

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

ALBERT GUTKNECHT, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

THE LOVESAC COMPANY, SHAWN
NELSON, and DONNA DELLOMO,

Defendants.

Case No. 3:23-cv-01640-KAD

**DECLARATION OF LEAH HEIFETZ-LI IN SUPPORT OF (1) FINAL
APPROVAL OF PROPOSED CLASS ACTION SETTLEMENT AND (2) AWARD OF
ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES, AND AWARD TO
PLAINTIFF**

I, Leah Heifetz-Li, declare the following to the best of my knowledge pursuant to 28 U.S.C.
§1746:¹

1. I am an attorney admitted *pro hac vice* before this Court (ECF No. 36). I am an associate of the law firm of The Rosen Law Firm, P.A. ("Rosen Law"), court-appointed Lead Counsel for Lead Plaintiff Susan Cooke Peña ("Lead Plaintiff" or "Plaintiff") and the Settlement Class in this litigation ("Action"). I have personal knowledge of the matters set forth herein, and, if called upon, I could and would completely testify thereto.

2. I submit this Declaration in support of Plaintiff's Motions, filed concurrently herewith, for: (1) Final Approval of Proposed Class Action Settlement; and (2) Award of Attorneys' Fees, Reimbursement of Expenses, and Award to Plaintiff. I set forth herein relevant

¹ Unless otherwise indicated, all capitalized terms herein shall have the same meanings as set forth in the Stipulation of Settlement dated July 30, 2024 and filed July 31, 2024. (ECF No. 45-3.)

facts supporting both that the Settlement is fair, reasonable, and adequate and that Plaintiff's request for attorneys' fees, reimbursement of expenses, and service awards are reasonable.

3. The Settlement provides for a cash payment by and on behalf of Defendants² in the amount of \$615,000 in exchange for full releases of Plaintiff's claims, completely resolving the Action.

4. On August 1, 2024, the Court entered an order preliminarily approving the Settlement, preliminarily certifying the Settlement Class for the purposes of settlement, and approving the form and manner of providing notice to potential Settlement Class Members ("Preliminary Approval Order," ECF No. 46).

5. Plaintiffs now seek final approval of the Settlement, as well as an award of attorneys' fees to The Rosen Law Firm, P.A. of one-third of the Settlement Fund (or \$205,000), and reimbursement of counsel's out-of-pocket litigation expenses incurred in prosecuting this Action in the amount of \$37,798.28, and a service award to Plaintiff of \$3,500.

6. Attached hereto as Exhibit 1 is a true and correct copy of the Declaration of Sarah Evans Concerning: (A) Mailing of the Postcard Notice; (B) Publication of the Summary Notice; and (C) Report on Requests for Exclusion and Objections ("Evans Decl.").

7. Attached hereto as Exhibit 2 is a true and correct copy of the Declaration of Leah Heifetz-Li on behalf of The Rosen Law Firm, P.A. Concerning Attorneys' Fees and Expenses ("Heifetz-Li Fee Decl.").

² "Defendants" are The Lovesac Company ("Lovesac" or "Company"), Shawn Nelson, and Donna Dellomo (together, "Defendants").

8. Attached hereto as Exhibit 3 is a true and correct copy of the Declaration of Brittany Cates Concerning Attorneys' Fees and Expenses ("Cates Fee Decl.") on behalf of The Faxon Law Group.

9. Attached hereto as Exhibit 4 is a true and correct copy of the firm resume of The Rosen Law Firm, P.A. ("Rosen Law Firm Resume").

10. Attached as Exhibit 5 is a true and correct copy of peer firm billing rates ("Peer Firms Billing Rates").

11. Attached as Exhibit 6 is a true and correct copy of the Recent Trends in Securities Class Action Litigation: 2023 Full-Year Review, published by NERA on January 23, 2024 ("NERA Report").

Procedural History

12. This Action commenced on December 19, 2023, with the filing of a putative class action asserting securities fraud claims under Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 ("Exchange Act"), 15 USC §§ 78j(b) and 78t(a), and Securities and Exchange Commission ("SEC") Rule 10b-5 promulgated thereunder (17 C.F.R. § 240.10b-5). (ECF No. 1), in a case captioned *Gutknecht v. Lovesac Company, et. al.*, 3:23-cv-01640 (ECF No. 1).

13. On March 11, 2024, the Court appointed Plaintiff as Lead Plaintiff, and approved Plaintiff's selection of The Rosen Law Firm, P.A., as lead counsel and Faxon Law Group, LLC as liaison counsel. (ECF No. 27).

14. Upon her appointment, Plaintiff, through Lead Counsel, further investigated the claims in this action by, among other things, reviewing public information about Lovesac such as United States Securities and Exchange Commission ("SEC") filings, press releases, news articles, transcripts, and other public statements issued by or concerning Defendants. We also reviewed

research reports and notes of financial analysts concerning Lovesac's business and financial performance. With the help of expert consultants, we performed economic, pricing, and damages analyses. Most importantly, we retained an investigator to locate witnesses, and spoke with witnesses who had knowledge of Lovesac's finance function.

15. On May 10, 2024, in light of findings of new evidence from continued investigation and with Defendants' consent and the Court's approval, Plaintiff filed an amended complaint. (ECF No. 38.)

16. On June 18, 2024, the Parties informed the Court that they had reached a settlement in principle. (ECF No. 43.)

17. On July 31, 2024, Plaintiff moved for preliminary approval of the Parties' proposed settlement and notice program. (ECF No. 45.)

18. On August 1, 2024, the Court preliminarily approved the settlement and scheduled a final settlement hearing for December 9, 2024. (ECF No. 46.)

Nature of the Allegations in the Complaint

19. Lovesac designs, manufactures, and sells furniture. The Complaint alleges that, during the Class Period, Lovesac maintained a disorganized, chaotic finance function, resulting in inadequate internal controls and ultimately the restatement of its financial results for the fiscal year ended January 29, 2023 and the thirteen weeks ended April 30, 2023. Following Lovesac's August 16, 2023 disclosure that investors should no longer rely on management's report on internal control over financial reporting for the fiscal year ended January 29, 2023, and the company's previously issued financial statements reporting its results for the fiscal year ended January 29, 2023 and thirteen weeks ended April 30, 2023, the value of Lovesac's stock dropped.

Settlement Negotiations and Terms

20. In May 2024, after filing the amended complaint and while continuing to litigate the Action, the Parties engaged in arm's-length discussions concerning class-wide resolution of the action.

21. Negotiations began with an initial demand from Plaintiff. The Parties then negotiated for approximately one week before agreeing on May 20, 2024 to provide a full release of all claims against all Defendants from all Settlement Class Members that do not exclude themselves in exchange for \$615,000. On May 29, 2024, the Parties executed a term sheet, broadly setting forth the terms of the Settlement.

22. On June 18, 2024, the Parties alerted the Court to the Settlement in principle (ECF No. 43), and, on June 20, 2024, the Court ordered a stay of the Action pending its consideration of Plaintiffs' anticipated motion for preliminary approval of the Settlement (ECF No. 44). The Parties then finalized Settlement terms in the July 30, 2024, Stipulation of Agreement of Settlement ("Stipulation") (ECF No. 45-3).

23. On July 31, 2024, Plaintiff moved the Court for the entry of an order preliminarily approving the proposed settlement and authorizing notice to the Settlement Class. (ECF No. 45.) On August 1, 2024, the Court entered the Preliminary Approval Order. (ECF No. 46.)

24. The Settlement provides for a cash payment of \$615,000 to pay the Settlement Class's claims. Under the best-case scenario—assuming Plaintiff overcome all the obstacles noted below and Defendants do not prevail on any of their arguments—Plaintiff's economic expert concluded that the maximum potentially recoverable class wide statutory damages are \$1.38 million. The \$615,000 Settlement therefore represents 44.6% of the Settlement Class's best-case,

maximum recoverable damages.³ If the Court grants final approval of the Settlement, Plaintiff and all Settlement Class Members who remain in the Class will forever release Defendants from all claims that were alleged or could have been alleged in this Action.

25. Requests for exclusion and objections to the Settlement must be received by November 4, 2024. To date, neither the Claims Administrator nor Lead Counsel has received any objections to any aspect of the Settlement, including the Settlement, itself, the Settlement Class, the Plan of Allocation, or payment of attorneys' fees and expenses from the Settlement Fund. Ex. 1 ¶13. The Claims Administrator has also not received any requests for exclusion. *Id.* ¶12. The Long Notice, as the Court approved it in the Preliminary Approval Order, describes the Plan of Allocation. *See* ECF No. 45-3; *see also* Ex. 1, Ex. A, at 10-14. With Court-appointed Claims Administrator SCS, Rosen Law formulated the Plan of Allocation for distributing the Settlement Fund fairly and reasonably to Settlement Class Members consistent with the federal securities laws. To that end, the Plan of Allocation does not compensate losses resulting from "in and out" transactions, *i.e.*, losses from sales made prior to the alleged revelation of the truth. The Plan of Allocation establishes a formula that determines authorized claimants' recognized losses and calculates Settlement Class Members' *pro rata* share of the Settlement Fund (*i.e.*, Settlement Amount less attorneys' fees and expenses, and award to Plaintiffs).

Complexity, Expense and Likely Duration of the Litigation

26. Over the course of this litigation, on behalf of Plaintiff and the Settlement Class, Rosen Law devoted significant time and effort to prosecuting this action, including, among other work:

³ This percentage recovery exceeds the 1.8% median settlement value in 2023 for all securities class actions. *See* NERA Economic Consulting, *Recent Trends in Securities Class Action Litigation: 2023 Full-Year Review* (January 23, 2024) (Exhibit 6 hereto).

- investigating and analyzing the allegations in preparing the amended complaint in the Action, including, among other means:
 - reviewing press releases, news articles, earnings call transcripts, and other public statements issued by or concerning Defendants;
 - researching reports issued by financial analysts concerning Lovesac's business and financial performance;
 - extensive review and analyses of Defendants' filings with the SEC;
 - engaging a damages consulting expert to analyze damages;
 - retaining a private investigator to locate witnesses and conduct interviews; and
 - interviewing witnesses with personal knowledge of the facts alleged in the Complaint.
- drafting the amended complaint;
- engaging in good faith, arm's-length negotiations, leading to the Settlement;
- preparing Plaintiff's Motion for Preliminary Approval of Class Action Settlement and related documents;
- conducting due-diligence discovery by reviewing internal Lovesac documents;
- working with consulting experts to prepare the Plan of Allocation;
- overseeing the notice process that the Court approved; and
- drafting Plaintiff's Motion for Final Approval of Class Action Settlement and related documents.

27. Thus, before entering into the Settlement, Lead Counsel and Plaintiff had a thorough understanding of the strengths and weaknesses of their case.

Risks of Continued Litigation

28. Without a Settlement, Plaintiff faces protracted and expensive litigation that could drag the Action on for years, with no guarantee of matching or exceeding the recovery provided by the Settlement.

29. While Plaintiff and Lead Counsel believe that Plaintiff's claims are meritorious, they recognize the substantial challenges to establishing liability, proving damages, and achieving and collecting a greater recovery. The Settlement provides for a cash payment of \$615,000. This case presents material risks that Plaintiff and the Settlement Class might recover nothing at all—or substantially less than the Settlement Amount—if the litigation proceeds.

30. First, Defendants would argue on a motion to dismiss that, even though Lovesac restated certain of its financial results, the restated amounts were relatively small, and the Complaint failed to plead any facts creating a strong inference that the individual defendants or any other senior executives at Lovesac actually knew about or recklessly disregarded those errors. Plaintiff would face substantial risk that Defendants would convince the Court to grant their motion.

31. Second, even if the Action survived Defendants' motion to dismiss, while Plaintiff believes that the Settlement Class meets the requirements for certification, Defendants would certainly oppose class certification for litigation purposes, and there is a risk the Court would deny such certification. Plaintiff would face risk in establishing whether the decline in Lovesac's stock price was statistically significant in light of the stock's normal trading volatility, an argument that Defendants would have raised to rebut the presumption of reliance on which a class-certification motion would depend.

32. Third, even if the Court certified the class, Plaintiff would still face substantial challenges in developing facts to survive summary judgment.

33. Fourth, even if Plaintiff obtained class certification and withstood summary judgment and pre-trial motions, she would have to prepare for and obtain a verdict in a lengthy jury trial on liability, litigate post-trial motions and bifurcated trials on damages, and withstand lengthy appeals.

34. Establishing damages in cases such as this one is always difficult, and particularly here, where Defendants would contest the statistical significance of the decline in Lovesac's stock price in light of its normal trading volatility. Disentangling the market's reaction to various pieces of news is complicated and requires intricate expert analysis and testimony. Defendants would oppose any expert Plaintiff retained with an equally well-credentialed expert expressing the opposite view, and it is impossible to predict how a jury would react to this battle of experts. If at any of these stages the Court or jury found Plaintiff's damages expert and theory legally or factually insufficient, Plaintiff would have spent much more time and money to end up with less than the \$615,000 recovery, or nothing.

35. Even if Plaintiff could recover a larger judgment after a trial, which would be far from certain given the risks discussed herein, the additional time that it would take to litigate this case through trial, post-trial motions, and the appellate process could deny the Settlement Class any recovery for years, further reducing the value of such a judgment.

36. The Settlement eliminates the expense and delay of continued litigation and the risk that the Settlement Class could receive a lower or no recovery.

The Settlement Resulted From Arm's-Length Negotiation Between Experienced Counsel

37. Lead Counsel are experienced attorneys with a track record of successfully litigating securities class actions throughout the country. *See* Ex. 4, Rosen Law Firm Resume. Lead Counsel negotiated with high caliber opposing counsel for Defendants, Proskauer Rose LLP, with deep experience defending similar actions. Given these factors, Lead Counsel believes that the Settlement is fair, adequate, and reasonable and urges this Court to approve it.

Lead Counsel's Fee Request Is Justified

38. Lead Counsel have worked diligently to achieve the Settlement, expending 322.4 hours for a lodestar value of \$285,585.00. Ex. 2 ¶5. Liaison Counsel the Faxon Law Group has expended 16.3 hours, for a lodestar value of \$12,922.50. Ex. 3 ¶5. In total, therefore, Plaintiff's Counsel lodestar is \$298,507.50. The attorneys' fee Plaintiff requests is a negative 0.68 multiplier to Plaintiff's Counsel's lodestar. The rates that Plaintiff's Counsel billed for its attorneys are comparable to those of peer plaintiff and defense firms litigating similar matters. *See* Ex. 5, Peer Firms Billing Rates.

39. Lead Counsel spent a total of \$37,398.28 in unreimbursed expenses in connection with the prosecution of this Action. Ex. 2 ¶6. The Faxon Law Group has spent \$400 in unreimbursed expenses. Ex. 3 ¶7. In total, therefore, Plaintiff's Counsel have spent \$37,798.28. To date, Plaintiff's Counsel have received no compensation for their efforts on behalf of Plaintiff and the Settlement Class.

40. From the outset, Lead Counsel embarked on a complex, expensive, and potentially lengthy litigation with no guarantee of being compensated for the investment of time and resources on behalf of Plaintiff and the Settlement Class. In undertaking that responsibility, Lead Counsel

ensured that sufficient resources were dedicated to the action and that funds were available to compensate staff and to cover the expenses the case would require.

41. The hourly rates that Lead Counsel used to arrive at its lodestar calculation are current. Ex. 2 ¶5.

42. Lead Counsel's work will not end with the final approval of the Settlement. Lead Counsel will spend more time and resources drafting and filing the replies in support of its Motions, preparing for and appearing at the December 9, 2024, Settlement Hearing, overseeing the claims process, and distributing the Settlement Fund to Settlement Class Members.

The Requested Award to Plaintiff Is Justified

43. Plaintiff herself has spent time leading this action on behalf of the Settlement Class. Plaintiff requests an amount of \$3,500 to compensate her for this time and as an incentive for representative plaintiffs to come forward in cases in the future.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 28th day of October, 2024, in Guilford, Connecticut.

/s/ Leah Heifetz-Li
Leah Heifetz-Li

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

**ALBERT GUTKNECHT, individually and on
behalf of all others similarly situated,**

Plaintiff,

v.

THE LOVESAC COMPANY, *et al.*,

Defendants.

