

# QUARTERLY SECURITIES LITIGATION UPDATE

City of Marietta/BLW Defined Benefit  
Pension Plan

QUARTER ENDING  
SEPTEMBER 30, 2019

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## INTRODUCTION

The following is an update of the portfolio monitoring services provided by Kessler Topaz Meltzer & Check, LLP ("Kessler Topaz") for the City of Marietta/BLW Defined Benefit Pension Plan ("the City of Marietta"). The report includes securities class action information for securities relevant to the City of Marietta's portfolio.

Depending on the securities relevant to the City of Marietta's portfolio, the report may contain sections for monetary and non-monetary settled litigation, and new and ongoing litigation for both U.S. and Non-U.S. litigation. Information regarding the City of Marietta's financial interest during the Class Period provided for new litigation may vary from information previously reported by Kessler Topaz if the Class Period has changed or additional transaction records have since become available.

If you have any questions regarding this report, please contact Darren J. Check, Esq. at (610) 822-2235 or [dcheck@ktmc.com](mailto:dcheck@ktmc.com).



## SETTLED LITIGATION (MONETARY RECOVERY)

Based on an analysis of the transactions provided to Kessler Topaz, the City of Marietta is eligible to file proofs of claim in the following securities class action settlements that have been announced this Quarter.

Please be advised that meeting the eligibility requirements to file a claim does not guarantee that the claim will qualify to receive a recovery under the court-approved plan of allocation.

Please contact the City of Marietta's designated claims filer (such as its Custodian or third-party filing service) for any questions regarding the status of these claims.

Settlement	Claims Deadline	Class Period	Settlement Amount
<b>ENDO INTERNATIONAL PLC (2017)</b> (E.D. PA.)	02/07/2020	11/30/2012 - 06/08/2017	\$82,500,000
<b>PROTHENA CORPORATION PLC</b> (2018)	11/25/2019	10/15/2015 - 04/20/2018	\$15,750,000

*The transaction period made available to Kessler Topaz spans approximately April 2009 forward.*



## SETTLED LITIGATION (ANTITRUST)

Below is a list of Antitrust Litigation that has settled this quarter. Because the securities involved in these settlements do not have standard identifiers for searching and our records do not contain the level of detail needed for these claims, Kessler Topaz is unable to advise whether the City of Marietta is eligible to file claims in these settlements.

However, if you wish to file claims, Kessler Topaz can provide information to aid the City of Marietta in gathering detailed information from its money managers. Once the City of Marietta obtains transaction information, Kessler Topaz can assist in the filing of these claims upon request. Please contact Darren J. Check, Esq. at (610) 822-2235 or [dcheck@ktmc.com](mailto:dcheck@ktmc.com) for more information.

## EUROYEN-BASED DERIVATIVES (EUROYEN TIBOR/YEN-LIBOR) (ANTITRUST) (THE BANK OF YOKOHAMA/SHINKIN/SHOKO)

<b>Claims Deadline</b>	<b>03/03/2020</b>
<b>Settlement Amount</b>	<b>\$71,000,000</b>

## CLASS DEFINITION

The settlement includes investors that purchased a Euroyen-Based Derivative\* and that owned the Euroyen-Based Derivative any time during the period January 1, 2006 through June 30, 2011 (inclusive).

\*“Euroyen-Based Derivative” means

- (i) a Euroyen TIBOR futures contract on the Chicago Mercantile Exchange (“CME”);
- (ii) a Euroyen TIBOR futures contract on the Tokyo Financial Exchange, Inc. (“TFX”), Singapore Exchange (“SGX”), or London International Financial Futures and Options Exchange (“LIFFE”) entered into by a U.S. Person, or by a Person from or through a location within the U.S.;
- (iii) a Japanese Yen currency futures contract on the CME;
- (iv) a Yen LIBOR- and/or Euroyen TIBOR-based interest rate swap entered into by a U.S. Person, or by a Person from or through a location within the U.S.;
- (v) an option on a Yen LIBOR- and/or Euroyen TIBOR-based interest rate swap (“swaption”) entered into by a U.S. Person, or by a Person from or through a location within the U.S.;
- (vi) a Japanese Yen currency forward agreement entered into by a U.S. Person, or by a Person from or through a location within the U.S.; and/or
- (vii) a Yen LIBOR- and/or Euroyen TIBOR-based forward rate agreement entered into by a U.S. Person, or by a Person from or through a location within the U.S.



## NEW U.S. LITIGATION

Below is a list of the U.S. securities litigation filed during the past quarter where the City of Marietta has suffered a loss on its Class Period investments or, for cases involving mergers and acquisitions, has held shares at the relevant times.

Litigation	Lead Plaintiff Deadline	Class Period/ Class Definition	Losses/ Shares
CASA SYSTEMS, INC. (2019)	N/A	Pursuant and/or traceable to IPO on December 15, 2017	\$19,691
NETFLIX, INC. (2019)	09/20/2019	04/17/2019 - 07/17/2019	\$556
REALOGY HOLDINGS CORP. (2019)	09/09/2019	02/24/2017 - 05/22/2019	\$14,861
TOTAL SYSTEM SERVICES, INC. (2019)	N/A	TSS Stockholders	3,890 Shares



## ONGOING U.S. LITIGATION

The following list of ongoing litigation contains status updates for the past quarter, including recent settlements and dismissals. If there has been no new activity for this litigation during the quarter, the most recent status update is listed.

