

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**ASHBY HENDERSON and THOMAS
HERSHENSON**, Individually and on Behalf of
Others Similarly Situated,

Plaintiffs,

v.

BNY MELLON, NATIONAL ASSOCIATION,

Defendant.

Civil Action No. 1:15-cv-10599-PBS

**PLAINTIFFS' UNOPPOSED MOTION FOR FINAL APPROVAL OF CLASS ACTION
SETTLEMENT**

For the reasons set forth in their accompanying Memorandum in Support of this Motion, Plaintiffs Ashby Henderson and Thomas Hershenson request that the Court approve the Settlement Agreement reached by the Parties in this case.

1. On May 28, 2019, this Court granted preliminary approval of the Settlement and approved the issuance of notice to Settlement Class Members regarding the Settlement. ECF # 582. Notice was sent on June 27, 2019. No objections to the Settlement Agreement have been filed.

2. Plaintiffs have also requested approval of Class Counsel's attorneys' fees in the amount of \$3,333,333, expenses in the amount of \$404,234, and incentive payments to the Class Representatives in the amount of \$50,000 each, payable as provided in the Settlement Agreement.

3. In support of these requests, Plaintiff asserts that the Settlement embodied by the Settlement Agreement is fair and reasonable and consistent with the provisions of Rule 23. In

further support of the motion, Plaintiff refers the Court to the memorandum and exhibits filed herewith.

4. BNY Mellon, N.A. does not oppose the relief sought by this Motion—*i.e.*, the entry of the Final Approval Order in the form attached to Plaintiffs' Memorandum in Support as Exhibit 1.

WHEREFORE, Ms. Henderson and Mr. Hershenson request that the Court grant this motion and enter the Parties' proposed Final Approval Order.

Dated: August 23, 2019

Respectfully submitted,

/s/ Elizabeth Ryan

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic File (NEF) on August 23, 2019.

/s/ *Elizabeth Ryan*
Elizabeth Ryan