

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

CITY OF PITTSBURGH COMPREHENSIVE
MUNICIPAL PENSION TRUST FUND,
Individually and on Behalf of All Others Similarly
Situated,

Plaintiff,

v.

BENEFITFOCUS, INC., THE GOLDMAN SACHS
GROUP, INC., GS CAPITAL PARTNERS VI
PARALLEL, L.P., GS CAPITAL PARTNERS VI
OFFSHORE FUND, L.P., GS CAPITAL PARTNERS
VI FUND, L.P., GS CAPITAL PARTNERS VI
GMBH & CO. KG, MERCER LLC, MARSH &
MCLENNAN COMPANIES, INC., MERCER
CONSULTING GROUP, INC., MASON R.
HOLLAND, JR., RAYMOND A. AUGUST,
JONATHON E. DUSSAULT, DOUGLAS A.
DENNERLINE, JOSEPH P. DISABATO, A.
LANHAM NAPIER, FRANCIS J. PELZER V,
STEPHEN M. SWAD, ANA M. WHITE, J.P.
MORGAN SECURITIES LLC, GOLDMAN SACHS
& CO. LLC, MERRILL LYNCH, PIERCE, FENNER
& SMITH INCORPORATED, PIPER JAFFRAY &
CO., RAYMOND JAMES & ASSOCIATES, INC.,
WEDBUSH SECURITIES, INC., AND FIRST
ANALYSIS SECURITIES CORPORATION,

Defendants.

Index No. 651425/2021

IAS Commercial Part 53

Hon. Andrew Borrok

ms #011

~~PROPOSED~~ ORDER APPROVING PLAN OF ALLOCATION

THIS MATTER having come before the Court for a hearing on December 1, 2022, on the motion of Plaintiff City of Pittsburgh Comprehensive Municipal Pension Trust Fund (“Lead Plaintiff”) for final approval of the proposed class action Settlement and approval of the Plan of Allocation for the proceeds of the Settlement; the Court having considered all papers filed and proceedings had herein and otherwise being fully informed;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. This Order incorporates by reference the definitions in the Stipulation and Agreement of Settlement, dated April 11, 2022 (the “Stipulation”), and all capitalized terms not otherwise defined herein shall have the same meanings as set forth in the Stipulation.

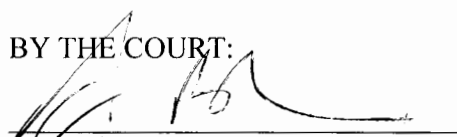
2. Pursuant to §904 of the New York Civil Practice Law and Rules (“CPLR”), this Court hereby finds and concludes that due and adequate notice was directed to Persons who are Settlement Class Members who could be identified with reasonable effort, advising them of the Plan of Allocation and of their right to object thereto, and a full and fair opportunity was accorded to Persons who are Settlement Class Members to be heard with respect to the Plan of Allocation. There were no objections to the Plan of Allocation.

3. The Court hereby finds and concludes that the Plan of Allocation for the calculation of the claims of claimants that is set forth in the Notice of Pendency of Class Action, Proposed Settlement, and Motion for Attorneys’ Fees and Expenses (the “Notice”) disseminated to Settlement Class Members, provides a fair and reasonable basis upon which to allocate the Net Settlement Fund among Settlement Class Members.

4. The Court hereby finds and concludes that the Plan of Allocation, as set forth in the Notice, is, in all respects, fair, reasonable, and adequate and the Court hereby approves the Plan of Allocation.

DATED this 1 day of December, 2022

BY THE COURT:


The Honorable Andrew Borrok