

# Milbank

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July 23, 2019

*So ordered*  
*7-22-19*

*Alv. Hellerstein*

## VIA ECF AND HAND DELIVERY

The Hon. Alvin K. Hellerstein  
United States District Judge  
United States District Court, Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 1050  
New York, New York 10007

Re: *In re American Realty Capital Properties, Inc. Litigation*, No. 1:15-mc-00040-  
AKH (S.D.N.Y.)

Dear Judge Hellerstein:

We are the attorneys for Defendants VEREIT, Inc. (f/k/a American Realty Capital Properties, Inc.) and VEREIT Operating Partnership, L.P. (f/k/a ARC Operating Partnership, L.P.) in the above-referenced matter. We write on behalf of all parties to request a modification to the definition of the class in this case (the "Class Definition").

As discussed with chambers yesterday, we jointly propose that the phrase "during the period from February 28, 2013 through October 29, 2014," currently in the Class Definition (*see* Dkt. No. 859 (May 16, 2014)), be modified to read: "during the period between February 28, 2013 and October 29, 2014." This modification is consistent with the Class Definition in the operative complaint (Dkt. No. 312 (September 30, 2016)) and Plaintiffs' Motion to Certify Class (Dkt. No. 367 (March 15, 2017).)

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Attached hereto as Exhibit A is a copy of a Stipulation and Proposed Order regarding class notice procedures that contains the revised definition. The parties ask that the Court so order this Stipulation and Proposed Order so that class notice may proceed.

Respectfully submitted,

/s/ Scott A. Edelman

Scott A. Edelman

cc: All counsel (*via ECF*)