No. 3:23-cv-01640-KAD

**DECLARATION OF SARAH EVANS CONCERNING: (A) MAILING AND EMAILING
OF NOTICE; (B) PUBLICATION OF THE SUMMARY NOTICE;
AND (C) REPORT ON REQUESTS FOR EXCLUSION AND OBJECTIONS**

I, Sarah Evans, declare as follows:

1. I am a Project Manager of Strategic Claims Services (“SCS”), a nationally recognized class action administration firm. I have over eight years of experience specializing in the administration of class action cases. SCS was established in April 1999 and has administered over five hundred and fifty (550) class action cases since its inception. I have personal knowledge of the facts set forth herein, and if called on to do so, I could and would testify competently thereto.

2. Pursuant to the Court’s Order Preliminarily Approving Proposed Settlement, dated August 1, 2024 (Dkt. No. 46, the “Preliminary Approval Order”), SCS was appointed and approved as the Claims Administrator and Escrow Agent to supervise and administer the notice procedures as well as the processing of claims in connection with the Settlement of the above-captioned Action.¹ I submit this declaration in order to provide the Court and the Settling Parties with information regarding the notifications to potential Settlement Class Members, as well as other aspects of the Settlement administration process.

¹ All capitalized terms used herein that are not otherwise defined have the meanings ascribed to them in the Stipulation of Settlement, dated July 30, 2024 (Dkt. No. 45-3, the “Stipulation”).

**DISSEMINATION OF THE POSTCARD NOTICE
AND LONG NOTICE AND CLAIM FORM**

3. SCS sent the Depository Trust Company (“DTC”) a copy of the Notice of (I) Pendency of Class Action and Proposed Settlement, (II) Settlement Fairness Hearing, and (III) Motion for Attorneys’ Fees and Litigation Expenses (“Long Notice”) and Proof of Claim and Release Form (“Claim Form”) (collectively, the “Long Notice and Claim Form”) for the DTC to publish on its Legal Notice System (“LENS”) on August 26, 2024. LENS provides DTC participants the ability to search and download legal notices as well as receive e-mail alerts based on particular notices or particular CUSIPs once a legal notice is posted. A true and correct copy of the Long Notice and Claim Form is attached as **Exhibit A**.

4. As in most class actions of this nature, the large majority of potential Settlement Class Members are expected to be beneficial purchasers whose securities are held in “street name” — *i.e.*, the securities are purchased by brokerage firms, banks, institutions and other third-party nominees in the name of the nominee, on behalf of the beneficial purchasers. The names and addresses of these beneficial purchasers are known only to the nominees. SCS maintains a proprietary master list consisting of 1,039 banks and brokerage companies (“Nominee Account Holders”), as well as 1,266 mutual funds, insurance companies, pension funds, and money managers (“Institutional Groups”). On August 26, 2024, SCS caused a letter to be mailed or e-mailed to the 2,305 nominees contained in the SCS master mailing list. The letter notified them of the Settlement and requested that they, within 7 calendar days from the date of the letter, either (i) provide SCS with a list of the names, last known addresses, and email addresses (if available) of such beneficial purchasers/owners so that SCS could promptly either mail or email them the Postcard Notice; (ii) request from SCS copies of the Postcard Notice sufficient to send to their clients who were beneficial purchasers/owners and, within 7 calendar days of receipt of the

Postcard Notices, send them to their clients who may be beneficial purchasers/owners; or (iii) request from SCS the electronic Postcard Notice and, within 7 calendar days of receipt, email the Postcard Notice to their clients who were beneficial purchasers/owners. A copy of the letter sent to these nominees is attached as **Exhibit B**.

5. To provide actual notice to those persons and/or entities who purchased or otherwise acquired The Lovesac Company (“Lovesac”) common stock during the period from June 8, 2022, through August 16, 2023, inclusive (“Class Period”), pursuant to the Preliminary Approval Order, SCS printed and mailed or emailed the Postcard Notice to potential members of the Settlement Class. A copy of the Postcard Notice is attached as **Exhibit C**.

6. SCS mailed, by first class mail, postage prepaid, the Postcard Notice to 173 persons or entities identified in the transfer records Defendants’ Counsel provided to Lead Counsel that were forwarded to SCS. These records reflect the persons or entities that purchased Lovesac for their own accounts, or for the account(s) of their clients, during the Class Period. The mailing to the persons and entities listed in the transfer records was completed on September 5, 2024. Following this mailing, SCS received 2,055 additional names and addresses of potential Settlement Class Members from individuals or nominees requesting that SCS mail copies of the Postcard Notice to them, which SCS has fulfilled. SCS also received and fulfilled requests from three nominees for 6,640 Postcard Notices so that these nominees could mail the Postcard Notice to their clients who were potential Settlement Class Members. Additionally, one nominee notified SCS that it mailed the Postcard Notice to 260 of its clients who were potential Settlement Class

Members. To date, a total of 9,128 Postcard Notices have been mailed to potential Settlement Class Members.²

7. SCS also received 8,250 valid email addresses from nominees and other individuals, and SCS promptly emailed these potential Settlement Class Members the electronic Postcard Notice. Additionally, SCS was notified by a nominee that it emailed 11,062 of its clients to alert them of this Settlement and provided a direct link to the electronic Postcard Notice. Accordingly, 19,312 Postcard Notices were emailed to potential Settlement Class Members.

8. To date, a total of 28,440 Postcard Notices have been mailed and/or emailed to potential Settlement Class Members or nominees to inform them of the Settlement.

PUBLICATION OF THE SUMMARY NOTICE

9. Pursuant to the Preliminary Approval Order, the Summary Notice of (I) Pendency of Class Action and Proposed Settlement, (II) Settlement Fairness Hearing, and (III) Motion for Attorneys' Fees and Litigation Expenses ("Summary Notice") was transmitted nationally over *GlobeNewswire* on September 13, 2024, as shown in the confirmation of publication attached hereto as **Exhibit D**.

TOLL-FREE PHONE LINE

10. SCS maintains a toll-free telephone number (1-866-274-4004) for Settlement Class Members to call and obtain information about the Settlement, as well as to request that the Long Notice and Claim Form be mailed to them. SCS has promptly responded to each telephone inquiry and will continue to address Settlement Class Member inquiries through the administration process.

² SCS has received one request from a potential Settlement Class Member for the Long Notice and Claim Form to be mailed to them. SCS immediately mailed the Long Notice and Claim Form to the potential Settlement Class Member.

SETTLEMENT WEBSITE

11. On August 26, 2024, SCS established a dedicated webpage for this Settlement on its website at www.strategicclaims.net/lovesac/. The webpage is accessible 24 hours a day, 7 days a week. The webpage contains information related to the current status of the case, including important case dates such as the Settlement Fairness Hearing date, the deadlines by which exclusions and objections must be received, and the deadline to file claims. The webpage also contains the online claim filing link and important case documents, such as the Long Notice and Claim Form, the Postcard Notice, the Summary Notice, the Preliminary Approval Order, and Stipulation and exhibits. SCS will continue to maintain and update the webpage throughout the Settlement administration process.

REPORT ON EXCLUSIONS AND OBJECTIONS

12. The Long Notice, Postcard Notice, Summary Notice, and the Settlement webpage informed potential Settlement Class Members that written requests for exclusion are to be mailed so that they are received by SCS no later than November 4, 2024. SCS has been monitoring all mail delivered for this case. As of the date of this declaration, SCS has not received any requests for exclusion.

13. According to the Long Notice, the Postcard Notice, the Summary Notice, and the Settlement webpage, Settlement Class Members seeking to object to the proposed Settlement, including to any terms of the Settlement Agreement, to the Plan of Allocation, and/or to the applications for Attorneys' Fees and Expenses Award and/or a PSLRA Award, must serve their objections upon Lead Counsel and Defendants' Counsel, as well as file them with Clerk of the Court, no later than November 4, 2024. As of the date of this declaration, SCS has not received any objections, and SCS has not been notified that any objection has been submitted.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 28th day of October 2024, in Media, Pennsylvania.

A handwritten signature in cursive script, reading "Sarah Evans".

Sarah Evans

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

ALBERT GUTKNECHT, individually and on behalf of
all others similarly situated,

No. 3:23-cv-01640-KAD

Plaintiff,

v.

THE LOVESAC COMPANY, *et al.*,

Defendants.

**NOTICE OF (I) PENDENCY OF CLASS ACTION AND PROPOSED
SETTLEMENT, (II) SETTLEMENT FAIRNESS HEARING, AND
(III) MOTION FOR ATTORNEYS' FEES AND LITIGATION EXPENSES**

A federal court authorized this Notice. This is not a solicitation from a lawyer.

This notice is about the proposed settlement of a securities class action against The Lovesac Company. You might be a member of the settlement class in that lawsuit, and you might be eligible to receive money from the proposed settlement.

NOTICE OF PENDENCY OF CLASS ACTION: Your rights might be affected by the above-captioned securities class action (the “Action”) pending in the United States District Court for the District of Connecticut (the “Court”) if you purchased or otherwise acquired common stock of The Lovesac Company (“Lovesac”) from June 8, 2022, through August 16, 2023, inclusive (the “Class Period”).¹

NOTICE OF SETTLEMENT: The Court-appointed lead plaintiff, Susan Cooke Peña (the “Lead Plaintiff”), on behalf of herself and the Settlement Class (as defined in ¶ 19 below), has reached a proposed settlement of the Action for \$615,000 in cash.

PLEASE READ THIS NOTICE CAREFULLY. It explains important rights you might have, including the possible receipt of a payment from the Settlement. If you are a member of the Settlement Class, your legal rights will be affected whether or not you act.

If you have any questions about this Notice, the proposed Settlement, or your eligibility to participate in it, please contact Lead Counsel or the Claims Administrator (*see* ¶ 86 below). DO NOT contact the Court, Lovesac, the other Defendants, or their counsel about those questions.

1. **Description of the Action and the Settlement Class:** This Notice concerns a proposed settlement of claims in a pending securities class action brought by investors alleging that Lovesac and certain of its executives (collectively, “Defendants”) violated the federal securities laws by making false and misleading statements about Lovesac’s financial condition and accounting. A fuller description of the Action is in ¶¶ 11-18 below. The proposed Settlement, if approved by the Court, will settle claims of the Settlement Class, as defined in ¶ 19 below.

2. **Statement of the Settlement Class’s Recovery:** Subject to Court approval, Lead Plaintiff, on behalf of herself and the Settlement Class, has agreed to settle the Action in exchange for \$615,000 in cash (the “Settlement Amount”). The “Net Settlement Amount” will be distributed under a Plan of Allocation

¹ All capitalized terms not defined in this Notice have the meanings given to them in the Stipulation of Settlement dated as of July 30, 2024 (the “Settlement Agreement”). The Settlement Agreement is available at www.strategicclaims.net/lovesac.

that the Court approves. (The Net Settlement Amount is the Settlement Amount plus any interest earned on it (the “Settlement Fund”) less (i) any Tax Expenses, (ii) any Notice and Administrative Expenses, and (iii) any attorneys’ fees and expenses awarded by the Court, including any award for the costs and expenses of Lead Plaintiff.) The proposed Plan of Allocation is in ¶¶ 50-70 below. The Plan of Allocation will determine how the Net Settlement Amount will be distributed to Settlement Class members.

3. **Estimate of Average Recovery Per Share:** Based on Lead Plaintiff’s damages expert’s estimate of the number of shares of Lovesac common stock that were purchased during the Class Period and might have been affected by the conduct alleged in the Action, and assuming all Settlement Class Members elect to participate in the Settlement, the estimated average recovery (before deduction of any Court-approved fees, expenses, and costs as described below) is \$0.09 per affected share. If the Court approves the fee and expense applications discussed below, the average recovery would be approximately \$0.05 per affected share. Those numbers, however, are only estimates. Some Settlement Class Members might recover more or less than the estimated amount depending on, among other factors, when and at what prices they purchased or sold their shares, and the total number and value of valid Claim Forms submitted. Distributions to Settlement Class Members will be made based on the Plan of Allocation (*see* ¶¶ 50-70 below) or such other Plan of Allocation as the Court might order.

4. **Average Amount of Damages Per Share:** Lead Plaintiff and Defendants (the “Parties”) do not agree on the average amount of damages per share of Lovesac common stock that would be recoverable if Lead Plaintiff were to prevail at trial. Among other things, Defendants do not agree that they violated the federal securities laws or that any Settlement Class Members suffered any damages from Defendants’ alleged conduct.

5. **Attorneys’ Fees and Expenses Sought:** Plaintiff’s Counsel have been prosecuting the Action on a wholly contingent basis and have not yet received any fees for their representation of the Settlement Class.² They also have advanced money to pay expenses necessarily incurred to prosecute this Action. Lead Counsel will apply to the Court for an award of attorneys’ fees for all Plaintiff’s Counsel in an amount not to exceed 33 1/3% (one-third) of the Settlement Fund. In addition, Lead Counsel will apply for payment of expenses paid or incurred by Plaintiff’s Counsel in connection with the institution, prosecution, and resolution of the Action in an amount not to exceed \$45,000, and Lead Plaintiff will apply for payment of the reasonable costs and expenses she incurred directly related to her representation of the Settlement Class, pursuant to the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), in an amount not to exceed \$3,500. Any fees and expenses that the Court awards to Plaintiff’s Counsel and Lead Plaintiff will be paid from the Settlement Fund. Settlement Class Members will not be personally liable for any such fees or expenses. The estimated average cost for such fees and expenses, if the Court approves Lead Counsel’s fee and expense application and Lead Plaintiff’s application for a PSLRA Award, is approximately \$0.04 per affected share.

6. **Identification of Attorneys’ Representatives:** Lead Plaintiff and the Settlement Class are represented by Jacob A. Goldberg and Leah Heifetz-Li of The Rosen Law Firm, P.A., 101 Greenwood Avenue, Suite 440, Jenkintown, PA 19046, (215) 600-2817, jgoldberg@rosenlegal.com and lheifetz@rosenlegal.com.

7. **Reasons for the Settlement:** Lead Plaintiff’s main reason for entering into the Settlement is the substantial, certain, and prompt recovery for the Settlement Class without the risks and delays from further litigation, especially in complex securities actions such as this one. Moreover, the substantial recovery provided under the Settlement must be considered against the significant risk that a smaller recovery—or perhaps no recovery at all—might be achieved after contested motions, a potential trial of the Action, and the likely appeals that would follow. That process could last several years. Defendants, who deny all allegations of wrongdoing, are entering into the Settlement solely to eliminate the uncertainty, burden, and expense of further protracted litigation.

² Plaintiff’s Counsel include (i) Lead Counsel, The Rosen Law Firm, P.A., (ii) local counsel for Lead Plaintiff and the Settlement Class, Faxon Law Group, LLC, and (iii) additional counsel, Schall Law Firm.

YOUR LEGAL RIGHTS AND OPTIONS IN THE SETTLEMENT:	
SUBMIT A CLAIM FORM ELECTRONICALLY OR BY FIRST-CLASS MAIL RECEIVED OR POSTMARKED NO LATER THAN NOVEMBER 8, 2024.	This is the only way to be eligible to receive a payment from the Settlement Fund. If you are a Settlement Class Member and you remain in the Settlement Class, you will be bound by the Settlement as approved by the Court, and you will give up any Released Class Claims (defined in ¶ 34 below) you have against Defendants and the other Releasees (defined in ¶ 35 below), so it is in your interest to submit a Claim Form.
EXCLUDE YOURSELF FROM THE SETTLEMENT CLASS BY SUBMITTING A WRITTEN REQUEST FOR EXCLUSION THAT IS RECEIVED NO LATER THAN NOVEMBER 4, 2024.	If you exclude yourself from the Settlement Class, you will not be eligible to receive any payment from the Settlement Fund, and you will not be able to object to the Settlement. This is the only option that allows you ever to be part of any other lawsuit against any of the Defendants or the other Releasees concerning the Released Class Claims.
OBJECT TO THE SETTLEMENT BY SUBMITTING A WRITTEN OBJECTION THAT IS RECEIVED NO LATER THAN NOVEMBER 4, 2024.	If you do not like the proposed Settlement, the proposed Plan of Allocation, the request for attorneys' fees and expenses, or the proposed award to Lead Plaintiff, you may write to the Court and explain why you do not like them. You cannot object to any of those matters unless you are a Settlement Class Member and do not exclude yourself from the Class.
GO TO A HEARING ON DECEMBER 9, 2024, AT 9:30 A.M., AND FILE A NOTICE OF INTENTION TO APPEAR THAT IS RECEIVED NO LATER THAN NOVEMBER 4, 2024.	If you file a written objection and notice of intention to appear by November 4, 2024, you may speak in Court, at the Court's discretion, about the fairness of the proposed Settlement, the Plan of Allocation, and/or the request for attorneys' fees and expenses or the award to Lead Plaintiff. However, you do not need to speak at or attend the hearing to have the Court consider your objection. The Court may change the date of the Fairness Hearing and may also order the hearing to be held by telephone or videoconference, in which case instructions about date, time, and how to participate will be posted on www.strategicclaims.net/lovesac .
DO NOTHING.	If you are a member of the Settlement Class and do not submit a valid Claim Form, you will not be eligible to receive any payment from the Settlement Fund. You will, however, remain a member of the Settlement Class, which means that you will give up your right to sue about the claims that are resolved by the Settlement, and you will be bound by any judgments or orders entered by the Court in the Action.

