

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

THE ERICA P. JOHN FUND, INC., et al., *On
Behalf of Itself and All Others Similarly Situated,*

Plaintiff,

vs.

HALLIBURTON COMPANY and DAVID J.
LESAR,

Defendants.

CIVIL ACTION NO.: 3:02-CV-1152-M

CLASS ACTION

**JOINT RESPONSE OF LEAD PLAINTIFF AND DEFENDANTS TO
THE COURT'S MARCH 21, 2017 ORDER**

Lead Plaintiff The Erica P. John Fund, Inc. and Defendants Halliburton and David Lesar (collectively, the “Parties”) respectfully submit this joint response to the Court’s March 21, 2017 Order [ECF No. 802]. The Released Claims provision in the Stipulation of Settlement (the “Stipulation”) [ECF No. 794] states: “Only claims based on *purchase* or *acquisition* of common stock during the Class Period are being released.” *See* D.E. 794 section 1.37 (emphasis added). Accordingly, the only claims released pursuant to the terms of the Stipulation are those of members of the Class, which is defined as “all Persons (including, as to all such Persons, their beneficiaries) who *purchased* or otherwise *acquired* common stock of Halliburton Company between August 16, 1999 and December 7, 2001[.]” *Id.* at section 1.19 (emphasis added). Nonetheless, subject to this Court’s approval, and to avoid any possible confusion, the Parties will make the following minor modifications to the definition of Released Claims, which do not change the scope of the release:

“Released Claims” shall mean any and all complaints, claims, third-party claims, cross-claims, counterclaims, demands, liabilities, obligations, promises, agreements, controversies, actions, causes of action, suits, rights, damages, costs, losses, debts, charges, and expenses (including Unknown Claims and attorneys’ fees, expert fees, and disbursements of counsel and other professionals) of any and every nature whatsoever, whether in law or in equity, whether arising under federal, state, local, or foreign statutory or common law or any other law, rule, or regulation (whether foreign or domestic), whether currently known or unknown, suspected or unsuspected, foreseen or unforeseen, ripened or unripened, accrued or unaccrued, or matured or not matured, whether arising in equity or under the law of contract, tort, malpractice, statutory breach, or any other legal right or duty, whether direct, derivative, individual, representative, or in any other capacity, and to the fullest extent that the law permits their release in this Action, that EPJ Fund, or any other member of the Certified Class (a) asserted in the operative Complaint or any other pleadings or briefs filed in this Action, or (b) could have asserted from the beginning of time to the end of time in any forum that arise out of, relate to, are connected with, or are in any way based upon (i) the allegations, transactions, facts, matters, occurrences, representations, or omissions involved, set forth, or referred to in the operative Complaint or any other pleadings or briefs filed by any party in this Action (including but not limited to all claims that arise out of, relate to, are connected with, or are in any way based upon any disclosures, public filings,

registration statements, or other statements by Halliburton or its officers, directors, employees, or agents) before or during the Class Period, or (ii) the purchase, ~~ownership, or sale or acquisition~~ of Halliburton S~~e~~curities during the Class Period. Only claims based on purchase or acquisition of common stock during the Class Period are being released. For the avoidance of doubt, to the extent that Class Members purchased, ~~sold~~ or ~~held~~ acquired shares of Halliburton common stock between and including August 16, 1999 and December 7, 2001 (regardless of whether those shares were held after December 7, 2001 or not), those claims are released. By contrast, claims stemming from purchase or acquisition of Halliburton common stock between December 8, 2001 and July 22, 2002 are expressly not released and instead are part of the pending putative class action styled, *Magruder v. Halliburton Co.*, CA No. 3:05-CV-1156-M.

Attached hereto as Exhibit A is a redline of page 7 of the Stipulation, reflecting the proposed changes. Attached hereto as Exhibit B is a redline of page 7 of the Notice of Pendency, reflecting proposed confirming changes to the Notice so that it will contain identical language defining “Released Claims.” The Parties respectfully submit that the proposed revisions sufficiently address the concerns raised by the Court’s March 21, 2007 Order.

Dated this 24th day of March, 2017.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that this document was served on all counsel of record via the Court's electronic filing system on March 24, 2017.

s/ Kim E. Miller _____

Kim E. Miller