

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

No. 3:12-cv-00456-MOC-DSC  
(Consolidated with Nos. 3:12-cv-00474 and 3:12-cv-00624)

MAURINE NIEMAN,	)	<u>CLASS ACTION</u>
	)	
Plaintiffs,	)	LEAD PLAINTIFFS' MOTION FOR FINAL
	)	APPROVAL OF CLASS ACTION
vs.	)	SETTLEMENT AND APPROVAL OF PLAN
	)	OF ALLOCATION
DUKE ENERGY CORPORATION, et al.,	)	
	)	
Defendants.	)	
	)	
_____	)	

On August 12, 2015, at 9:30 a.m., or as soon thereafter as the matter may be heard, Lead Plaintiffs Amalgamated Bank, as Trustee for the LongView LargeCap 500 Index Fund and LongView LargeCap 500 Index VEBA Fund, Gerald Friesen, Carolyn Friesen and Craig Bacino, individually and as Trustee for the Janice and Craig Bacino Trust will and hereby do move this Court pursuant to Federal Rule of Civil Procedure 23 for orders granting final approval of the proposed settlement of the above-captioned class action and approval of the proposed plan for allocating the settlement proceeds.

This motion is based on the supporting memorandum, the Joint Declaration of Eli R. Greenstein and Tor Gronborg and supporting exhibits, the papers and filings on record in this matter, and such additional evidence or argument as may be presented at the hearing.

Proposed orders will be submitted with Lead Plaintiffs' reply submission after the deadline for requesting exclusion and objecting has passed.

DATED: May 22, 2015

Respectfully submitted,

KESSLER TOPAZ MELTZER  
& CHECK, LLP  
Eli R. Greenstein (*pro hac vice*)  
Stacey M. Kaplan (*pro hac vice*)

ROBBINS GELLER RUDMAN  
& DOWD LLP  
Tor Gronborg (*pro hac vice*)  
Jeffrey D. Light

/s/ Eli R. Greenstein  
ELI R. GREENSTEIN

/s/ Tor Gronborg  
TOR GRONBORG

One Sansome Street, Suite 1850  
San Francisco, CA 94104  
Telephone: 415/400-3000  
415/400-3001 (fax)  
E-mail: [egreenstein@ktmc.com](mailto:egreenstein@ktmc.com)  
E-mail: [skaplan@ktmc.com](mailto:skaplan@ktmc.com)

655 West Broadway, Suite 1900  
San Diego, CA 92101  
Telephone: 619/231-1058  
619/231-7423 (fax)  
E-mail: [torg@rgrdlaw.com](mailto:torg@rgrdlaw.com)  
E-mail: [jeffl@rgrdlaw.com](mailto:jeffl@rgrdlaw.com)

KESSLER TOPAZ MELTZER  
& CHECK, LLP

Gregory M. Castaldo  
Jennifer L. Enck  
280 King of Prussia Road  
Radnor, PA 19087  
Telephone: 610/667-7706  
610/667-7056 (fax)  
E-mail: gcastaldo@ktmc.com

ROBBINS GELLER RUDMAN  
& DOWD LLP

Paul Geller (*pro hac vice*)  
David J. George (*pro hac vice*)  
Elizabeth A. Shonson (*pro hac vice*)  
120 East Palmetto Park Road, Suite 500  
Boca Raton, FL 33432  
Telephone: 561/750-3000  
561/750-3364 (fax)  
E-mail: pgeller@rgrdlaw.com  
E-mail: dgeorge@rgrdlaw.com  
E-mail: eshonson@rgrdlaw.com

*Lead Counsel for Lead Plaintiffs*

BLUE STEPHENS & FELLERS LLP

Dhamian A. Blue (N.C. Bar #31405)  
Daniel T. Blue, Jr. (N.C. Bar #5510)  
Daniel T. Blue, III (N.C. Bar #27720)

205 Fayetteville Street, Suite 300  
Raleigh, NC 27601  
Telephone: 919/833-1931  
919/933-8009 (fax)  
E-mail: dab@bluestephens.com  
E-mail: danblue@bluestephens.com  
E-mail: dtb3@bluestephens.com

*Liaison Counsel for Lead Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 22, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 22, 2015.

*/s/ Eli R. Greenstein*

\_\_\_\_\_  
Eli R. Greenstein

## Mailing Information for a Case 3:12-cv-00456-MOC-DSC

### Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Steven M. Bierman**  
sbierman@sidley.com,emalin@sidley.com
- **Dhamian A. Blue**  
dab@bluestephens.com,danblue@bluestephens.com
- **Paul Jeffrey Geller**  
e\_file\_fl@rgrdlaw.com,pgeller@rgrdlaw.com,swinkles@rgrdlaw.com,e\_file\_sd@rgrdlaw.com
- **David J George**  
dgeorge@rgrdlaw.com,kdouglas@rgrdlaw.com,e\_file\_sd@rgrdlaw.com,e\_file\_fl@rgrdlaw.com
- **Eli R. Greenstein**  
egreenstein@ktmc.com,jhouston@ktmc.com,rnathcook@ktmc.com,yjayasuriya@ktmc.com
- **Tor Gronborg**  
torg@rgrdlaw.com,hectorm@rgrdlaw.com,e\_file\_sd@rgrdlaw.com
- **Debbie Weston Harden**  
dharden@wcsr.com,shanley@wcsr.com,brsmith@wcsr.com,rferguson@wcsr.com
- **Stacey M. Kaplan**  
skaplan@ktmc.com
- **Jeffrey D. Light**  
jeffl@rgrdlaw.com
- **L. Bruce McDaniel**  
mcdas@mcdas.com,kbwatt@mcdas.com
- **William Everett Moore , Jr**  
bmoore@gastonlegal.com,mcarpenter@gastonlegal.com,selliott@gastonlegal.com,mrcarpenter@gastonlegal.com
- **Claire J. Rauscher**  
CRauscher@wcsr.com
- **David A. Rosenfeld**  
drosenfeld@rgrdlaw.com,e\_file\_sd@rgrdlaw.com
- **Jennifer Sarnelli**  
JSARNELLI@GARDYLAW.COM
- **Elizabeth A Shonson**  
eshonson@rgrdlaw.com,e\_file\_sd@rgrdlaw.com,e\_file\_fl@rgrdlaw.com