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WHY DID I GET THIS NOTICE?

8. The Court directed that this Notice be made available to you because you or someone in your family or an investment account for which you serve as a custodian might have purchased or otherwise acquired Lovesac common stock during the Class Period. You therefore might be a Settlement Class Member in this Action, so you have a right to know your options before the Court rules on the proposed Settlement. You also have the right to understand how this class action might generally affect your legal rights. If the Court approves the Settlement and the Plan of Allocation, the Claims Administrator selected by Lead Plaintiff and approved by the Court will make payments pursuant to the Settlement after any objections and appeals are resolved.

9. This Notice is to inform you of the existence of this case, that it is a class action, how you might be affected, and how to exclude yourself from the Settlement Class if you wish to do so. It is also designed to inform you of the terms of the proposed Settlement, your right to object to it, and a hearing at which the Court will consider the fairness, reasonableness, and adequacy of the Settlement, the proposed Plan of Allocation, Lead Counsel's motion for attorneys' fees and litigation expenses, and Lead Plaintiff's application for an award of costs (the "Fairness Hearing"). See ¶¶ 76-78 below for details about the Fairness Hearing.

10. This Notice does not express the Court's opinion about the merits of the claims in the Action, and the Court has not yet decided whether to approve the Settlement. If the Court approves the Settlement and a Plan of Allocation, payments to Authorized Claimants will be made after any appeals are resolved and after the completion of all claims processing. Please be patient, as this process can take some time to complete.

WHAT IS THIS CASE ABOUT?

11. Lovesac is a furniture company. Its common stock trades on the NASDAQ under the symbol "LOVE." Lead Plaintiff alleges that Defendants made false and misleading statements and material omissions about Lovesac's financial condition and accounting during the Class Period. At the end of the Class Period, Lovesac announced that investors could no longer rely on its previously issued financial

statements for the 2023 fiscal year and the first quarter of the 2024 fiscal year primarily because of the way in which certain expenses had been recorded. Lovesac also said it was evaluating the impact of the identified accounting errors and expected that the evaluation would likely result in the identification of one or more material weaknesses in its internal controls over financial reporting. Lead Plaintiff contends that the alleged misstatements or omissions inflated the price of Lovesac common stock during the Class Period and that the stock price declined when the financial and accounting errors were disclosed. Defendants have denied that any of the alleged conduct supports Lead Plaintiff's claims.

12. On December 19, 2023, a Lovesac shareholder named Albert Gutknecht filed a class-action complaint in the Court asserting claims under the federal securities laws against Lovesac and two of its present or former executive officers: Shawn Nelson, Lovesac's Chief Executive Officer, and Donna Dellomo, Lovesac's former Chief Financial Officer.

13. By Order dated March 11, 2024, the Court appointed Susan Cooke Peña as Lead Plaintiff for the Action and approved her selection of The Rosen Law Firm, P.A., as Lead Counsel.

14. On May 10, 2024, Lead Plaintiff filed and served her Amended Class Action Complaint (the "Complaint"). The Complaint asserts claims against Lovesac, Mr. Nelson, and Ms. Dellomo under Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") and SEC Rule 10b-5 promulgated thereunder, and against the individual defendants under Section 20(a) of the Exchange Act. The Complaint alleges that Defendants made materially false and misleading statements during the Class Period about Lovesac's financial results, accounting (especially as to certain shipping expenses), and internal controls. In addition, the Complaint charges that the price of Lovesac common stock was artificially inflated during the Class Period because of Defendants' allegedly false and misleading statements and omissions and that the price declined when Lovesac disclosed the accounting errors in August 2023.

15. Defendants began preparing to move to dismiss the Complaint, and Lead Plaintiff and her counsel conducted further work on the potential damages that Lead Plaintiff and the Settlement Class might recover if they were to prevail on their claims. While that work was in progress, the Parties started to discuss the possibility of resolving the case without spending further money on litigation, and they reached an agreement in principle to settle the Action. The Parties executed a Term Sheet on May 29, 2024, setting forth their agreement in principle to settle and release all claims in return for a cash payment by Defendants of \$615,000 for the benefit of the Settlement Class. The agreement was subject to certain terms and conditions, including the execution of a full stipulation of settlement and related papers, Lead Plaintiff's satisfactory completion of Due-Diligence Discovery, and approval by the Court.

16. On July 30, 2024, the Parties entered into the full Settlement Agreement, which contains the complete terms and conditions of the Settlement. The Settlement Agreement is available at www.strategicclaims.net/lovesac. You should read it if you want a full understanding of its terms.

17. The Settlement Agreement is subject to Lead Plaintiff's completion of Due-Diligence Discovery to confirm the fairness of the Settlement. Lead Plaintiff can withdraw from and terminate the Settlement before filing her motion in support of final approval of the Settlement if information produced during Due-Diligence Discovery causes her and Lead Counsel reasonably and in good faith to conclude that the proposed Settlement is not fair, reasonable, and adequate.

18. On August 1, 2024, the Court preliminarily approved the proposed Settlement, authorized notice of the Settlement to be given to potential Settlement Class Members, and scheduled the Fairness Hearing to consider whether to grant final approval to the Settlement.

**HOW DO I KNOW IF I AM AFFECTED BY THE SETTLEMENT?
WHO IS INCLUDED IN THE SETTLEMENT CLASS?**

19. If you are a member of the Settlement Class, you are subject to the Settlement unless you timely request to be excluded from it. The Settlement Class consists of:

all persons and entities who purchased or otherwise acquired Lovesac Securities (meaning common stock) during the period from June 8, 2022, through August 16, 2023, inclusive (the “Class Period”).

Excluded from the Settlement Class are:

- a. such persons or entities who submit valid and timely requests for exclusion from the Settlement Class (For information on how to submit a request for exclusion, *see* “What If I Do Not Want To Be A Member Of The Settlement Class? How Do I Exclude Myself?,” in ¶¶ 72-75 below);
- b. such persons or entities who, while represented by counsel, settled an actual or threatened lawsuit or other proceeding against one or more of the Releasees (defined below in ¶ 35) arising out of or related to the Released Class Claims (defined below in ¶ 34); and
- c. Lovesac and (i) all officers and directors of Lovesac during the Class Period (including Shawn Nelson and Donna Dellomo), (ii) Lovesac’s Affiliates, subsidiaries, successors, and predecessors, (iii) any entity in which Lovesac or any other Defendant has or had during the Class Period a Controlling Interest, and (iv) for the individuals identified in subpart(s) (i), (ii), and/or (iii), their Family Members, legal representatives, heirs, successors, and assigns.

PLEASE NOTE: Receipt of this Notice does *not* necessarily mean that you are a Settlement Class Member or that you will be entitled to a payment from the Settlement.

If you are a Settlement Class Member and wish to be eligible to receive a payment, you must submit the Claim Form that is available with this Notice, as well as the required supporting documentation described in the Claim Form, *postmarked* no later than November 8, 2024.

WHAT ARE LEAD PLAINTIFF’S REASONS FOR SETTLING?

20. Lead Plaintiff and Lead Counsel believe that the claims they asserted have merit. They recognize, however, the expense and length of continued proceedings necessary to pursue those claims through trial and appeals, as well as the very substantial risks they would face in establishing liability and damages.

21. First, Lead Plaintiff would face substantial risks from Defendants’ anticipated motion to dismiss. Defendants would argue that, even though Lovesac restated certain of its financial results, the restated amounts were relatively small, and, in any event, the Complaint does not plead any facts creating a strong inference that the individual defendants or any other senior executives at Lovesac actually knew about or recklessly disregarded those errors. While Lead Plaintiff believes otherwise, she recognizes the meaningful risk that Defendants could persuade the Court to dismiss the Action on the pleadings.

22. Second, even if Lead Plaintiff survived Defendants’ motion to dismiss, and even though Lead Plaintiff believes that the Settlement Class meets the requirements for certification, the class has not yet been certified, and Lead Plaintiff understands there is a risk the Court could deny certification or could shorten the class period based on issues related to falsity, scienter, and/or loss causation. If Lead Plaintiff failed to obtain class certification, or if the proposed class period were shortened, the benefit to the Settlement Class would be substantially reduced or eliminated.

23. Third, even if Lead Plaintiff survived Defendants’ motion to dismiss and the Court certified the class, she still would face substantial challenges in developing facts to survive summary judgment or establish Defendants’ liability at trial. Lead Plaintiff would face challenges in proving that Defendants’ statements about Lovesac’s financial results and internal controls were materially false and misleading and that Defendants made those alleged misstatements knowing that they were false or with reckless disregard for their truth or falsity.

24. Fourth, even if Lead Plaintiff could prove falsity and knowing or reckless misconduct, she would face substantial difficulties in establishing damages, including whether the decline in Lovesac's stock price was statistically significant in light of the stock's normal trading volatility.

25. Finally, given, among other the things, the extensive discovery necessary to prove the case and the significant expert testimony needed to establish liability, loss causation, and damages, there is no doubt that continued prosecution of this case would have been both time-intensive and costly.

26. In light of these risks, the amount of the Settlement, and the immediacy of recovery for the Settlement Class, and subject to the satisfactory completion of Due-Diligence Discovery, Lead Plaintiff and Lead Counsel believe that the proposed Settlement is fair, reasonable, and adequate, and in the best interests of the Settlement Class. Lead Plaintiff and Lead Counsel believe that the Settlement provides a substantial benefit to the Settlement Class, namely \$615,000 in cash (plus interest, and less the various deductions described in this Notice), as compared to the risk that the claims in the Action would produce a smaller recovery, or no recovery, after motions to dismiss, summary judgment, trial, and appeals, possibly years in the future.

27. Defendants deny the claims asserted against them in the Action and deny that the Settlement Class was harmed or suffered any damages from the conduct alleged. Defendants have agreed to the Settlement solely to eliminate the burden and expense of continued litigation. Accordingly, the Settlement cannot be construed as an admission of any wrongdoing by Defendants.

WHAT MIGHT HAPPEN WITHOUT A SETTLEMENT?

28. If there were no Settlement, and if Lead Plaintiff failed to establish any essential legal or factual element of her claims against Defendants, neither Lead Plaintiff nor the other members of the Settlement Class would recover anything from Defendants. Also, if Defendants were successful in proving any of their defenses at summary judgment, at trial, or on appeal, the Settlement Class could recover substantially less than the amount provided in the Settlement, or nothing at all.

HOW ARE SETTLEMENT CLASS MEMBERS AFFECTED BY THE ACTION AND THE SETTLEMENT?

29. As a Settlement Class Member, you are represented by Lead Plaintiff and Lead Counsel unless you enter an appearance through counsel of your own choice at your own expense. You do not need to retain your own counsel, but, if you choose to do so, your counsel must file a notice of appearance on your behalf and must serve copies of his or her appearance on the attorneys listed in the section entitled "When And Where Will The Court Decide Whether To Approve The Settlement?," in ¶¶ 76-84 below.

30. If you are a Settlement Class Member and do not wish to remain in the Settlement Class, you may exclude yourself from it by following the instructions in the section entitled "What If I Do Not Want To Be A Member Of The Settlement Class? How Do I Exclude Myself?," in ¶¶ 72-75 below.

31. If you are a Settlement Class Member and wish to object to the Settlement, the Plan of Allocation, Lead Counsel's application for attorneys' fees and expenses, or Lead Plaintiff's application for a PSLRA Award, and if you do not exclude yourself from the Settlement Class, you may present your objections by following the instructions in the section entitled "When And Where Will The Court Decide Whether To Approve The Settlement?," in ¶¶ 76-84 below.

32. If you are a Settlement Class Member and you do not exclude yourself from the Settlement Class, you will be bound by any orders issued by the Court even if you have pending or later file any claim or lawsuit against the Releasees (as defined in ¶ 35 below) relating to the Released Class Claims (as defined in ¶ 34 below). If the Settlement is approved, the Court will enter a judgment (the "Judgment") and a final approval order (the "Approval Order"). The Judgment and Approval Order will dismiss with prejudice the claims against Defendants and will provide that, upon the Final Settlement Date, Lead Plaintiff and all

other Settlement Class Members, on behalf of themselves and their respective heirs, executors, administrators, predecessors, successors, and assigns, in their capacities as such (“Releasors”), or any person purporting to assert a Released Class Claim on behalf of, for the benefit of, or derivatively for any such Releasors, for good and sufficient consideration, the receipt and adequacy of which are hereby acknowledged, shall be deemed to have, and by operation of law and of the Approval Order and Judgment shall have, fully, finally, and forever released, relinquished, settled, and discharged:

- a. all Released Class Claims (as defined in ¶ 34 below) against each and every one of the Releasees as (defined in ¶ 35 below);
- b. all Claims, damages, and liabilities as to each and every one of the Releasees to the extent that any such Claims, damages, or liabilities relate in any way to any or all acts, omissions, nondisclosures, facts, matters, transactions, occurrences, or oral or written statements or representations in connection with, or directly or indirectly relating to, (i) the prosecution, defense, or settlement of the Action, (ii) the Settlement Agreement or its implementation, (iii) the Settlement terms and their implementation, (iv) the provision of notice in connection with the proposed Settlement, and/or (v) the resolution of any Claim Forms submitted in connection with the Settlement; and
- c. all Claims against any of the Releasees for attorneys’ fees, costs, or disbursements incurred by Plaintiff’s Counsel or any other counsel representing Lead Plaintiff or any other Settlement Class Member in connection with or related in any manner to the Action, the settlement of the Action, or the administration of the Action and/or its Settlement, except to the extent otherwise specified in the Settlement Agreement.

33. In addition, the Judgment and Approval Order will contain an injunction providing that:

- a. all Settlement Class Members (and their attorneys, accountants, agents, heirs, executors, administrators, trustees, predecessors, successors, Affiliates, representatives, and assigns) who have not validly and timely requested exclusion from the Settlement Class – and anyone else purporting to act on behalf of, for the benefit of, or derivatively for any of such persons or entities – are permanently enjoined from filing, commencing, prosecuting, intervening in, participating in (as class members or otherwise), or receiving any benefit or other relief from any other lawsuit, arbitration, or administrative, regulatory, or other proceeding (as well as a motion or complaint in intervention in the Action if the person or entity filing such motion or complaint in intervention purports to be acting as, on behalf of, for the benefit of, or derivatively for any of the above persons or entities) or order, in any jurisdiction or forum, as to the Releasees based on or relating to the Released Class Claims; and
- b. all persons and entities are permanently enjoined from filing, commencing, or prosecuting any other lawsuit as a class action (including by seeking to amend a pending complaint to include class allegations or by seeking class certification in a pending action in any jurisdiction) or other proceeding on behalf of any Settlement Class Members as to the Releasees, if such other lawsuit is based on or related to the Released Class Claims.

34. “Released Class Claims” means each and every Claim that (i) arises from or relates to the Action (including all Claims alleged in the Complaint) and is asserted against the Releasees or (ii) could have been or could be asserted against any of the Releasees in connection with or relating directly or indirectly to any of the Operative Facts or any alleged statements about, mischaracterizations of, or omissions concerning them, whether arising under any federal, state, or other statutory or common-law rule or under any foreign law, in any court, tribunal, agency, or other forum, if such Claim arises out of or relates to the purchase or other acquisition of Lovesac Securities, or to any other Investment Decision, during the Class Period; *provided, however*, that the term “Released Class Claims” does not include (and will not release or impair) any claims to enforce the Settlement Agreement.

35. “Releasees” means Lovesac, its affiliates, and their current and former officers (including Mr. Nelson and Ms. Dellomo), directors, employees, agents, representatives, counsel, advisors, administrators, accountants, accounting advisors, auditors, consultants, assigns, assignees, beneficiaries, representatives, partners, successors-in-interest, insurance carriers, reinsurers, parents, affiliates, subsidiaries, successors, predecessors, fiduciaries, service providers, and investment bankers, and certain other persons and entities affiliated with or related to them. The full definition of Releasees is set forth in the Settlement Agreement, available at www.strategicclaims.net/lovesac.

