

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

SHELDON LANGER, RONALD M.)	No. 2014 CH 00829
YERMACK, LANCE R. GOLDBERG,)	
ROBERT PROSI, GERALD PETROW,)	
individually on behalf of themselves and all)	Calendar 6
others similarly situated,)	
)	
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

JOINT SUBMISSION REGARDING CLASS DEFINITION

Pursuant to the Court’s February 3, 2022 Order following the February 3, 2022 hearing regarding Class Certification, the parties have met and conferred regarding their views on clarification of the Class definition. Following those discussions, Plaintiffs propose that the Court clarify the definition of “current owners” in its Order for Class Certification as follows, which includes the classes certified in the Court’s December 2, 2021 Order:

1. All current owners of CME class B shares, subclassed into Membership Divisions B1, B2, B3, and B4, except for (1) business entities that are identified by CMEG as having membership status under any of the following rules: Rules 106.F, 106.J, 106.H, 106.I, 106.R, and 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.

2. All current owners of CBOT class B memberships, subclassed into Membership Divisions B-1, B-2, B-3, B-4, and B-5, except for (1) business entities that are identified by CMEG as having membership status under any of the following rules: Rules 106.F, 106.J, 106.H, 106.I, 106.R, and 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.

“Current owners” include those persons and entities owning memberships as of the date of thirty (30) days after the issuance of class notice, together with any subsequent transferees, assignees, heirs and successors to those memberships who are otherwise eligible for inclusion in the class and own the membership at the time of judgment.

Plaintiffs’ counsel have conferred with counsel for Defendants regarding this proposed clarification. Subject to reserving their rights and arguments with respect to both the Class Certification ruling and the merits, Defendants do not oppose this clarification. Plaintiffs attach hereto a proposed Order with the proposed clarification.

Dated: February 14, 2022

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Defendants.)	JURY TRIAL DEMANDED

ORDER

Having considered the parties' Joint Submission pursuant to this Court's February 3, 2022 Order, the Court clarifies the Classes Certified in its Order of December 2, 2021 as follows:

The Court certifies the following classes:

1. 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: Rules 106.F, 106.J, 106.H, 106.I, 106.R, and 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.
2. 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: Rules 106.F, 106.J, 106.H, 106.I, 106.R, and 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.

The Court certifies the following four Division subclasses of the CME Class:

1. All current owners of CME B1 Divisions of Membership, except for (1) business entities that are identified by CMEG as having membership status under any of the following rules: Rules 106.F, 106.J, 106.H, 106.I, 106.R, and 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.
2. All current owners of CME B2 Divisions of Membership, except for (1) business entities that are identified by CMEG as having membership status under any of the following rules: Rules 106.F, 106.J, 106.H, 106.I, 106.R, and 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.
 3. All current owners of CME B3 Divisions of Membership, except for (1) business entities that are identified by CMEG as having membership status under any of the following rules: Rules 106.F, 106.J, 106.H, 106.I, 106.R, and 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.
 4. All current owners of CME B4 Divisions of Membership, except for (1) business entities that are identified by CMEG as having membership status under any of the following rules: Rules 106.F, 106.J, 106.H, 106.I, 106.R, and 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.

The Court certifies the following five Division subclasses of the CBOT class:

1. All current owners of CBOT B-1 Divisions of Membership, except for (1) business entities that are identified by CMEG as having membership status under any of the following rules: Rules 106.F, 106.J, 106.H, 106.I, 106.R, and 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.
2. All current owners of CBOT B-2 Divisions of Membership, except for (1) business entities that are identified by CMEG as having membership status under any of the following rules: Rules 106.F, 106.J, 106.H, 106.I, 106.R, and 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.
3. All current owners of CBOT B-3 Divisions of Membership, except for (1) business entities that are identified by CMEG as having membership status under any of the following rules: Rules 106.F, 106.J, 106.H, 106.I, 106.R, and 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.

4. All current owners of CBOT B-4 Divisions of Membership, except for (1) business entities that are identified by CMEG as having membership status under any of the following rules: Rules 106.F, 106.J, 106.H, 106.I, 106.R, and 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.
5. All current owners of CBOT B-5 Divisions of Membership, except for (1) business entities that are identified by CMEG as having membership status under any of the following rules: Rules 106.F, 106.J, 106.H, 106.I, 106.R, and 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.

“Current owners” include those persons and entities owning memberships as of the date of thirty (30) days after the issuance of class notice, together with any subsequent transferees, assignees, heirs and successors to those memberships who are otherwise eligible for inclusion in the class and own the membership at the time of judgment.

* * *

This clarification is without prejudice to the Defendants’ objections with respect to class certification or the merits of this case, either in this Court or on appeal.

SO ORDERED this ____th day of February 2022.

Judge Celia G. Gamrath #2031

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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 February 14, 2022 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