

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DAVID B. TRACEY, *et al.*,

Plaintiffs,

v.

MASSACHUSETTS INSTITUTE OF
TECHNOLOGY, *et al.*,

Defendants.

No. 16-cv-11620-NMG

**JOINT NOTICE OF MINOR EXTENSION OF TIME UNTIL SETTLEMENT
PAYMENTS TO THE CLASS WILL BE COMPLETED**

The Parties wish to notify the Court that the Settlement Administrator has encountered issues that require the final payment date to be extended 21 days from November 9, 2020 to November 30, 2020.

1. On June 5, 2020, the Court granted Final Approval of the Settlement, overruling any and all objections, finding the settlement to be fair, reasonable, and adequate for the Plan and the Settlement Class.

2. The Settlement became effective on July 10, 2020 (35 days after the Final Order was entered).

3. The Parties and the Settlement Administrator began executing the steps necessary to calculate the amounts payable to current and former participants.

4. In preparing these calculations, the Settlement Administrator had to account for the payment of all expenses related to the Settlement. The last invoice was received on September 28, 2020. As explained in the attached declaration of Richard Simmons, the President of Analytics, LLC (the Settlement Administrator), once the

final invoice was paid, the additional calculations necessary to compute the amounts to be paid to current and former participants took more time than expected.

5. Analytics transferred the final payment amounts along with the net assets to be distributed in accordance with the final calculations to Fidelity (the Plan's recordkeeper) on October 30, 2020.

6. Pursuant to the Settlement Agreement, Fidelity has thirty days, until November 30, 2020, to deposit the payments to current participants in the Plan.

7. The Settlement Administrator will ensure that all payments to former participants are mailed or wired by November 30, 2020 as well.

Dated: November 2, 2020

Respectfully submitted,

/s/ Heather Lea
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on November 2, 2020.

/s/ Heather Lea_____

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DECLARATION OF ANALYTICS

I, Richard W. Simmons, declare as follows:

1. I am the President of Analytics Consulting LLC (“Analytics”), a firm with offices in Chanhassen, Minnesota that provides consulting services relating to the design and implementation of class action and mass tort litigation settlements. The following statements are based on my personal knowledge and information provided by other Analytics employees working under my supervision, and if called as a witness, I could and would testify competently thereto.

2. After the Settlement became final on July 10, 2020, Analytics began the process of collecting all invoices that needed to be paid from the settlement fund.

3. The final invoice arrived on September 28, 2020 and received all the necessary approvals for payment on October 8, 2020.

4. The amount of the invoice required a recalculation of the distribution amounts for both current and former participants. These calculations follow the

method of allocation set forth in the Settlement Agreement and reflect any and all necessary tax withholdings and calculations of de minimus thresholds.

5. The recalculations were unexpectedly delayed because of issues related to remote working and reduced staffing. The delays were unfortunately unpredictable and unavoidable.

6. On October 30, 2020, the revised calculations were sent to the parties and to the Plan's recordkeeper. On the same day (October 30, 2020), the assets for distribution to the current participants also were sent to the Plan's recordkeeper.

7. On or before November 30, 2020, Analytics will distribute the amounts calculated and reserved for former participants in the Plan.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 2d day of November, 2020 in Minneapolis, Minnesota.



Richard W. Simmons

President of Analytics Consulting LLC