

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ARKANSAS TEACHER RETIREMENT SYSTEM,)
on behalf of itself and all others)
similarly situated,)
Plaintiff)

v.)

C.A. No. 11-10230-MLW

STATE STREET BANK AND TRUST COMPANY,)
Defendants.)

ARNOLD HENRIQUEZ, MICHAEL T.)
COHN, WILLIAM R. TAYLOR, RICHARD A.)
SUTHERLAND, and those similarly)
situated,)
Plaintiff)

v.)

C.A. No. 11-12049-MLW

STATE STREET BANK AND TRUST COMPANY,)
Defendants.)

THE ANDOVER COMPANIES EMPLOYEE)
SAVINGS AND PROFIT SHARING PLAN, on)
behalf of itself, and JAMES)
PEHOUSHEK-STANGELAND and all others)
similarly situated,)
Plaintiff)

v.)

C.A. No. 12-11698-MLW

STATE STREET BANK AND TRUST COMPANY,)
Defendants.)

MEMORANDUM AND ORDER

WOLF, D.J.

July 31, 2018

The court has reviewed Customer Class Counsel's¹ Motion for Accounting, and Clarification that the Special Master's Role Has Concluded (Docket Nos. 302, 310) (the "Motion"), the Master's Response (Docket No. 377), and the Lawyers' Reply (Docket No. 397). Among other things, the Lawyers seek a ruling that the Master may not respond to the objections to his Report and Recommendation (Docket No. 357) (the "Report"). Neither the Lawyers nor the Master cited any cases concerning the court's authority to clarify or amend the Order appointing the Master to allow him to respond to objections to his Report.

The Report, with its Executive Summary, is more than 400 pages. The objections to it are comparably lengthy. The record to date, which is not complete, includes thousands of pages. Ordinarily in such matters the operation of an adversary process promotes well-informed decision-making.

When the Master was appointed the court took under advisement the Motion of the Competitive Enterprise Institute's Center for Class Action Fairness ("CCAF") to participate as a guardian ad litem for the class or, alternatively, as an amicus to the court. See Mar. 8, 2017 Order (Docket No. 172), ¶1. That request is now relevant to the Motion. Accordingly, it is hereby ORDERED that:

¹ "Customer Class Counsel" are referred to in this Memorandum and Order as the "Lawyers."

1. The Lawyers are informed that the court may, if necessary, amend the Order appointing the Master to authorize him to respond to the objections to the Report and to address related issues. See Fed. R. Civ. P. 53(b)(4).

2. The Lawyers and the Master shall, by 12:00 noon on August 6, 2018, supplement their submissions to address the Court's authority to permit the Master to address objections to his Report and related issues.

3. CCAF shall, by 12:00 noon on August 6, 2018:

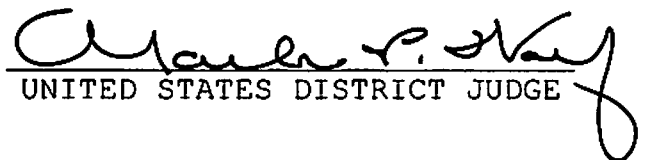
(a) State whether it remains willing and able to serve as a guardian ad litem or amicus;

(b) If so, the financial and other terms on which it proposes to serve;

(c) Supplement its motion to participate (Docket No. 126) to address the current circumstances of the case; and

(d) Respond to paragraph 2 hereinabove.

4. If CCAF still seeks a role in this case, any opposition to its request shall be filed by August 7, 2018.


UNITED STATES DISTRICT JUDGE