

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

ROYAL PARK INVESTMENTS SA/NV,
individually and on behalf of all others
similarly situated,

Plaintiff,

v.

THE BANK OF NEW YORK MELLON, as
Trustee,

Defendant.

1:14-cv-06502-GHW

JOINT MOTION FOR APPROVAL TO DISMISS ALL CLAIMS

All parties to this action (the “Parties”), through their respective counsel, hereby respectfully move this Court to approve (i) the voluntary dismissal of Plaintiff’s claims with prejudice and (ii) a proposed form of notice required to dismiss all claims. In support of this motion, the Parties state as follows:

1. Federal Rule of Civil Procedure 23.1(c) provides that a derivative action may be settled, voluntarily dismissed, or compromised only with the Court’s approval and that notice of a proposed settlement, voluntary dismissal, or compromise must be given to shareholders in the manner that the Court orders.

2. The Parties jointly submit the proposed derivative notice, attached as Exhibit 1 to the Declaration of Arthur C. Leahy, filed herewith. The Bank of New York Mellon will post the notice or cause the notice to be posted on the trust investor reporting website for each of the Trusts on Exhibit 1 to the notice. Accessing the trust investor reporting website is the means by which noteholders, certificateholders, and other investors customarily obtain information and notices regarding the trusts. This manner of providing notice is reasonable and adequate to ensure that current holders in the Trusts are informed about the dismissal of the litigation. The

proposed derivative notice provides current holders in the Trusts at issue a thirty (30) day period to respond to the proposed dismissal before the Court enters an Order approving the voluntary dismissal of Plaintiff's claims.¹

3. To facilitate the dismissal with prejudice, the Parties hereby respectively submit for the Court's consideration the proposed dismissal order, attached as Exhibit 2 to the Declaration of Arthur C. Leahy.

WHEREFORE, the Parties hereby respectfully request that this Court approve the proposed derivative notice and, following the thirty (30) day period wherein current holders in the Trusts do not respond to the proposed dismissal, enter an order dismissing the case with prejudice.

¹ This same notice procedure was approved by the Court in connection with the voluntary dismissal of claims in *Blackrock Allocation Target Shares: Series S Portfolio et al v. The Bank of New York Mellon et al.*, 1:14-cv-09372 (S.D.N.Y. 2014). See Dkt. Nos. 172-175.

Dated: March 2, 2020

/s/ Arthur C. Leahy
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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on March 2, 2020, 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/ ARTHUR C. LEAHY

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Mailing Information for a Case 1:14-cv-06502-GHW Royal Park Investments SA/NV v. The Bank of New York Mellon

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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.

- (No manual recipients)