

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

	X	Civil Action No. 1:15-mc-00040-AKH
In re AMERICAN REALTY CAPITAL PROPERTIES, INC. LITIGATION	:	
	:	<u>CLASS ACTION</u>
	:	
This Document Relates To:	:	LEAD PLAINTIFF’S NOTICE OF MOTION AND MOTION FOR FINAL APPROVAL OF
ALL ACTIONS.	:	SETTLEMENT AND PLAN OF
	:	ALLOCATION
	X	

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

PLEASE TAKE NOTICE that Lead Plaintiff TIAA, on behalf of the Class, through counsel, will move this Court on January 21, 2020, at 11:00 a.m., before the Honorable Alvin K. Hellerstein, for entry of orders and judgments, pursuant to Rule 23 of the Federal Rules of Civil Procedure: (1) granting final approval of the proposed Settlement; and (2) approving the proposed Plan of Allocation. This motion is based on: (i) the Memorandum of Law in Support of Lead Plaintiff’s Motion for Final Approval of Settlement and Plan of Allocation; (ii) the Declaration of Debra J. Wyman in Support of: (1) Lead Plaintiff’s Motion for Final Approval of Settlement and Plan of Allocation, and (2) Lead Counsel’s Motion for an Award of Attorneys’ Fees and Expenses; (iii) the Declaration of Laurie A. Gomez; (iv) the Declaration of Layn R. Phillips; (v) the Declaration of Carole K. Sylvester; (vi) the Stipulation of Settlement; and (vii) all other proceedings herein.

Proposed orders will be submitted with Lead Plaintiff’s reply submission on or before January 14, 2020.

DATED: December 17, 2019

Respectfully submitted,

ROBBINS GELLER RUDMAN  
& DOWD LLP  
DARREN J. ROBBINS  
DANIEL S. DROSMAN  
JONAH H. GOLDSTEIN  
DEBRA J. WYMAN  
JESSICA T. SHINNEFIELD

s/Debra J. Wyman

---

DEBRA J. WYMAN

655 West Broadway, Suite 1900  
San Diego, CA 92101-8498  
Telephone: 619/231-1058  
619/231-7423 (fax)  
darrenr@rgrdlaw.com  
miked@rgrdlaw.com  
jonahg@rgrdlaw.com  
debraw@rgrdlaw.com  
jshinnefield@rgrdlaw.com

ROBBINS GELLER RUDMAN  
& DOWD LLP  
SAMUEL H. RUDMAN  
ROBERT M. ROTHMAN  
58 South Service Road, Suite 200  
Melville, NY 11747  
Telephone: 631/367-7100  
631/367-1173 (fax)  
srudman@rgrdlaw.com  
rrothman@rgrdlaw.com

Lead Counsel for Lead Plaintiff and the Class

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on December 17, 2019, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses on the attached Electronic Mail Notice List, and I hereby certify that I caused the mailing of the foregoing via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

s/ Debra J. Wyman

---

DEBRA J. WYMAN

ROBBINS GELLER RUDMAN  
& DOWD LLP  
655 West Broadway, Suite 1900  
San Diego, CA 92101  
Telephone: 619/231-1058  
619/231-7423 (fax)

E-mail: [debraw@rgrdlaw.com](mailto:debraw@rgrdlaw.com)

