

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

In re Biogen, Inc. ERISA Litigation

Case No: 1:20-cv-11325-DJC

Judge Denise J. Casper

Fairness Hearing: January 24, 2024

**MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT
AND ATTORNEYS' FEES, EXPENSES, AND CASE CONTRIBUTION AWARDS**

Plaintiffs Sarah Gamble, David Covington, Tansy Wilkerson, and Daisy Santiago (collectively, "Plaintiffs"), on behalf of the Settlement Class and the Biogen, Inc. 401(k) Savings Plan (the "Plan"), hereby move (the "Motion") the Court pursuant to the Court's order granting preliminary approval of the Settlement¹ for entry of an Order that: (1) approves the Settlement with Defendants, as memorialized in the Settlement Agreement dated August 23, 2023 and exhibits thereto (ECF No. 116-1); (2) maintains certification of the Settlement Class; (3) finds the manner in which the Settlement Class was notified of the Settlement was the best notice practicable under the circumstances, and fair, reasonable, and adequate; (4) approves the Plan of Allocation; and (5) awards attorneys' fees of one-third of the Gross Settlement Amount (\$3,250,000.00), reasonable expenses incurred and carried during the litigation, and case contribution awards of \$15,000.00 each to Plaintiffs. Defendants do not oppose the Motion.

The Parties have worked cooperatively to effectuate the Notice Plan and Plaintiffs now move the Court to enter an order granting Final Approval of the proposed Settlement as fair, reasonable, adequate, and in the best interests of the Settlement Class, and granting the related

¹Capitalized terms not otherwise defined herein shall have the same meaning as in the Settlement Agreement (ECF No. 116-1). The Court granted preliminary approval in its Order entered on August 31, 2023 (ECF No. 117).

applications. Plaintiffs bring this Motion pursuant to the Federal Rule of Civil Procedure 23(e), and it is supposed by the concurrently filed Memorandum of Law; the Declaration of Alec J. Berin; the Declaration of Cornelia Vieira Concerning the Mailing of the CAFA Notice, Settlement Notice, and Former Participant Claim Form on behalf of the Settlement Administrator, Strategic Claims Services, and supporting exhibits; the pleadings, records, and papers on file in this action; and all other matters properly before the Court.

Plaintiffs stand ready to provide any additional information that the Court may require in connection with its consideration of the Motion.²

DATED: December 8, 2023

Respectfully submitted,

/s/ Alec J. Berin

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Alec J. Berin

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²A [proposed] Final Approval Order is attached as Exhibit D to the Settlement Agreement (see ECF No. 116-1, at Ex. D). Plaintiffs would be pleased to provide a Word version of the [proposed] Final Approval Order if helpful to the Court.

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*Attorneys for Plaintiffs, the Plan
and the Proposed Settlement Class*

CERTIFICATE OF CONFERRAL

Pursuant to Local Rule 7.1(a)(2), I certify that I conferred in good faith with counsel for Defendants prior to filing this Motion. Counsel for Defendants stated that Defendants do not oppose the Motion.

/s/ Alec J. Berin _____
Alec J. Berin

CERTIFICATE OF SERVICE

I hereby certify that on December 8, 2023, I caused the foregoing document to be electronically filed with the Clerk of Court, and upon the counsel of record using the CM/ECF system.

/s/ Alec J. Berin _____

Alec J. Berin