

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

IN RE KRAFT HEINZ SECURITIES
LITIGATION

Case No. 1:19-cv-01339

Honorable Jorge L. Alonso

**REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT OF
(I) PLAINTIFFS' MOTION FOR FINAL APPROVAL OF SETTLEMENT
AND PLAN OF ALLOCATION; AND (II) LEAD COUNSEL'S
MOTION FOR ATTORNEYS' FEES AND LITIGATION EXPENSES**

TABLE OF CONTENTS

	Page
PRELIMINARY STATEMENT	1
ARGUMENT	2
I. The Reaction of the Settlement Class Supports Approval of the Settlement and Plan of Allocation and the Motion for Attorneys’ Fees and Expenses	2
A. The Robust Notice Program.....	3
B. The Settlement Class’s Reaction Supports Approval of the Settlement and Plan of Allocation	5
C. The Settlement Class’s Reaction Also Supports Approval of Lead Counsel’s Request for Attorneys’ Fees and Litigation Expenses	6
II. The Objections to Lead Counsel’s Motion for Attorneys’ Fees Are Without Merit and Should Be Overruled.....	8
A. Mr. Killion’s Objection to the Fee Motion Should Be Overruled	8
B. Mr. Kaye’s Objection to the Fee Motion Should Be Overruled.....	9
CONCLUSION.....	11

TABLE OF AUTHORITIES

	Page(s)
CASES	
<i>In re AT&T Corp. Sec. Litig.</i> , 2005 WL 6716404 (D.N.J. Apr. 25, 2005)	6
<i>Bacchi v. Mass. Mut. Life Ins. Co.</i> , 2017 WL 5177610 (D. Mass. Nov. 8, 2017)	9
<i>City of Sterling Heights Police & Fire Ret. Sys. v. Reckitt Benckiser Grp. PLC</i> , No. 20-cv-10041, slip op. (S.D.N.Y. July 19, 2023), ECF No. 181	8
<i>In re Facebook, Inc. IPO Sec. & Derivative Litig.</i> , 343 F. Supp. 3d 394 (S.D.N.Y. 2018).....	6
<i>Garcia v. J.C. Penney Corp., Inc.</i> , 2017 WL 3449077 (N.D. Ill. Aug. 9, 2017)	5
<i>Glasser v. Volkswagen of Am., Inc.</i> , 645 F.3d 1084 (9th Cir. 2011)	10
<i>Goldsmith v. Tech. Sols. Co.</i> , 1995 WL 17009594 (N.D. Ill. Oct. 10, 1995).....	5
<i>Hedberg v. Schanck</i> , 1985 WL 5825 (N.D. Ill. Feb. 21, 1985)	5
<i>Hefler v. Wells Fargo & Co.</i> , 2018 WL 6619983 (N.D. Cal. Dec. 18, 2018), <i>aff’d sub nom. Hefler v. Pekoc</i> , 802 F. App’x 285 (9th Cir. 2020)	7, 9
<i>La. Sheriffs Pension & Relief Fund v. Cardinal Health, Inc.</i> , No. 19-cv-03347 (S.D. Ohio July 11, 2023), ECF No. 113.....	8
<i>In re Micro Focus Int’l PLC Sec. Litig.</i> , No. 18-CIV-01549, slip op. (Cal. Super. Ct. July 27, 2023)	8
<i>In re Nielsen Holdings PLC Sec. Litig.</i> , No. 18-cv-7143, (S.D.N.Y. July 20, 2022), ECF No. 159.....	8
<i>O’Brien v. Brain Rsch. Labs, LLC</i> , 2012 WL 3242365 (D.N.J. Aug. 9, 2012)	9
<i>In re Payment Card Interchange Fee & Merch. Disc. Antitrust Litig.</i> , 986 F. Supp. 2d 207 (E.D.N.Y. 2013)	6

Reynolds v. FCA US LLC,
No. 19-cv-11745, slip op. (E.D. Mich. June 27, 2023), ECF No. 1068

In re Rite Aid Corp. Sec. Litig.,
396 F.3d 294 (3d Cir. 2005).....7

Rodriguez v. Disner,
688 F.3d 645 (9th Cir. 2012)10

Rodriquez v. It’s Just Lunch Int’l,
2020 WL 1030983 (S.D.N.Y. Mar. 2, 2020)7

Sanchez v. Roka Akor Chicago LLC,
2017 WL 1425837 (N.D. Ill. Apr. 20, 2017)5

In re Signet Jewelers Ltd. Sec. Litig.,
2020 WL 4196468 (S.D.N.Y. July 21, 2020)6, 7

Silverman v. Motorola Solutions, Inc.,
739 F.3d 956 (7th Cir. 2013)10

In re TikTok, Inc., Consumer Priv. Litig.,
617 F. Supp. 3d 904 (N.D. Ill. 2022)9

In re Veeco Instruments Inc. Sec. Litig.,
2007 WL 4115809 (S.D.N.Y. Nov. 7, 2007).....6

Waldbuesser v. Northrop Grumman Corp.,
2017 WL 9614818 (C.D. Cal. Oct. 24, 2017).....7

Will v. Gen. Dynamics Corp.,
2010 WL 4818174 (S.D. Ill. Nov. 22, 2010)6

Wolfe v. TCC Wireless, LLC,
2018 WL 11215318 (N.D. Ill. Mar. 12, 2018).....5

Wong v. Accretive Health, Inc.,
773 F.3d 859 (7th Cir. 2014)5

OTHER AUTHORITIES

Fed. R. Civ. P. 23(e)2

Lead Plaintiffs Sjunde AP-Fonden and Union Asset Management Holding AG, and additional named plaintiff Booker Enterprises Pty Ltd. (collectively, “Plaintiffs”), and Lead Counsel respectfully submit this reply memorandum in further support of (i) Plaintiffs’ motion for final approval of the proposed Settlement and approval of the proposed Plan of Allocation, and (ii) Lead Counsel’s motion for attorneys’ fees and Litigation Expenses.¹

PRELIMINARY STATEMENT

The proposed Settlement resolves this litigation in exchange for a cash payment of \$450,000,000. As detailed in Plaintiffs’ and Lead Counsel’s opening papers (ECF Nos. 480-484), the Settlement is an excellent result for the Settlement Class in light of the significant risks Plaintiffs faced in proving that Defendants made false statements with scienter, and in establishing loss causation and damages. The Settlement is the product of four years of vigorous efforts, including extensive discovery, and extended arm’s-length settlement negotiations between experienced counsel, including mediation with a former federal judge. Under the proposed Plan of Allocation, which was developed in consultation with Plaintiffs’ damages expert, the proceeds of the Settlement will be distributed fairly to Settlement Class Members. Likewise, Lead Counsel’s request for attorneys’ fees and Litigation Expenses is fair and reasonable considering the result achieved for the Settlement Class, the extent and caliber of the work performed, and the significant risks presented by the litigation.

Pursuant to the Court’s Order Preliminarily Approving Settlement and Providing for Notice (ECF No. 478), the Claims Administrator, under the supervision of Lead Counsel, has conducted an extensive notice program, including mailing over 1.6 million notices of the

¹ Unless otherwise defined, all capitalized terms have the meanings set forth in the Stipulation and Agreement of Settlement dated May 2, 2023 (ECF No. 475-3) (“Stipulation”) or in the Joint Declaration of Sharan Nirmul and Salvatore J. Graziano dated August 8, 2023 (ECF No. 484) (“Joint Declaration” or “Joint Decl.”).