## Mailing Information for a Case 1:15-mc-00040-AKH In re American Realty Capital Properties, Inc. Litigation

### Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Jeffrey Simon Abraham**  
jabraham@aftlaw.com
- **Robin L. Alperstein**  
ralperstein@beckerglynn.com,esteckhan@beckerglynn.com,hhill@beckerglynn.com
- **Antonia Marie Apps**  
aapps@milbank.com,ggreen@milbank.com,AutoDocketECF@milbank.com
- **Adam M. Apton**  
aapton@zlk.com
- **Karim Basaria**  
kbasaria@sidley.com
- **Khristoph Becker**  
kbecker@steptoe.com,spu@steptoe.com,ehartman@steptoe.com,ocorn@steptoe.com
- **Stanley D Bernstein**  
bernstein@bernlieb.com,birkeland@bernlieb.com,ecf@bernlieb.com
- **Rebecca A. Beynon**  
rbeynon@kellogghansen.com
- **Brian Roger Blais**  
brian.blais@usdoj.gov,usanysecf@usdoj.gov,CaseView.ECF@usdoj.gov
- **Jeffrey Craig Block**  
jeff@blockesq.com,jason@blockesq.com,pacer-blockleviton-9062@ecf.pacerpro.com
- **Kristen Leigh Bokhan**  
kristen.bokhan@kirkland.com
- **Adam Jerrod Bookman**  
adam.bookman@weil.com,adam-bookman-4279@ecf.pacerpro.com
- **Bruce Roger Braun**  
bbraun@sidley.com,nyefiling@sidley.com,efilingnotice@sidley.com,catherine.stewart@sidley.com,kbasaria@sidley.com,ntygesso@sidley.com,nconrad@sidley.com,tbraun-9612@ecf.pacerpro.com
- **Kristina Anne Bunting**  
kbunting@paulweiss.com,mao\_fednational@paulweiss.com
- **Jennifer Nunez Caringal**  
jcaringal@rgrdlaw.com,SCaesar@rgrdlaw.com,kmccormack@rgrdlaw.com,JCaringal@ecf.courtdrive.com
- **Alexandra Rebecca Clark**  
aclark@pkbllp.com
- **Neil Harris Conrad**  
nconrad@sidley.com,efilingnotice@sidley.com,neil-conrad-4222@ecf.pacerpro.com
- **Patrick Joseph Coughlin**  
patc@rgrdlaw.com,smiller@rgrdlaw.com,e\_file\_sd@rgrdlaw.com
- **Jason Robert D'Agnenica**  
jasondag@ssbny.com
- **Glen DeValerio**  
gdevalerio@bermandealorio.com,bdentremont@bermandealorio.com,ecf@bermandealorio.com,bmccarthy@bermandealorio.com
- **Bruce Whitney Dona**  
bruce.dona@ksfcounsel.com
- **Michael Joseph Dowd**  
miked@rgrdlaw.com,debg@rgrdlaw.com,e\_file\_sd@rgrdlaw.com,tome@rgrdlaw.com
- **Daniel S. Drosman**  
ddrosman@rgrdlaw.com,E\_File\_SD@rgrdlaw.com,tholindrake@rgrdlaw.com,DanD@ecf.courtdrive.com
- **H. Miriam Farber**  
mfarber@shearman.com,managing-attorney-5081@ecf.pacerpro.com,CourtAlert@Shearman.com,miriam-farber-7421@ecf.pacerpro.com,manattyooffice@shearman.com
- **Meagan Alicia Farmer**  
mfarmer@gardylaw.com

- **Reid Mason Figel**  
rfigel@kelloggghansen.com,flfi@kelloggghansen.com,cparra@kelloggghansen.com
- **Christopher Lee Filburn**  
cfilburn@paulweiss.com,mao\_fednational@paulweiss.com
- **Robert Craig Finkel**  
rfinkel@wolfpopper.com,cdunleavy@wolfpopper.com,mgianfagna@wolfpopper.com
- **Jason A. Forge**  
jforge@rgrdlaw.com,tholindrake@rgrdlaw.com,e\_file\_SD@rgrdlaw.com,JForge@ecf.courtdrive.com
- **Adam Fotiades**  
afotiades@zuckerman.com
- **Molly Bruder Fox**  
mbfox@steptoe.com
- **Christopher Louis Garcia**  
christopher.garcia@weil.com,mco.ecf@weil.com,evert.christensen@weil.com,christopher-garcia-1339@ecf.pacerpro.com,nymao@ecf.pacerpro.com
- **James Philip Gillespie**  
jgillespie@kirkland.com,kevin.mccarthy@kirkland.com,kenyamanagingclerk@kirkland.com
- **Daniel Zachary Goldman**  
dgoldman@pkblp.com
- **Andrew Edward Goldsmith**  
agoldsmith@kelloggghansen.com,ecfnotices@kelloggghansen.com,ggoldfeder@kelloggghansen.com,ecf-2ff5a29c9f5d@ecf.pacerpro.com
- **Jonah H. Goldstein**  
jonahg@rgrdlaw.com
- **Douglas W. Greene**  
dgreene@bakerlaw.com,agougisha@bakerlaw.com,bhlitdocket@bakerlaw.com
- **Theresa Hsin-Yi Gue**  
tgue@pkblp.com
- **John Gueli**  
jgueli@shearman.com,managing-attorney-5081@ecf.pacerpro.com,CourtAlert@Shearman.com,manattyoffice@shearman.com,john-gueli-5051@ecf.pacerpro.com
- **Adam Selim Hakki**  
ahakki@shearman.com,managing-attorney-5081@ecf.pacerpro.com,CourtAlert@shearman.com,manattyoffice@shearman.com,adam-hakki-1816@ecf.pacerpro.com
- **John Louis Hardiman**  
hardimanj@sullcrom.com,john-hardiman-9552@ecf.pacerpro.com,s&cmanagingclerk@sullcrom.com
- **David Charles Harrison**  
dharrison@lowey.com
- **Barbara J. Hart**  
bhart@lowey.com
- **Steven P. Harte**  
steven@blockesq.com,pacer-blockleviton-9062@ecf.pacerpro.com
- **James Ormerod Heyworth , V**  
jheyworth@sidley.com,nyefiling@sidley.com,james-heyworth-0340@ecf.pacerpro.com
- **William Scott Holleman**  
holleman@bespc.com,ecf@bespc.com
- **Geoffrey Coyle Jarvis**  
gjarvis@ktmc.com,9343632420@filings.docketbird.com,mswift@ktmc.com
- **Frank James Johnson**  
frankj@johnsonandweaver.com,paralegal@johnsonandweaver.com
- **Rebecca M Katz**  
rkatz@katzlawnewyork.com,disaacson@motleyrice.com,dabel@motleyrice.com,lkorenblit@motleyrice.com,kweil@motleyrice.com
- **Christopher J. Keller**  
ckeller@labaton.com,5497918420@filings.docketbird.com,lpina@labaton.com,ElectronicCaseFiling@labaton.com
- **Michael Anthony Keough**  
mkeough@steptoe.com,ehartman@steptoe.com,docketadministrators@steptoe.com,rgillis@steptoe.com,ocorn@steptoe.com,cdecamp@steptoe.com
- **Phillip C. Kim**  
pkim@rosenlegal.com
- **Robert Klipper**  
rklipper@kelloggghansen.com,jmarine@kelloggghansen.com

