

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

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**KERI EVANS, et al.,**

**Plaintiffs,**

**v.**

**JOHN F. AKERS, et al.,**

**Defendants.**

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**MARK SIAMIS, et al.,**

**Plaintiffs,**

**v.**

**JOHN F. AKERS, et al.,**

**Defendants.**

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**Consolidated Under  
Case No. 04-11380-WGY**

**PLAINTIFFS' MOTION TO PRELIMINARILY APPROVE SETTLEMENT,  
CONDITIONALLY CERTIFY A SETTLEMENT CLASS, APPROVE NOTICE  
AND SET A FINAL FAIRNESS HEARING**

Plaintiffs Keri Evans, Timothy Whipps and Mark Siamis (“Named Plaintiffs”) respectfully submit the following motion for an order preliminarily approving the settlement, conditionally certifying a settlement class, approving the form of notice and setting a final fairness hearing. Plaintiffs respectfully submit that the proposed Class Action Settlement is fair, reasonable and adequate and that Plaintiffs have satisfied the requirements for preliminary approval and certification of a Settlement Class. Plaintiffs further submit that their notice plan should be approved and a final fairness hearing set.

Plaintiffs submit herewith a Memorandum in Support and the Declaration of Edward W. Ciolko.

Dated: June 5, 2009

Respectfully submitted,

/s/ Edward W. Ciolko

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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 June 5, 2006.

          /s/ Edward W. Ciolko