Settlement to potential Settlement Class Members and Nominees. In response to this widespread notice program, *no objections* were received with respect to the Settlement or Plan of Allocation. The two objections received concern only Lead Counsel’s motion for attorneys’ fees.² As discussed below in Part II, both fee objections present only generalized objections to the amount of the fees requested without any discussion of the salient facts of this case; are without merit; and should be overruled.

In addition, just 37 requests for exclusion from the Settlement Class have been received—of these 37 requests, only 12 demonstrate they are actually Settlement Class Members. Notably, none of the requests for exclusion were submitted by institutional investors and, in total, these requests represent a miniscule fraction (approximately 0.0001%) of the total number of damaged shares in the Settlement Class.

As discussed below, this overwhelmingly positive reaction of the Settlement Class further demonstrates that the Settlement, the Plan of Allocation, and the request for attorneys’ fees and expenses are fair and reasonable.

ARGUMENT

I. The Reaction of the Settlement Class Supports Approval of the Settlement and Plan of Allocation and the Motion for Attorneys’ Fees and Expenses

As set forth in Plaintiffs’ and Lead Counsel’s opening papers, the Settlement meets all of Rule 23(e)’s requirements and merits final approval, and Lead Counsel’s requested attorneys’ fees

² In addition, one individual initially sent an email to the Claims Administrator objecting to the claim-filing requirements in the Action—in particular to the requirement that Claimants submit documentation to support their Claims—because he believed that the Claims Administrator already had Settlement Class Members’ trading information. An attorney from Lead Counsel contacted this individual, explained the process and the fact that the Claims Administrator does not have Settlement Class Members’ trading information, and provided him with advice on how to obtain his trading records from his broker. That individual subsequently obtained his trading records, determined that he is not a Settlement Class Member, and withdrew his objection.

and expenses are reasonable. *See* ECF Nos. 480-484. The reaction of the Settlement Class now provides additional support for approval of the requested relief.

A. The Robust Notice Program

Pursuant to the Preliminary Approval Order, the Claims Administrator, JND Legal Administration (“JND”), conducted an extensive notice program under Lead Counsel’s supervision, which included mailing notice to potential Settlement Class Members and Nominees, publishing the Summary Notice in *The Wall Street Journal* and over *PR Newswire*, and creating a Settlement Website, www.KraftHeinzSecuritiesLitigation.com, where copies of the Notice and Claim Form and other information and documents related to the Settlement can be accessed.

JND began mailing the Postcard Notice to potential Settlement Class Members on June 9, 2023. *See* Segura Decl. (ECF No. 484-5), at ¶¶ 2-9.³ As of September 1, 2023, JND had mailed a total of 1,665,136 Postcard Notices, as well as 5,611 Notice Packets. *See* Supplemental Declaration of Luiggy Segura (“Suppl. Segura Decl.”), attached hereto as Exhibit 1, at ¶ 3. The notices, attached to the Segura Decl. (ECF No. 484-5) as Exhibits 1, 2, and 4, informed Settlement Class Members of the terms of the proposed Settlement, and that Lead Counsel would apply for attorneys’ fees in the amount of 20% of the Settlement Fund and for Litigation Expenses not to exceed \$3,200,000. *See* Postcard Notice; Summary Notice; Notice at p. 2, ¶ 47. The notices also advised Settlement Class Members of their right to object to the Settlement, the Plan of Allocation, and/or the request for attorneys’ fees and expenses, or to request exclusion from the Settlement Class, and the August 22, 2023 deadline for doing so. *See* Postcard Notice; Summary Notice; Notice at p. 3, and ¶¶ 49, 56-57.

³ JND also mailed the Notice and Claim Form (“Notice Packet”) to Nominees as well as potential Settlement Class Members upon request (*Id.* ¶¶ 5, 10) and sent emails (with content similar to the text of the Postcard Notice) to potential Settlement Class Members where an email address was provided (*Id.* ¶ 8).

On August 8, 2023, 14 days before the objection and exclusion deadline, Plaintiffs and Lead Counsel filed their opening papers in support of the Settlement, Plan of Allocation, and fee and expense request. These papers are available on the public docket (ECF Nos. 480-484), and were promptly posted to the Settlement Website, *see* Suppl. Segura Decl. ¶ 5.

As noted above, following this extensive notice program, only two individuals filed objections, which are discussed below, neither of which contest the fairness of the Settlement. In addition, only 37 requests for exclusion from the Settlement Class were received. *See* Suppl. Segura Decl. ¶ 6 & Ex. 1. Notably, *none* of the requests for exclusion were submitted by institutional investors—all were submitted by individual investors or by individual or family trusts. Moreover, of the 37 requests for exclusion, 25 either expressly state that the individuals in question did not buy Kraft Heinz Securities during the Class Period and thus are not members of the Settlement Class to begin with, or do not provide sufficient information on the investor's transactions in Kraft Heinz Securities to permit a determination as to whether they are a Settlement Class Member or not. The requests for exclusion that did identify their transactions collectively report purchasing less than 1,100 shares of Kraft Heinz common stock and holding seven put option contracts during the Class Period—about 0.0001% of the total number of affected shares as estimated by Plaintiffs' damages expert.⁴

⁴ Three of the 37 requests for exclusion were received after the August 22, 2023 deadline for such requests and, as discussed above, a number of the requests for exclusion did not include all of the information about the requestor's transactions in Kraft Heinz Securities as required by the Notice. *See* Notice ¶ 49. Nevertheless, Plaintiffs request that all persons and entities who requested exclusion, as set forth in Exhibit 1 to the proposed Judgment, be excluded from the Settlement Class.

B. The Settlement Class’s Reaction Supports Approval of the Settlement and Plan of Allocation

The Seventh Circuit has instructed district courts to consider the reaction of the class in judging the fairness and adequacy of a proposed class action settlement. *See Wong v. Accretive Health, Inc.*, 773 F.3d 859, 863 (7th Cir. 2014) (two factors that should be considered are “the amount of opposition to the settlement” and “the reaction of members of the class”).

The absence of *any* objections to the Settlement from Settlement Class Members supports a finding that the Settlement is fair, reasonable, and adequate. *See, e.g., Wolfe v. TCC Wireless, LLC*, 2018 WL 11215318, at *2 (N.D. Ill. Mar. 12, 2018) (“The absence of any objections to the Settlement by Class Members . . . supports approval of the Settlement.”); *Garcia v. J.C. Penney Corp., Inc.*, 2017 WL 3449077, at *1 (N.D. Ill. Aug. 9, 2017) (same); *Sanchez v. Roka Akor Chicago LLC*, 2017 WL 1425837, at *2 (N.D. Ill. Apr. 20, 2017) (same); *Goldsmith v. Tech. Sols. Co.*, 1995 WL 17009594, at *5 (N.D. Ill. Oct. 10, 1995) (“Not a single objection to the proposed Settlement has been received from any class member. Such a positive response to the Settlement by the Class is strong evidence that the settlement is fair, reasonable, and adequate and should be approved.”).

