

would essentially moot any argument to stay these proceedings¹ and allow discovery and all other pretrial proceedings to progress.

The granting of this motion and the filing of the proposed amended complaint will not prejudice any party, nor will it delay proceedings in the case; rather, it will serve the interests of justice. For this reason, Plaintiffs and proposed Plaintiffs-Intervenors respectfully request the Court to grant this motion, and instruct Plaintiffs and Plaintiffs-Intervenors to file the proposed amended complaint attached hereto as Exhibit A.²

Counsel for Plaintiffs and Plaintiffs-Intervenors discussed the filing of this motion with Counsel for Defendants, who indicated that Defendants are not currently in a position to agree to or oppose the Murphys' intervention, and that Defendants will inform the Court of their position in a pleading responsive to this motion.

¹ Importantly, granting this motion will not affect Defendants' Eighth Circuit appeal of the decision to deny arbitration of the Plaintiffs' claims.

² If the Court prefers, Counsel for Plaintiffs and Plaintiffs-Intervenors are prepared to file a complaint on behalf of the Murphys as a separate action and designate it as a related case to the instant action.

DATED this 6th day of February, 2017.

Respectfully submitted,

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Certificate of Service

The undersigned hereby certifies that on February 6th, 2017, the foregoing document was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system and by mail to anyone unable to accept electronic filing. Parties may access this filing through the Court's system.

/s/ Marc R. Stanley

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