36. The Judgment and Approval Order will also provide that, upon the Final Settlement Date, all Releasees, and anyone purporting to act on behalf of, for the benefit of, or derivatively for any such persons or entities, are permanently enjoined from commencing, prosecuting, intervening in, or participating in any claims or causes of action relating to Released Releasees’ Claims.

37. “Released Releasees Claims” means each and every Claim that has been, could have been, or could be asserted in the Action or in any other proceeding by any Releasee against Lead Plaintiff, any other Settlement Class Members, or any of their respective attorneys, beneficiaries, accountants, professional advisors, trusts, trustees, administrators, and assigns, and that arises out of or relates in any way to the initiation, prosecution, or settlement of the Action or the implementation of this Settlement Agreement; *provided, however*, that Released Releasees’ Claim shall not include any Claim to enforce the Settlement Agreement. The full definition of Released Releasees Claims is set forth in the Settlement Agreement.

HOW DO I PARTICIPATE IN THE SETTLEMENT? WHAT DO I NEED TO DO?

38. To be eligible for a payment from the Settlement, you must be a member of the Settlement Class and must timely complete and return the Claim Form with adequate supporting documentation. You must submit the Claim Form either (a) electronically through the Claims Administrator’s website, www.strategicclaims.net/lovesac, by **11:59 p.m. ET on November 8, 2024**, or (b) by mail to *Lovesac Securities Litigation*, c/o Strategic Claims Services, P.O. Box 230, 600 North Jackson Street, Suite 205, Media, PA 19063, **postmarked no later than November 8, 2024**. A Claim Form will be deemed to have been submitted when (a) the claimant receives a confirmation notice from Strategic Claims Services for electronic submissions or (b) legibly postmarked (if properly addressed and mailed by first-class mail), if such Claim Form is actually received before Lead Plaintiff files a motion for distribution of the Net Settlement Amount.

39. A Claim Form is included with this Notice, or you may obtain one from the website maintained by the Claims Administrator for the Settlement, www.strategicclaims.net/lovesac. You may also request that a Claim Form be mailed to you by calling the Claims Administrator toll-free at 1-866-274-4004 or by emailing the Claims Administrator at info@strategicclaims.net. Please retain all records of your ownership of and transactions in Lovesac Securities, as they will be needed to document your Claim. The Parties and Claims Administrator do not have information about your transactions in Lovesac Securities.

40. If you request exclusion from the Settlement Class or do not submit a timely and valid Claim Form, you will not be eligible to share in the Net Settlement Amount.

HOW MUCH WILL MY PAYMENT BE?

41. At this time, it is not possible to determine how much any individual Settlement Class Member might receive from the Settlement.

42. Pursuant to the Settlement, Defendants have agreed to pay \$615,000 in cash (the “Settlement Amount”). The Settlement Amount will be deposited into an escrow account. The Settlement Amount plus any interest earned on it is called the “Settlement Fund.” If the Court approves the Settlement, and if the Final Settlement Date occurs, the “Net Settlement Amount” will be distributed to Settlement Class Members who submit valid Claim Forms in accordance with the proposed Plan of Allocation or such other

Plan of Allocation as the Court may approve. The Net Settlement Amount is the Settlement Fund *less* (i) any Tax Expenses, (ii) any Notice and Administrative Expenses, and (iii) any attorneys' fees and expenses awarded to Plaintiff's Counsel or Lead Plaintiff by the Court.

43. The Net Settlement Amount will not be distributed unless and until the Court has approved the Settlement and a Plan of Allocation, and the time for any petition for rehearing, appeal, or review, whether by certiorari or otherwise, has expired.

44. Defendants are not entitled to get back any portion of the Settlement Amount once the Court's order or judgment approving the Settlement becomes Final. Defendants will not have any liability, obligation, or responsibility for the administration of the Settlement, the disbursement of the Net Settlement Amount, or the Plan of Allocation.

45. Approval of the Settlement is independent from approval of a Plan of Allocation. Any determination about a Plan of Allocation will not affect the Settlement, if approved.

46. Unless the Court otherwise orders, any Settlement Class Member who fails to submit a Claim Form electronically or postmarked on or before November 8, 2024, will be fully and forever barred from receiving payments pursuant to the Settlement, but will in all other respects remain a member of the Settlement Class and be subject to the provisions of the Settlement Agreement, including the terms of any Judgment entered and the releases given. This means that each Settlement Class Member releases the Released Class Claims (as defined in ¶ 34 above) against the Releasees (as defined in ¶ 35 above) and will be barred and enjoined from prosecuting any of the Released Class Claims against any of the Releasees whether or not such Settlement Class Member submits a Claim Form.

47. The Court has reserved jurisdiction to allow, disallow, or adjust on equitable grounds the Claim of any Settlement Class Member.

48. Each person or entity that submits a Claim Form will be deemed to have submitted to the jurisdiction of the Court as to his, her, or its Claim Form.

49. Only members of the Settlement Class will be eligible to share in the distribution of the Net Settlement Amount. Persons and entities that are excluded from the Settlement Class by definition or that request exclusion from the Settlement Class will not be eligible for a payment and should not submit Claim Forms.

PROPOSED PLAN OF ALLOCATION OF THE NET SETTLEMENT AMOUNT

50. The Plan of Allocation is intended to distribute the Net Settlement Amount equitably to those Settlement Class Members who suffered economic losses from the alleged violations of the securities laws. The calculations under the Plan of Allocation are not intended to be estimates or indicators of the amounts that Settlement Class Members might have been able to recover after a trial. Nor are those calculations intended to be estimates of the amounts that will be paid to Authorized Claimants under the Settlement. Computations under the Plan of Allocation are only a method to weigh the claims of Claimants against one another for the purpose of making *pro rata* allocations of the Net Settlement Amount.

51. For losses to be compensable damages under the federal securities laws, the disclosure of the allegedly misrepresented information must have caused the decline in the price of Lovesac common stock. In this case, Lead Plaintiff alleges that Defendants made false statements and omitted material facts during the period from June 8, 2022, through August 16, 2023, inclusive, which alleged conduct artificially inflated the price of Lovesac common stock. Lead Plaintiff further alleges that corrective information was released to the market on August 16, 2023, after the market had closed, and that the newly disclosed information removed the artificial inflation from the price of Lovesac common stock as of that time.

52. In developing the Plan of Allocation, Lead Plaintiff's damages expert calculated the estimated amount of artificial inflation in the price of Lovesac common stock allegedly caused by Defendants' purportedly false and misleading statements and material omissions. In calculating that estimated amount, Lead Plaintiff's expert considered price changes in the stock in reaction to the public disclosures allegedly

revealing the truth about Defendants' alleged misrepresentations and omissions, adjusting for any price changes on that day that were attributable to market or industry forces.

53. Recognized Loss Amounts for transactions in Lovesac common stock are calculated under the Plan of Allocation based primarily on the difference in the amount of alleged artificial inflation in the stock price at the time of purchase and the time of sale or the difference between the actual purchase price and sale price. To have a Recognized Loss Amount, a Settlement Class Member who purchased Lovesac common stock during the Class Period must have held his, her, or its shares through the close of the trading on August 16, 2023.

CALCULATION OF RECOGNIZED LOSS AMOUNTS

54. Based on the formula stated below, a "Recognized Loss Amount" will be calculated for each purchase of Lovesac common stock during the Class Period that is listed on the Claim Form and for which adequate documentation is provided. If a Recognized Loss Amount calculates to a negative number or zero under the formula below, the Recognized Loss Amount for that transaction will be zero.

55. For each share of Lovesac common stock purchased during the period from June 8, 2022, through August 16, 2023, inclusive, and

- a) sold on or before August 16, 2023, the Recognized Loss Amount is zero;
- b) sold after August 16, 2023, through the close of trading on November 14, 2023, the Recognized Loss Amount is *the least of*: (i) \$0.20 per share, (ii) the purchase price per share *less* the sales price per share, or (iii) the purchase price per share *less* the average closing price per share applicable to the date of sale as found in Table A below; or
- c) held at the close of trading on November 14, 2023, the Recognized Loss Amount is *the lesser of*: (i) \$0.20 per share or (ii) the purchase price per share *less* \$19.34 per share.³

56. For each share of Lovesac Securities purchased after August 16, 2023, the Recognized Loss Amount is zero.

TABLE A										
<u>Date</u>	<u>Closing Price</u>	<u>Average Closing Price</u>		<u>Date</u>	<u>Closing Price</u>	<u>Average Closing Price</u>		<u>Date</u>	<u>Closing Price</u>	<u>Average Closing Price</u>
8/17/2023	\$23.06	\$23.06		9/18/2023	\$20.61	\$22.70		10/17/2023	\$17.54	\$20.70
8/18/2023	\$23.84	\$23.45		9/19/2023	\$20.56	\$22.60		10/18/2023	\$16.50	\$20.61
8/21/2023	\$23.33	\$23.41		9/20/2023	\$20.98	\$22.53		10/19/2023	\$15.83	\$20.50
8/22/2023	\$23.12	\$23.34		9/21/2023	\$19.81	\$22.43		10/20/2023	\$15.76	\$20.40
8/23/2023	\$23.02	\$23.27		9/22/2023	\$19.81	\$22.33		10/23/2023	\$14.84	\$20.28
8/24/2023	\$22.36	\$23.12		9/25/2023	\$19.14	\$22.21		10/24/2023	\$14.93	\$20.17
8/25/2023	\$22.34	\$23.01		9/26/2023	\$18.88	\$22.09		10/25/2023	\$14.45	\$20.05
8/28/2023	\$22.20	\$22.91		9/27/2023	\$19.18	\$21.99		10/26/2023	\$14.44	\$19.94
8/29/2023	\$22.40	\$22.85		9/28/2023	\$19.78	\$21.91		10/27/2023	\$15.09	\$19.84
8/30/2023	\$22.30	\$22.80		9/29/2023	\$19.92	\$21.85		10/30/2023	\$16.72	\$19.78

³ Pursuant to Section 21(D)(e)(1) of the Exchange Act, "in any private action arising under this title in which the plaintiff seeks to establish damages by reference to the market price of a security, the award of damages to the plaintiff shall not exceed the difference between the purchase or sale price paid or received, as appropriate, by the plaintiff for the subject security and the mean trading price of that security during the 90-day period beginning on the date on which the information correcting the misstatement or omission that is the basis for the action is disseminated to the market." The average (mean) closing price of Lovesac common stock during the 90-day look-back period from August 17, 2023, through November 14, 2023, inclusive, was \$19.34 per share.

TABLE A										
8/31/2023	\$22.92	\$22.81		10/2/2023	\$19.10	\$21.76		10/31/2023	\$16.46	\$19.72
9/1/2023	\$25.44	\$23.03		10/3/2023	\$19.10	\$21.76		11/1/2023	\$17.12	\$19.67
9/5/2023	\$24.72	\$23.16		10/4/2023	\$17.89	\$21.55		11/2/2023	\$17.75	\$19.64
9/6/2023	\$24.21	\$23.23		10/5/2023	\$17.71	\$21.44		11/3/2023	\$17.56	\$19.60
9/7/2023	\$23.01	\$23.22		10/6/2023	\$17.37	\$21.33		11/6/2023	\$16.96	\$19.55
9/8/2023	\$22.27	\$23.16		10/9/2023	\$17.24	\$21.22		11/7/2023	\$17.50	\$19.52
9/11/2023	\$21.61	\$23.07		10/10/2023	\$18.16	\$21.14		11/8/2023	\$18.05	\$19.49
9/12/2023	\$21.40	\$22.98		10/11/2023	\$18.28	\$21.07		11/9/2023	\$16.97	\$19.45
9/13/2023	\$21.78	\$22.91		10/12/2023	\$17.15	\$20.97		11/10/2023	\$16.71	\$19.41
9/14/2023	\$22.15	\$22.87		10/13/2023	\$16.76	\$20.86		11/13/2023	\$16.30	\$19.36
9/15/2023	\$21.20	\$22.79		10/16/2023	\$17.15	\$20.78		11/14/2023	\$18.05	\$19.34

ADDITIONAL PROVISIONS

57. The Net Settlement Amount will be allocated among all Authorized Claimants whose Distribution Amount (defined in ¶ 66 below) is \$20.00 or greater.

58. **Calculation of Claimant's "Recognized Claim":** A Claimant's "Recognized Claim" will be the sum of his, her, or its Recognized Loss Amounts as calculated above for all purchases of Lovesac common stock during the Class Period.

59. **FIFO Matching:** If a Settlement Class Member made more than one purchase/acquisition or sale of Lovesac common stock during the Class Period, all purchases/acquisitions and sales will be matched on a First In, First Out ("FIFO") basis. Class Period sales will be matched first against any holdings of Lovesac common stock at the beginning of the Class Period, and then against purchases/acquisitions in chronological order, beginning with the earliest purchase/acquisition made during the Class Period.

60. **"Purchase/Sale" Dates:** Purchases and sales of Lovesac common stock will be deemed to have occurred on the "contract" or "trade" date as opposed to the "settlement" or "payment" date. "Purchases" eligible under the Settlement and this Plan of Allocation include all purchases or other acquisitions of Lovesac common stock in exchange for value and are not limited to purchases made on or through a stock exchange, as long as the purchase is adequately documented. However, the receipt or grant by gift, inheritance, or operation of law of Lovesac common stock during the Class Period shall not be deemed a purchase or sale for the calculation of a Claimant's Recognized Loss Amount; nor shall the receipt or grant be deemed an assignment of any claim relating to the purchase/sale of the stock unless (i) the donor or decedent purchased the Lovesac common stock during the Class Period; (ii) the instrument of gift or assignment specifically states that it is intended to transfer such rights; and (iii) no Claim was submitted by or on behalf of the donor, the decedent, or anyone else as to those shares.

61. **Short Sales:** The date of covering a "short sale" is deemed to be the date of purchase of Lovesac common stock. The date of a "short sale" is deemed to be the date of sale of Lovesac common stock. In accordance with the Plan of Allocation, however, the Recognized Loss Amount on "short sales" and the purchases covering "short sales" is zero.

62. If a Claimant had an opening short position in Lovesac common stock, the earliest purchases or acquisitions of Lovesac common stock during the Class Period will be matched against such opening short position, and will not be entitled to a recovery, until that short position is fully covered.

63. **Shares Purchased/Sold Through the Exercise of Options:** Option contracts are not securities eligible to participate in the Settlement. For shares of Lovesac common stock purchased or sold through the exercise of an option, the purchase/sale date of the Lovesac common stock is the exercise date of the option, and the purchase/sale price is the closing price of Lovesac common stock on the date of exercise.

64. **Market Gains and Losses:** The Claims Administrator will determine whether the Claimant had a “Market Gain” or a “Market Loss” on his, her, or its overall transactions in Lovesac common stock during the Class Period. For purposes of making this calculation, the Claims Administrator will determine the difference between (i) the Claimant’s Total Purchase Amount⁴ and (ii) the sum of the Claimant’s Total Sales Proceeds⁵ and the Claimant’s Holding Value.⁶ If the Claimant’s Total Purchase Amount *minus* the sum of the Claimant’s Total Sales Proceeds and the Holding Value is a positive number, that number will be the Claimant’s Market Loss; if the number is a negative number or zero, that number will be the Claimant’s Market Gain.

65. If a Claimant had a Market Gain from his, her, or its overall transactions in Lovesac Securities, the value of the Claimant’s Recognized Claim will be zero, and the Claimant will not be eligible to receive a payment in the Settlement but will nonetheless be bound by the Settlement. If a Claimant suffered an overall Market Loss from his, her, or its overall transactions in Lovesac Securities, but that Market Loss was less than the Claimant’s Recognized Claim, then the Claimant’s Recognized Claim will be limited to the amount of the Market Loss.

66. **Determination of Distribution Amount:** The Net Settlement Amount will be distributed to Authorized Claimants on a *pro rata* basis based on the relative size of their Recognized Claims. A “Distribution Amount” will be calculated for each Authorized Claimant. That Distribution Amount will be the Authorized Claimant’s Recognized Claim divided by the total Recognized Claims of all Authorized Claimants, multiplied by the total amount in the Net Settlement Amount.

67. If an Authorized Claimant’s Distribution Amount calculates to less than \$20.00, it will not be included in the calculation, and no distribution will be made to that Authorized Claimant because distribution would not be economically feasible in light of the distribution expenses.

