

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: COMMERCIAL DIVISION**

DAN KOHL, *et al.*,

Plaintiff,

v.

LOMA NEGRA COMPANIA INDUSTRIAL
ARGENTINA SOCIEDAD ANONIMA, LOMA
NEGRA HOLDING GMBH, SERGIO FAIFMAN,
MARCO GRADIN, RICARDO FONSECA DE
MENDONÇA LIMA, LUIZ AUGUSTO KLE CZ,
PAULO DINIZ, CARLOS BOERO HUGHES,
DIANA MONDINO, SERGIO DANIEL ALONSO,
BRADESCO SECURITIES INC., CITIGROUP
GLOBAL MARKETS INC., HSBC SECURITIES
(USA) INC., ITAU BBA USA SECURITIES, INC.,
MERRILL LYNCH, PIERCE, FENNER & SMITH
INCORPORATED AND MORGAN STANLEY &
CO. LLC,

Defendants.

Index No. 653114/2018
Part 53

Hon. Andrew Borrok

Motion Sequence No. 008

~~PROPOSED~~ ORDER TO SHOW CAUSE

Upon reading the annexed Affirmation of Shannon L. Hopkins, dated October 11, 2023 (“Hopkins Affirmation”), and the attached exhibits, and all pleadings and proceedings relevant to this action,¹ it is hereby:

ORDERED that the parties show cause before this Court, at the Courthouse located at 60 Centre, Part 53, Room 238, New York, New York 10007, on the 30 day of November, 2023, at 2 p.m., or as soon thereafter as counsel can be heard, why an order should not be issued:

¹ No previous application has been made for the relief requested.

1. preliminarily approving the parties' Stipulation of Settlement (the "Stipulation" or "Settlement"), attached as Exhibit 1 to the Hopkins Affirmation;
2. entering the proposed Preliminary Approval Order, attached as Exhibit A to the Stipulation, which includes copies of the proposed Notice, proposed Summary Notice, and proposed Proof of Claim and Release form attached as exhibits thereto;
3. ordering dissemination of the proposed Notice and Summary Notice in substantially the same form as attached as Exhibits A-1 and A-3, respectively, to the Stipulation.
4. directing the date and time for a Settlement Hearing at which time the Court will consider whether the Settlement should be finally approved; and
5. granting such other and further relief as the Court deems proper; and it is further ORDERED that no additional submissions are necessary because Defendants do not oppose this motion.

IT IS SO ORDERED.

DATED: October 16, 2023



THE HONORABLE ANDREW BORROK, J.S.C.