

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' REPLY IN SUPPORT OF MOTIONS FOR FINAL APPROVAL OF
DERIVATIVE SETTLEMENT AND FOR ATTORNEYS' FEES, EXPENSES,
AND SERVICE AWARDS**

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.

Plaintiffs John Dwyer, Ray Gerber, Jayne Birch, and Robert Garfield respectfully submit this reply in support of their motions for final approval of derivative settlement and for attorneys' fees, expenses, and service awards (the "Motions").

As set out in (1) the Declaration of Erika Schutzman, Dkt. 60; (2) Declaration of Richard A. Speirs, Dkt. 63; and (3) Declaration of Mae Oberste, submitted herewith, notice was issued consistent with the Court's April 16, 2026 Order Preliminarily Approving Settlement and Providing for Notice (the "Preliminary Approval Order"). As set forth in the Preliminary Approval Order and in the notices, the deadline for any objections was June 15, 2025. No objections have been received, which supports granting the Motions. *See* Declaration of Mae Oberste at ¶4; *see also, e.g., Bezdek v. Vibram USA Inc.*, 79 F. Supp. 3d 324, 347 (D. Mass. 2015) (characterizing three objections from a class of over 150,000 as an "overwhelmingly positive" reaction and approving settlement), *aff'd*, 809 F.3d 78 (1st Cir. 2015); *Sciabacucchi v. Malone*, 11418-VCG (Del. Ch. June 22, 2023) (Transcript) at 7 ("[T]here are no objectors. That's an important factor for my analysis, obviously.").

Dated: June 16, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on June 16, 2026, I caused a true copy of the foregoing to be served by email to counsel of record as follows:

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