

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**IN RE: TELEXFREE SECURITIES
LITIGATION**

MDL No. 4:14-md-2566-TSH

**This Document Relates to:
ALL CASES**

**MOTION FOR FINAL APPROVAL OF SETTLEMENT WITH FIDELITY
CO-OPERATIVE BANK AND JOHN MERRILL**

Plaintiffs hereby move the Court, pursuant to Federal Rule of Civil Procedure 23(e), for final approval of the settlement reached with Fidelity Co-Operative Bank and John Merrill (the “Fidelity Defendants”). Plaintiffs seek entry of orders:

1. Granting final approval of the settlement agreement with the Fidelity Defendants as fair, reasonable, and adequate;
2. Certifying the settlement class;
3. Approving the manner and form of notice given to the class members as the best notice practicable under the circumstances; and
4. Entering final judgment as to the Fidelity Defendants.

The grounds for this motion are that (1) the settlement agreement meets the requirements for approval pursuant to Federal Rule of Civil Procedure 23(e); (2) the form and manner of providing notice met the requirements of Federal Rule of Civil Procedure 23(c) and due process; (3) the settlement class meets the requirements for certification under Federal Rule of Civil

Procedure 23; (4) the response of the class supports final approval; and (5) there is no just reason for delay in the entry of Final Judgment as to the Fidelity Defendants.

This motion is based upon this Motion and the Memorandum of Law in Support of Final Approval, the Declaration of Robert J. Bonsignore, and the Declaration of Eric S. Schachter and accompanying exhibits filed concurrently herewith, the complete files and records of this action, and such other written or oral arguments that may be presented to the Court.

WHEREFORE, Plaintiffs respectfully request that the Court enter the order attached hereto as Attachment A granting their Motion for Final Approval and enter judgment in to form attached hereto as Attachment B.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), Plaintiffs hereby request oral argument on this motion. The Court has scheduled a hearing on this motion for February 26, 2021, at 2:30 p.m.

RULE 7.1 CERTIFICATION

Pursuant to Local Rule 7.1(a)(2), the undersigned counsel for Plaintiffs contacted defense counsel by email on January 3, 2020 regarding this Motion and received one response from and engaged in conferral with counsel for Fidelity Co-Operative Bank, Ian Roffman.

Dated: January 4, 2021

Respectfully submitted,

TELEXFREE CLASS PLAINTIFFS

By their attorneys,

/s/ Robert J. Bonsignore

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CERTIFICATE OF SERVICE

I, Robert J. Bonsignore, hereby certify that on this 4th day of January 2021, I caused the foregoing to be electronically filed with the Clerk of the Court by using the Case Management/Electronic Case Filing (CM/ECF) system, which will send a notice of electronic filing to all parties registered with the CM/ECF system in the above-captioned matter. A copy will be forwarded via first class mail, postage prepaid, to those parties not electronically registered at their last and/or only known address.

1. MOTION FOR FINAL APPROVAL OF SETTLEMENT WITH FIDELITY CO-OPERATIVE BANK AND JOHN MERRILL AND ATTACHED PROPOSED ORDER AND PROPOSED JUDGMENT;
2. MEMORANDUM IN SUPPORT OF MOTION FOR FINAL APPROVAL;
3. DECLARATION OF ROBERT J. BONSIGNORE IN SUPPORT OF MOTION FOR FINAL APPROVAL;
4. DECLARATION OF ERIC S. SCHACHTER IN SUPPORT OF MOTION FOR FINAL APPROVAL WITH EXHIBITS

/s/ Robert J. Bonsignore

Robert J. Bonsignore