

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

IN RE HERALD, PRIMEO, AND THEMA FUNDS SECURITIES LITIGATION	)	ECF Case
	)	
	)	Case No. 09 Civ. 0289 (RMB)
	)	
	)	Class Action
This Document Relates to:	)	
	)	
NEVILLE SEYMOUR DAVIS,	)	
Plaintiff,	)	Case No. 09 Civ. 2558 (RMB)
	)	
vs.	)	Class Action
	)	
ALBERTO BENBASSAT <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

**LEAD PLAINTIFF NEVILLE SEYMOUR DAVIS'S MOTION  
FOR PRELIMINARY APPROVAL OF PARTIAL SETTLEMENT**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that upon the attached Stipulation and Agreement of Partial Settlement and the exhibits annexed thereto, the accompanying Memorandum of Law, the Declaration of Neville Seymour Davis and the exhibits annexed thereto, and all papers and proceedings in this action, Lead Plaintiff Neville Seymour Davis moves the Court, located at Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 21B, New York, New York 10007, for an order (1) preliminarily approving the proposed partial settlement; (2) conditionally certifying the proposed class for settlement purposes; (3) approving the form of the notices and the proposed plan for disseminating the notices and proofs of claim, release and assignment; (4) setting a date for the final approval hearing; and (5) granting such further and other relief as the Court deems just and proper.

Dated: June 17, 2011

CHAPIN FITZGERALD  
SULLIVAN & BOTTINI LLP  
Francis A. Bottini, Jr.  
Albert Y. Chang (AC-5415)

s/ Albert Y. Chang

---

Albert Y. Chang

550 West C Street, Suite 2000  
San Diego, California 92101  
Telephone: (619) 241-4810  
Facsimile: (619) 955-5318

*Lead Counsel for Lead Plaintiff  
Neville Seymour Davis and the Class*

ROBBINS GELLER RUDMAN & DOWD LLP  
Darren J. Robbins  
Keith F. Park  
James I. Jaconette  
655 West Broadway Suite 1900  
San Diego, California 92101  
Telephone: (619) 231-1058  
Facsimile: (619) 231-7423

– and –

Samuel H. Rudman  
David A. Rosenfeld  
52 Duane Street, 7th Floor  
New York, New York 10007  
Telephone: (212) 693-1058  
Facsimile: (212) 693-7423

MURRAY, FRANK & SAILER LLP  
Brian P. Murray (BM-9954)  
Gregory B. Linkh (GL-0477)  
275 Madison Avenue, Suite 801  
New York, New York 10016  
Telephone: (212) 682-1818  
Facsimile: (212) 682-1892

*Counsel for Lead Plaintiff  
Neville Seymour Davis and the Class*