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June 22, 2020

VIA ECF

The Honorable Valerie E. Caproni
United States District Court for the
Southern District of New York
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: *Snitzer, et al. v. The Board of Trustees of the American Federation of Musicians and Employers' Pension Fund, et al.*, No. 17-cv-05361-VEC

Dear Judge Caproni:

I represent the Plaintiffs and write jointly with counsel for Defendants.

Per the Court's preliminary approval and other Orders, on June 9, 2020, the Plan sent Notice via email and postal mail to class members and posted the Notice and other relevant documents, including the parties' respective expert materials, on the Settlement Website <http://www.afm-epfsettlement.com/>.

Last week Class Member Martin Stoner filed his objection with the Court. As part of his objection at Section II(E), Mr. Stoner seeks public disclosure of the following depositions:

1. Three Meketa witnesses
2. Former Plan Counsel and Proskauer partner Rory Albert
3. AFM Union President/Plan Co-Chair Ray Hair
4. Employer-side Plan- and Investment-Committee Co-Chair Chris Brockmeyer

Mr. Stoner also seeks public disclosure of the contemporaneous notes of relevant board meetings taken by Plan Counsel.¹

¹ In his Objection at page 19, Mr. Stoner inaccurately asserts that Class Counsel failed to request production of the notes of Board meetings. In fact, Class Counsel asked for them; Defendants produced them; and Class Counsel extensively cross-examined witnesses

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Although, as already stated in their prior correspondence to the Court (ECF # 142, 147, 149), Defendants believe there should not be any additional disclosures beyond the expert reports already posted, they agree with Plaintiffs that Mr. Stoner's request should be resolved well in advance of the July 27, 2020 deadline for objections. Because there are likely to be requests from certain other class members,² the Parties jointly ask that the Court set a deadline for any other class members to make requests for additional information, for the Parties to respond, and for a hearing (to the extent the Court believes one is necessary).

Respectfully,



Steven A. Schwartz

SAS/sas

cc: All Counsel of Record (via ECF and email)
Martin Stoner (via email)

Any and all requests by class members for additional disclosures must be mailed to the United States District Court for the Southern District of New York, Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY, 10007 ATTN Judge Caproni. Such requests must be **received** by the Court on or before **July 2, 2020**. The Court will file all received requests on ECF. The parties' response shall be due by **July 10, 2020**. Counsel must post this endorsement on the settlement website by **June 24, 2020**.

SO ORDERED.

Date: 06/23/2020



HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

based on the notes. Mr. Stoner would have known this had he bothered to read the expert materials posted on the Settlement Website, which repeatedly refer to the content of the notes and cross examination based on the notes. *See, e.g.*, David Witz' Report at ¶¶86 & n. 41 and page 90; Dr. Susan Mangiero's Rebuttal Report at ¶¶ 33, 41, 52, 64 - 66, 94, 101, 113, 123, 127 - 130 & footnotes 35, 53, 67, 84 - 86, 121, 130, 147, 148, 163, 179 - 181, & 185. ² Class Counsel have been in touch with the other class members/organizations who previously made request for disclosure of materials marked confidential.