68. After the initial distribution of the Net Settlement Amount, the Claims Administrator will make reasonable and diligent efforts to have Authorized Claimants cash their distribution checks. If any monies remain after at least six months from the date of the initial distribution, and if Lead Counsel, in consultation with the Claims Administrator, determines that another distribution would be cost-effective, the Claims Administrator will conduct a re-distribution of the funds remaining after payment of any unpaid fees and expenses incurred in administering the Settlement, including fees and expenses for the re-distribution, to Authorized Claimants who cashed their initial distributions and who would receive at least \$20.00 from the re-distribution. Additional re-distributions to Authorized Claimants who cashed their prior checks and who would receive at least \$20.00 from additional re-distributions may occur thereafter if Lead Counsel, in consultation with the Claims Administrator, determines that additional re-distributions would be cost-effective after the deduction of any additional fees and expenses incurred in administering the Settlement, including for such re-distributions. At such time as the re-distribution of remaining funds is not cost-effective, those funds will be contributed to a nonsectarian, not-for-profit charitable organization(s) serving the public interest, designated by Lead Plaintiff, and approved by the Court.

69. Payment pursuant to the proposed Plan of Allocation, or such other Plan of Allocation as the Court might approve, will be conclusive against all Claimants. No person or entity shall have any claim against Lead Plaintiff, Lead Counsel, the Claims Administrator, or any other agent designated by Lead

⁴ The “Total Purchase Amount” is the total amount the Claimant paid (excluding all fees, taxes, and commissions) for all Lovesac common stock purchased or acquired during the Class Period.

⁵ The Claims Administrator will match any sales of Lovesac common stock during the Class Period first against the Claimant’s opening position in Lovesac common stock (the proceeds of those sales will not be considered for purposes of calculating market gains or losses). The total amount received (not deducting any fees, taxes, and commissions) for sales of the remaining Lovesac common stock sold during the Class Period is the “Total Sales Proceeds.”

⁶ The Claims Administrator will ascribe a “Holding Value” of \$23.06 per share of Lovesac common stock purchased during the Class Period that was still held as of the close of trading on August 16, 2023.

Counsel, or against Defendants' Releasees and their respective counsel, arising from distributions made substantially in accordance with the Settlement Agreement, the Plan of Allocation approved by the Court, or any order of the Court. Lead Plaintiff and Defendants, their respective counsel, and all other Releasees shall have no liability whatsoever for the investment or distribution of the Settlement Fund or the Net Settlement Amount, any Plan of Allocation, or the determination, administration, calculation, or payment of any claim or nonperformance of the Claims Administrator, the payment or withholding of taxes (including interest and penalties) owed by the Settlement Fund, or any losses incurred in connection therewith.

70. The Plan of Allocation set forth in this Notice is the plan that Lead Plaintiff, after consultation with her damages expert, is proposing to the Court for approval. The Court may approve this plan as proposed, or it may modify the Plan of Allocation without further notice to the Settlement Class. Any Orders regarding any modification of the Plan of Allocation will be posted on the case website, www.strategicclaims.net/lovesac.

**WHAT PAYMENT ARE THE ATTORNEYS FOR THE SETTLEMENT CLASS SEEKING?
HOW WILL THE LAWYERS BE PAID?**

71. Plaintiff's Counsel have not received any payment for their services in pursuing claims against Defendants on behalf of the Settlement Class; nor have they been paid for their litigation expenses. Before final approval of the Settlement, Lead Counsel will apply to the Court for an award of attorneys' fees for all Plaintiff's Counsel in an amount not to exceed 33 1/3% (one-third) of the Settlement Fund. Lead Counsel have a retention agreement with Lead Plaintiff that provides for a contingency fee to be awarded to Lead Counsel after notice to the Settlement Class and approval by the Court. When they file a motion for attorneys' fees, Lead Counsel also intend to apply for payment of litigation expenses paid or incurred by Plaintiff's Counsel in an amount not to exceed \$45,000, and for the reasonable costs and expenses incurred by Lead Plaintiff directly related to her representation of the Settlement Class, pursuant to the PSLRA, in an amount not to exceed \$3,500. The Court will determine the amount of any award of attorneys' fees and expenses to Plaintiff's Counsel and any PSLRA Award to Lead Plaintiff. Such sums as may be approved by the Court will be paid from the Settlement Fund. Settlement Class Members will not be personally liable for any such fees or expenses.

**WHAT IF I DO NOT WANT TO BE A MEMBER OF THE SETTLEMENT CLASS?
HOW DO I EXCLUDE MYSELF?**

72. Each Settlement Class Member will be bound by all determinations and judgments in this lawsuit, whether favorable or unfavorable, unless such person or entity mails or delivers a written Request for Exclusion from the Settlement Class, addressed to *Lovesac Securities Litigation*, EXCLUSIONS, c/o Strategic Claims Services, 600 North Jackson Street, P.O. Box 230, Suite 205, Media, PA 19063. The **Request for Exclusion** must be *received* no later than **November 4, 2024**. You will not be able to exclude yourself from the Settlement Class after that date. A potential Class Member's request for exclusion must include the following information: (i) name, (ii) address, (iii) telephone number, (iv) email address, if available, (v) a statement that the potential Settlement Class Member wishes to request exclusion from the Settlement Class in *Gutknecht v. The Lovesac Company*, No. 3:23-cv-01640-KAD (D. Conn.), (vi) the number of shares of Lovesac Securities held as of opening of trading on June 8, 2022, and purchased or otherwise acquired and/or sold during the Class Period, (vii) price(s) paid or value at receipt, and, if sold, the sales price(s), (viii) the date of each such transaction involving each such security, and (ix) the signature of the person or entity requesting exclusion or of an authorized representative. A Request for Exclusion will not be valid and effective unless it provides all the information called for in this paragraph and is received within the time stated above, or is otherwise accepted by the Court.

73. If you do not want to be part of the Settlement Class, you must follow these instructions for exclusion even if you have pending, or later file, another lawsuit, arbitration, or other proceeding relating to any Released Class Claim against any of the Releasees.

74. If you ask to be excluded from the Settlement Class, you will not be eligible to receive any payment out of the Net Settlement Amount.

75. Defendants have the right to terminate the Settlement if valid requests for exclusion are received from persons and entities entitled to be members of the Settlement Class in an amount that exceeds an amount agreed to by Lead Plaintiff and Defendants.

WHEN AND WHERE WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT? DO I HAVE TO PARTICIPATE IN THE HEARING? MAY I SPEAK AT THE HEARING IF I DON'T LIKE THE SETTLEMENT?

76. **Settlement Class Members do not need to participate in the Fairness Hearing.** The Court will consider any submission made in accordance with the provisions below even if a Settlement Class Member does not speak at or otherwise observe the hearing. **You can participate in the Settlement without attending the Fairness Hearing.**

77. **Please Note:** The date and time of the Fairness Hearing might change without further written notice to the Settlement Class. In addition, the Court might decide to conduct the Fairness Hearing by telephonic or video conference, or otherwise allow counsel for the Parties and Settlement Class Members to appear at the hearing by phone or video, without further written notice to the Settlement Class. To find out whether the date and time of the Fairness Hearing have changed, or whether Settlement Class Members must or may participate by phone or video, you should monitor the Court's docket and the Settlement website, www.strategicclaims.net/lovesac, before making any plans to attend the Fairness Hearing in person. Any updates regarding the Fairness Hearing, including any changes to the date or time of the hearing or updates regarding in-person, telephonic, or video appearances, will be posted to the Settlement website, www.strategicclaims.net/lovesac. Also, if the Court requires or allows Settlement Class Members to participate in the Fairness Hearing by telephone or video, the information for accessing the conference will be posted to the website.

78. The Fairness Hearing will be held on **December 9, 2024, at 9:30 a.m.**, before District Judge Kari A. Dooley, either in-person at the United States Courthouse, 915 Lafayette Boulevard, Bridgeport, CT 06604, Courtroom 2, or by telephone or video, to determine, among other things, (i) whether the proposed Settlement on the terms and conditions stated in the Settlement Agreement is fair, reasonable, and adequate to the Settlement Class and should be finally approved by the Court; (ii) whether, for purposes of the Settlement only, the Action should be certified as a class action on behalf of the Settlement Class, Lead Plaintiff should be certified as class representative for the Settlement Class, and Lead Counsel should be appointed as class counsel for the Settlement Class; (iii) whether the Action should be dismissed with prejudice against Defendants and whether the Releases specified and described in the Settlement Agreement (and in this Notice) should be granted; (iv) whether the proposed Plan of Allocation should be approved as fair and reasonable; (v) whether Lead Counsel's motion for attorneys' fees and litigation expenses and Lead Plaintiff's motion for costs and expenses should be approved; (vi) any objections that Settlement Class Members have raised; and (vii) any other matters that may properly be brought before the Court in connection with the Settlement. The Court reserves the right to certify the Settlement Class; approve the Settlement, the Plan of Allocation, and Lead Counsel's motion for attorneys' fees and litigation expenses; and/or consider any other matter related to the Settlement at or after the Fairness Hearing without further notice to the members of the Settlement Class.

79. Any Settlement Class Member who does not request exclusion from the Settlement Class may **object** to the Settlement, the proposed Plan of Allocation, Lead Counsel's motion for attorneys' fees and expenses, or Lead Plaintiff's application for expenses. Objections must be in writing. You must file any **written objection**, together with copies of all other papers and briefs supporting the objection, with the

Clerk's Office at the address set forth below **on or before November 4, 2024**. You must also serve the papers on Lead Counsel and Defendants' Counsel at the addresses set forth below so that the papers are **received on or before November 4, 2024**.

Clerk's Office

Clerk of Court
United States District Court
District of Connecticut
915 Lafayette Boulevard
Bridgeport, CT 06604

Lead Counsel

The Rosen Law Firm, P.A.
Jacob A. Goldberg, Esq.
Leah Heifetz-Li, Esq.
101 Greenwood Ave., Suite 440
Jenkintown, PA 19046

Defendants' Counsel

Proskauer Rose LLP
Jonathan E. Richman, Esq.
Julia D. Alonzo, Esq.
Eleven Times Square
New York, NY 10036-8299

You must also **email** the objection and any supporting papers on or before November 4, 2024, to jgoldberg@rosenlegal.com, lheifetz@rosenlegal.com, jerichman@proskauer.com, and jalonzo@proskauer.com.

80. Any objection must state the specific reason(s), if any, for each objection, including any legal support the Settlement Class Member wishes to bring to the Court's attention and any evidence the Settlement Class Member wishes to introduce in support of such objection, and must state whether the objection applies only to the objector, to a specific subset of the Settlement Class, or to the entire Settlement Class. In addition to the reason(s) for the objection, an objection must also include the name and docket number of this case (*Gutknecht v. The Lovesac Company*, No. 3:23-cv-01640-KAD (D. Conn.)) and the following information about the objecting Settlement Class Member: (i) name, (ii) address, (iii) telephone number, (iv) email address, if available, (v) number of shares of Lovesac Securities held as of opening of trading on June 8, 2022, and purchased or otherwise acquired and/or sold during the Class Period, (vi) price(s) paid or value at receipt, and, if sold, the sales price(s), (vii) the date of each such transaction involving each such security, and (viii) account statements verifying all such transactions. You may not object to the Settlement, the Plan of Allocation, or Lead Counsel's motion for attorneys' fees and expenses if you exclude yourself from the Settlement Class or if you are not a member of the Settlement Class.

81. You may file a written objection without having to speak at the Fairness Hearing. You may not, however, speak at the Fairness Hearing to present your objection unless you first file and serve a written objection in accordance with the procedures described above, unless the Court orders otherwise.

82. If you wish to be heard orally at the hearing in opposition to the approval of the Settlement, the proposed Plan of Allocation, or Lead Counsel's motion for an award of attorneys' fees and expenses, and if you have timely filed and served a written objection as described above, you must also file a **notice of appearance** with the Clerk's Office and serve it on Lead Counsel and Defendants' Counsel at the addresses set forth in ¶ 79 above so that it is **received on or before November 4, 2024**. Persons who intend to object and present evidence at the Fairness Hearing must include in their written objection or notice of appearance the identity of any witnesses they might call to testify and any exhibits they intend to introduce into evidence at the hearing. Such persons may be heard orally at the discretion of the Court.

83. You are not required to hire an attorney to represent you in making written objections or in appearing at the Fairness Hearing. However, if you decide to hire an attorney, you may do so at your own expense, and that attorney must file a **notice of appearance** with the Court and serve it on Lead Counsel and Defendants' Counsel at the addresses set forth in ¶ 79 above so that the notice is **received on or before November 4, 2024**.

84. **Unless the Court orders otherwise, any Settlement Class Member who does not object in the manner described above will be deemed to have waived any objection and will be forever foreclosed from objecting to the proposed Settlement, the proposed Plan of Allocation, Lead Counsel's motion for an award of attorneys' fees and expenses, and Lead Plaintiff's motion for expenses. Settlement Class Members do not need to appear at the Fairness Hearing or take any other action to indicate their approval of the proposed Settlement.**

WHAT IF I BOUGHT SHARES ON SOMEONE ELSE'S BEHALF?

85. If you purchased or otherwise acquired Lovesac Securities during the period from June 8, 2022, through August 16, 2023, inclusive, for the beneficial interest of persons or entities other than yourself, you must, within seven (7) calendar days after receipt of this Notice or the short-form Postcard Notice (whichever is earlier), either (i) request from the Claims Administrator sufficient copies of the Postcard Notice to forward to all such beneficial owners and then, within seven (7) calendar days after receipt of those Postcard Notices, forward them to all such beneficial owners or (ii) provide a list of the names, addresses, and email addresses (if available) of all such beneficial owners to *Lovesac Securities Litigation*, c/o Strategic Claims Services, 600 North Jackson Street, Suite 205, Media, PA 19063, or info@strategicclaims.net. If you choose the second option, the Claims Administrator will send a copy of the Postcard Notice to the beneficial owners you have identified. Upon full compliance with these directions, such nominees may seek reimbursement of their reasonable expenses actually incurred, up to either (x) \$0.03 per Postcard Notice actually mailed or emailed plus postage for mailings at the rate used by the Claims Administrator or (y) \$0.03 per name, address, and email address provided to the Claims Administrator, by providing the Claims Administrator with proper documentation supporting the expenses for which reimbursement is sought. Copies of this Notice and the Claim Form may also be obtained from the Settlement website, www.strategicclaims.net/lovesac, by calling the Claims Administrator toll-free at 1-866-274-4004, or by emailing the Claims Administrator at info@strategicclaims.net.

**CAN I SEE THE COURT FILE?
WHOM SHOULD I CONTACT IF I HAVE QUESTIONS?**

86. This Notice contains only a summary of the terms of the proposed Settlement. For more detailed information about the matters involved in this Action, you should review the papers on file in the Action, including the Settlement Agreement, which may be inspected during regular office hours at the Office of the Clerk, United States District Court for the District of Connecticut, 915 Lafayette Boulevard, Bridgeport, CT 06604. The Court file also is available online if you have access to the Court's PACER system. Additionally, copies of the Complaint, the Settlement Agreement, and any related orders entered by the Court will be posted on the Settlement website, www.strategicclaims.net/lovesac.

All inquiries concerning this Notice and the Claim Form should be directed to:

<p><i>Lovesac Securities Litigation</i> c/o Strategic Claims Services 600 North Jackson Street Suite 205 Media, PA 19063 1 (866) 274-4004 info@strategicclaims.net www.strategicclaims.net/lovesac</p>	and/or	<p>Jacob A Goldberg, Esq. Leah Heifetz-Li, Esq. The Rosen Law Firm, P.A. 101 Greenwood Avenue, Suite 440 Jenkintown, PA 19046 (215) 600-2817 jgoldberg@rosenlegal.com lheifetz@rosenlegal.com</p>
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DO NOT CALL OR WRITE THE COURT, THE OFFICE OF THE CLERK OF THE COURT, DEFENDANTS, OR THEIR COUNSEL ABOUT THIS NOTICE.

Dated: August 1, 2024

By Order of the Court
United States District Court
District of Connecticut

Lovesac Securities Litigation
Toll-Free Number: 1-866-274-4004
Email: info@strategicclaims.net
Website: www.strategicclaims.net/lovesac

PROOF OF CLAIM AND RELEASE FORM

To be eligible to receive a share of the Net Settlement Amount in connection with the Settlement of this Action, you must complete and sign this Proof of Claim and Release Form (“Claim Form”) and either (i) file it electronically at www.strategicclaims.net/lovesac so that it *received no later than November 8, 2024, at 11:59 p.m. ET*, or (ii) mail it by first-class mail to the address below, with supporting documentation, *postmarked no later than November 8, 2024*.

