

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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| | : | No. 10-CV-4572 (ERK) (CLP) |
| WILLIAM BURNS and THERESA BLACK, | : | |
| Individually and on Behalf of All Others Similarly | : | |
| Situated, | : | |
| | : | |
| Plaintiff, | : | |
| | : | |
| -against- | : | |
| | : | |
| FALCONSTOR SOFTWARE, INC.; ESTATE OF | : | |
| REIJANE HUAI; SHUWEN HUAI, as | : | |
| Executor/Fiduciary of the ESTATE OF REIJANE | : | |
| HUAI; and JAMES WEBER | : | |
| | : | |
| Defendants. | : | |
| -----X | : | |

NOTICE OF NON-OPPOSITION TO LEAD PLAINTIFF’S MOTIONS FOR (1) FINAL APPROVAL OF PROPOSED CLASS ACTION SETTLEMENT; AND (2) AWARD OF COUNSEL FEES, REIMBURSEMENT OF EXPENSES, AND AWARD TO LEAD PLAINTIFF

Lead Plaintiff William Burns hereby gives notice of the non-opposition to his motion for final approval of the class action settlement and motion for an award of attorneys’ fees, reimbursement of expenses, and award to lead plaintiff (dkt. # 79).

The deadline to object to any aspect of the Settlement was February 10, 2014 (dkt. # 78). To date, no objections have been received. (Supplemental Declaration of Josephine Bravata Concerning Mailing of the Notice and Claim Form, Objections and Exclusions (the “Bravata Decl.”), filed herewith, at ¶5). The deadline for those seeking to exclude themselves or opt-out of the Settlement was January 20, 2014. (Bravata Decl., at ¶ 4). No requests for exclusion have been received. (*Id.*)

The claims filing deadline was January 20, 2014. (Bravata Decl, ¶6). 2,589 claim forms have been submitted. (*Id.*). Approximately \$7.1 million in valid claims have been received.

(*Id.*). Thus the Settlement represents a **70.4% recovery**—*an unprecedented and excellent recovery*. Plaintiffs’ counsel should be rewarded for such an excellent result.

The lack of any objections or requests for exclusion along with the percentage of recovery further shows that the settlement and requested fees and expenses are reasonable and fair, and should be approved.

Dated: February 24, 2014

Respectfully submitted,

THE ROSEN LAW FIRM, P.A.

/s/ Phillip Kim

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Lead Counsel for Lead Plaintiff and Class

CERTIFICATE OF SERVICE

I hereby certify that on this on the 24th day of February, 2014, a true and correct copy of the foregoing document was served by CM/ECF to the parties registered to the Court's CM/ECF system.

/s/ Phillip Kim