Moreover, it is significant that no institutional investors—which held approximately 90% of Kraft Heinz’s publicly traded common stock during the Class Period—have requested exclusion from the Settlement Class or objected to the Settlement. The absence of exclusions and objections from these institutional investors, which have ample means and incentive to request exclusion or object to the Settlement if they deemed it unsatisfactory, is further evidence of the Settlement’s fairness. *See, e.g., Hedberg v. Schanck*, 1985 WL 5825, at *1 (N.D. Ill. Feb. 21, 1985) (“The plaintiff class includes several large and sophisticated institutional investors. It is not without moment that none of them has objected to either the settlement or the fees and expenses

requested.”); *see also In re Signet Jewelers Ltd. Sec. Litig.*, 2020 WL 4196468, at *6 (S.D.N.Y. July 21, 2020) (absence of any objections from institutional investors, which are “often sophisticated and possess the incentive and ability to object” was “further evidence of the fairness of the Settlement.”); *In re Facebook, Inc. IPO Sec. & Derivative Litig.*, 343 F. Supp. 3d 394, 410 (S.D.N.Y. 2018) (“That not one sophisticated institutional investor objected to the Proposed Settlement is indicia of its fairness.”); *In re AT&T Corp. Sec. Litig.*, 2005 WL 6716404, at *4 (D.N.J. Apr. 25, 2005) (the reaction of the class “weigh[ed] heavily in favor of approval” where “no objections were filed by any institutional investors who had great financial incentive to object”).

The lack of objections to the Plan of Allocation also supports its approval. *See, e.g., In re Payment Card Interchange Fee & Merch. Disc. Antitrust Litig.*, 986 F. Supp. 2d 207, 240 (E.D.N.Y. 2013) (the conclusion that the proposed plan of allocation was fair and reasonable was “buttressed by the . . . absence of objections from class members”); *In re Veeco Instruments Inc. Sec. Litig.*, 2007 WL 4115809, at *14 (S.D.N.Y. Nov. 7, 2007) (“not one class member has objected to the Plan of Allocation which was fully explained in the Notice of Settlement sent to all Class Members. This favorable reaction of the Class supports approval of the Plan of Allocation.”).

C. The Settlement Class’s Reaction Also Supports Approval of Lead Counsel’s Request for Attorneys’ Fees and Litigation Expenses

The positive reaction of the Settlement Class should also be considered with respect to Lead Counsel’s request for attorneys’ fees and Litigation Expenses. Here, only two objections to the fee request were received after mailing more than 1.6 million notices to potential Settlement Class Members. The small number of objections to the requested fees supports approval of the fees. *See Will v. Gen. Dynamics Corp.*, 2010 WL 4818174, at *1 (S.D. Ill. Nov. 22, 2010) (four objections compared to 158,000 class notices was a “remarkably small number of objections” and

“an indication of the class’ overwhelming and justified support for their Class Counsel and Class Counsel’s Application”); *Rodriquez v. It’s Just Lunch Int’l*, 2020 WL 1030983, at *11 (S.D.N.Y. Mar. 2, 2020) (where two individuals in a class of 140,000 members objected, the court found the “relatively low number of objections weighs in favor of approving the attorneys’ requested fees as reasonable”); *Waldbuesser v. Northrop Grumman Corp.*, 2017 WL 9614818, at *5 (C.D. Cal. Oct. 24, 2017) (finding only two objections to fee request, after mailing 210,000 notices, was “remarkably small given the wide dissemination of notice,” which justified fee award of 33 1/3%). Most importantly, as discussed below, the two objections to the requested fees lack substantive merit.

As with the Settlement, the lack of any objections by institutional investors further supports approval of the fee request. *See In re Rite Aid Corp. Sec. Litig.*, 396 F.3d 294, 305 (3d Cir. 2005) (the fact that “a significant number of investors in the class were ‘sophisticated’ institutional investors that had considerable financial incentive to object had they believed the requested fees were excessive” and did not do so, supported approval of the fee request); *Signet*, 2020 WL 4196468, at *21 (“the lack of objections [to the fee motion] by institutional investors is notable, and lends further support to approval of the fee request”); *Hefler v. Wells Fargo & Co.*, 2018 WL 6619983, at *15 (N.D. Cal. Dec. 18, 2018) (“the lack of objections from institutional investors ‘who presumably had the means, the motive, and the sophistication to raise objections’ weighs in favor of approval” of the fee motion), *aff’d sub nom. Hefler v. Pekoc*, 802 F. App’x 285 (9th Cir. 2020).

In sum, the overwhelmingly favorable reaction of the Settlement Class strongly supports approval of the Settlement, Plan of Allocation, and the fee and expense request.

II. The Objections to Lead Counsel’s Motion for Attorneys’ Fees Are Without Merit and Should Be Overruled

Two individuals submitted objections to Lead Counsel’s motion for attorneys’ fees—Larry D. Killion (ECF No. 479) and Arthur Kaye (ECF No. 486). As discussed below, both objections are without merit and, in addition, Mr. Kaye lacks standing to object to the attorneys’ fees because he is not entitled to any recovery under the Settlement.

A. Mr. Killion’s Objection to the Fee Motion Should Be Overruled

Mr. Killion objects that the fee requested is excessive, but does not substantively address any of the specific facts of this case. ECF No. 479.

Mr. Killion’s objection is largely identical to a series of other objections that he has submitted in unrelated, factually distinct cases. Mr. Killion has filed at least six other objections since June 2022, all of which have been rejected (to the extent the objections have been ruled upon).⁵ The boilerplate nature of Mr. Killion’s objection makes clear his objection is principally based on his generalized, ideological grievances with attorneys’ fee awards in class actions—rather than any careful analysis of the legal and factual circumstances of this case. For example, he argues, contrary to well-established law, that “contingency fees should/must be disallowed.” ECF

⁵ See, e.g., *La. Sheriffs Pension & Relief Fund v. Cardinal Health, Inc.*, No. 19-cv-03347 (S.D. Ohio July 11, 2023), ECF No. 113 (previously filed at ECF No. 484-23) (Mr. Killion submitted virtually identical objection to 30% fee request; not yet ruled upon); *In re Micro Focus Int’l PLC Sec. Litig.*, No. 18-CIV-01549, slip op. at 6-7 (Cal. Super. Ct. July 27, 2023) (attached as Exhibit 2) (rejecting substantially similar objection from Mr. Killion and awarding 33.3% fee); *City of Sterling Heights Police & Fire Ret. Sys. v. Reckitt Benckiser Grp. PLC*, No. 20-cv-10041, slip op. at 3 (S.D.N.Y. July 19, 2023), ECF No. 181 (previously filed at ECF No. 484-24) (“The Court has considered the objection to the fee application filed by Larry D. Killion . . . and finds it to be without merit. The objection is overruled in its entirety.”); *Reynolds v. FCA US LLC*, No. 19-cv-11745, slip op. at 4 (E.D. Mich. June 27, 2023), ECF No. 106 (previously filed at ECF No. 484-25) (“The Killion Objection’s challenge to the contingent nature of the requested attorneys’ fees is not well taken and inconsistent with the law of this Circuit.”); *In re Nielsen Holdings PLC Sec. Litig.*, No. 18-cv-7143, Hearing Tr. at 10 (S.D.N.Y. July 20, 2022), ECF No. 159 (previously filed at ECF No. 484-26) (“I find that the one objection from Mr. Killion is flawed both as a matter of law and a matter of fact . . .”).

No. 479, at 4. These types of objections have been consistently rejected by courts across the country. *See, e.g., Bacchi v. Mass. Mut. Life Ins. Co.*, 2017 WL 5177610, at *5 (D. Mass. Nov. 8, 2017) (rejecting objections which “take issue with the notion of contingency fee structures in class actions in general”); *O’Brien v. Brain Rsch. Labs, LLC*, 2012 WL 3242365, at *25 (D.N.J. Aug. 9, 2012) (rejecting objection that “embodie[d] the objector’s personal views about class action litigation generally and is not addressed to the specifics of this settlement”); *compare In re TikTok, Inc., Consumer Priv. Litig.*, 617 F. Supp. 3d 904, 941 (N.D. Ill. 2022) (approving 33.3% fee in class action because it aligned with “contingency fee[s] routinely charged by class action lawyers”).

