

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

IN RE AMERICAN HOME MORTGAGE
SECURITIES LITIGATION

07-MD-1898 (WFK)(GRB)

THIS DOCUMENT RELATES TO
ALL CLASS ACTIONS

Electronically filed

**LEAD PLAINTIFFS' NOTICE OF MOTION TO AMEND
DISTRIBUTION PLAN TO ALLOW FOR ADDITIONAL DISTRIBUTIONS**

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Richard W. Simmons Regarding Distribution of the Net Settlement Funds (the “Simmons Declaration”) submitted by the Court-approved Claims Administrator, Analytics Consulting, LLC (“Analytics”), and Lead Plaintiffs’ Memorandum in Support of Motion to Amend Distribution Plan to Allow for Additional Distributions, and pursuant to Federal Rule of Civil Procedure 23(e), Lead Plaintiffs, the Teachers’ Retirement System of Oklahoma and the Oklahoma Police Pension and Retirement System, hereby move this Court, before the Honorable William F. Kuntz, II, United States District Judge, to enter the accompanying order that will amend the Distribution Plan previously approved by the Court to provide for additional redistributions to Authorized Claimants.

Under the terms of the Stipulations, the Settling Defendants have no role in or responsibility for the administration of the Net Settlement Funds or processing of claims, including determinations as to the validity of Claims or the allocation or distribution of the Net Settlement Funds. *See* Stipulation and Agreement of Settlement ¶¶ 20, 22, 24 (ECF No. 75-2); Stipulation and Agreement of Settlement with the Underwriter Defendants ¶¶ 20, 22, 24 (ECF No. 75-14); and

Stipulation and Agreement of Settlement with Defendant Deloitte & Touche LLP ¶¶ 20, 22, 24
(ECF No. 75-8).

The [Proposed] Order to Amend Distribution Plan is attached hereto as Exhibit 1.

Dated: October 18, 2019

Respectfully submitted,

**BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP**

/s/ John Rizio-Hamilton

John Rizio-Hamilton
1251 Avenue of the Americas
New York, NY 10020
Telephone: (212) 554-1400
Facsimile: (212) 554-1444

BERMAN TABACCO

Kathleen M. Donovan-Maher
One Liberty Square
Boston, MA 02109
Telephone: (617) 542-8300
Facsimile: (617) 542-1194

*Attorneys for Lead Plaintiffs and
Co-Lead Counsel for the Class*

EXHIBIT 1

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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**[PROPOSED] ORDER TO AMEND DISTRIBUTION PLAN
TO ALLOW FOR ADDITIONAL DISTRIBUTIONS**

Lead Plaintiffs moved this Court for an order amending the Distribution Plan previously approved by this Court. Having considered all the materials and arguments submitted in support of the motion, including the Declaration of Richard W. Simmons Regarding Distribution of the Net Settlement Funds (the “Simmons Declaration”) and Lead Plaintiffs’ Memorandum in Support of Motion to Amend Distribution Plan to Allow for Additional Distributions;

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. This Order incorporates by reference the definitions in the Stipulation and Agreement of Settlement (ECF No. 75-2) (the “Individual Defendant Stipulation”), the Stipulation and Agreement of Settlement with the Underwriter Defendants (ECF No. 75-14) (the “Underwriter Defendants Stipulation”), the Stipulation and Agreement of Settlement with Defendant Deloitte & Touche LLP (ECF No. 75-8) (the “Deloitte Stipulation”) (collectively referred to as the “Stipulations”), and the Affidavit of Richard W. Simmons in Support of Lead Plaintiffs’ Motion for Approval of Distribution Plan (ECF No. 118) (the “Simmons Affidavit”), and all terms not otherwise defined herein shall have the meanings as set forth in those documents.

2. This Court has jurisdiction over the subject matter of the Action and over all parties to the Action, including all Class Members.

3. Paragraph 3(e) of the Distribution Order is modified to allow for one or more additional redistributions to Authorized Claimants prior to donating the remaining funds to charity. Specifically, Analytics shall conduct additional redistributions to Authorized Claimants who have cashed each of their prior Distribution checks and who would receive at least \$10.00 from such redistribution, after payment of the costs of the redistribution as well as any taxes that may be due, including the costs of preparing any tax returns, in six-month intervals until such time as Lead Counsel, in consultation with Analytics, determines that further redistribution of the funds remaining in the Net Settlement Funds is not cost-effective, at which time the remaining balance will be contributed to the non-sectarian, not-for-profit, 501(c)(3) organization designated in paragraph 6 below.

4. In all other respects the Distribution Plan as set forth in paragraph 3 of the Distribution Order shall remain in effect.

5. Following payment of the estimated fees and expenses that Analytics will incur in connection with the additional redistribution, in the amount of \$13,270.10, as well as any taxes that may be due, including the costs of preparing any tax returns, Analytics is directed, pursuant to paragraph 3(e) of the Distribution Order, to distribute 100% of the remaining balance of the Net Settlement Funds to Authorized Claimants who have cashed their Distribution checks.

6. At such time as Lead Counsel, in consultation with Analytics, determines that further redistribution of the funds remaining in the Net Settlement Funds is not cost-effective, Analytics shall distribute the unclaimed balance of the Net Settlement Funds to the National Consumer Law Center (“NCLC”).

7. The Distribution Plan as amended will be self-executing and there is no need for Lead Plaintiffs or the Claims Administrator to request any further orders of the Court to complete the distribution of the Net Settlement Funds. Accordingly, the Clerk of the Court may close this case.

SO ORDERED:

Dated: New York, New York

_____, 2019

WILLIAM F. KUNTZ, II
United States District Judge