- **Lawrence Paul Kolker**  
kolker@whafh.com
- **Alexia Dorothea Korberg**  
akorberg@paulweiss.com,mao\_fednational@paulweiss.com
- **Daniel Jonathan Kramer**  
dkramer@paulweiss.com,mao\_fednational@paulweiss.com
- **Larry Howard Krantz**  
lkrantz@krantzberman.com
- **Eric Albin Larson**  
elarson@mmmlaw.com,eckard@mmmlaw.com
- **Angel P. Lau**  
alau@rgrdlaw.com,tdevries@rgrdlaw.com,alau@ecf.courtdrive.com
- **Grace Jheeyoung Lee**  
grace.lee@shearman.com,managing-attorney-5081@ecf.pacerpro.com,CourtAlert@Shearman.com,grace-lee-3889@ecf.pacerpro.com,manattyoffice@shearman.com,stephen.ross@shearman.com,mariusz.jedrzejewski@shearman.com
- **Justin David Lerer**  
jlerer@paulweiss.com,mao\_fednational@paulweiss.com
- **Michelle Lynn Levin**  
mlevin@step toe.com,spu@step toe.com,ehartman@step toe.com,ocorn@step toe.com
- **Daniel Craig Lewis**  
daniel.lewis@shearman.com,managing-attorney-5081@ecf.pacerpro.com,daniel-lewis-6070@ecf.pacerpro.com,CourtAlert@Shearman.com,manattyoffice@shearman.com
- **Jeremy Alan Lieberman**  
jalieberman@pomlaw.com,ahood@pomlaw.com,disaacson@pomlaw.com,abarbosa@pomlaw.com
- **Neil Robert Lieberman**  
nlieberman@hsgllp.com,crodriguez@hsgllp.com,Managingclerk@hsgllp.com
- **Howard Theodore Longman**  
tsvi@aol.com,hlongman@ssbny.com
- **Morgan Paige Lucas**  
mlucas@step toe.com,ehartman@step toe.com,ocorn@step toe.com
- **John Phillip MacNaughton**  
jpm@mmmlaw.com,wew@mmmlaw.com,elarson@mmmlaw.com
- **Michael David Margulies**  
mmargulies@carltonfields.com
- **Jerry Lee Marks**  
jmarks@milbank.com
- **Rita Kathleen Maxwell**  
rita.maxwell@bracewellllaw.com,mco@bracewellllaw.com
- **Francis Paul McConville**  
fmconville@labaton.com,HChang@labaton.com,lpina@labaton.com,drogers@labaton.com,9849246420@filings.docketbird.com,electroniccasefiling@labaton.com
- **Glen Garrett McGorty**  
gmcgorty@crowell.com
- **Donald Alan Migliori**  
dmigliori@motleyrice.com,kdotson@motleyrice.com
- **Michael Champion Miller**  
mmiller@step toe.com,spu@step toe.com,ocorn@Step toe.com,ehartman@step toe.com
- **Mark Tamerlane Millkey**  
mmillkey@rgrdlaw.com,e\_file\_ny@rgrdlaw.com,MMillkey@ecf.courtdrive.com
- **Erin Jennifer Morgan**  
ejmorgan@paulweiss.com,mao\_fednational@paulweiss.com
- **Christopher F. Moriarty**  
cmoriarty@motleyrice.com,sturman@sturman.ch
- **Daniel P. Moylan**  
dmoylan@zuckerman.com,jlinton@zuckerman.com,cvandergriff@zuckerman.com
- **Beth Mueller**  
beth.mueller@kirkland.com,lroberts@kirkland.com,kenymanagingclerk@kirkland.com

