

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 56122 / July 24, 2007

ADMINISTRATIVE PROCEEDING
File No. 3-11393

In the Matter of	:	
	:	
MASSACHUSETTS	:	
FINANCIAL SERVICES	:	
COMPANY, JOHN W.	:	ORDER APPROVING
BALLEN AND KEVIN R.	:	MODIFIED DISTRIBUTION PLAN
PARKE	:	
	:	
Respondents.	:	

I.

On February 5, 2004, in the above-captioned matter, the Commission issued an Order instituting and simultaneously settling public administrative and cease-and-desist proceedings against Massachusetts Financial Services Co. (“MFS”), John W. Ballen and Kevin R. Parke (the “MFS Order”). In the MFS Order, the Commission authorized the creation of a Fair Fund of \$225,629,142.87 in disgorgement and penalties paid by MFS, Ballen and Parke (collectively “the Respondents”). According to the MFS Order, the disgorgement and penalties were to be distributed to investors injured by late trading and other market timing activity in certain MFS retail funds pursuant to a distribution plan to be developed by an Independent Distribution Consultant (the “IDC”). In April 2004, MFS selected John C. Coates IV, a Professor of Law at Harvard Law School, to serve as the MFS Fair Fund’s IDC. On June 13, 2005, the Commission issued an Order establishing the previously authorized Fair Fund.

On July 24, 2006, the Commission’s Division of Enforcement submitted a proposed distribution plan to the Commission’s Office of the Secretary (the “Plan”). The Plan provides for the allocation and distribution of the Fair Fund, including any accrued interest, to eligible accountholders as compensation for their losses suffered due to late trading and market timing as well as their proportionate share of advisory fees paid during the period of such trading activity. The IDC will calculate eligible investors’