Demonstrating that his objection is not grounded in the facts of this case, Mr. Killion argues that the “substance of [the] case is primarily based on the hired gun experts establishing and proving the case with statistical proofs and not the acumen of the lawyers.” ECF No. 479, at 4. This is false. While experts in financial economics were important to Plaintiffs’ ability to establish loss causation and damages, Lead Counsel’s legal skills in investigating and pleading the claims, and effectively analyzing and marshalling the extensive evidence obtained through the litigation were crucial to Plaintiffs’ ability to obtain the outstanding \$450 million result achieved here. In short, Mr. Killion’s objection provides no cogent argument for the reduction of the attorneys’ fees requested here.

B. Mr. Kaye’s Objection to the Fee Motion Should Be Overruled

In his six-sentence objection, Mr. Kaye states that he believes that the requested fees are excessive and the fee should be reduced to 1% of the Settlement, which he still believes is “absurd.” ECF No. 486, at 1. Mr. Kaye cites no legal authority or any other legal or factual basis for his position. *See Hefler*, 2018 WL 6619983, at *15 (rejecting “generalized objections” to attorneys’ fees that “generally asserted that Plaintiffs’ Counsel’s fees request was unreasonably

high, but . . . provided no specific objections as reasons to reject the request.”). Indeed, a 1% fee award here would be less than 10% of the value of Plaintiffs’ Counsel time dedicated to the Action in over four years of intense litigation—notwithstanding the significant litigation risks that justify a positive multiplier of counsel’s lodestar here. *See* Fee Memo (ECF No. 482-1), at 7-9. And of course, a 1% percentage fee would be far below the range of fees that courts have awarded in comparable cases. In contrast, as discussed in Lead Counsel’s fee memorandum, the requested fee of 20% of the Settlement Fund is well within the range of fee awards in similar cases. *See id.* at 5-7.

Mr. Kaye’s objection should also be rejected because he lacks standing to object to the fee request. While Mr. Kaye has submitted documents showing that he purchased Kraft Heinz common stock during the Class Period, the documents show that he sold all of his shares by May 10, 2018 (ECF No. 486, at 3), well before the first alleged corrective disclosure, and, thus, because he both purchased and sold his Kraft Heinz common stock at the same rate of alleged artificial inflation, he is not damaged by the alleged misrepresentations in the Action and is ineligible for any recovery under the Settlement. *See* Notice ¶ 72.A. Because Mr. Kaye has no claim to any funds under the Settlement, he is unaffected by the amount of attorneys’ fees awarded and lacks standing to challenge the fee request. *See Silverman v. Motorola Solutions, Inc.*, 739 F.3d 956, 957 (7th Cir. 2013) (an objector who “would not receive a penny from the fund even if counsel’s take should be reduced to zero” lacked standing to object to fee award); *Rodriguez v. Disner*, 688 F.3d 645, 660 (9th Cir. 2012) (objectors that do not have “a stake in the common fund pot,” lack standing to object to fees because “a favorable outcome would not redress their injury”); *Glasser v. Volkswagen of Am., Inc.*, 645 F.3d 1084, 1088 (9th Cir. 2011) (“a class member must be ‘aggrieved’ by the fee award to have standing to challenge it”).

CONCLUSION

For the foregoing reasons, and those set forth in their opening papers, Plaintiffs and Lead Counsel respectfully request that the Court approve the Settlement, the Plan of Allocation, and the motion for attorneys' fees and Litigation Expenses. Copies of (i) the [Proposed] Judgment Approving Class Action Settlement; (ii) the [Proposed] Order Approving Plan of Allocation of Net Settlement Fund; and (iii) the [Proposed] Order Awarding Attorneys' Fees and Litigation Expenses are being submitted to the Court in accordance with its procedures.

Dated: September 5, 2023

Respectfully submitted,

**KESSLER TOPAZ
MELTZER & CHECK, LLP**

/s/ Sharan Nirmul

Sharan Nirmul
Richard A. Russo, Jr.
Joshua A. Materese
280 King of Prussia Road
Radnor, PA 19087
Telephone: (610) 667-7706
Facsimile: (610) 667-7056
Email: snirmul@ktmc.com
 rrusso@ktmc.com
 jmaterese@ktmc.com

Jennifer L. Joost
One Sansome Street, Suite 1850
San Francisco, CA 94104
Telephone: (415) 400-3000
Facsimile: (415) 400-3001
Email: jjoost@ktmc.com

*Counsel for Lead Plaintiff Sjunde AP-
Fonden and additional named Plaintiff
Booker Enterprises Pty Ltd. and co-Lead
Counsel for the Settlement Class*

**BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP**

/s/ Salvatore J. Graziano _____

Salvatore J. Graziano

Katherine M. Sinderson

Jesse L. Jensen

1251 Avenue of the Americas

New York, NY 10020

Telephone: (212) 554-1400

Facsimile: (212) 554-1444

Email: katiem@blbglaw.com

salvatore@blbglaw.com

jesse.jensen@blbglaw.com

*Counsel for Lead Plaintiff Union Asset
Management Holding AG and co-Lead
Counsel for the Settlement Class*

CERTIFICATE OF SERVICE

I certify that on September 5, 2023, a copy of the foregoing Reply Memorandum of Law in Further Support of (I) Plaintiffs' Motion for Final Approval of Settlement and Plan of Allocation; and (II) Lead Counsel's Motion for Attorneys' Fees and Litigation Expenses, and its exhibits, was filed electronically by ECF and will be delivered in that manner to all parties of record. In addition, on September 5 2023, I served copies of these documents on the following individuals by FedEx overnight delivery and by email on Mr. Killion.

Larry D. Killion
2114 Oxford Street
Houston, TX 77008
11235ldk@comcast.net

Arthur Kaye
800 Dover Buff Place
Manakin Sabot, VA 23013

/s/ Salvatore J. Graziano
Salvatore J. Graziano

Exhibit 1

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

IN RE KRAFT HEINZ SECURITIES
LITIGATION

C.A. No. 1:19-cv-01339

Honorable Jorge L. Alonso

**SUPPLEMENTAL DECLARATION OF LUIGGY SEGURA REGARDING:
(A) CONTINUED DISSEMINATION OF NOTICE; (B) UPDATE ON
CALL CENTER SERVICES AND SETTLEMENT WEBSITE; AND
(C) REPORT ON REQUESTS FOR EXCLUSION RECEIVED**

I, Luiggy Segura, hereby declare under penalty of perjury as follows:

1. I am the Vice President of Securities Class Actions at JND Legal Administration (“JND”). Pursuant to the Court’s Order Preliminarily Approving Settlement and Providing for Notice, dated May 11, 2023 (ECF No. 478) (“Preliminary Approval Order”), Lead Counsel were authorized to retain JND as the Claims Administrator in connection with the proposed settlement of the above-captioned action (“Action”).¹ I am over 21 years of age and am not a party to the Action. I have personal knowledge of the facts stated in this declaration and, if called as a witness, could and would testify competently thereto.

