

DV

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, S.S.

SUPERIOR COURT

Civil No. 24-1734-BLS1

JOHN DWYER, & another¹
Plaintiffs

vs.

ALAN TREFLER, & others²
Defendants

CONSOLIDATED WITH
Civil No. 24-3076-BLS1

JAYNE BIRCH, & another³
Plaintiffs

vs.

ALAN TREFLER, & others⁴
Defendants

PLAINTIFFS' MOTION FOR FINAL APPROVAL OF DERIVATIVE SETTLEMENT

¹ Ray Gerber.

² Peter Gyenes ("Gyenes"), Richard Jones ("Jones"), Christopher Lafond ("Lafond"), Dianne Ledingham ("Ledingham"), Sharon Rowlands ("Rowlands"), Larry Weber ("Weber"), Leon Trefler ("L. Trefler"), Don Schuerman ("Schuerman"), Kerim Akgonul ("Akgonul"), and Benjamin Baril ("Baril"). Pegasystems Inc. ("Pegasystems") is named as a nominal defendant.

³ Robert Garfield.

⁴ Gyenes, Jones, Lafond, Ledingham, Rowlands, Weber, L. Trefler, Schuerman, Akgonul, Baril, and Stillwell. Pegasystems is named as a nominal defendant.

Pursuant to Rule 23.1 of the Massachusetts Rules of Civil Procedure, Plaintiffs John Dwyer, Ray Gerber, Jayne Birch, and Robert Garfield, derivatively on behalf of nominal defendant Pegasystems Inc., respectfully submit this Motion for Final Approval of Derivative Settlement (the “Motion”) and ask that the Court enter judgment substantially in the form of the Proposed Order and Final Judgment filed herewith. The reasons for the Motion are set forth in the accompanying Memorandum of Law.

Dated: May 21, 2026

Respectfully submitted,

OF COUNSEL:

EQUITY LITIGATION GROUP LLP

Mark Lebovitch
**BERNSTEIN LITOWITZ BERGER &
GROSSMANN LLP**
1251 Avenue of the Americas
New York, NY 10020
(212) 554-1400
MarkL@blbglaw.com

/s/ Lauren Godles Milgroom
Joel Fleming (BBO #685285)
Lauren Godles Milgroom (BBO #698743)
1 Washington Mall #1307
Boston, MA 02108
(617) 468-8602
jfleming@equitylitigation.com
lmilgroom@equitylitigation.com

Richard A. Speirs
COHEN MILSTEIN SELLERS & TOLL PLLC
88 Pine Street, 14th Floor
New York, NY 10005
(212) 220-2912
rspeirs@cohenmilstein.com

Daniel Silverman (BBO #704387)
COHEN MILSTEIN SELLERS & TOLL PLLC
769 Centre Street, Suite 207
Boston, MA 02130
(617) 858-1990
dsilverman@cohenmilstein.com

Rusty E. Glenn
SHUMAN, GLENN & STECKER
600 17th Street, Suite 2800 South
Denver, CO 80202
(303) 861-3003
rusty@shumanlawfirm.com

Counsel for Plaintiffs

Brett D. Stecker
SHUMAN, GLENN & STECKER
326 W. Lancaster Avenue
Ardmore, PA 19003
(303) 861-3003
brett@shumanlawfirm.com

CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2026, I caused a true copy of the foregoing to be served by email to counsel of record as follows:

Joel Fleming
Amanda Crawford
Lauren Godles Milgroom
EQUITY LITIGATION GROUP LLP
jfleming@equitylitigation.com
acrawford@equitylitigation.com
lmilgroom@equitylitigation.com

Mark Lebovitch
**BERNSTEIN LITOWITZ BERGER &
GROSSMANN LLP**
MarkL@blbglaw.com

*Counsel for Plaintiffs John Dwyer and Ray
Gerber*

Richard A. Speirs
Daniel Silverman
**COHEN MILSTEIN SELLERS
& TOLL PLLC**
rspeirs@cohenmilstein.com
dsilverman@cohenmilstein.com

Rusty E. Glenn
Brett D. Stecker
SHUMAN, GLENN & STECKER
rusty@shumanlawfirm.com
brett@shumanlawfirm.com

*Counsel for Plaintiffs Jayne Birch and Robert
Garfield*

Daniel W. Halston
Robert Kingsley Smith
Erika M. Schutzman
**WILMER CUTLER PICKERING HALE AND
DORR LLP**
daniel.halston@wilmerhale.com
robert.smith@wilmerhale.com
erika.schutzman@wilmerhale.com

*Counsel for Defendants Alan Trefler, Peter
Gyenes, Richard Jones, and Larry Weber and
Nominal Defendant Pegasystems Inc.*

John F. Sylvia
**MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
AND POPEO, P.C.**
jfsylvia@mintz.com

*Counsel for Defendants Leon Trefler, Don
Schuerman, Kerim Akgonul, Douglas Kim,
and Benjamin Baril*

Ilan Graff
Scott B. Luftglass
**FRIED, FRANK, HARRIS, SHRIVER &
JACOBSON LLP**
scott.luftglass@friedfrank.com
ilan.graff@friedfrank.com

*Counsel for Defendants Christopher Lafond,
Dianne Ledingham, and Sharon Rowlands*

/s/ Lauren Godles Milgroom
Lauren Godles Milgroom (BBO # 698743)