

W A I V E R

Supreme Court, U.S.
FILED

JAN 24 2022

OFFICE OF THE CLERK

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:

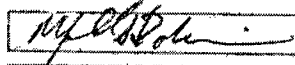
- ☐ I am filing this waiver on behalf of all respondents.
- ☒ I only represent some respondents. I am filing this waiver on behalf of the following respondent(s):

See attached Exhibit 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:

1/24/22

(Type or print) Name

Michael S. Doluisio

☒ Mr. ☐ Ms. ☐ Mrs. ☐ Miss

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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

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JAN 26 2022

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Exhibit A

1. Alphadyne International Master Fund, Ltd.
2. Amida Partners Master Fund Ltd.
3. Arizona State Retirement System
4. Babson (Institutional Shareholder Services)
5. Bodmas Capital Partners LP
6. Capitalia Azionario USA PV, Credit Agricole, SA (Amundi Group F/K/A/ Systeia Capital Management). Dechert LLP represents this defendant only to the extent that Plaintiff purports to name Amundi S.A. (successor to Systeia Capital Management) as a defendant. Neither Dechert LLP nor Amundi S.A. represents the interests—legal or otherwise—of “Capitalia Azionario USA PV, Credit Agricole, SA.”
7. Caxton International Limited Caxton Associates, LP F/K/A/ Caxton Associates, LLC
8. Clearwater Investment Trust (Clearwater Growth Fund), Current Trustee
9. DGAM Heritage Absolute Return Master Fund
10. Frank Russell Investment Management
11. Frank Russell Trust Company
12. Harbor Capital Advisors LCV
13. Harbor Capital Group Trust
14. Harbor Mid Cap Value Fund
15. Hong Kong Monetary Authority
16. Hong Kong Special Administrative Region Government – Exchange Fund
17. iPac Asset Management
18. Jay Goldman Master Limited Partnership
19. John Hancock Financial (Manulife Financial)
20. John Hancock Funds II Equity-Income Fund
21. John Hancock Funds II Spectrum Income Fund
22. John Hancock Variable Insurance Trust F/K/A John Hancock Trust (New Income Trust)
23. LVIP SSgA S&P 500 Index Fund
24. Manulife (International) Limited (Bermuda)
25. Manulife Asset Management Limited f/k/a Elliott & Page Limited
26. Manulife Financial Corp (ML INVST EX FDS Corp. - Mix US Large Cap Value Class)
27. Manulife Reinsurance (Bermuda) Limited

28. Manulife U.S. Equity (Alliance Bernstein US Equity). Dechert LLP represents this defendant only to the extent that Plaintiff purports to name “Manulife U.S. Equity” as a defendant. Neither Dechert LLP nor Manulife Financial Corporation represents the interests—legal or otherwise—of “AllianceBernstein US Equity.”
29. Manulife U.S. Value Equity Fund
30. Massachusetts Mutual
31. MassMutual Premier Balanced Fund
32. MassMutual Premier Disciplined Value Fund F/K/A MassMutual Premier Enhanced Index Value Fund MML Equity Index Fund
33. MassMutual Premier Enhanced Index Core Equity Fund
34. MassMutual Premier Main Street Small Cap Fund
35. MassMutual Premier Small/Mid Cap Opportunities Fund F/K/A MassMutual Premier Small Company Opportunities Fund
36. MassMutual Select Diversified Value Fund
37. MassMutual Select Indexed Equity Fund
38. MML Blend Fund
39. MML Equity Income Fund
40. MML Small Cap Equity Fund
41. Monumental Life Insurance Company - Teamsters Separate Account L-23
42. Monumental Life Insurance Company F/K/A Peoples Benefit Life Insurance
43. Munder Index 500 Fund
44. Optionsxpress, Inc.
45. Pacific Select Fund - Equity Index Portfolio
46. Pro Shares Ultra S&P 500
47. RIC Diversified Equity
48. RS S&P 500 Index VIP Series
49. Russell 1000 Index Fund
50. Russell Equity I Fund
51. Russell Investment Company Diversified Equity Fund
52. Russell Investment Company PLC
53. Russell Investment Group
54. Russell US Core Equity Fund
55. Rydex Series Funds, Large Cap Value Fund
56. Rydex Series Funds, Multi-Hedge Strategies Fund

57. Rydex Series Funds, S&P 500 Pure Value Fund
58. Rydex Variable Trust, Absolute Strategies Return Fund
59. Rydex Variable Trust, Large Cap Value Fund
60. Rydex Variable Trust, Multi-Hedge Strategies Fund
61. SBL Fund Series H
62. SBL Fund Series O
63. Seasons Series Trust – Focus Value Portfolio
64. Seasons Series Trust – Large Cap Value Portfolio
65. Seasons Series Trust – Mid Cap Value Portfolio
66. Sentry Select Capital Inc.
67. SSCSIL RIC II US Value - Tacoma (Russell Investments)
68. Stock Index Fund, a series of VALIC Company I F/K/A AIG Retirement Company I
69. SunAmerica Series Trust – Equity Opportunities Portfolio
70. SunAmerica Series Inc. – SunAmerica Strategic Value Portfolio f/k/a Focused Value Portfolio
71. The Vanguard Group, Inc.
72. Third Avenue Special Situations (Master) Fund, L.P.
73. Transamerica Partners Mid Value Portfolio F/K/A Transamerica Partners Mid-Cap Value F/K/A Diversified Investors Mid-Cap Value
74. Transamerica Series Trust, as Issuer of the Series Transamerica BlackRock Large Cap Value VP F/K/A Aegon/Transamerica T. Rowe Price Equity Income VP
75. US Equity Value Pool
76. Woodmont Investments Ltd.