

W A I V E R

SUPREME COURT OF THE UNITED STATES

No. 21-1006

Marc S. Kirschner

(Petitioner)

Dennis J. FitzSimons, et al.

v.

(Respondent)

I DO NOT INTEND TO FILE A RESPONSE to the petition for a writ of certiorari unless one is requested by the Court.

Please check the appropriate box:

- I am filing this waiver on behalf of all respondents.
- I only represent some respondents. I am filing this waiver on behalf of the following respondent(s):

Please see Attachment A.

Please check the appropriate box:

- I am a member of the Bar of the Supreme Court of the United States. (Filing Instructions: File a signed Waiver in the Supreme Court Electronic Filing System. The system will prompt you to enter your appearance first.)
- I am not presently a member of the Bar of this Court. Should a response be requested, the response will be filed by a Bar member. (Filing Instructions: Mail the original signed form to: Supreme Court, Attn: Clerk's Office, 1 First Street, NE, Washington, D.C. 20543).

Signature:



Date:

January 21, 2022

(Type or print) Name **Michael C. D'Agostino**

Mr. Ms. Mrs. Miss

Firm

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A copy of this form must be sent to petitioner's counsel or to petitioner if *pro se*. Please indicate below the name(s) of the recipient(s) of a copy of this form. No additional certificate of service or cover letter is required.

cc: **Lawrence Saul Robbins (lrobbins@robbinsrussell.com)**
Robbins, Russell, Englert, Orseck & Untereiner LLP
2000 K Street, NW 4th Floor
Washington, DC 20006

ATTACHMENT A

Aetna, Inc.

Alaska Large-Cap Trust, incorrectly named as “Alaska CTF Large Cap Trust”

Alecta Pensionsforsakring Omesesidigt

BNA Employees’ Retirement Plan

Board of Administration of the Water and Power Employees’ Retirement Plan

Christhiful, Sharon

Church Pension Fund, The, in its individual and trustee capacities

City of Los Angeles Employees’ Retirement System

COR Clearing LLC, formerly known as “Legent Clearing LLC”

Exelis, Inc., incorrectly named as ITT Corporation

Great-West Life & Annuity Insurance Company

Green Century Equity Fund, incorrectly named as “Green Century USA Green Century Capital Management”

Harris Corporation Master Trust, incorrectly named as “Harris Corp. Retirement Trust”

ING Capital LLC

ING Investment Trust Co.

ING T. Rowe Price Equity Income Portfolio, a series of ING Investors Trust, incorrectly named as “ING Investors Trust”

Kraft Group, The

Laborers’ District Council & Contractors Pension Fund of Ohio

Legg Mason Battlerymarch Financial Management S&P 500 Index Fund

Los Angeles Fire and Police Pension Plan

Madison Square Investors Large-Cap Enhanced Index Fund L.P. (f/k/a NYLIM Large-Cap Enhanced Index Fund, L.P.)

Madison Square Investors Large-Cap Enhanced Index Fund LP (f/k/a NYLIM-QS Large Cap Enhanced Fund LP)

Madison Square Investors Large-Cap Enhanced Index Fund LP (f/k/a NYLIM-QS Large Cap Enhanced Fund LP), incorrectly named as “NYLIM-QS Large Cap Enhanced Fund LP” and also incorrectly named as “Madison Square Investors Large-Cap Enhanced Index Collective Index Fund f/k/a NYLIM Large-Cap Enhanced Index Collective Fund”

MainStay Funds Trust, The

MainStay Funds, The

MainStay VP Funds Trust f/k/a, Mainstay VP Series Fund, Inc.

Maxim Foreign Equity Portfolio

Maxim Series Fund, Inc.

Maxim T. Rowe Price Equity/Income Portfolio

Miller, Hanna Jonas

Milliken Stock Fund

National Railroad Retirement Investment Trust

New York Life Insurance Company

NorthShore University HealthSystem Second Century Fund

NorthShore University HealthSystem, as Owner of the NorthShore University HealthSystem Second Century Fund

Northwestern Mutual Life Insurance Company

Northwestern Mutual Series Fund, Inc.

Ohio National Fund, Inc., which was also incorrectly named in the Complaint as “Ohio Natl Fund, Inc. Strategic Value Portfolio,” and as “John Doe, as Owner of Ohio Natl Fund, Inc. Strategic Value Portfolio Ohio National Financial Services”

Redwood Master Fund, Ltd.

Sampension-US Enhanced I Fund

Sampension-US Enhanced II Fund

Skandinaviska Enskilda Banken AB

Tankersley, Ruth McCormick

Tankersley, Ruth McCormick Revocable Trust

Tankersley, Tiffany, incorrectly named as Tiffany Wolfe

Teachers Retirement System of the State of Illinois, incorrectly named as “Teachers Retirement System of the State of Illinois- SRS”

Trustees of the Walters Art Gallery, Inc., d/b/a the Walters Art Museum, incorrectly named as “Walters Trustees Consolidated Fund - fixed income”

Twaddell, Ellen Johnson

Twaddell, William Sanderson

Weiss Multi-Strategy Partners LLC