2. I submit this declaration as a supplement to my previously filed declaration, the Declaration of Luiggy Segura Regarding: (A) Dissemination of Postcard Notice and Notice Packet; (B) Publication of the Summary Notice; (C) Establishment of Call Center Services and

¹ All capitalized terms used in this declaration that are not otherwise defined herein shall have the meanings ascribed to them in the Stipulation and Agreement of Settlement, dated May 2, 2023 (ECF No. 475-3).

Settlement Website; and (D) Report on Requests for Exclusion Received to Date, dated August 8, 2023 (ECF 484-5) (“Initial Mailing Declaration”).

CONTINUED DISSEMINATION OF NOTICE

3. Since the execution of the Initial Mailing Declaration, JND has continued to disseminate copies of the Postcard Notice, as well as the Notice and Claim Form (together, the “Notice Packet”) in response to additional requests from potential Settlement Class Members and Nominees. As of September 1, 2023, JND has mailed a total of 1,665,136 Postcard Notices and 5,611 Notice Packets to potential Settlement Class Members and Nominees.²

UPDATE ON CALL CENTER SERVICES AND SETTLEMENT WEBSITE

4. JND continues to maintain the toll-free telephone helpline, 1-844-798-0760, with an interactive voice response system (“IVR”) and live operators, to accommodate questions about the Action and the Settlement. The telephone helpline is accessible 24 hours a day, 7 days a week. Since the administration began on June 9, 2023, JND has received 6,448 in-bound calls, which included 485 hours and 26 minutes spent by callers interacting with the IVR and 361 hours and 42 minutes speaking with JND’s live operators. JND has made 567 out-bound calls to respond to messages left or to follow up on earlier communications. JND has also received 1,732 emails sent to info@KraftHeinzSecuritiesLitigation.com and has sent 1,702 outgoing emails in connection with this case. JND has promptly responded to each telephone and email inquiry and will continue to respond to those inquiries. JND will continue to maintain the telephone helpline and will update the IVR as necessary throughout the administration of the Settlement.

² Because the identities (and number) of potential class members are not readily known in securities class actions such as this Action, notice programs in these cases are designed to reach the maximum number of potential class members. This typically results in notices being mailed to a substantial amount of individuals and entities who are not class members, such as nominees who are not beneficial owners or individuals and entities who only held, but did not purchase, the security during the class period.


5. JND also continues to maintain the website dedicated to the Settlement, www.KraftHeinzSecuritiesLitigation.com (“Settlement Website”) to assist potential Settlement Class Members. On August 8, 2023, JND posted to the Settlement Website copies of the papers filed in support of Plaintiffs’ Motion for Final Approval of Settlement and Plan of Allocation and Lead Counsel’s Motion for Attorneys’ Fees and Litigation Expenses. As of September 1, 2023, the Settlement Website has received a total of 55,940 visitors. JND will continue operating, maintaining and, as appropriate, updating the Settlement Website with relevant case information until the conclusion of the administration.

REPORT ON REQUESTS FOR EXCLUSION RECEIVED

6. The notices and Settlement Website informed potential Settlement Class Members that requests for exclusion from the Settlement Class were to be sent to JND, and received no later than August 22, 2023. As of September 1, 2023, JND has received thirty-seven (37) requests for exclusion from the Settlement Class, of which 34 were received on or before August 22, 2023 and three were received after that date. A list of the individuals and entities requesting exclusion from the Settlement Class and their city and state is attached hereto as Exhibit 1.

I declare, under penalty of perjury under the laws of the United States, that the foregoing is true and correct.

Executed on September 5, 2023.



Luiggy Segura

Exhibit 1

Number	Full Name	City and State
1	Tariq Assi	Basingstoke, Hampshire, UK
2	Patricia Bednar	Mercer, WI
3	Karen J. Cantine	Glasgow, KY
4	Margaret A. Carmony	Westfield, IN
5	Emeline Dale Chambers	Wisconsin Rapids, WI
6	Pei-Chen Chen	New Taipei City, Taiwan
7	Barbara J. Dash	Highlands Ranch, CO
8	Edward F. Dash	Highlands Ranch, CO
9	Bradley Wayne Dettinger	Greenwood, IN
10	Eoin Patrick Donohue	Epsom, Surrey, UK
11	Steven Feinstein	South Windsor, CT
12	Harry L. Fowler	Fairview, TX
13	Masafumi Fujimoto	Himeji City, Hyogo, Japan
14	Estate of Stephen DeP. Gilbert	Merrimac, MA
15	Lee Mui Heok	Toa Payoh, Singapore
16	Louisa Kimmel	Winnipeg, Manitoba, Canada
17	Lois A. Koehler	Faribault, MN
18	Brent Liston	Prince George, British Columbia
19	Joshua Mayer	Colorado Springs, CO
20	Steven C. Nance and Jane A. Nance	Not provided
21	Shirley J. Nehlen	Hartville, OH
22	Helen Louise Noyes	Gainesville, VA
23	Jane W. Pegel TOD U/A DTD 9/1/15	Williams Bay, WI
24	Randy Poole	Edmonton, Alberta, Canada
25	Hannah Roberts	Leakesville, MS
26	James E. Rutledge and Judie Rutledge	Houma, LA
27	James R. Sapp, Sr.	Port Deposit, MD
28	Margaret Schill	Liverpool, NY
29	Julia Schoen	Winnipeg, Manitoba, Canada
30	Estate of Adolph R. Simone	Little Elm, TX
31	Linda S. Smith	Torrance, CA
32	Stephany K. Summer	Vero Beach, FL
33	Lorri Ungaretti, Trustee of the Lorri Ungaretti Trust dated 09/22/14	San Francisco, CA
34	Richard G. Vaughn	McLeansville, NC
35	Richard A. Waite	San Jose, CA
36	Laura Lorenzo Wojcik	Black Mountain, NC
37	Daniel Yang and Hae Min Yang	Tallahassee, FL

Exhibit 2

FILED
SAN MATEO COUNTY

JUL 27 2023

Clerk of the Superior Court

By

~~DEPUTY CLERK~~

1 ROBBINS GELLER RUDMAN
& DOWD LLP
2 JAMES I. JACONETTE (179565)
655 West Broadway, Suite 1900
3 San Diego, CA 92101-8498
Telephone: 619-231-1058
4 Facsimile: 619-231-7423
jamesj@rgrdlaw.com

5
6 COTCHETT, PITRE & MCCARTHY, LLP
MARK C. MOLUMPY (168009)
7 TYSON REDENBARGER (294424)
ELLE LEWIS (238329)
San Francisco Airport Office Center
8 840 Malcolm Road, Suite 200
Burlingame, CA 94010
9 Telephone: 650-697-6000
Facsimile: 650-697-0577
10 mmolumpy@cpmlegal.com
tredenbarger@cpmlegal.com
11 elewis@cpmlegal.com

SCOTT+SCOTT ATTORNEYS AT LAW LLP
JOHN T. JASNOCH (281603)
JOSEPH A. PETTIGREW (236933)
600 West Broadway, Suite 3300
San Diego, CA 92101
Telephone: 619-233-4565
Facsimile: 619-233-0508
jjasnoch@scott-scott.com
jpettigrew@scott-scott.com

12 *Class Counsel*

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 COUNTY OF SAN MATEO

15 In re MICRO FOCUS INTERNATIONAL)
16 PLC SECURITIES LITIGATION)

Lead Case No. 18CIV01549

CLASS ACTION

17 This Document Relates To:

18 ALL ACTIONS.

19 ~~PROPOSED~~ JUDGMENT AND ORDER
GRANTING FINAL APPROVAL,
20 APPROVING PLAN OF ALLOCATION,
AND AWARDING ATTORNEYS' FEES,
REIMBURSEMENT OF EXPENSES, AND
21 APPROVING SERVICE AWARDS