Mail to:

Lovesac Securities Litigation
c/o Strategic Claims Services
600 North Jackson Street
Suite 205
Media, PA 19063

You need to submit this Claim Form if you want to make a claim to share in the settlement payment in this lawsuit. If you fill out this Claim Form in accordance with the instructions below, you might be eligible to receive a cash payment if the Court approves the proposed Settlement.

If you do not submit your Claim Form by the date specified, your claim might be rejected, and you might be precluded from being eligible to receive a payment from the Settlement.

Do not mail or deliver your Claim Form to the Court, Lead Counsel, Defendants’ Counsel, or any of the Parties to the Action. Submit your Claim Form only to the Claims Administrator at the address set forth above.

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PART II – GENERAL INSTRUCTIONS

1. You should completely read and understand the Notice of (I) Pendency of Class Action and Proposed Settlement, (II) Settlement Fairness Hearing, and (III) Motion for Attorneys’ Fees and Litigation Expenses (the “Notice”) that accompanies this Claim Form, including the Plan of Allocation of the Net Settlement Amount set forth in the Notice. That Notice describes the proposed Settlement, how Settlement Class Members are affected by it, and how the Net Settlement Amount will be distributed if the Court approves the Settlement and Plan of Allocation. The Notice also contains the definitions of many of the defined terms (which are indicated by initial capital letters) used in this Claim Form. By signing and submitting this Claim Form, you will be certifying that you have read and understand the Notice, including the terms of the releases provided for in this Claim Form.

2. By submitting this Claim Form, you will be asking to receive a payment from the Settlement described in the Notice. **If you are not a Settlement Class Member** (*see* the definition of the Settlement Class on page 6 of the Notice, which sets forth who is included in and who is excluded from the Settlement Class), **or if you or someone acting on your behalf submitted a request for exclusion from the Settlement Class, do not submit a Claim Form.** You cannot directly or indirectly participate in the Settlement if you are not a Settlement Class Member. If you are excluded from the Settlement Class, any Claim Form that you submit, or that might be submitted on your behalf, will be rejected.

3. **Submission of this Claim Form does not guarantee that you will receive a payment from the Settlement. The distribution of the Net Settlement Amount will be governed by the Plan of Allocation in the Notice, if it is approved by the Court, or by such other plan of allocation as the Court approves.**

4. Use the Schedule of Transactions in Part III of this Claim Form to supply all required details about your transaction(s) in and holdings of common stock of The Lovesac Company (“Lovesac”). On this schedule, please provide all the requested information about your holdings, purchases, acquisitions, and sales of Lovesac Securities (including free transfers and deliveries), whether such transactions resulted in a profit or a loss. **Failure to report all transaction and holding information during the requested time period could result in the rejection of your claim.**

5. **Please note:** Only Lovesac Securities (meaning common stock) purchased during the Class Period (*i.e.*, from June 8, 2022, through August 16, 2023, inclusive) are eligible under the Settlement. However, sales of Lovesac Securities during the period from August 17, 2023, through and including the close of trading on November 14, 2023, will be used to calculate your claim under the Plan of Allocation. Although purchases and acquisitions during the period from August 17, 2023, through November 14, 2023, are not eligible for payment, you must provide information about them so that the Claims Administrator can balance your claim – *i.e.*, confirm that all transactions have been included by checking whether (a) the number of shares you held at the opening of trading on June 8, 2022, *plus* the number of shares you purchased/acquired from June 8, 2022, through November 14, 2023, *is equal to* (b) the number of shares you sold from June 8, 2022, through November 14, 2023, *plus* the number of shares you held at the close of trading on November 14, 2023.

6. You must submit genuine and sufficient documentation for all your transactions in and holdings of Lovesac Securities as set forth in the Schedule of Transactions in Part III of this Claim Form. Documentation may consist of copies of brokerage confirmation slips or monthly brokerage account statements, or an authorized statement from your broker containing the transactional and holding information found in a broker confirmation slip or account statement. The Parties and the Claims Administrator do not independently have information about your investments in Lovesac Securities. **IF SUCH DOCUMENTS ARE NOT IN YOUR POSSESSION, PLEASE OBTAIN COPIES OF THE DOCUMENTS OR EQUIVALENT DOCUMENTS FROM YOUR BROKER. FAILURE TO SUPPLY THIS DOCUMENTATION MIGHT RESULT IN THE REJECTION OF YOUR CLAIM. DO NOT SEND ORIGINAL DOCUMENTS. Please keep a copy of all documents that you send to the Claims**

Administrator. Also, do not mark or highlight any portion of the Claim Form or any supporting documents.

7. Use Part I of this Claim Form entitled “CLAIMANT INFORMATION” to identify the beneficial owner(s) of the Lovesac Securities. The complete name(s) of the beneficial owner(s) must be entered. If you held the Lovesac Securities in your own name, you were the beneficial owner as well as the record owner. If, however, your Lovesac Securities were registered in the name of a third party, such as a nominee or brokerage firm, you were the beneficial owner of the stock, but the third party was the record owner. The beneficial owner, not the record owner, must sign this Claim Form to be eligible to participate in the Settlement. If there were joint beneficial owners, each must sign this Claim Form, and their names must appear as “Claimants” in Part I of this Claim Form.

8. **One Claim should be submitted for each separate legal entity.** Separate Claim Forms should be submitted for each separate legal entity (*e.g.*, a claim from joint owners should not include separate transactions of just one of the joint owners, and an individual should not combine his or her IRA transactions with transactions made solely in the individual’s name). Conversely, a single Claim Form should be submitted on behalf of one legal entity including all transactions made by that entity, no matter how many separate accounts that entity has (*e.g.*, a person or corporation with multiple brokerage accounts should include on one Claim Form all transactions made in all accounts).

9. Agents, executors, administrators, guardians, and trustees must complete and sign the Claim Form on behalf of persons represented by them, and they must:

- (a) expressly state the capacity in which they are acting;
- (b) identify the name, account number, last four digits of the Social Security Number (or taxpayer identification number), address, and telephone number of the beneficial owner of (or other person or entity on whose behalf they are acting as to) the Lovesac Securities; and
- (c) furnish evidence of their authority to bind to the Claim Form the person or entity on whose behalf they are acting. (Authority to complete and sign a Claim Form cannot be established by stockbrokers’ demonstrating only that they have discretionary authority to trade securities in another person’s accounts.)

10. By submitting a signed Claim Form, you will be swearing that you:

- (a) own(ed) the Lovesac Securities you listed in the Claim Form; or
- (b) are expressly authorized to act on behalf of the owner of that stock.

11. By submitting a signed Claim Form, you will be swearing to the truth of the statements it contains and the genuineness of the documents attached to it, subject to penalties of perjury under the laws of the United States of America. Making false statements or submitting forged or fraudulent documentation will result in the rejection of your claim and could subject you to civil liability or criminal prosecution.

12. If the Court approves the Settlement, payments to eligible Authorized Claimants pursuant to the Plan of Allocation (or such other plan of allocation as the Court approves) will be made after any appeals are resolved, and after the completion of all claims processing. The claims process will take substantial time to complete fully and fairly. Please be patient.

13. **PLEASE NOTE:** As set forth in the Plan of Allocation, each Authorized Claimant will receive his, her, or its *pro rata* share of the Net Settlement Amount. If the prorated payment to any Authorized Claimant calculates to less than \$20.00, it will not be included in the calculation, and no distribution will be made to that Authorized Claimant.

14. If you have questions about the Claim Form, or need additional copies of the Claim Form or the Notice, you may contact the Claims Administrator, Strategic Claims Services, at the above address, by email at info@strategicclaims.net, or by toll-free phone at 1-866-274-4004, or you can visit the Settlement

website, www.strategicclaims.net/lovesac, where copies of the Claim Form and Notice are available for downloading.

15. NOTICE REGARDING INSTITUTIONAL FILERS: Representatives with authority to file on behalf of (a) accounts of multiple Settlement Class Members and/or (b) institutional accounts with large numbers of transactions (“Representative Filers”) must submit information regarding their transactions in an electronic spreadsheet format. (This is different than the online claim portal on the Settlement website.) To obtain the **mandatory** electronic filing requirements and file layout, you may visit the Settlement website at www.strategicclaims.net, or you may email the Claims Administrator’s electronic filing department at efile@strategicclaims.net. **Any file not in accordance with the required electronic filing format will be subject to rejection.** All Representative Filers **MUST** also submit a manually signed Claim Form for each Settlement Class Member, as well as proof of authority to file, along with the electronic spreadsheet format. Only one claim should be submitted for each separate legal entity (*see* ¶ 8 above), sub-accounts should be rolled up into a parent account if the sub-accounts contain the same tax identification number, and the **complete** name of the beneficial owner of the securities must be entered where called for (*see* ¶ 7 above). No electronic files will be considered to have been submitted unless the Claims Administrator issues an email to that effect. **Do not assume that your file has been received until you receive that email. If you do not receive such an email within 10 days after your submission, you should contact the electronic filing department at efile@strategicclaims.net to inquire about your file and confirm it was received.**

16. NOTICE REGARDING ONLINE FILING: Claimants who are not Representative Filers may submit their claims online using the electronic version of the Claim Form hosted at www.strategicclaims.net/lovesac. If you are not acting as a Representative Filer, you do not need to contact the Claims Administrator before filing. You will receive an automated e-mail confirming receipt once your Claim Form has been submitted. If you are unsure whether you should submit your claim as a Representative Filer, please contact the Claims Administrator at info@strategicclaims.net or (866) 274-4004. If you are not a Representative Filer but your claim contains a large number of transactions, the Claims Administrator may request that you also submit an electronic spreadsheet showing your transactions to accompany your Claim Form.

IMPORTANT: PLEASE NOTE

If you file your claim electronically, your claim will be deemed filed when you receive a confirmation notice from the Claims Administrator. If you file your claim by first-class mail, your claim will be deemed filed when it is postmarked, but the Claim Form must actually be received by the Claims Administrator before Lead Counsel moves for a court order allowing distribution of the Net Settlement Amount. If you submit your claim by first-class mail, you must send it Certified, Return Receipt Requested, if you want confirmation that it has been received, or you may contact the Claims Administrator by phone or email for confirmation.

PART III – SCHEDULE OF TRANSACTIONS IN LOVESAC SECURITIES

Use this section to provide information on your holdings and trading of Lovesac Securities (NASDAQ Ticker Symbol: LOVE; CUSIP: 54738L109) during the requested time periods. Please include proper documentation with your Claim Form as described in detail in Part II – General Instructions, ¶ 6 above.

1. HOLDINGS AS OF JUNE 8, 2022 – State the total number of Lovesac Securities held as of the opening of trading on June 8, 2022. (Must be documented.) If none, write “zero” or “0.” _____				Confirm Proof of Position Enclosed <input type="radio"/>	
2. PURCHASES/ACQUISITIONS FROM JUNE 8, 2022 THROUGH AUGUST 16, 2023 – Separately list each and every purchase or acquisition (including free receipts) of Lovesac Securities from after the opening of trading on June 8, 2022 through the close of trading on August 16, 2023. (Must be documented.)					
Date of Purchase/ Acquisition (List Chronologically) (Month/Day/Year)	Number of Shares Purchased/ Acquired	Purchase Price Per Share	Total Purchase Price (excluding any fees, commissions, and taxes)	Result of an Option Transaction? (Yes/No)	Confirm Proof of Purchase Enclosed
/ /		\$	\$		<input type="radio"/>
/ /		\$	\$		<input type="radio"/>
/ /		\$	\$		<input type="radio"/>
/ /		\$	\$		<input type="radio"/>
3. PURCHASES/ACQUISITIONS FROM AUGUST 17, 2023 THROUGH NOVEMBER 14, 2023 – State the total number of Lovesac Securities purchased or acquired (including free receipts) from August 17, 2023 through the close of trading on November 14, 2023. If none, write “zero” or “0.” _____					
4. SALES FROM JUNE 8, 2022 THROUGH NOVEMBER 14, 2023 – Separately list each and every sale or disposition (including free deliveries) of Lovesac Securities from after the opening of trading on June 8, 2022 through and including the close of trading on November 14, 2023. (Must be documented.)				IF NONE, CHECK HERE <input type="radio"/>	
Date of Sale (List Chronologically) (Month/Day/Year)	Number of Shares Sold	Sale Price Per Share	Total Sale Price (not deducting any fees, commissions, and taxes)	Result of an Option Transaction? (Yes/No)	Confirm Proof of Sale Enclosed
/ /		\$	\$		<input type="radio"/>
/ /		\$	\$		<input type="radio"/>
/ /		\$	\$		<input type="radio"/>
/ /		\$	\$		<input type="radio"/>
5. HOLDINGS AS OF NOVEMBER 14, 2023 – State the total number of Lovesac Securities held as of the close of trading on November 14, 2023. (Must be documented.) If none, write “zero” or “0.” _____				Confirm Proof of Position Enclosed <input type="radio"/>	
IF YOU NEED ADDITIONAL SPACE FOR THE SCHEDULE ABOVE, ATTACH EXTRA SCHEDULES IN THE SAME FORMAT. PRINT THE BENEFICIAL OWNER’S FULL NAME AND LAST FOUR DIGITS OF SOCIAL SECURITY/TAXPAYER IDENTIFICATION NUMBER ON EACH ADDITIONAL PAGE. IF YOU DO ATTACH EXTRA SCHEDULES, CHECK THIS BOX. <input type="checkbox"/>					

PART IV - RELEASE OF CLAIMS AND SIGNATURE

**YOU MUST ALSO READ THE RELEASE AND CERTIFICATION BELOW
AND SIGN ON PAGE 25 OF THIS CLAIM FORM.**

1. I (we) hereby acknowledge that, pursuant to the terms of the Settlement Agreement, without further action by anyone, upon the Final Settlement Date, I (we), on behalf of myself (ourselves) and my (our) (the claimant(s)') heirs, executors, administrators, predecessors, successors, and assigns, in their capacities as such ("Releasors"), or any person purporting to assert a Released Class Claim on behalf of, for the benefit of, or derivatively for any such Releasors, for good and sufficient consideration, the receipt and adequacy of which are hereby acknowledged, shall be deemed to have, and by operation of law and of the Approval Order and the Judgment shall have, fully, finally, and forever released, relinquished, settled, and discharged:
 - a. all Released Class Claims (as defined in the Notice) against each and every one of the Releasees (as defined in the Notice);
 - b. all Claims, damages, and liabilities as to each and every one of the Releasees to the extent that any such Claims, damages, or liabilities relate in any way to any or all acts, omissions, nondisclosures, facts, matters, transactions, occurrences, or oral or written statements or representations in connection with, or directly or indirectly relating to, (i) the prosecution, defense, or settlement of the Action, (ii) the Settlement Agreement or its implementation, (iii) the Settlement terms and their implementation, (iv) the provision of notice in connection with the proposed Settlement, and/or (v) the resolution of any Claim Forms submitted in connection with the Settlement; and
 - c. all Claims against any of the Releasees for attorneys' fees, costs, or disbursements incurred by Plaintiff's Counsel or any other counsel representing Lead Plaintiff or any other Settlement Class Member in connection with or related in any manner to the Action, the settlement of the Action, or the administration of the Action and/or its Settlement, except to the extent otherwise specified in the Settlement Agreement.
2. In addition, the Judgment and Approval Order will provide that:
 - a. all Settlement Class Members (and their attorneys, accountants, agents, heirs, executors, administrators, trustees, predecessors, Affiliates, representatives, and assigns) who have not validly and timely requested exclusion from the Settlement Class – and anyone else purporting to act on behalf of, for the benefit of, or derivatively for any of such persons or entities – are permanently enjoined from filing, commencing, prosecuting, intervening in, participating in (as class members or otherwise), or receiving any benefit or other relief from any other lawsuit, arbitration, or administrative, regulatory, or other proceeding (as well as a motion or complaint in intervention in the Action if the person or entity filing such motion or complaint in intervention purports to be acting as, on behalf of, for the benefit of, or derivatively for any of the above persons or entities) or order, in any jurisdiction or forum, as to the Releasees based on or relating to the Released Class Claims; and
 - b. all persons and entities are permanently enjoined from filing, commencing, or prosecuting any other lawsuit as a class action (including by seeking to amend a pending complaint to include class allegations or by seeking class certification in a pending action in any jurisdiction) or other proceeding on behalf of any Settlement Class Members as to the Releasees, if such other lawsuit is based on or related to the Released Class Claims.

