

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

I. STEPHEN RABIN, on behalf of himself and  
all others similarly situated,

Plaintiff

v.

John Doe Market Makers,  
NASDAQ OMX PHLX LLC, and  
NASDAQ OMX GROUP, INC.

Defendants

Case No. 15-00551-GAM

CLASS ACTION

TRIAL BY JURY DEMANDED

**ORDER GRANTING PLAINTIFF I. STEPHEN RABIN'S MOTION FOR  
APPOINTMENT AS LEAD PLAINTIFF AND FOR APPROVAL OF LEAD  
PLAINTIFF'S SELECTION OF LEAD COUNSEL**

This Court, having considered the motion of plaintiff I. Stephen Rabin ("Movant") for Appointment as Lead Plaintiff and for Approval of Movant's Selection of Lead Counsel, the memorandum of law submitted in support thereof, and the Declaration of Lawrence Deutsch submitted in support thereof, and good cause appearing therefor,

**IT IS HEREBY ORDERED** as follows:

1. I. Stephen Rabin is appointed as Lead Plaintiff. Lead Plaintiff satisfies the requirements for Lead Plaintiff pursuant to the Private Securities Litigation Reform Act of 1995 ("PSLRA").

2. Lead Plaintiff has selected and retained Lawrence Deutsch and Robin Switzenbaum of Berger & Montague, P.C. and Bragar Eigel & Squire, P.C. to serve as Lead Counsel in this class action. The Court approves the selection of Lawrence Deutsch and Robin

Switzenbaum of Berger & Montague, P.C. and Bragar Eigel & Squire, P.C. to serve as Plaintiff's Lead Counsel.

3. Plaintiff's Lead Counsel shall have the following responsibilities and duties, to be carried out either personally or through counsel whom Lead Counsel shall designate:

- (a) to coordinate the briefing and argument of motions;
- (b) to coordinate the conduct of discovery proceedings;
- (c) to coordinate the examination of witnesses in depositions;
- (d) to coordinate the selection of counsel to act as spokesperson at pretrial conferences;
- (e) to call meetings of the plaintiffs' counsel as they deem necessary and appropriate from time to time;
- (f) to coordinate all settlement negotiations with counsel for defendants;
- (g) to coordinate and direct the pretrial discovery proceedings and the preparation for trial and the trial of this matter and to delegate work responsibilities to selected counsel as may be required; and
- (h) to supervise any other matters concerning the prosecution, resolution or settlement of the class Action.

4. No motion, request for discovery, or other pretrial proceedings shall be initiated or filed by any plaintiff without the approval of Lead Counsel, so as to prevent duplicative pleadings or discovery by plaintiff. No settlement negotiations shall be conducted without the approval of Lead Counsel.

5. Lead Counsel shall have the responsibility of receiving and disseminating Court orders and notices.

6. Lead Counsel shall be the contact between plaintiff's counsel and defendants' counsel, as well as the spokesperson for plaintiff's counsel, and shall direct and coordinate the activities of plaintiffs' counsel.

7. Defendants shall serve all papers on plaintiffs by serving a copy on Lead Counsel via filing on the electronic docket or via email when no docket entry is made. Plaintiff shall serve all papers on defendants by filing on the electronic docket or via email when no electronic docket entry has been made.

8. During the pendency of this litigation, or until further order of this Court, the parties shall preserve all documents within their possession, custody, or control which is relevant to the subject matter of the pending litigation, including computer-generated and stored information, computerized data, and electronic mail.

**IT IS SO ORDERED,**

Dated: June 16, 2015.

BY THE COURT:  


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Hon. Gerald A. McHugh  
United States District Judge