

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE PEABODY ENERGY CORP. : Case No. 1:20-cv-08024-PKC
SECURITIES LITIGATION :
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[PROPOSED] ORDER APPROVING PLAN OF ALLOCATION

THIS MATTER having come before the Court for a hearing on February 7, 2023, on the motion of Lead Plaintiff Oregon Public Employees Retirement Fund for final approval of the proposed Settlement and approval of the Plan of Allocation for the proceeds of the Settlement; the Court having considered all papers filed and proceedings had herein and otherwise being fully informed;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. This Order incorporates by reference the definitions in the Stipulation and Agreement of Settlement, dated October 7, 2022 (the “Stipulation”), and all capitalized terms not otherwise defined herein shall have the same meanings as set forth in the Stipulation.

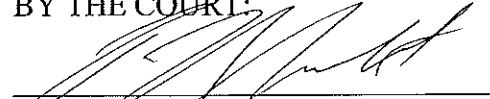
2. Pursuant to and in accordance with Rule 23 of the Federal Rules of Civil Procedure, this Court finds and concludes that due and adequate notice was directed to Persons who are Settlement Class Members who could be identified with reasonable effort, advising them of the Plan of Allocation and of their right to object thereto, and a full and fair opportunity was accorded to Persons who are Settlement Class Members to be heard with respect to the Plan of Allocation. There were no objections to the Plan of Allocation.

3. The Court finds and concludes that the Plan of Allocation for the calculation of the claims of claimants that is set forth in the Notice of Pendency of Class Action, Proposed Settlement, and Motion for Attorneys’ Fees and Expenses (the “Notice”), provides a fair and reasonable basis upon which to allocate the Net Settlement Fund among Settlement Class Members.

4. The Court finds and concludes that the Plan of Allocation, as set forth in the Notice, is fair, reasonable, and adequate and the Court approves the Plan of Allocation.

DATED this 7th day of February, 2023

BY THE COURT:



Honorable P. Kevin Castel
UNITED STATES DISTRICT JUDGE