CERTIFICATION

By signing and submitting this Claim Form, the claimant(s) or the person(s) who represent(s) the claimant(s) agree(s) to the release above and certifies (certify) as follows:

1. I (we) have read and understand the contents of the Notice and this Claim Form, including the releases provided for in the Settlement and the terms of the Plan of Allocation;
2. The claimant(s) is a (are) Settlement Class Member(s), as defined in the Notice, and is (are) not excluded by definition from the Settlement Class as set forth in the Notice;
3. The claimant(s) did **not** submit a request for exclusion from the Settlement Class;
4. I (we) own(ed) the Lovesac Securities identified in the Claim Form and have not assigned the claim against any of the Defendants or any other Releasees to another person or entity, or that, in signing and submitting this Claim Form, I (we) have the authority to act on behalf of the owner(s) thereof;
5. The claimant(s) has (have) not submitted any other claim covering the same purchases of Lovesac Securities and knows (know) of no other person having done so on the claimant's (claimants') behalf;
6. The claimant(s) submit(s) to the jurisdiction of the Court with respect to the claimant's (claimants') claim and for purposes of enforcing the releases set forth herein;
7. I (we) agree to furnish such additional information with respect to this Claim Form as Lead Counsel, the Claims Administrator, or the Court might require;
8. The claimant(s) waive(s) the right to trial by jury, to the extent it exists, and agree(s) to the determination by the Court of the validity or amount of this claim, and waives any right of appeal or review with respect to such determination;
9. I (we) acknowledge that the claimant(s) will be bound by and subject to the terms of any judgment(s) that may be entered in the Action; and
10. The claimant(s) is (are) NOT subject to backup withholding under the provisions of Section 3406(a)(1)(C) of the Internal Revenue Code because (i) the claimant(s) is (are) exempt from backup withholding or (ii) the claimant(s) has (have) not been notified by the IRS that he, she, it, or they is (are) subject to backup withholding as a result of a failure to report all interest or dividends or (iii) the IRS has notified the claimant(s) that he, she, it, or they is (are) no longer subject to backup withholding. **If the IRS has notified the claimant(s) that he, she, it, or they is (are) subject to backup withholding, please strike out the language in the preceding sentence stating that the claim is not subject to backup withholding in the certification above.**

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT ALL OF THE INFORMATION PROVIDED BY ME (US) ON THIS CLAIM FORM IS TRUE, CORRECT, AND COMPLETE, AND THAT THE DOCUMENTS SUBMITTED HEREWITH ARE TRUE AND CORRECT COPIES OF WHAT THEY PURPORT TO BE.

Signature of claimant

Date

Print claimant name here

Signature of joint claimant, if any

Date

Print joint claimant name here

If the claimant is other than an individual, or is not the person completing this form, the following also must be provided:

Signature of person signing on behalf of claimant

Date

Print name of person signing on behalf of claimant here

Capacity of person signing on behalf of claimant, if other than an individual, *e.g.*, executor, president, trustee, custodian, etc. (Must provide evidence of authority to act on behalf of claimant – see ¶ 9 on page 21 of this Claim Form.)

REMINDER CHECKLIST

1. Sign the above release and certification. If this Claim Form is being made on behalf of joint claimants, **both** must sign.
2. Attach only ***copies*** of acceptable supporting documentation, as these documents will not be returned to you. Keep the original documents.
3. Do not mark or highlight any portion of the Claim Form or any supporting documents.
4. Keep copies of the completed Claim Form and documentation for your own records.
5. If you file your claim electronically, the Claims Administrator will send you a notice confirming receipt. If you file your claim by first-class mail, **you must send it Certified, Return Receipt Requested, for confirmation of delivery, or you may call or email the Claims Administrator at (866) 274-4004, info@strategicclaims.net for confirmation.**
6. If your address changes in the future, or if this Claim Form was sent to an old or incorrect address, you must send the Claims Administrator written notification of your new address. If you change your name, inform the Claims Administrator.
7. If you have any questions or concerns about your claim, contact the Claims Administrator at the address below, by email at info@strategicclaims.net, or by toll-free phone at 1-866-274-4004, or you may visit www.strategicclaims.net/lovesac. **DO NOT** call Lovesac or its counsel with questions regarding your claim.

THIS CLAIM FORM MUST EITHER BE FILED ELECTRONICALLY AT WWW.STRATEGICCLAIMS.NET/LOVESAC NO LATER THAN **NOVEMBER 8, 2024, AT 11:59 P.M. ET**, OR BE MAILED TO THE CLAIMS ADMINISTRATOR BY FIRST-CLASS MAIL, **POSTMARKED NO LATER THAN NOVEMBER 8, 2024**, ADDRESSED AS FOLLOWS:

Lovesac Securities Litigation
c/o Strategic Claims Services
P.O. Box 230
600 North Jackson Street
Suite 205
Media, PA 19063

A Claim Form filed electronically will be deemed to have been submitted when you receive a confirmation notice from the Claims Administrator. A Claim Form sent by first-class mail will be deemed to have been submitted when postmarked.

The Claims Administrator will need a significant amount of time to fully process all Claim Forms. Please be patient and notify the Claims Administrator of any change of address.

Lovesac Securities Litigation
c/o Strategic Claims Services
600 North Jackson St., Ste. 205
Media, PA 19063

IMPORTANT LEGAL NOTICE – PLEASE FORWARD

REQUEST FOR NAMES, EMAILS AND ADDRESSES OF CLASS MEMBERS

STRATEGIC CLAIMS SERVICES
600 N. JACKSON STREET, SUITE 205
MEDIA, PA 19063

PHONE: (610) 565-9202

EMAIL: info@strategicclaims.net

FAX: (610) 565-7985

August 26, 2024

This letter is being sent to all entities whose names have been made available to us, or which we believe may know of potential Settlement Class Members.

We request that you assist us in identifying any individuals/entities who fit the following description:

ALL PERSONS AND ENTITIES WHO PURCHASED OR OTHERWISE ACQUIRED COMMON STOCK OF THE LOVESAC COMPANY ("LOVESAC") FROM JUNE 8, 2022 THROUGH AUGUST 16, 2023, INCLUSIVE.

Excluded from the Settlement Class are (i) all officers and directors of Lovesac during the Class Period (including Shawn Nelson and Donna Dellomo); (ii) Lovesac's Affiliates, subsidiaries, successors, and predecessors; (iii) any entity in which Lovesac or any other Defendant has or had during the Class Period a Controlling Interest; and (iv) for the individuals identified in subpart(s) (i), (ii), and/or (iii), their Family Members, legal representatives, heirs, successors, and assigns.

The information below may assist you in finding the above requested information.

<i>Lovesac Securities Litigation</i> No. 3:23-cv-01640-KAD Exclusion Deadline: November 4, 2024 Objection Deadline: November 4, 2024 Claim Filing Deadline: November 8, 2024 Fairness Hearing: December 9, 2024	Cusip Number: 54738L109 Ticker Symbol: NASDAQ: LOVE
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PER COURT ORDER, PLEASE RESPOND WITHIN 7 CALENDAR DAYS FROM THE DATE OF THIS NOTICE.

Please comply in one of the following ways:

1. If you have no beneficial purchasers/owners, please so advise us in writing; or
2. **Supply us with names, last known addresses, and email addresses (to the extent known)** of your beneficial purchasers/owners and we will do the emailing or mailing of the Postcard Notice. Please provide us this information electronically. If you are not able to do this, labels will be accepted, but it is important that a hardcopy list also be submitted of your clients; or
3. Advise us of how many beneficial purchasers/owners you have, and we will supply you with ample postcards to do the mailing. After the receipt of the Postcard Notice, you have seven (7) calendar days to mail them; or
4. Request a copy of the Postcard Notice and email a copy to each of your beneficial purchasers/owners within seven (7) calendar days after receipt thereof.

You can bill us for any reasonable expenses actually incurred and **not to exceed**:

\$0.03 per Postcard Notice emailed, OR

\$0.03 per name, address and email address if you are providing us the records, OR

\$0.03 per name and address, including materials, plus postage at the rate used by the Claims Administrator if you are requesting the Postcard Notice and performing the mailing.

All invoices must be received within 30 days of this letter.

You are on record as having been notified of the legal matter. A copy of the long Notice of (I) Pendency of Class Action and Proposed Settlement, (II) Settlement Fairness Hearing, and (III) Motion for Attorneys' Fees and Litigation Expenses and the Proof of Claim and Release Form and other important case-related documents are available on our website at www.strategicclaims.net/lovesac. You can also request a copy via email at info@strategicclaims.net.

Thank you for your prompt response.

Sincerely,

Claims Administrator
Lovesac Securities Litigation

**Court-Ordered Legal Notice
Forwarding Service Requested**

*Important Notice about a Securities
Class Action Settlement*

*You might be entitled to a
payment.*

*This Notice might affect your legal
rights.*

Please read it carefully.

Lovesatt Securities Litigation
c/o Strategic Claims Services
600 North Jackson St., Suite 205
Media, PA 19063

Case No. 3:23-cv-01640-KAD (D. Conn.)

[NAME 1]

[NAME 2]

[NAME 3]

[ADDRESS 1]

[ADDRESS 2]

PRESORTED
FIRST-CLASS
MAIL U.S.
POSTAGE PAID

THIS CARD PROVIDES ONLY LIMITED INFORMATION ABOUT THE SETTLEMENT.

VISIT WWW.STRATEGICCLAIMS.NET/LOVESAC OR CALL 1-866-274-4004 FOR MORE INFORMATION.

The U.S. District Court for the District of Connecticut (the “Court”) has preliminarily approved a proposed Settlement of claims against The Lovesac Company (“Lovesac”) and two of its present or former officers (collectively, “Defendants”). The proposed Settlement would resolve a securities class action alleging that Defendants made false and/or misleading misstatements and/or omissions concerning Lovesac’s financial condition and accounting. Defendants deny the allegations.

You received this notice because you might have purchased or acquired Lovesac common stock between June 8, 2022, and August 16, 2023, inclusive, and you might be a Settlement Class Member. The Settlement provides that, in exchange for the dismissal and release of claims against Defendants, a fund consisting of \$615,000, less attorneys’ fees and expenses, will be divided among Settlement Class Members who timely submit valid Claim Forms. The average recovery per share could be \$0.09 before deduction of fees and expenses. The actual amount disbursed to Settlement Class Members who participate in the Settlement might be more or less than that amount. Plaintiff and Defendants disagree as to the amount per share that would be recoverable if Plaintiff prevailed on each claim at trial. Plaintiff believes that the proposed Settlement is fair, reasonable, and in the best interests of the Settlement Class considering the strengths and weaknesses of the claims, the uncertainties and delays of complex litigation, and the concrete benefits provided by the Settlement. Defendants have agreed to settle to avoid the continuing burden and expense of litigation. For a full description of the Settlement and your rights and to make a claim, please read the Stipulation of Settlement and obtain a copy of the Notice of (I) Pendency of Class Action and Proposed Settlement, (II) Settlement Fairness Hearing, and (III) Motion for Attorneys’ Fees and Litigation Expenses (“Notice”) and Claim Form by visiting www.strategicclaims.net/lovesac (the “Website”). You may request copies of the Notice and Claim Form by: (1) mail to Lovesac Securities Litigation, c/o Strategic Claims Services, P.O. Box 230, 600 North Jackson Street, Suite 205, Media, PA 19063; (2) toll-free telephone call to (866) 274-4004; or (3) email to info@strategicclaims.net.

To qualify for payment, you must submit a Claim Form, which can be found on the Website. CLAIM FORMS ARE DUE BY NOVEMBER 8, 2024, and should be mailed to the Claims Administrator’s address above or submitted electronically through the Website. If you do not want to be legally bound by the Settlement, you must exclude yourself by November 4, 2024. If you exclude yourself, you cannot get money from this Settlement or object to it. If you stay in the Settlement, you may object to it by November 4, 2024. The Notice explains how to exclude yourself or to object.

The Court will hold a hearing on December 9, 2024, at 9:30 a.m. ET, at the United States Courthouse, 915 Lafayette Boulevard, Bridgeport, CT 06604, Courtroom 2, to consider whether to approve the Settlement, the Plan of Allocation, a request by Lead Counsel for no more than 33.33% (one-third) of the Settlement Fund for their attorneys’ fees, plus up to \$45,000 in expenses, and an award to Plaintiff of no more than \$3,500 for litigating the case and negotiating the Settlement. The requests for awards of fees and expenses amount to approximately \$0.04 per affected share. Lead Counsel for the Settlement Class are Jacob Goldberg and Leah Heifetz-Li, of The Rosen Law Firm, P.A., 101 Greenwood Avenue, Suite 440, Jenkintown, PA 19046, (215) 600-2817. You may, but do not have to, attend the hearing and ask to be heard by the Court. The Court reserves the right to hold the Fairness Hearing telephonically or by other virtual means and to change the hearing date. Please check the Website for current information.

sevans@strategicclaims.net

From: donotreply@globenewswire.com
Sent: Friday, September 13, 2024 8:01 AM
To: sevans@strategicclaims.net
Cc: jbravata@strategicclaims.net; sevans@strategicclaims.net; lrosen@rosenlegal.com
Subject: GlobeNewswire Release Distribution Confirmation: The Rosen Law Firm PA



Release Distribution Confirmation

The Rosen Law Firm, P.A. Announces Proposed Class Action Settlement on Behalf of Purchasers of Common Stock of The Lovesac Company – LOVE

Cross time: 09/13/24 08:00 AM ET: Eastern Time - [View release on GlobeNewswire.com](https://www.globenewswire.com)

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**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

ALBERT GUTKNECHT, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

THE LOVESAC COMPANY, SHAWN
NELSON, and DONNA DELLOMO,

Defendants.

Case No. 3:23-cv-01640-KAD

**DECLARATION OF LEAH HEIFETZ-LI CONCERNING ATTORNEY’S FEES
AND EXPENSES**

I, Leah Heifetz-Li, declare the following to the best of my knowledge pursuant to 28 U.S.C.
§1746:¹

1. I am an attorney admitted *pro hac vice* before this Court (ECF No. 36). I am an associate of the law firm of The Rosen Law Firm, P.A. (“Rosen Law”), court-appointed Lead Counsel for Lead Plaintiff Susan Cooke Peña (“Lead Plaintiff” or “Plaintiff”) and the Settlement Class in this litigation (“Action”). I have personal knowledge of the matters set forth herein, and, if called upon, I could and would completely testify thereto.

2. A copy of Rosen Law’s resume is attached to the Declaration of Leah Heifetz-Li In Support of (1) Final Approval of Proposed Class Action Settlement; and (2) Award of Attorneys’ Fees, Reimbursement of Expenses, and Award to Plaintiff as Exhibit 4.

¹ Unless otherwise indicated, all capitalized terms herein shall have the same meanings as set forth in the Stipulation of Settlement dated July 30, 2024 and filed July 31, 2024. (ECF No. 45-3.)

3. Over the course of this litigation, Rosen Law devoted significant time and effort to prosecuting this action, including, among other work:

- investigating and analyzing the allegations in preparing the amended complaint in the Action, including, among other means:
 - reviewing press releases, news articles, earnings call transcripts, and other public statements issued by or concerning Defendants;
 - researching reports issued by financial analysts concerning Lovesac's business and financial performance;
 - extensive review and analyses of Defendants' filings with the SEC;
 - engaging a damages consulting expert to analyze damages;
 - retaining a private investigator to locate witnesses and conduct interviews; and
 - interviewing witnesses with personal knowledge of the facts alleged in the Complaint.
- drafting the amended complaint;
- engaging in good faith, arm's-length negotiations, leading to the Settlement;
- preparing Plaintiff's Motion for Preliminary Approval of Class Action Settlement and related documents;
- conducting due-diligence discovery by reviewing internal Lovesac documents;
- working with consulting experts to prepare the Plan of Allocation;
- overseeing the notice process that the Court approved; and
- drafting Plaintiff's Motion for Final Approval of Class Action Settlement and related documents.

4. The chart below summarizes the hours, rate, and lodestar of each Rosen Law Firm attorney and professional staff who worked on this matter.