- **Mark Francis Murphy**  
mmurphy@steptoe.com
- **Sean Michael Nadel**  
snadel@kellogghansen.com
- **William H. Narwold**  
bnarwold@motleyrice.com,glevin@motleyrice.com,lmclaughlin@motleyrice.com,vlepine@motleyrice.com,ajanelle@motleyrice.com
- **Shawn Patrick Naunton**  
snaunton@zuckerman.com,lgehlbach@zuckerman.com
- **Gregory Mark Nespole**  
gnespole@zlk.com,jtash@zlk.com
- **Ivy T. Ngo**  
ingo@rgrdlaw.com,e\_file\_sd@rgrdlaw.com
- **Jonathan Ohring**  
johring@milbank.com,DMarcou@milbank.com,mprostko@milbank.com,TQuinn@milbank.com,JKammerman@milbank.com,milbank@ecf.courtdrive.com,jon-ohring-4945@ecf.pacerpro.com,dhooks1@milbank.com,klandis@milbank.com,AutoDocketECF@milbank.com,ggreen@milbank.com,MGrier@milbank.com,molsson@milb
- **Bradley E Oppenheimer**  
boppenheimer@kellogghansen.com,ecf-780f0d54d6a1@ecf.pacerpro.com,ggoldfeder@kellogghansen.com
- **Guy Petrillo**  
gpetrillo@pkblp.com
- **Ashley M. Price**  
APrice@rgrdlaw.com,aprice@ecf.courtdrive.com,e\_file\_sd@rgrdlaw.com,lmix@rgrdlaw.com
- **Kingdar Prussien**  
kprussien@milbank.com,autodocketecf@milbank.com
- **Arlen Pyenson**  
apyenson@crowell.com
- **Fei-Lu Qian**  
fqian@saxenawhite.com,e-file@saxenawhite.com,cwallace@saxenawhite.com
- **Leah Margaret Quadrino**  
lquadrino@steptoe.com,pparker@steptoe.com
- **Daniel Brett Rehns**  
drehns@hrsclaw.com,efilings@hrsclaw.com
- **Kenneth Mark Rehns**  
krehns@saxenawhite.com,krehns@cohenmilstein.com,e-file@saxenawhite.com,cwallace@saxenawhite.com
- **Julie Goldsmith Reiser**  
jreiser@cohenmilstein.com
- **Lorin L. Reisner**  
LReisner@paulweiss.com,mao\_fednational@paulweiss.com
- **Joseph F. Rice**  
jrice@motleyrice.com
- **Ann Kimmel Ritter**  
aritter@motleyrice.com,glevin@motleyrice.com,kweil@motleyrice.com
- **Darren J. Robbins**  
e\_file\_sd@rgrdlaw.com,jcaringal@rgrdlaw.com
- **Lara Elizabeth Romansic**  
lromansic@steptoe.com
- **Laurence Matthew Rosen**  
lrosen@rosenlegal.com
- **David Avi Rosenfeld**  
drosenfeld@rgrdlaw.com,e\_file\_ny@rgrdlaw.com,e\_file\_sd@rgrdlaw.com,drosenfeld@ecf.courtdrive.com
- **Robert M. Rothman**  
rrothman@rgrdlaw.com,e\_file\_ny@rgrdlaw.com,RRothman@ecf.courtdrive.com,e\_file\_sd@rgrdlaw.com
- **Samuel Howard Rudman**  
srudman@rgrdlaw.com,e\_file\_ny@rgrdlaw.com,mblasy@rgrdlaw.com,e\_file\_sd@rgrdlaw.com
- **Peter George Safirstein**  
psafirstein@safirsteinmetcalf.com,sfeerick@safirsteinmetcalf.com

