

UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

**TIMOTHY O’HERN, *et al.*, Individually and on  
Behalf of All Others Similarly Situated,**

**Plaintiffs,**

v.

**VIDA LONGEVITY FUND, LP, *et al.*,**

**Defendants.**

No. 1:21-cv-00402-SRF

**JOINT STIPULATION AND [PROPOSED] ORDER TO MODIFY PLAN OF  
ALLOCATION AND CORRECT DATES**

Plaintiffs Timothy O’Hern, Semyon Rodkin, and Dominic Cardinale (“Plaintiffs”) and Defendants Vida Longevity Fund, LP, Vida Management I, LLC, Vida Capital Management, LLC, Vida Capital, Inc., Vida Capital, LLC, and Jeffrey R. Serra (“Defendants” and, collectively with Plaintiffs, the “Parties”)<sup>1</sup> jointly stipulate and agree as follows:

1. The Parties entered into a Stipulation of Settlement (“Stipulation”) on July 8, 2022 to resolve all claims in the above-captioned class action. ECF No. 30-1, Ex. 2.
2. On October 19, 2022, Plaintiffs filed their Unopposed Motion for Preliminary Approval of Proposed Settlement in this action. ECF No. 30.
3. On November 21, 2022, the Court entered an Order preliminarily approving the proposed Settlement and setting a Fairness Hearing for April 18, 2023. ECF No. 31.

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<sup>1</sup> Defendants Vida Capital Management, LLC, and Vida Capital, Inc. have recently been renamed as Obra Capital Management, LLC, and Obra Capital, Inc., respectively.

4. Pursuant to the Stipulation, Plaintiffs proposed a “Plan of Allocation” for allocating the Net Settlement Amount to Authorized Claimants substantially in the form set out in the Long-Form Notice (“Notice”) attached as Exhibit E to the Stipulation. ECF No. 30-1, p. 154, ¶¶ 49-50.

5. As worded, the Plan of Allocation set forth in the Notice requests information regarding VLF Interests sold, redeemed, or otherwise disposed of, or still held as of “the end of the quarter preceding the initially scheduled date for the Fairness Hearing,” in order to calculate the Authorized Claimant’s Recognized Loss. *Id.*

6. Because the Fairness Hearing has been set for April 18, 2023, “the end of the quarter preceding the initially scheduled date for the Fairness Hearing” is March 31, 2023, as the Court’s Order noted. *See* ECF No. 31.

7. Because the Fairness Hearing is currently scheduled for April 18, 2023, rather than a later date, requests for objections and opt-outs are due March 21, 2023, *see* ECF No. 31, meaning that Class Members who timely object or seek to opt out would not be able to provide the required data regarding sales or redemptions as of March 31, 2023.

8. Accordingly, Plaintiffs propose to revise the Plan of Allocation to require transaction information as of December 31, 2022, the last day of the quarter preceding the quarter in which objections and opt-outs are due. This change would be reflected in the notice materials and in the Proof of Claim and Release Form attached as Exhibit G to the Stipulation, *See id.*, p. 171, § 3 and 4.

9. Defendants do not take any position on the Plan of Allocation and do not object to this change in the closing date for transaction information.

10. Notice has not yet been given to the Class and is due to be mailed January 20, 2023, so the dates can easily be corrected before Notice is disseminated. Moreover, a Court-approved change to the Plan of Allocation will not operate to modify, terminate, or cancel the Settlement. *See* ECF No. 30-1, Ex. 2, § III. D. ¶ 3.

11. Accordingly, the Parties stipulate and agree, subject to the Court's approval, that the Plan of Allocation be amended to use December 31, 2022, rather than March 31, 2023, as the last date for putative Class Members' transaction information.

Dated: December 29, 2022

/s/ Gina M. Serra

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*Attorneys for Defendants*

SO ORDERED:

Dated: December \_\_, 2022

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United States Magistrate Judge