22 Assigned for All Purposes to:
Hon. Marie S. Weiner, Dept. 2

23 DATE: July 25, 2023
24 TIME: 2:00 pm

25 Date Action Filed: 03/28/18

26
27
28
[PROPOSED] JUDGMENT AND ORDER GRANTING FINAL APPROVAL, APPROVING PLAN OF
ALLOCATION, AND AWARDING ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES, AND
APPROVING SERVICE AWARDS

1 WHEREAS, the Court is advised that the Parties, through their counsel, have agreed, subject
2 to Court approval following notice to the Settlement Class and a hearing, to settle this Action upon
3 the terms and conditions set forth in the Stipulation of Settlement dated January 24, 2023 (the
4 “Stipulation” or “Settlement”);¹ and

5 WHEREAS, on February 7, 2023, the Court entered its Order Preliminarily Approving
6 Settlement and Providing for Notice, which preliminarily approved the Settlement, and approved the
7 form and manner of notice to the Settlement Class of the Settlement, and said notice has been made,
8 and the fairness hearing having been held; and

9 NOW, THEREFORE, based upon the Stipulation and all of the filings, records and
10 proceedings herein, and it appearing to the Court upon examination that the Settlement set forth in
11 the Stipulation is fair, reasonable and adequate, and upon a Settlement Fairness Hearing having been
12 held after notice to the Settlement Class of the Settlement to determine if the Settlement is fair,
13 reasonable, and adequate and whether the Final Judgment should be entered in this Action:

14 **THE COURT HEREBY FINDS AND CONCLUDES THAT:**

15 A. The provisions of the Stipulation, including definitions of the terms used therein, are
16 hereby incorporated by reference as though fully set forth herein.

17 B. This Court has jurisdiction of the subject matter of this Action and over all of the
18 Parties and all Settlement Class Members.

19 C. The Settlement Class is certified and Plaintiffs Ian Green and Cardella Family Irrevoc
20 Trust U/A 06/17/15, whom the Court previously appointed as Class Representatives for the Certified
21 Class, have adequately represented the Class and shall remain in that role, as Settlement Class
22 Representatives. The Class Members are ascertainable and it is impracticable to bring all of them
23 before the Court individually. Common questions of law and fact predominate over individual issues.
24 The claims of the Class Representatives are typical of the claims of the Settlement Class. Class
25 treatment is superior to individual lawsuits for resolving the claims alleged.

26
27
28 ¹ All capitalized terms not defined herein are defined in the Stipulation.

1 D. The form, content, and method of dissemination of notice given to the Settlement Class
2 was adequate and reasonable and constituted the best notice practicable under the circumstances,
3 including individual notice to all Settlement Class Members who could be identified through
4 reasonable effort.

5 E. Notice, as given to the Settlement Class, complied with the requirements of California
6 law, satisfied the requirements of due process, and constituted due and sufficient notice of the matters
7 set forth herein.

8 F. The Settlement set forth in the Stipulation, which calls for a cash payment in the
9 amount of \$107.5 million, is fair, reasonable, and adequate.

10 (i) The Settlement was negotiated at arm's length by the Parties, all of whom were
11 represented by highly experienced and skilled counsel. The Settlement was reached only after, among
12 other things: (a) extensive proceedings, including motion practice, in this Action and in the Federal
13 Action, as well as related proceedings on appeal; (b) the completion of a substantial amount of fact
14 discovery in this Action, including 21 depositions of fact witnesses and the production of millions of
15 pages of documents by or on behalf of Defendants and third parties; (c) two mediations conducted by
16 an experienced mediator who was thoroughly familiar with this Action; (d) prior to the mediations,
17 the exchange between the Plaintiffs and Defendants of detailed mediation statements, together with
18 accompanying documentary exhibits, which highlighted the factual and legal issues in dispute;
19 (e) follow-up negotiations between Plaintiffs and Defendants with the assistance of the mediator and
20 the involvement, on certain occasions, of the Federal Plaintiff; and (f) Plaintiffs' Counsel's extensive
21 investigations. Accordingly, the Parties were well-positioned to evaluate the settlement value of this
22 Action. The Stipulation has been entered into in good faith and is not collusive.

23 (ii) If the Settlement had not been achieved, the Parties faced the expense, risk,
24 and uncertainty of extended litigation. The Court takes no position on the merits of the Parties'
25 arguments, but notes these arguments as evidence in support of the reasonableness of the Settlement.

26 G. Plaintiffs and their counsel have fairly and adequately represented the interests of
27 Settlement Class Members in connection with the Settlement.

28

1 H. Plaintiffs, all Settlement Class Members, and Defendants are hereby bound by the
2 terms of the Settlement set forth in the Stipulation.

3 **IT IS HEREBY ORDERED THAT:**

4 1. The Settlement, on the terms set forth in the Stipulation, is finally approved as fair,
5 reasonable, and adequate, and, based on the findings set forth above, the Settlement Class defined in
6 the Stipulation is certified. The Settlement shall be consummated in accordance with the terms and
7 provisions of the Stipulation. The Parties shall bear their own costs, except as otherwise provided in
8 the Stipulation.

9 2. All Released Parties as defined in the Stipulation are fully and finally released in
10 accordance with, and as defined in, the Stipulation.

11 3. Upon the Effective Date, Plaintiffs and each Settlement Class Member, including the
12 Federal Plaintiff, shall be deemed to have, and by operation of this Final Judgment shall have, fully,
13 finally, and forever released, relinquished, and discharged all Released Claims against the Released
14 Parties, whether or not such Settlement Class Member executes and delivers a Proof of Claim and
15 Release.

16 4. Upon the Effective Date, each of the Released Parties shall be deemed to have, and by
17 operation of this Final Judgment shall have, fully, finally, and forever released Plaintiffs, Plaintiffs'
18 Counsel, and each and all of the Settlement Class Members, including the Federal Plaintiff, from all
19 Released Defendants' Claims.

20 5. All Settlement Class Members who have not timely made their objections to the
21 Settlement in the manner provided in the Notice of Proposed Settlement of Class Action ("Notice")
22 are deemed to have waived any objections by appeal, collateral attack, or otherwise.

23 6. All Settlement Class Members who have failed to properly and timely submit valid
24 requests for exclusion (requests to opt out) from the Settlement Class are bound by the terms and
25 conditions of the Stipulation and this Final Judgment.

26 7. The requests for exclusion by the persons or entities identified in Exhibit A to this
27 Final Judgment are accepted by the Court.

28

1 8. All other provisions of the Stipulation are incorporated into this Final Judgment as if
2 fully rewritten herein.

3 9. Plaintiffs and all Settlement Class Members, including the Federal Plaintiff, are hereby
4 permanently barred and enjoined from instituting, commencing, maintaining, or prosecuting in any
5 court or tribunal any of the Released Claims against any of the Released Parties.

