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The request for an adjournment of the
Settlement Hearing is GRANTED.


The Settlement Hearing and all
associated deadlines are adjourned
for twenty-eight days. The

Settlement Hearing will be held on
June 12, 2024 at 3:00 PM in

Courtroom 15C of the U.S. District
Court for the Southern District of
New York, 500 Pearl Street, New
York, New York.

VIA ECF

SO ORDERED.



LEWIS J. LIMAN
United States District Judge

March 7, 2024

March 7, 2024

Hon. Lewis J. Liman
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *In re AppHarvest Securities Litigation*, Case No. 21-cv-7985-LJL (the
“Action”)

Dear Judge Liman,

I write on behalf of Lead Plaintiff Alan Narzissenfeld to respectfully request an adjournment of the Settlement Hearing and all deadlines associated with that date for fourteen (14) days, or at the Court’s convenience thereafter. Deadlines associated with the Settlement Hearing date include deadlines for:

- Filing papers in support of final approval and lead counsel’s application for fees and reimbursement of expenses (35 days before the Settlement Hearing);
- Submitting claims (21 days before the Settlement Hearing);
- Objecting to the settlement or lead counsel’s fee and expense application (21 days before the Settlement Hearing);
- Requesting exclusion from the class (21 days before the Settlement Hearing); and
- Lead Plaintiff’s reply in further support of any motions (7 days before the Settlement Hearing).

On March 6, 2024, the Court entered an Order Granting Preliminary Approval of Class Action Settlement, Approving Form and Manner of Notice, and Setting Date for Hearing on Final Approval of Settlement. ECF 120 (the “Preliminary Approval Order”). Upon receipt undersigned counsel immediately provided a copy of the Preliminary Approval Order to the Claims Administrator to initiate the notice process. The Claims Administrator has confirmed to the undersigned that it is working expeditiously to set up the settlement website and begin providing notice to the Settlement Class in the manner directed by the Preliminary Approval Order.

The Preliminary Approval Order set the Settlement Hearing for **May 15, 2024 at 12:00 p.m.** Accordingly, the deadlines associated with the Settlement Hearing are presently set as follows:

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- Filing papers in support of final approval and lead counsel's application for fees and reimbursement of expenses: **April 10, 2024**;
- Submitting claims: **April 24, 2024**;
- Objecting to the settlement or lead counsel's fee and expense application: **April 24, 2024**;
- Requesting exclusion from the class: **April 24, 2024**; and
- Lead Plaintiff's reply in further support of any motions: **May 8, 2024**.

The Claims Administrator has provided a copy of the Preliminary Approval Order to third party brokers and nominees today, March 7, 2024, and will interact with alacrity in its interactions with such third parties. However, the Claims Administrator has advised Lead Counsel that because of delays typically experienced in receiving information concerning Settlement Class Members from these third-party brokerages and nominees, that the Claims Administrator anticipates that even despite its efficient handling, that a significant amount of potential Settlement Class Members may only have one to two weeks from the estimated date that they will receive notice by e-mail or postcard to decide whether to request exclusion, submit a claim, and/or object to the Settlement by April 24, 2024. The Claims Administrator has advised that current United States Postal Service delays are likely to compound the delays expected from third party brokers and nominees.

The Claims Administrator has further advised that an adjournment of the Settlement Hearing and the associated deadlines for fourteen (14) days would provide Settlement Class Members sufficient opportunity to decide whether to request exclusion, submit a claim, and/or object to the Settlement.

Accordingly, Lead Plaintiff respectfully requests the Court adjourn the Settlement Hearing for fourteen days (14), which is May 29, 2024, or at the Court's convenience thereafter. Lead Plaintiff further requests a corresponding adjournment of all deadlines associated with the Settlement Hearing date. Counsel for Lead Plaintiff has conferred with counsel for the Individual Defendants who advised that the Individual Defendants consent to the relief requested herein.

The parties are available if the Court has any questions.

Respectfully,



Gregory M. Potrepka

CC: All Counsel of Record (via ECF)