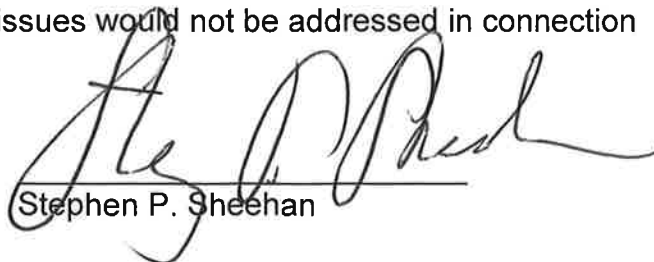


determination (if any) of the defendants' claims concerning ERISA preemption and the authority of a state-court-appointed receiver to administer an ERISA plan.

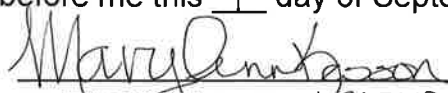
5. Moreover, at that hearing on August 29, 2019, counsel for the Prospect Entities informed Chief Judge William E. Smith that his clients had no objection to the federal court's proceeding in that fashion both in connection with Settlement B and in connection with Settlement A, provided that settlement approval would not prejudice the Prospect Entities' arguments on the merits of those issues in connection with the continuation of the case between Plaintiffs and the Non-Settling Defendants.

6. Chief Judge William E. Smith stated that any settlement approvals would be without prejudice to the Non-Settling Defendants' arguments concerning ERISA preemption and the authority of a state-court-appointed receiver to administer an ERISA plan, which he indicated would be addressed in due course, in connection with the Non-Settling Defendants' pending motions to dismiss if they are appropriate for determination at that time, or at a later date. Counsel for the Prospect Entities then sought and obtained permission from Chief Judge William E. Smith not to have the Prospect Entities' ERISA counsel present at the hearing on final approval of Settlement A on September 10, 2019, since those issues would not be addressed in connection with settlement approval.



Stephen P. Sheehan

SUBSCRIBED AND SWORN to before me this 9th day of September, 2019.



NOTARY PUBLIC # 21379
My Commission Expires: 6/11/21

CERTIFICATE OF SERVICE

I hereby certify that, on the 9th day of September, 2019, I filed and served the foregoing document through the electronic filing system on the following users of record:

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/s/ Max Wlstow