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January 4, 2021

VIA ECF

Hon. John G. Koeltl
United States Courthouse
500 Pearl Street
New York, New York 10007-1312

Application granted.	
SO ORDERED	
	/s/ John G. Koeltl
January 5, 2021	John G. Koeltl
New York, NY	U.S.D.J.

Re: *In re Helios and Matheson Analytics, Inc. Sec. Litig.*, Case No. 1:18-cv-06965-JGK

Dear Judge Koeltl:

Lead Plaintiff Helios and Matheson Investor Group requests approval of an edit to the Notice of Pendency of Class Action, Proposed Class Action Settlement, and Motion for Attorneys' Fees and Expenses (the "Notice"). ECF 128 at 11. Specifically, Lead Plaintiff seeks to delete a subsection from the Plan of Allocation contained within the Notice (§64(e)(ii) which states "(ii) the purchase price per share less the sales price per share;"), and requests the Court approve this proposed deletion. *Id.* at 37-38 on ECF, or pp. 27-28 within the Notice.

The provision of the Plan of Allocation that Lead Plaintiff seeks to delete applies specifically to shares that were "[h]eld as of the close of trading on October 24, 2018" — *i.e.*, the last day of the 90-day look-back period established by Section 21(D)(e)(1) of the Private Securities Litigation Exchange Act of 1995 ("PSLRA"). Section 21(D)(e)(1) of the PSLRA provides a damages **cap** for any sales made after the end of the 90-day look-back period (*i.e.*, any sale after October 24, 2018). As a result, the sales price of any sale occurring after October 24, 2018 is irrelevant. Paragraph 64(e)(ii) of the Notice was inadvertently included and should be removed.

Attached as Exhibit A hereto is a revised version of the Notice incorporating Lead Plaintiff's proposed edit which, pending Court approval, will be uploaded to the Claims

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Administrator's website on January 7, 2021, consistent with the Court's preliminary approval order. *See* ECF 128 at 5, ¶11. For the Court's convenience, Lead Plaintiff has also attached as Exhibit B a redline version of the proposed deletion. Lead Plaintiff appreciates the Court's prompt attention and is available to provide any further guidance, should the Court have any questions regarding this matter.

Respectfully submitted,

/s/ Shannon L. Hopkins
Shannon L. Hopkins

cc: All counsel of record via ECF