

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

SARAH VALELLY, Individually and on  
Behalf of All Other Persons Similarly  
Situated,

Plaintiff,

v.

MERRILL LYNCH, PIERCE, FENNER &  
SMITH INCORPORATED,

Defendant.

Case No. 19-cv-07998-VEC

**[PROPOSED] ORDER GRANTING PLAINTIFF'S  
UNOPPOSED MOTION FOR APPROVAL OF CLASS NOTICE PLAN**

The Court has before it the Unopposed Motion for Approval of Class Notice Plan (“Motion”) submitted by Plaintiff Sarah Valelly (“Plaintiff”). After reviewing the Motion, and its supporting documentation, and the files and records of this case, the Court grants the Motion. Plaintiff’s proposed notices and methods of dissemination are reasonably calculated to apprise Class Members of the pendency of the action and satisfy due process requirements and Federal Rule of Civil Procedure 23(c)(2)(B).

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:**

1. The form and content of the Long-Form Notice of Pendency, Email Notice of Pendency, Postcard Notice of Pendency and Press Release (collectively the “Class Notices”), attached as Exhibits B, C, D and E to the Declaration submitted in support of the Motion, are hereby approved.

2. Plaintiff is authorized to engage JND Legal Administration (“JND”) to implement dissemination of the Class Notices.

3. Plaintiff’s Class Notice Plan, as described in the Motion, is approved.

4. Notice to the Class shall be made in accordance with the Class Notice Plan, as follows:

a. Within two (2) weeks of the date of this Order, JND shall establish a case website. The Long-Form Notice of Pendency, this Order, and the Court’s February 26, 2026 Class Certification Opinion and Order shall be posted to the website, along with other relevant information, including answers to frequently asked questions and the applicable opt-out deadline.

b. Within four (4) weeks of the date of this Order, JND shall initiate the distribution of the Press Release over a national newswire service.

- c. Within three (3) weeks of the date of this Order, JND shall commence dissemination of the Email Notice of Pendency via email to all Class Members for whom a valid email address is available (the “Notice Commencement Date”). The Email Notice of Pendency shall direct recipients to the case website where the Long-Form Notice of Pendency is available.
  - d. Within eight (8) weeks of the date of this Order, JND shall complete dissemination of the Email Notice of Pendency via email to all Class Members for whom an email address is available.
  - e. Within ten (10) weeks of the date of this Order, JND shall disseminate the Postcard Notice of Pendency via first class U.S. mail to all Class Members for whom a valid email address is not available or where the email bounces back as undeliverable, and for whom a valid mailing address is available (the “Notice Completion Date”).
5. For any emailed or mailed notices returned as undeliverable, JND shall use reasonable efforts to obtain updated postal addresses and re-send the notice.
  6. Class Members shall have forty (40) calendar days from the Notice Completion Date to request exclusion from the Class pursuant to the procedures set forth in the Long-Form Notice (the “Exclusion Deadline”).
  7. All Class Members who do not timely request exclusion shall be bound by all further proceedings, orders, and judgments in this action.
  8. JND shall timely report to Class Counsel and Defense Counsel the receipt of requests for exclusion, and shall file a declaration with the Court within twenty-one (21) days of the

Exclusion Deadline reporting on the Class Notice Plan and the receipt of any requests for exclusion.

**IT IS SO ORDERED.**

DATED: April 3, 2026



Honorable Valerie E. Caproni  
United States District Judge