6 10. Neither the Stipulation nor the Settlement, nor any act performed or document
7 executed pursuant to or in furtherance of the Stipulation or the Settlement:

8 (a) shall be offered or received against any Defendant as evidence of, or construed
9 as or deemed to be evidence of, any presumption, concession, or admission by any Defendant of the
10 truth of any of the allegations in the Action or the Federal Action, or the validity of any claim that has
11 been or could have been asserted in the Action or the Federal Action, or the deficiency of any defense
12 that has been or could have been asserted in the Action or the Federal Action, including, but not
13 limited to, litigation of the Released Claims, or of any liability, negligence, fault, or wrongdoing of
14 any kind of any Defendant;

15 (b) shall be offered or received against any Defendant as evidence of a
16 presumption, concession, or admission with respect to any liability, negligence, fault, or wrongdoing,
17 or in any way referred to for any other reason as against any Defendant, in any other civil, criminal,
18 or administrative action or proceeding, in any jurisdiction, other than such proceedings as may be
19 necessary to effectuate the provisions of the Stipulation; provided, however, that Defendants may
20 refer to the Stipulation to effectuate the liability protection granted them hereunder;

21 (c) shall be construed as or received in evidence as an admission, concession,
22 finding or presumption against Defendants that the consideration to be given hereunder represents the
23 amount which could be or would have been recovered after trial or in any proceeding other than this
24 Settlement, or that any of the claims of Plaintiffs, Federal Plaintiff, or Settlement Class Members have
25 merit;

26 (d) shall be construed as or received in evidence as an admission, concession,
27 finding or presumption against Plaintiffs, the Federal Plaintiff, or any Settlement Class Member that
28

1 any of their claims are without merit, or that any defenses asserted by Defendants have merit, or that
2 damages recoverable in this Action or the Federal Action, or pursuant to any subsequent operative
3 complaint filed in this Action or the Federal Action, would have exceeded the Settlement Fund; and

4 (e) Notwithstanding the foregoing, Defendants, Plaintiffs, Federal Plaintiff,
5 Settlement Class Members and/or the Released Parties may file the Stipulation and/or this Final
6 Judgment in any action that may be brought against them in order to support a defense or counterclaim
7 based on principles of *res judicata*, collateral estoppel, release, good faith settlement, judgment bar
8 or reduction or any other theory of claim preclusion or issue preclusion or similar defense or
9 counterclaim.

10 11. The Court hereby finds and concludes that the Action was brought, prosecuted and/or
11 defended in good faith, with a reasonable basis.

12 12. Pursuant to and in full compliance with California law, this Court hereby finds and
13 concludes that due and adequate notice was directed to all Persons and entities who are Settlement
14 Class Members advising them of the Plan of Allocation and of their right to object thereto, and a full
15 and fair opportunity was accorded to all Persons and entities who are Settlement Class Members to
16 be heard with respect to the Plan of Allocation.

17 13. The Court hereby finds and concludes that the formula for the calculation of the claims
18 of Authorized Claimants, which is set forth in the Notice sent to Settlement Class Members, provides
19 a fair and reasonable basis upon which to allocate the proceeds of the Net Settlement Fund established
20 by the Stipulation among Settlement Class Members, with due consideration having been given to
21 administrative convenience and necessity. Defendants and their Related Parties shall have no
22 responsibility or liability for determining the allocation of, or distributing, any payments to any
23 Settlement Class Members or Authorized Claimants or for any other matters pertaining to the Plan of
24 Allocation.

35,833,333

25 14. The Court hereby awards Plaintiffs' Counsel attorneys' fees of \$ _____, plus
26 expenses in the amount of \$ 843,852, together with a proportionate share of the interest earned
27 on the Settlement Fund, at the same rate as that earned on the Settlement Fund, from the date of the
28

1 establishment of the Settlement Fund to the date of payment. The Court finds that the amount of fees
2 awarded is fair, reasonable, and appropriate, given the contingent nature of the case and the substantial
3 risks of non-recovery, the time and effort involved, and the result obtained for the Class.

4 15. The awarded attorneys' fees and expenses and interest earned thereon shall
5 immediately be paid to Lead Counsel from the Settlement Fund subject to the terms, conditions, and
6 obligations of the Stipulation, which terms, conditions, and obligations are incorporated herein.

7 16. Plaintiffs and the Federal Plaintiff are awarded the following amounts: Cardella
8 Family Irrevoc Trust U/A 06/17/15, \$15,000; Ian Green, \$15,000; Iron Workers Local No. 25
9 Pension Fund, \$15,000. Such payments are appropriate considering their active participation in
10 representing the interests of the Settlement Class, as attested to by the declarations submitted to the
11 Court. The payments are to be made from the Settlement Fund.

12 17. In the event that the Stipulation is terminated in accordance with its terms: (i) this Final
13 Judgment shall be rendered null and void and shall be vacated *nunc pro tunc*; and (ii) this Action shall
14 proceed as provided in the Stipulation.

15 18. Without affecting the finality of this Final Judgment in any way, this Court retains
16 continuing jurisdiction over: (a) implementation of this Settlement and any award or distribution of
17 the Settlement Fund, including interest earned thereon; (b) disposition of the Settlement Fund; (c)
18 hearing and determining applications for attorneys' fees, interest, and expenses in the Action; and (d)
19 all Parties hereto for the purpose of construing, enforcing, and administering the Stipulation.

20 19. For the reasons stated in the Reply Memorandum of Points and Authorities, the Court
21 overrules the objections of Larry D. Killion and James J. Wacker.

22 **20. Plaintiffs shall promptly file and serve Notice of**
Entry of Judgment.

23 DATED: July 27, 2023



THE HONORABLE MARIE S. WEINER
JUDGE OF THE SUPERIOR COURT

EXHIBIT A

Exhibit A-1

Timely Exclusion Requests from the Settlement Class

- | | |
|-------------------------------|---------------------------------|
| 1. Barbara J. Dash | 41. James D. Brothers |
| 2. Elese M. Talone | 42. Diana LeJeune |
| 3. Joseph L. Lestieri | 43. Michelle Schumacher |
| 4. Lona L. Peterson | 44. Roger Deminna |
| 5. Laura E. Werry | 45. Virginia Winston |
| 6. David J. Smyth | 46. Jacqueline C. Boyson |
| 7. Michael Banks | 47. Herbert A. Kai |
| 8. Jeffrey J. Mosteller | 48. Madelina R. Sabato |
| 9. Estate of Mr. E. Vos | 49. Cynthia S. Tiger |
| 10. Diane M. Giles | 50. Elizabeth Mary Thomas |
| 11. Marta Hage | 51. Jean-Marie Fierling |
| 12. Miriam Villanueva | 52. Lisa MacFarlane |
| 13. Hans Leisentritt | 53. Myra Kiely |
| 14. Bessie Gray | 54. Patricia Garvey |
| 15. Herbert Muhl | 55. Donna Lenifero |
| 16. Joan Polea | 56. Carol H. Antunano |
| 17. Andrea Pickard | 57. Marion L. Dodd GDN |
| 18. Rodney M. Welk | 58. John A. Suchina |
| 19. Sandra Liatsos | 59. Samuel M. Sokoloff |
| 20. Mark D. Van DeWege | 60. Melba J Roberts |
| 21. Catherine Killen | 61. Jesse A Perez |
| 22. Estate of Paul Winicki | 62. Donald Cronin |
| 23. Alfred Bracht | 63. Barbara G. Bayne |
| 24. Otto Langenbacher | 64. Francesco Bonetti |
| 25. Estate of Louise Kozerski | 65. Elizabeth J Gow |
| 26. Susan Byrdy | 66. Alberto Coll |
| 27. Siobhan Caverly | 67. Lola Escalante |
| 28. George Thomas Davis | 68. Joshua Meyer |
| 29. Marcia E. McKinney | 69. Vernelie Overman |
| 30. Bradley Dettinger | 70. Hilke Borbath |
| 31. Naomi Judy | 71. Louis A. DiMauro Jr. |
| 32. Betty Ann Stewart | 72. Helen L. Nolte |
| 33. Doris F. Chisler | 73. Robert Lee McCumber Trustee |
| 34. Denyse R. Rice | 74. Marcella A. Martelli |
| 35. Richard S. Wagner | 75. Arlene L. Storm |
| 36. Diane M. Lathrop | 76. Dennis D. Johnson |
| 37. Kay R Kelly | 77. Charles E. Ohman |
| 38. Borel Setten | 78. Althea Grace Piveda |
| 39. Robert C. Cohen | 79. George Leskevich |
| 40. Lynda Frances Bassett | 80. Michael J DeSantis |