- **Michael Gerard Scavelli**  
mscavelli@steptoe.com,spu@steptoe.com,ehartman@steptoe.com,ocorn@steptoe.com
- **Jed Mastren Schwartz**  
jschwartz@milbank.com,jed-schwartz-8050@ecf.pacerpro.com,milbank@ecf.courtdrive.com,ggreen@milbank.com,AutoDocketECF@milbank.com
- **Kevin S. Sciarani**  
ksciarani@rgrdlaw.com,KSciarani@ecf.courtdrive.com,tdevries@rgrdlaw.com,e\_file\_sd@rgrdlaw.com
- **Joseph R. Seidman**  
seidman@bernlieb.com
- **Jonathan Lucas Shapiro**  
jshapiro@kasowitz.com,courtnotices@kasowitz.com,autodocket@kasowitz.com
- **Jessica T. Shinnefield**  
jshinnefield@rgrdlaw.com,JShinnefield@ecf.courtdrive.com,landracchio@rgrdlaw.com
- **Thomas Michael Skelton**  
tskelton@lowey.com
- **Richard William Slack**  
richard.slack@weil.com,mco.ecf@weil.com,richard-slack-7880@ecf.pacerpro.com,adam.bookman@weil.com,Patrick.Branson@weil.com,nymao@ecf.pacerpro.com,evert.christensen@weil.com,Raquel.Kellert@weil.com
- **Patrick Kevin Slyne**  
pkslyne@ssbny.com
- **Patrick C Smith**  
psmith@dehay.com
- **Audra Jan Soloway**  
asoloway@paulweiss.com,mao\_fednational@paulweiss.com
- **Luigi Spadafora**  
spadafora.l@wsslpl.com
- **Kendra L Stead**  
kstead@sidley.com,efilingnotice@sidley.com,jdent@sidley.com,kendra-stead-0480@ecf.pacerpro.com
- **Michael Howard Steinberg**  
steinbergm@sullcrom.com,michael-h-steinberg-5026@ecf.pacerpro.com,s&cmanagingclerk@sullcrom.com
- **Christopher D. Stewart**  
cstewart@rgrdlaw.com,karenc@rgrdlaw.com,e\_file\_sd@rgrdlaw.com
- **Elizabeth Johnson Stewart**  
elizabeth.stewart@shearman.com,managing-attorney-5081@ecf.pacerpro.com,CourtAlert@Shearman.com,elizabeth-stewart-0821@ecf.pacerpro.com,manattyoffice@shearman.com
- **Ellen Anne Gusikoff Stewart**  
elleng@rgrdlaw.com
- **Daniel Ben Tehrani**  
Daniel.Tehrani@usdoj.gov,CaseView.ECF@usdoj.gov
- **Steven Jeffrey Toll**  
stoll@cohenmilstein.com,efilings@cohenmilstein.com
- **Matthew Tracy**  
tracy.m@wsslpl.com
- **Nicholas Tygesson**  
ntygesso@sidley.com
- **Anil Karim Vassanji**  
avassanji@fklaw.com
- **Melanie Elizabeth Walker**  
mewalker@sidley.com,melanie-walker-7174@ecf.pacerpro.com,efilingnotice@sidley.com
- **Reid Weingarten**  
rweingarten@steptoe.com
- **Joseph Harry Weiss**  
jweiss@weisslawllp.com,infony@weisslawllp.com,joshua-rubin-1257@ecf.pacerpro.com,exec@weisslawllp.com
- **Theodore Von Wells , Jr**  
twells@paulweiss.com,mao\_fednational@paulweiss.com
- **Collin White**  
cwhite@kellogghansen.com



- **Regis C. Worley , Jr**  
rworley@rgrdlaw.com
- **Debra J. Wyman**  
debraw@rgrdlaw.com,DebraW@ecf.courtdrive.com,e\_file\_sd@rgrdlaw.com,scaesar@rgrdlaw.com
- **Genevieve Graeme York-Erwin**  
gyorkerwin@bakerlaw.com

### Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

**Ar Capital LLC**

,

**Dwight Phillip Bostwick**  
Zuckerman Spaeder, LLP  
1800 M Street, N.W., Ste. 1000  
Washington, DC 20036-5802

**Scott Alexander Edelman**  
Milbank LLP  
55 Hudson Yards  
New York City, NY 10001-2163

**Kevin Patton**

,

**William Taylor**  
Zuckerman Spaeder LLP  
1800 M Street, N.W  
Washington, DC 20036

**David C. Walton**  
Robbins Geller Rudman & Dowd LLP (SAN DIEGO)  
655 West Broadway  
Suite 1900  
San Diego, CA 92101

**Abby M. Wenzel**

,