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October 30, 2020

Via Electronic Filing

The Honorable Laura Taylor Swain, U.S.D.J.
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: *Arthur Bekker et al. v. Neuberger Berman Group LLC, et al.*,
No. 16-cv-6123 (LTS) (BCM)

Dear Judge Swain:

We are counsel for Plaintiff Arthur Bekker in the above-referenced matter. We write, jointly with opposing counsel, to request that the Court revise the modality of the final approval on November 19, 2020 to be by video or teleconference.

On July 27, 2020, the Court granted Plaintiff's Motion for Preliminary Approval of the Settlement. Dkt. 134. The Court directed notice to the 1,451 settlement class members and scheduled the final approval hearing for November 19, 2020. *Id.* The notice informed class members that "the Court may, by order filed on the public record, change the format, time or place of the hearing" and that "the date, modality and location of the Final Approval Hearing are subject to change by order of the Court without further notice to the Class." Class members were directed to review the Settlement Website or the Court's online docket "to confirm that the date, modality or location has not been changed." *Id.*

As November 19 approaches, the COVID-19 pandemic continues. Currently, New York would require many of the Class Members, as well as Plaintiff's counsel, to quarantine for at least fourteen days if they traveled to New York City for the final approval hearing.

Acknowledging that the objection deadline is not until November 5, Counsel are not currently aware of any objections to the settlement or any indication from Class Members (other than Mr. Bekker) that they intend to appear at the final approval hearing.

If the Court intends to conduct the hearing by telephone or video conference, the Parties would revise the class website promptly to reflect the change and provide access to class members wishing to attend virtually.

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Respectively,

/s/ Mark G. Boyko
Mark G. Boyko

Enclosure:

cc: All Counsel of Record (via ECF and fax)

The request is granted. The hearing will be held by telephonic conference on November 19, 2020, at 10:00 a.m. Plaintiffs' and Defendant's counsel, and persons (or their representatives) who have filed timely written objections to the motions before the Court may be heard at that time. Such participants, and class members and members of the public and press who wish to listen in, must telephone 888-363-4734 and, when prompted, enter access code 1527005# and security code 4158#, and must identify themselves when asked to do so. Further procedural requirements and instructions are attached.

SO ORDERED.

10/31/2020

/s/ Laura Taylor Swain, USDJ

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BEKKER et al.,

Plaintiffs,

-v-

No. 16 CV 6123-LTS-BCM

NEUBERGER BERMAN GROUP LLC, et
al.,

Defendants.

-----X

ORDER

The final approval hearing is scheduled to take place by teleconference in the above captioned case on **November 19, 2020, at 10:00 a.m.** To access the call, the parties must dial **888-363-4734**, enter the access code **1527005#**, and the security code **4158#**. (Members of the press and public may call the same number, but will not be permitted to speak during the conference.) In accordance with the Court's Emergency Individual Rules and Practices in light of COVID-19, counsel should adhere to the following rules and guidelines during the hearing:

1. Each party should designate a single lawyer to speak on its behalf (including when noting the appearances of other counsel on the telephone).
2. Counsel should use a landline whenever possible, should use a headset instead of a speakerphone, and must mute themselves whenever they are not speaking to eliminate background noise. In addition, counsel should not use voice-activated systems that do not allow the user to know when someone else is trying to speak at the same time.
3. To facilitate an orderly teleconference and the creation of an accurate transcript, counsel are *required* to identify themselves every time they speak. Counsel should spell any proper names for the court reporter. Counsel should also take special care not to interrupt or speak over one another.
4. If there is a beep or chime indicating that a new caller has joined while counsel is speaking, counsel should pause to allow the Court to ascertain the identity of the

new participant and confirm that the court reporter has not been dropped from the call.

Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the court.

SO ORDERED.

Dated: New York, New York
November 2, 2020

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge