

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:

Mark A. Neubauer

Date:

1/24/22

(Type or print) Name Mark A. Neubauer

☒ 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 S. Robbins (lrobbins@robbinsrussell.com)
Robbins, Russell, Englert, Orseck & Untereiner LLP
2000 K Street, N.W.
Washington, DC 20006

Attachment A

ACT, Inc. Large-Cap Value Fund;

Richard Askin and Carol Askin, Askin Family Trust U/A Dtd 09/27/1990; Richard
Askin, Carol Askin, Trustees;

Axelson Fam. Limited Partnership, Stephen Axelson and Linda Axelson;

The Paul and Kathleen Bissinger Revocable Trust dated September 30, 1987, as
amended, Paul A. Bissinger, Jr., Kathleen B. Bissinger, Trustees;

Mark C. Boe Trust U/A DTD 07/20/2000, Mark C. Boe, Trustee;

Jason H. Camassar and Carolyn I. Camassar;

Terrill F. Cox & Lorraine M. Cox Trust U/A DTD 3/31/98; Terrill F. Cox, Lorraine M.
Cox, Trustees;

Mary E. Day;

Jeanette Day Family Trust U/A DTD 10/04/1994;

Peter J. Fernald, as Trustee of The Peter J. Fernald Trust U/A 1/13/92;

The Peter J. Fernald Trust U/A 1/13/92;

Evelyn A. Freed Trust U/A/D 03/26/90 Brandes-All Cap Value;

Debra A. Gastler;

Richard L. Goldstein;

Leonidia Gonsalves;

Gulley Family Trust U/A 7/27/00, Patsy J. Gulley, Trustee;

Charles W. Hammond Trust, James P. Hammond, Trustee;

Muriel S. Harris;

Matthew Gerard Hartmann and Lisa Marie Hartmann JTWROS;
Jim Hicks & Co. Employee Profit-Sharing Plan; Jim Hicks, Trustee;
Mark Allen Itkin Trust 3/16/2001, Mark A. Itkin, Trustee;
Jason A. Janik;
Emil D. Kratochvil;
Darell F. Kuenzler IRA, Edward D. Jones & Co., Custodian;
Philip B. Chase Revocable Trust Dated 07/28/94, Chase L. Leavitt, Trustee;
Douglas M. & Judith A. Light Rev. Trust, D. Light & J. Light, Trustees;
Robert C and Nancy Lobdell Family Trust UA 08/20/96, Nancy Lobdell, Trustee;
Raymond M. Luthy Trust;
Philip V. Mann;
Shirley J. Sperling and Susan J. Martin;
Lawrence Marwill, MSSB, Custodian;
Estate of Jane D. Meadows, Jack E. Meadows, Sr., Executor;
Alfred W. Merkel Marlowe G. Merkel Trust UA 11 Sept 85, Marlowe G. Merkel,
Trustee;
Renee H. Miller Living Trust U/A Dtd 12/13/97, Rene H Miller, Trustee;
J&M Trust UA Dated 07/23/1992; Robert N. Mohr, Successor Trustee;
Durham J. Monsma;
Robbie E. Monsma;
Miles Adrian Collet Murray;
Oma Opa LLC;

Denise Palmer Revocable Trust U/A/D 10-28-1991, Denise E. Palmer, Trustee;
John Patinella;
Posen Family Limited Partnership;
Myrna Ramirez and Monserrate Ramirez JTWROS;
Javad Rassouli;
Reichhold, Inc.;
Robert H. Ricciardi and Cher Dellin Ricciardi;
Cindy L. Schreuder IRA Rollover, Charles Schwab & Co. Inc., Custodian;
Jack V. Secord IRA, FCC, Custodian (Pilot Plus);
Marlene F. Slade Rollover IRA, National Financial Services LLC/Fidelity Management
Trust Co., Custodian;
Thomas Decedent's Trust U/D/T 6/12/1981, William F. Thomas, Trustee;
Kuang C. Yeh IRA Rollover Fidelity Management Trust Co. Cust.