Exhibit A-1

Timely Exclusion Requests from the Settlement Class

81. Judith Ann Payne
82. Otto E. Ehlers, Sr. Trust
83. Junko Sakazume
84. Monica M. Pollich
85. Anneliese M. Pollich
86. Bruno Isaia Schiesser
87. Julie Bowles
88. Margot Pieroway
89. Linda Kay Harris
90. Cecil J. Shaffer
91. Ivan Prikyl
92. E. Brown
93. Debbie Jernigan
94. Marc Schmitt
95. Barbara A. Baylard
96. Susana Sabadias
97. Norbert Wurle
98. Xavier Douchez
99. Jan Bojtos
100. Melba J Roberts
101. Vivien Joan Lambert
102. Giacinta Coriale
103. Katerina Louise Nommeots-Nomm

Exhibit A-2

Untimely Exclusion Requests from the Settlement Class

1. Barbara A Baylard on behalf of
Jonathan Steward, Deceased

Exhibit A-3

Timely Exclusion Requests from the Certified Class

1. Joseph Baczynski
2. Elese M Talone
3. Alberto Coll
4. Donald B Gibson
5. Cynthia Winterhalter
6. Gloria Danet
7. Howard Easton
8. Marta Hage
9. Jennifer Jarret
10. Michael Niegel
11. Sandra Ellis
12. Jacqueline Suzanne Jones
13. Carol J. Arney
14. Robert De Bie
15. Hiroshi Matsuo
16. Cornelia H.M. Kerner-Huipen
17. Joseph Lettieri
18. Barbara J Dash
19. Marilyn B. Hilgers Trust
20. Miriam H. Rothengatter
21. Elizabeth Kesang
22. Cardo Investments Lp
23. Carlos Khouri Silva
24. Berenika Duda Uhryn
25. Arnold S. Berger, Phd
26. Marco Taddia
27. Alfred Borg
28. Ms. Goh Siew Lee
29. Carlos Khouri Silva
30. Bonita Hempel
31. Vivien Joan Lambert
32. S. Fil
33. Kenneth H. Peok Jr.
34. Michael Canry
35. Mark Francis Boffa
36. Antje Everink
37. Irmell Paanu-Eskola
38. John Mostyn
39. Linda L. Johnson
40. Tuomo Tainela
41. Scott L. Mccarthy
42. Luca Razzi
43. Ziad Odeh
44. Oran Cunning
45. Virginia Long
46. Russell Martin
47. Karalee A Moore

Exhibit A-4

Untimely Exclusion Requests from the Certified Class

1. Peter Craig
2. Anna Mounier
3. Agnes Prince-Crespel
4. Tay Hong Neo Catherine
5. Luca Razzi
6. Jeanne Newton
7. George Risly
8. Cheung Wai Chung



SUPERIOR COURT OF SAN MATEO COUNTY

400 County Center 800 North Humboldt Street
Redwood City, CA 94063 San Mateo, CA 94401
(650) 261-5100
www.sanmateocourt.org

FILED

SAN MATEO COUNTY

7/27/2023

Clerk of the Superior Court

/s/ Andrea Daley

DEPUTY CLERK

CLERK'S CERTIFICATE OF SERVICE BY MAIL

Date: 7/27/2023
In the Matter of: JAMES RAGSDALE vs MICRO FOCUS INTERNATIONAL PLC
Case No.: 18-CIV-01549
Documents: JUDGMENT AND ORDER GRANTING FINAL APPROVAL, APPROVING PLAN OF ALLOCATION, AND AWARDED ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES, AND APPROVING SERVICE AWARDS

I certify that I am a Deputy Clerk of the San Mateo County Superior Court, that I am not a party to this cause, and that the above-listed documents were served upon the persons whose names and addresses are set forth below, on this date in San Mateo County, California, by placing the documents for collection and mailing so as to cause it to be mailed with the United States Postal Service by first class mail in a sealed addressed envelope with postage fully prepaid, following standard court practices. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on: 7/27/2023

Neal I Taniguchi, Court Executive Officer/Clerk

By: /s/ Andrea Daley

Andrea Daley, Deputy Clerk

Copies Mailed To:

SEE ATTACHED SERVICE LIST:

SERVICE LIST

Micro Focus, Class Action Master File 18CIV1549
as of July 2023

Plaintiffs' Co-Lead Counsel:

MARK MOLUMPY
TYSON REDENBARGER
JULIA PENG
COTCHETT PITRE & McCARTHY LLP
840 Malcolm Road, Suite 200
Burlingame, CA 94010
(650) 697-6000
mmolumphy@cpmlegal.com
tredenbarger@cpmlegal.com
jpeng@cpmlegal.com

JAMES JACONETTE
ROBBINS GELLER RUDMAN
& DOWD LLP
655 West Broadway, Suite 1900
San Diego, CA 92101-8498
(619) 231-1058
jamesj@rgrdlaw.com

JOSEPH RUSSELLO
ROBBINS GELLER RUDMAN
& DOWD LLP
58 South Service Road, Suite 200
Melville, NY 11747
(631) 367-7100
jrusello@rgrdlaw.com

JOHN JASNOCH
JOSEPH PETTIGREW
SCOTT + SCOTT
600 West Broadway, Suite 3300
San Diego, CA 92101
(619) 233-4565
jjasnoch@scott-scott.com
jpettigrew@scott-scott.com

JEFFREY JACOBSON
SCOTT + SCOTT
The Helmsley Building, 17th Floor
230 Park Avenue
New York City, NY 10169
(212) 223-6444

jjacobsen@scott-scott.com

AMANDA LAWRENCE
SCOTT + SCOTT
156 South Main Street
P.O. Box 192
Colchester, CT 06415
(860) 537-5537
alawrence@scott-scott.com

Attorneys for Defendants:

LEE RUBIN
CHRISTOPHER KELLY
MAYER BROWN LLP
Two Palo Alto Square, Suite 300
3000 El Camino Real
Palo Alto, CA 94306
(650) 331-2000
lrubin@mayerbrown.com
cjkelly@mayerbrown.com

SARAH BALKISSOON
MAYER BROWN LLP
575 Market Street, Suite 2500
San Francisco, CA 94105
(650) 331-2000
sbalkissoon@mayerbrown.com

TIMOTHY CAMERON
LAUREN ROSENBERG
PERRY GOFFNER
CRAVATH SWAINE & MOORE LLP
825 Eighth Avenue
New York City, NY 10019
(212) 474-1000
tcameron@cravath.com
lrosenberg@cravath.com

Attorneys for Hsu:

DANIEL BERGESON
JOHN PERNICK
ADAM TRIGG
BERGESON LLP
111 North Market Street, Suite 600
San José, CA 95113
(408) 291-6200