

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**Case No. 15-22782-Civ-COOKE/TORRES**

BENJAMIN FERNANDEZ, *et. al.*,

Plaintiffs,

vs.

MERRILL LYNCH, PIERCE,  
FENNER & SMITH INCORPORATED,

Defendant.

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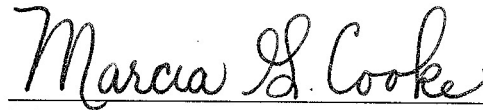
**ORDER SETTING FAIRNESS HEARING**

THIS MATTER shall be set for a Fairness Hearing on **December 13, 2017 at 3:00 p.m. in the Miami Division of the United States District Court for the Southern District of Florida before the Honorable Marcia G. Cooke, Courtroom 11-2.** At this time, the Court will finally determine the fairness, reasonableness, and adequacy of the terms and conditions of the settlement set forth in the Settlement Agreement and the Fee and Expense Application submitted by Class Counsel. Any Settlement Class Member may appear personally or by counsel at the hearing and may object or express his or her view regarding the Settlement Agreement and Fee and Expense Application. However, a Settlement Class Member shall not be heard, nor be entitled to contest the approval by this Court of the Settlement Agreement or Fee and Expense Application, unless on or before the date of the fairness hearing he or she files with the Clerk of this Court written objections, together with any Notice of Intention to Appear and any papers he or she proposed to submit to this Court at the hearing. Notice of objection shall be filed on the docket and served on:

- (a) Donald Havermann, Morgan, Lewis & Bockius, LLP, 1111 Pennsylvania Ave, N.W., Washington, DC 20004
- (b) Jason Kellogg, Levine Kellogg Lehman Schneider+ Grossman LLP, 201 South Biscayne Blvd, 22nd Floor, Miami, Florida 33131; and
- (c) Frank Rodriguez, Rodriguez Tramont & Nunez, P.A., 255 Alhambra Circle, Suite 1150, Coral Gables, Florida 33134.

Any Settlement class Member who does not file and serve his or her objection in this manner should be deemed to have waived his or her objection and be forever precluded from making any objections to the fairness or adequacy of the proposed Settlement Agreement.

**DONE and ORDERED** in Chambers, Miami, Florida, this 20<sup>th</sup> day of October 2017.



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MARCIA G. COOKE  
United States District Judge

Copies furnished to:  
*Edwin G. Torres, U.S. Magistrate Judge*  
*Counsel of record*