



Peter M. Adams
T: +1 858 550 6059
padams@cooley.com

VIA ECF

The request to adjourn the Settlement Hearing is GRANTED. The Settlement Hearing is adjourned to July 11, 2024 at 2:00 PM in Courtroom 15C of the U.S. District Court for the Southern District of New York, 500 Pearl Street, New York, New York.

April 3, 2024

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

SO ORDERED.

LEWIS J. LIMAN
United States District Judge

April 4, 2024

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

Dear Judge Liman:

I write on behalf of Defendants David Lee, Jonathan Webb, and Loren Eggleton (Messrs. Lee, Webb, and Eggleton the “Defendants” and together with Lead Plaintiff, the “Parties”) to respectfully request a short adjournment of the Settlement Hearing to comply with the 90-day requirement under the Class Action Fairness Act, 28 U.S.C. § 1715 (“CAFA”).

On March 7, 2024, the Court issued an order setting the current settlement deadlines and scheduled the Settlement Hearing for **June 12, 2024**. (ECF 122, the “March 7 Order”).

On April 1, 2024, Defendants served the notice required under CAFA, 28 U.S.C. § 1715(b) (the “CAFA Notice”). ECF 117-1. Because an order giving final approval of a proposed settlement may not be issued earlier than 90 days after service of the CAFA Notice under 28 U.S.C. § 1715(d), Defendants respectfully request a modest adjournment (19 days) of the Settlement Hearing from June 12, 2024 to July 1, 2024, or at the Court’s convenience thereafter. All other deadlines will remain as previously set by the Court in the March 7 Order. Defendants’ counsel has conferred with counsel for Lead Plaintiff who advised that Lead Plaintiff consents to the relief requested herein.

The parties are available if the Court has any questions.

Sincerely

Peter Adams

Peter M. Adams

PMA