

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re AppHarvest Securities Litigation

Case No. 1:21-cv-07985-LJL

**NOTICE OF LEAD COUNSEL'S UNOPPOSED MOTION FOR AN AWARD OF
ATTORNEYS' FEES AND LITIGATION EXPENSES**

PLEASE TAKE NOTICE that Levi & Korsinsky, LLP, Lead Counsel for Lead Plaintiff and the Settlement Class,¹ respectfully moves this Court pursuant to Rule 23 of the Federal Rules of Civil Procedure for an award of attorneys' fees and reimbursement of litigation expenses for Lead Counsel's work on behalf of the Settlement Class in achieving the proposed Settlement. As set forth more fully in Lead Plaintiff's accompanying Unopposed Motion for Final Approval of Class Action Settlement and Plan of Allocation and Final Certification of Settlement Class and accompanying memorandum of law, the \$4.85 million Settlement represents an excellent result for the Settlement Class and is the result of hard-fought litigation.

Lead Counsel's request for an award for attorneys' fees of one-quarter of the common fund, or \$1,212,500, represents a .75 negative multiplier of Lead Counsel's lodestar and is well within the range approved in similar securities class action cases at this stage of the proceedings. Lead Counsel also requests payment of expenses incurred in connection with the prosecution of this litigation in the aggregate amount of \$166,987.77, which were reasonable and necessary to Lead Plaintiff's prosecution of the claims and achieving the Settlement and are of the type routinely approved in securities class actions.

¹ Unless otherwise noted, all internal quotations and citations are omitted, all emphasis is added, and capitalized terms not defined herein shall have the same meaning ascribed to them in the Stipulation and Agreement of Settlement dated February 20, 2024 (ECF No. 117-1, the "Stipulation" or "Stip").

As of the date of this motion, there have been no objections to the requested fee award or expenses. Lead Counsel conferred with the Individual Defendants, through counsel, and the Individual Defendants do not oppose Lead Counsel's request for attorneys' fees and/or litigation expenses.

This motion is supported by the accompanying Declaration of Gregory M. Potrepka, all exhibits attached thereto, and Lead Counsel's supporting Memorandum of Law, all filed contemporaneously herewith, and all pleadings, records, and papers on file herein. Lead Counsel further submits a proposed order herewith.

Dated: May 8, 2024

Respectfully Submitted,

LEVI & KORSINSKY, LLP

By: /s/ Gregory M. Potrepka
Gregory M. Potrepka

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