

The [Proposed] Order and Final Judgment is submitted herewith.

1. On March 17, 2009, this Court issued its Order Preliminarily Approving Settlement, Preliminarily Certifying Settlement Class, Approving Notice Plan, and Setting Fairness Hearing Date (“Preliminary Approval Order”) (Dkt. No. 91) in which this Court preliminarily approved the Settlement and directed that notice be provided to Settlement Class members in the manner prescribed therein. Co-Lead Counsel has provided the requisite Notice to Settlement Class members. *See* Joint Declaration of Lynn L. Sarko and Marc I. Machiz in Support of Motion for Final Approval of Class Action Settlement and Plan of Allocation and Motion for Award of Attorneys’ Fees, Expenses, and Case Contribution Awards (“Joint Declaration”), § III.

2. In conjunction with this filing, Co-Lead Counsel are adding the following documents to the settlement website approved by the Court in this case, <http://www.merrilllynchERISAsettlement.com>: Plaintiffs’ Motion and Memorandum of Law in Support of Motion for Final Approval of Class Action Settlement and Plan of Allocation (“Final Approval Motion” and “Final Approval Memo”); Plaintiffs’ Motion and Memorandum of Law in Support of Motion for Award of Attorneys’ Fees, Expenses, and Case Contribution Awards (“Fee Motion” and “Fee Memo”); and the Joint Declaration.

3. As explained more fully in the Final Approval Motion and the Fee Motion, the Settlement should now be granted.

4. Co-Lead Counsel note that in addition to the Final Approval Motion, the Fee Motion also is pending. As part of a final resolution of this litigation, Plaintiffs respectfully request that the Court grant the requests made in the Final Approval Motion and the Fee Motion.

WHEREFORE, for the reasons stated in the Final Approval Motion and Memo and in the Fee Motion and Memo, Named Plaintiffs respectfully request that the Court enter the [Proposed] Order and Final Judgment attached as Exhibit A hereto.

Respectfully submitted this 26th day of June, 2009.

Submitted By

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