

Return Date: No return date scheduled
Hearing Date: No hearing scheduled
Courtroom Number: No hearing scheduled
Location: No hearing scheduled

FILED
12/16/2020 4:23 PM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2014ch00829

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

SHELDON LANGER, RONALD M.)
YERMACK, LANCE R. GOLDBERG,)
ROBERT PROSI, GERALD PETROW,)
individually on behalf of themselves and all)
others similarly situated,)

No. 2014 CH 00829
11528102

Calendar 6

Plaintiffs,)

v.)

Honorable Celia G. Gamrath
Presiding

CME GROUP, INC., a Delaware Corporation;)
THE BOARD OF TRADE OF THE CITY OF)
CHICAGO, INC., a Delaware Corporation,)

Defendants.)

JURY TRIAL DEMANDED

**RESPONSE TO COURT’S REQUEST FOR
PLAINTIFFS’ PROPOSED CLASS DEFINITIONS**

Pursuant to the Court’s Order following the Court’s November 18, 2020 hearing regarding Plaintiffs’ Motion for Class Certification, Exhibit A contains Plaintiffs’ proposed class definition, along with alternative definitions should the Court elect to modify the class definition or create subclasses. Plaintiffs have clarified proposed classes and alternatives are limited to *current* members, addressing one question raised by the Court at the November 18 hearing. The first proposal excludes certain categories of clearing, corporate and trading members, as well as members employed by defendants. As an alternative, plaintiffs propose a class of *all* current members, excluding defendant-affiliated members, from which any clearing, corporate or trading firm member could elect to opt out. For either alternative, the Court could elect to create subclasses of CME and CBOT members.

FILED DATE: 12/16/2020 4:23 PM 2014ch00829

Dated: December 16, 2020

Respectfully submitted,

SHELDON LANGER
RONALD M. YERMACK
LANCE R. GOLDBERG
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By: 
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PROOF OF SERVICE

Pursuant to Illinois Supreme Court Rules 11 and 131, the undersigned, an attorney, certifies that he served the foregoing instrument by transmitting it via e-mail on December 16, 2020 from Chicago, Illinois to the following designated e-mail addresses of record for Defendants' counsel, who have consented to e-mail service:

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Suyash Agrawal

Exhibit A

Plaintiffs' Proposed Class Definition

- All current owners of CME Class B shares or CBOT Class B memberships, except for (1) business entities that are identified by CMEG as having membership status under any of the following rules: Rule 106.F Rule 106.J, Rule 106.H, Rule 106.I, Rule 106.R, and Rule 106.S and (2) any current Class B shareholders who are, or are owned by, officers, employees, and directors (other than those directors elected only by the Class B shareholders) of CME, CBOT, or CMEG.

Plaintiffs' Proposed Class Definition with CME and CBOT Subclasses

- All current owners of CME Class B shares, except for (1) business entities that are identified by CMEG as having membership status under any of the following rules: Rule 106.F Rule 106.J, Rule 106.H, Rule 106.I, Rule 106.R, and Rule 106.S, and (2) any current Class B shareholders who are, or are owned by, officers, employees, and directors (other than those directors elected only by the Class B shareholders) of CME, CBOT, or CMEG.
- All current owners of CBOT Class B memberships, except for (1) business entities that are identified by CMEG as having membership status under any of the following rules: Rule 106.F Rule 106.J, Rule 106.H, Rule 106.I, Rule 106.R, and Rule 106.S, and (2) any current Class B shareholders who are, or are owned by, officers, employees, and directors (other than those directors elected only by the Class B shareholders) of CME, CBOT, or CMEG.

Alternative "All Members" Class Definition

- All current owners of CME Class B shares or CBOT Class B memberships, except for any current Class B shareholders who are, or are owned by, officers, employees, and directors (other than those directors elected only by the Class B shareholders) of CME, CBOT, or CMEG.

Alternative "All Members" Class Definition with CME and CBOT Subclasses

- All current owners of CME Class B shares except for any current Class B shareholders who are, or are owned by, officers, employees, and directors (other than those directors elected only by the Class B shareholders) of CME, CBOT, or CMEG.
- All current owners of CBOT Class B memberships except for any current Class B shareholders who are, or are owned by, officers, employees, and directors (other than those directors elected only by the Class B shareholders) of CME, CBOT, or CMEG