

**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

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Francis A. Bottini, Jr.  
Albert Y. Chang (AC-5415)

s/ Albert Y. Chang

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