

# W A I V E R

Supreme Court, U.S.  
FILED

JAN 21 2022

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## 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):

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:

Russell T. Gorkin

Digitally signed by Russell T. Gorkin  
Date: 2022.01.20 11:53:57 -05'00'

Date:

1/20/22

(Type or print) Name

Russell T. Gorkin

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:

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

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## Attachment A

1199SEIU Greater NY Pension Fund LCV

1199SEIU Health Care Employees Pension Fund

1199SEIU Healthcare Employees Pension Fund MCV

1199SEIU Home Care Employees Pension Fund

Baldwin Enterprises, Inc.

ARS & Co

Bank Of New York Mellon Corp Ret Plans Master Trust, Current Trustee

Bank Of NY Bkr 901

The Bank Of New York Mellon, In Its Individual And Custodial Capacities

BNY Mellon Investment Servicing (Us) Inc. F/K/A PFPC, Inc.

BNY Mellon, National Association As Successor-In-Trust To Mellon Trust Of New England, N.A.

Collective Trust Of The Bank Of New York

The Bank Of New York Mellon, Trustee Of The Collective Trust Of The Bank Of New York

Mellon Capital Management

Mellon Bank Securities Lending

Mellon Transition Management

MPAMG Security Processing Omnibus

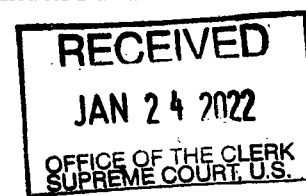
SPDR S&P Midcap 400 ETF Trust A/K/A SPDR Midcap 400 Trust

The Bank Of New York Mellon, Trustee, SPDR S&P Midcap 400 ETF Trust A/K/A SPDR Midcap 400 Trust

The Bank Of New York Mellon Corporation

The Bank Of New York Mellon Decommissioning Collective Trust Investment Plan-DT Broad Market Stock Index Fund, The Bank Of New York Mellon, Trustee

The Bank Of New York Mellon, Trustee, The Bank Of New York Mellon Decommissioning Collective Trust Investment Plan-DT Broad Market Stock Index Fund



The Bank Of New York Mellon Employee Benefit Collective Investment Fund Plan

The Bank Of New York Mellon, Trustee Of The Bank Of New York Mellon Employee Benefit Collective Investment Fund Plan

Dreyfus Index Funds, Inc. (Dreyfus S&P 500 Index Fund)

Dreyfus Stock Index Fund, Inc.

Strategic Funds, Inc. - Dreyfus Active Midcap Fund

The Dreyfus/Laurel Funds Inc. (Dreyfus BSC S&P 500 St Indx Fd)

The Bank Of New York Mellon, Trustee, PG&E Postretirement Medical Plan Trust

PG&E Postretirement Medical Plan Trust

PG&E Qual CPUC NDT Partnership

RE Ginna Nuclear Power Plant LLC Master Decommissioning Trust, Constellation Energy Nuclear Group, Current Trustee

Elinor P. Baker Tuw FBO Charities, The Bank Of New York, Trustee

BNY Mellon NA As Trustee For William Sohier Trust

Sohier William D FBO Eleanor Etal-Tr, BNY Mellon Na, Trustee  
BNY Mellon, N.A., Trustee, Sohier William D FBO Eleanor Etal-Tr  
Sohier William D FBO Eleanor Etal-Tr

Chalfant H For Nancy-Marital Trust No 1, Current Trustee  
Chalfant H For Nancy- Marital Tr No 1, Current Trus

Craig G For K Knight  
Craig G For K Knight, Current Trustee

Sample P L For Rebecca

Craig A For Albert Jr Et Al  
Craig A For Albert Jr Et Al, Current Trustee

Frick C FBO F D Frick I I-Trust No 3  
Frick C FBO F D Frick Ii- Tr No 3, Current Trustee

George W B Roberts Trust FBO Children  
George W B Roberts Trust FBO Children-Tr, Current Trustee

Mary F Roberts Trust FBO Grandchildren  
Mary F Roberts FBO Grandchildren-Tr, Current Trustee

Emily T. Shaw Trust  
Emily T Shaw Tr U/Decl, Current Trustee

John & Joan Humphrey Family Trust, Current Trustee

Darby J Douglas For James Rem Tr, Current Trustee

Sample H For D Hill

Kathryn H. Lallou - TR

Direct Edge ECN LLC

Direct Edge ECN A-F

Jefferies & Company, Inc.

L-3 Communications Corporation LCV

L-3 Communications Corporation Master Trust

Pension Trust Fund Local Union #27, Current Trustee

Paper Products, Miscellaneous Chauffeurs, Warehousemen, Helpers, Messengers,  
Production And Office Workers Local 27 Pension Fund

Oppenheimer & Co., Inc.

Pershing LLC

Sheldon Gray

Sheldon Gray (PHL)

Eagle Trading Company

Allen Putterman MD SC Money Purchase Pension Plan

Robert J. Passaneau

Robert M. Steiner, Rothschild Investment Corp. Employee Profit Sh Plan Designated Inv  
Acct FBO

Charles L. Edwards IRA R/O, Guarantee & Trust Co., Trustee

Guarantee & Trust Co., Custodian/Trustee Charles L. Edwards Ira R/O

Pressman's Publishers Pension Fund

Reed Elsevier Us Retirement Plan

Sungard Brokerage & Securities Services LLC F/K/A Assent LLC

A.G. Edwards & Sons, LLC

A.G. Edwards Trust Company, FSB

Evergreen Asset Management Corp.

Evergreen Equity Index Fund

Evergreen Investment Services Fund Administration, Evergreen Asset Management Corp.

Evergreen Investment, Evergreen Asset Management Corp

First Clearing, LLC

Wells Fargo Advantage Asset Allocation Fund

Wells Fargo Advantage Diversified Stock Portfolio

Wells Fargo Advantage Index Portfolio

Wells Fargo Bank, N.A.

Wells Fargo Bank, N.A. F/K/A Wachovia Bank, N.A.

Wells Fargo Bank, N.A. F/K/A Wachovia Bank, N.A. CMC-Northeast

Wells Fargo Funds Trust (Disciplined Small-Mid Value)

Wells Fargo Funds Trust (Evergreen Equity Index Fund)

Wells Fargo Funds Trust (Evergreen Market Index Fund)

Wells Fargo Funds Trust (Evergreen Market Index Value)

Wells Fargo Investments, LLC