### **Alibaba Group Holding Limited (2015) (S.D.N.Y.)**

Motion for Final Approval of Settlement and Awarding Attorneys' Fees and Expenses filed September 11, 2019.

### **Alibaba Group Holding Limited (California Superior Court)**

Order approving Final Settlement and Awarding Attorneys' Fees and Expenses entered May 17, 2019.

### **Alphabet, Inc. (2018)**

Amended Complaint filed April 26, 2019. Motion to Dismiss Amended Complaint filed May 31, 2019 and is pending.

### **Bristol-Myers Squibb Co. (2018)**

The Motion to Dismiss (filed on September 10, 2018) is fully briefed and is pending.

### **Endo International plc (2017) (E.D. Pa.)**

Motion for Preliminary Approval of Settlement filed August 22, 2019. Order Preliminarily Approving Settlement entered September 10, 2019.

### **Fluor Corporation (2018)**

Motion to Dismiss filed July 15, 2019.

### **General Electric Company (2017)**

Order granting Motion to Dismiss filed August 29, 2019.

### **Grupo Televisa, S.A.B. (2018)**

Answer to Amended Complaint filed April 15, 2019. Case is in discovery.

### **HD Supply Holdings, Inc. (2017)**

Motion for Class Certification filed March 1, 2019. Case is in discovery.

### **Lionbridge Technologies, Inc. (2017)**

Motions for Summary Judgment filed August 1, 2019.

### **Maiden Holdings, Ltd. (2019)**

Order Vacating the Court's Order Appointing Lead Plaintiff and Approving Counsel and Restoring Lead Plaintiff Motions entered July 12, 2019.

### **Micron Technology, Inc. (2019)**

Motion to Dismiss filed September 6, 2019. Stipulation of Voluntary Dismissal filed October 2, 2019.

### **Philip Morris International Inc. (2017)**

Motion to Dismiss filed July 12, 2019.

### **Prothena Corporation plc (2018)**

Motion for Preliminary Approval of Settlement filed August 26, 2019. Order Preliminarily Approving Settlement entered September 12, 2019.

### **Qurate Retail, Inc. (2018)**

Motions for Final Approval of Settlement and Awarding Attorneys' Fees and Expenses filed August 19, 2019. Order Approving Final Settlement and Awarding Attorneys' Fees and Expenses entered September 23, 2019.



**Stamps.com, Inc. (2019)**

Initial Complaint filed February 28, 2019. Stipulation to Dismiss Case filed April 12, 2019. Order granting Voluntary Dismissal without Prejudice entered April 22, 2019.

**Syneos Health, Inc. (2019)**

Initial Complaint filed March 1, 2019. Motion to Appoint Lead Plaintiff and Approve counsel filed April 30, 2019.

**The Bank of New York Mellon ADR FX**

Motion to Amend Order and Final Judgment filed September 16, 2019. Order Amending June 17, 2019 Order and Final Judgment entered September 17, 2019.

**The Goldman Sachs Group, Inc. (2018)**

Order Appointing Lead Plaintiff and Approving Counsel filed September 19, 2019.

**TransDigm Group, Inc. (2017)**

Motion to Dismiss Third Amended Complaint filed May 13, 2019.

**Wells Fargo & Company (2018)**

Motion to Dismiss filed November 2, 2018 and is pending.

**Worldpay, Inc. (2019)**

Initial Complaint filed April 30, 2019. Notice of Voluntary Dismissal filed August 22, 2019.

**Zebra Technologies Corporation (2017)**

Order granting Motion to Transfer Venue entered August 23, 2019. Case transferred to Northern District of Illinois. Executive Committee Order in the Northern District of Illinois vacating the case number due to its electronic opening in error was entered August 28, 2019.





## ONGOING NON-U.S. LITIGATION

### Opt-Out

Below are updates for ongoing **Non-U.S. Opt-Out** litigation, including information on actions that have recently settled or been dismissed.

Similar to U.S. class actions, in Non-U.S. Opt-Out actions, the City of Marietta will be bound by the resolution of this case and potentially eligible to share in the proceeds of any settlement or favorable judgment (should one occur) unless the City of Marietta opts out of the Class.

### VALEANT PHARMACEUTICALS INTERNATIONAL, INC.

(Quebec Superior Court)

Canada

**CLASS** February 27, 2012 to November 12, 2015

**DEFINITION** There are three subclasses to this settlement period:  
Primary Market; Secondary Market; Supplemental

**STATUS** A CAD\$30 million settlement with PricewaterhouseCoopers LLP, the auditors, has been reached and is pending court approval. The court is scheduled to review the settlement on November 11, 2019. Litigation continues against Valeant and its current or former officers and directors.

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