs

Michael M. Mulder (*pro hac vice*)
Elena N. Liveris (*pro hac vice*)
LAW OFFICES OF MICHAEL M. MULDER
1603 Orrington Avenue, Suite 600
Evanston, Illinois 60201
T: 312-263-0272
F: 847-563-2301
mmulder@mmulderlaw.com
eliveris@mmulderlaw.com

Counsel for Plaintiffs

Stephen Churchill (BBO #564158)
FAIR WORK, P.C.
192 South Street, Suite 450
Boston, MA 02111
T: 617-607-3260
F: 617-488-2261
steve@fairworklaw.com

Local Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that this document was filed through the Electronic Case Filing (ECF) system on September 12, 2019, and thus copies will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Brian D. Boyle
Brian D. Boyle (*pro hac vice*)

Attorney for Defendants