5. The total number of hours spent on the litigation of the Action by my firm through today's date is 322.4. The total lodestar amount for attorney time based on the firm's current rates is \$285,585.00. A breakdown of the lodestar is set forth in the chart below:

**Total Hours and
Lodestar**

NAME AND STATUS	TOTAL HOURS	RATE	TOTAL LODESTAR
Jacob A. Goldberg (P)	38.9	\$1,150	\$44,542.50
Phillip Kim (P)	0.6	\$1,150	\$637.50
Leah Heifetz-Li (A)	282.6	\$850	\$240,210.00
Scott Kim (A)	0.3	\$650	\$195.00
Total:	322.4		\$285,585.00

(P) - Partner; (A) – Associate

6. My firm incurred a total of \$37,398.28 in unreimbursed expenses in connection with the prosecution of this litigation, including anticipated expenses associated with this Motion.

They are broken down as follows:

<u>Category</u>	<u>Amount</u>
Investigator Fees	\$12,358.50
Online Computer Legal Research and Document Retrieval Fees	\$106.85
<i>Pro Hac Vice</i> and Certificate of Good Standing Fees	\$50.00
Financial Expert Fees	\$11,555.00
Press Releases and Notice to Class Members Fees	\$13,216.00
Travel, Transportation, Hotels, and Meals Fees	\$111.93
TOTAL EXPENSES	\$37,398.28

7. The expenses incurred are reflected in the books and records contemporaneously prepared by the firm. These books and records are prepared from expense vouchers, invoices, and other billing records, and are an accurate record of the expenses incurred. I have reviewed the expenses for which reimbursement is sought and confirmed that they were reasonably necessary for the effective and efficient prosecution and resolution of the litigation and reasonable in amount. The expenses are all of a type that would normally be charged to a fee-paying client in the private legal marketplace.

8. My firm's compensation for services rendered and out-of-pocket expenses incurred in this case was and is entirely contingent on the success of the prosecution of the Action, and on the Court's approval of the fee and expense application. None of the attorneys' fees and expenses submitted to this Court has been paid from any source or has been the subject of any prior request or prior award in any litigation or other proceeding.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 28th day of October, 2024, in Guilford, Connecticut.

/s/ Leah Heifetz-Li
Leah Heifetz-Li

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

ALBERT GUTKNECHT, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

THE LOESAC COMPANY, SHAWN
NELSON, and DONNA DELLOMO,

Defendants.

Case No. 3:23-cv-01640-KAD

**DECLARATION OF BRITTANY S. CATES
CONCERNING ATTORNEY S FEES AND EXPENSES**

I, BRITTANY S. CATES, declare as follows pursuant to 28 U.S.C. 1746:

1. I am a partner in the law firm of Faxon Law Group, LLC ("FLG"). On March 11, 2024, the Court approved FLG as liaison counsel for lead counsel for the Plaintiff, The Rosen Law Firm, P.A. (ECF No. 27).

2. I have personal knowledge of the facts asserted herein.

3. As liaison counsel, FLG has been actively involved in this matter from February 20, 2024, through the preparation of these final approval papers. FLG actively engaged in the prosecution of the above-captioned action, including, inter alia: reviewing local rules and the Court's Chambers' preferences, communicating with the clerk's office and Chambers, consulting with lead counsel, reviewing and revising proposed filings to ensure compliance with local rules and Chambers' preferences, and filing documents with the Court.

4. The chart below summarizes the hours, rate, and lodestar of each FLG attorney and professional staff who worked on this matter.

5. The total number of hours spent on the litigation by my firm through today's date is 16.3. A breakdown of the lodestar is set forth in the chart below:

Total Hours and Lodestar

NAME AND STATUS	TOTAL HOURS	RATE	TOTAL LODESTAR
Eric P. Smith (P)	3.5	975	3412.50
Joel T. Faxon (P)	1.2	975	1170.00
Brittany S. Cates (P)	7.2	975	7020.00
Nancy Matzinger (LA)	4.4	300	1320.00
Total:			, .

(P) - Partner; (C) Counsel; (A) Associate; (CA) Contract Attorney; (LC) Law Clerk; (LA) Paralegal

6. FLG's hourly rates are usual and customary rates, set based on market rates for attorneys of comparable skill and experience, and they have been approved by federal and state courts throughout the nation. See Exhibit 1 attached hereto (firm summary).

7. My firm incurred a total of 400.00 in unreimbursed expenses in connection with the prosecution of this litigation. See Exhibit 2 attached hereto (receipts). They are broken down as follows:

<u>Category</u>	<u>Amount</u>
Pro Hac vice filing fees	400.00
TOTAL EXPENSES	.

8. The expenses incurred are reflected in the books and records contemporaneously prepared by the firm. These books and records are prepared from expense vouchers, invoices, and other billing records, and are an accurate record of the expenses incurred. I have reviewed the expenses for which reimbursement is sought and confirmed that they were reasonably necessary for the effective and efficient prosecution and resolution of the litigation and reasonable in amount. The expenses are all of a type that would normally be charged to a fee-paying client in the private legal marketplace.

Exhibit 1

FIRM OVERVIEW-- FAXON LAW GROUP. LLC

Faxon Law Group, LLC (FLG) and its predecessor firm have handled many complex litigation and class action matters in Connecticut. Representative engagements include: the consolidated St. Francis Hospital Litigation involving hundreds of claims arising out of sexual abuse by disgraced physician George Reardon, acting as co-lead counsel; lead counsel for claims arising out of the Middletown Kleen Energy Power Plant explosion; liaison counsel in the r class action securities litigation pending in the State courts of Connecticut and the Federal District Court; appointed liaison counsel for fee objectors in the nationally coordinated MDL Litigation; lead counsel for consolidated litigation arising out of sex trafficking allegations pending in Bridgeport Superior Court. FLG specializes in complex, high value personal injury and commercial litigation. Joel T. Faxon and Timothy P. Pothin at FLG are board certified civil trial advocates recognized by the National Board of Legal Specialization.

Joel T. Faxon, jfaxon@faxonlawgroup.com

A board certified civil trial lawyer and co-founder of Faxon Law Group, Joel handles life altering personal injury and medical malpractice cases, commercial truck crashes, railroad derailments/crashes, aviation disasters, admiralty cases, birth trauma, and product liability claims in Connecticut, New York and across the U.S.

Innovative in his thinking and tireless in his approach, Joel assertively handles his client's cases as if they were his own. Highlights of Joel's practice include \$44 million in lifetime benefits obtained against a Connecticut hospital for a birth trauma case resulting in a child's permanent cerebral palsy. In 2005, Joel made Connecticut history by obtaining the largest settlement ever in a sexual abuse case involving a parish priest and resolved dozens of cases against St. Francis Hospital arising out of one of their doctor's sexual abuse of children under the guise of a growth study funded by the hospital. In 2012, he secured a \$24 million payment for his badly injured client-the highest pretrial settlement in a personal injury case in Connecticut history. Most recently, in 2017, Joel arbitrated a \$93 million award for several of the victims of the Middletown Power Plant Explosion.

Joel has lectured before the Connecticut Trial Lawyers Association, the Connecticut Bar Association and local bar groups on trial law and lien issues, and is the contributing author of **Real Defense** Second Edition, published by the American Bar Association. Joel has also been elected a James Cooper Fellow of the Connecticut Bar Foundation. The Fellows support activities and programs that further the rule of law and assist in efforts to improve the administration of justice in Connecticut.

AV-Rated (highest rating) by his peers, Joel has been selected annually to the **Real Defense** list by the publishers of **Martindale-Hubbell** and has been named among the Top Ten lawyers in the state. He is annually listed in Best **Real Defense** in the specialty of Personal Injury Litigation and has been the recipient of a number of awards in his community including the Community Champions Corporate Award, presented by Mothers Against Drunk Driving (MADD) for his outstanding service in the battle to eliminate drunk driving. Joel currently serves as an elected chairman on the Newtown board of police commissioner.

Joel T. Faxon, cont'd

education

Drew University, 1990

Vermont Law School, 1994 (magna cum laude)

awards & recognitions

AV-Rated by Martindale-Hubbell

Best Lawyers in America, personal injury litigation, 2008-2017

Top 50 Super Lawyers in Connecticut, 2017

Top 100 Super Lawyers in New England, 2011-2017

admissions

States of Connecticut, Vermont and New York

U.S. District Courts (Districts of Connecticut, Vermont, and Southern & Eastern Districts of New York)

U.S. Circuit Courts of Appeal (Second and Fourth Circuit) and the U.S. Supreme Court

memberships

Board-certified in Civil Trial Advocacy by the National Board of Trial Advocacy (NBTA)

Founder's Circle level member of the American Association of Justice (AAJ)

Connecticut Trial Lawyers Association (Executive Committee Member, Board of Governors)

Vermont Trial Lawyers Association (Sustaining Member)

Connecticut Bar Association

New Haven County, Milford and Greater Bridgeport Bar Associations

Trial Lawyers for Public Justice

The American Board of Trial Advocates (ABOTA)- elected to membership by fellow ABOTA members

presentations & publications

Medical Malpractice: A Review of the Current State of the Law
Connecticut Trial Lawyers Association, 2013

Medical Malpractice: A Review of the Current State of the Law
Connecticut Trial Lawyers Association, 2013

Medical Malpractice: A Review of the Current State of the Law
Connecticut Trial Lawyers Association, 2013

Medical Malpractice: A Review of the Current State of the Law
Connecticut Trial Lawyers Association, 2013

August 29, 2008

Navigating the Medical Malpractice Act Minefield

May 22, 2006

Truck Accident Litigation

January 01, 2006

Medical Malpractice: A Review of the Current State of the Law
Connecticut Trial Lawyers Association, 2013

January 01, 2006

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Timothy P. Pothin, tpothin@faxonlawgroup.com

A seasoned trial attorney, Tim Pothin has been arguing cases in the State and Federal Courts for over thirty years. His career began as a prosecutor. In private practice, he has tried dozens of complex civil and criminal cases to verdict. Certified as a Civil Trial Advocacy Specialist by the National Board of Trial Advocacy, Tim handles medical malpractice, catastrophic personal injury, products liability and wrongful death.

With years of experience across several practice areas, Tim is a respected member of the trial bar known for his adaptive courtroom style and his strong advocacy skills. As a forward-thinking and meticulous lawyer, he believes that preparation and attention-to detail ensures the best possible outcome for each client. Giving clients hope and confidence, Tim has brought many difficult cases to verdict and has successfully prosecuted several wrongful death cases resulting in large recoveries for his clients. In 2017, Tim obtained a \$6.4 million jury verdict for the family of a bicyclist who was struck and killed by a passenger van.

Tim was a trial advocacy instructor for the National Institute of Trial Advocacy for several years and has lectured on the admissibility of expert testimony for the National Business Institute. AV-rated by Martindale Hubbell, Tim is also a James Cooper fellow of the Connecticut Bar Foundation. Like his partners, he believes strongly in public service and is an active member in the Connecticut Trial Lawyers Association.

education

University of Florida, 1980

University of Bridgeport School of Law, 1985

awards & recognitions

AV-Rated by Martindale-Hubbell

Best Lawyers In America, personal injury litigation

Connecticut Super Lawyer (Top 50}, 2017

New England Super Lawyer, 2006-2017

admissions

States of Connecticut and New York

U.S. District Court (District of Connecticut)

U.S. Court of Appeals (Second Circuit)

Timothy P. Pothin, cont'd

memberships

Attorneys Information Exchange Group

Board-certified in Civil Trial Advocacy by the National Board of Trial Advocacy (NBTA)

Connecticut Trial Lawyers Association

Connecticut Bar Association

New Haven County, Milford and Greater Bridgeport Bar Associations

Brittany S. Cates, bcates@faxonlawgroup.com

Brittany joined Faxon Law Group in 2016 after practicing in the area of insurance defense, including medical malpractice and products liability. Her decade spent defending doctors and hospitals in medical malpractice suits afford Brittany a unique and knowledgeable perspective when advocating for our injured plaintiffs. She has been named a “Rising Star” and a “Super Lawyer” by Connecticut and New England Super Lawyers® and has been recognized as a “New Leader in Law” by the Super Lawyers.

Brittany is an experienced trial lawyer. In 2019, she obtained a jury verdict in federal court for a skier who was severely injured on a family ski trip at a resort. She also handles various aspects of every firm client’s case, including motion practice, depositions, arguments, and settlement conferences. Brittany has always been passionate in the fight for human rights. During law school, she was part of the trial team responsible for prosecuting individuals who committed grave violations against citizens of the former Yugoslavia during the Balkan Wars. This experience formed in her a desire to be an advocate on behalf of clients and to hold accountable those responsible for causing unnecessary injuries and losses.

education

The George Washington University, 2002

Southern New England School of Law, 2005

awards & recognitions

Connecticut and New England Super Lawyers Super Lawyers 2009-2017, CT Super Lawyers, 2018-present

New Leader in the Law, Super Lawyers 2015

admissions

States of Connecticut, Massachusetts and Vermont (pending)

U.S. District Courts (Districts of Connecticut, Southern District of New York, MA, US Court of Federal Claims)

memberships

Connecticut Bar Association, LGBT Section
Board of Directors, APNH

Eric P. Smith, esmith@faxonlawgroup.com

(Attorney Smith resigned from the firm in March 2024 when he was confirmed as a Judge of the Connecticut Superior Court)

As a partner of Faxon Law Group and having litigated civil cases for more than 20 years, Eric has tried dozens of complex cases involving medical and professional malpractice, wrongful death, personal injury, birth trauma and aviation. Eric earned his J.D. from Quinnipiac University School of Law and was a partner at a well-known New Haven litigation firm before joining Faxon Law Group in early 2009.

Eric brings creativity and a strong sense of energy to his clients' cases. He believes clients are looking for an innovative firm, with smart trial lawyers, who can deliver confidence, skills, and resources to get them the best results. And, he made the decision to join Faxon Law Group because he believes the firm embodies these qualities.

In addition to his trial work, Eric has authored and argued several appeals in the U.S. Court of Appeals for the Second Circuit, the Connecticut Supreme Court and the Connecticut Appellate Court. He is an active member of the American Association for Justice (AAJ), the Connecticut Trial Lawyers Association (CTLA) and the Connecticut and New Haven County Bar Associations. He also has taught as an adjunct professor for over a decade, instructing ABA-certified classes on litigation and business law.

A certified Civil Trial Advocate by the National Board of Trial Advocacy (NBTA), Eric is frequently invited to speak with various professional groups and civic organizations about legal issues.

education

University of New Haven, 1992 (cum laude)
Quinnipiac University School of Law, 1995 (cum laude)

awards & recognitions

AV-Rated by Martindale-Hubbell
Best Lawyers In America, personal injury litigation, 2012-2017
Connecticut Super Lawyer (Top 50), 2017

New England Super Lawyer, personal injury litigation, 2009-2017

admissions

State of Connecticut

U.S. District Courts (Districts of Connecticut, Southern District of New York)

U.S. Court of Appeals (Second Circuit)

memberships

Board-certified in Civil Trial Advocacy by the National Board of Trial Advocacy (NBTA)

Connecticut Trial Lawyers Association (Medical Malpractice, Continuing Education and Public Relations subcommittees)

Connecticut Bar Association

New Haven County Bar Association (Executive Committee)

Milford and Greater Bridgeport Bar Associations

Board of Trustees, Elm City Internationals (ECI)

presentations & publications

& r r New Haven County Bar Association, 2002-2016
r D r Norwalk Community College, 1999-2015
M d r M d d R d r d d r R

2010,2011,2012

" M r d D r r " Connecticut Law Tribune, 2010
d

National Business Institute
2006

Exhibit 2

From: do_not_reply@psc.uscourts.gov
To: [Nancy Matzinger](#)
Subject: Pay.gov Payment Confirmation: CONNECTICUT DISTRICT COURT
Date: Thursday, May 9, 2024 12:12:29 PM

Your payment has been successfully processed and the details are below. If you have any questions or you wish to cancel this payment, please contact: Finance Department at 203-773-2426.

Account Number: 4911510
Court: CONNECTICUT DISTRICT COURT
Amount: \$200.00
Tracking Id: ACTDC-7755605
Approval Code: 06343I
Card Number: *****6370
Date/Time: 05/09/2024 12:12:11 ET

NOTE: This is an automated message. Please do not reply

From: do_not_reply@psc.uscourts.gov
To: [Nancy Matzinger](#)
Subject: Pay.gov Payment Confirmation: CONNECTICUT DISTRICT COURT
Date: Thursday, May 9, 2024 12:07:52 PM

Your payment has been successfully processed and the details are below. If you have any questions or you wish to cancel this payment, please contact: Finance Department at 203-773-2426.

Account Number: 4911510
Court: CONNECTICUT DISTRICT COURT
Amount: \$200.00
Tracking Id: ACTDC-7755551
Approval Code: 01578I
Card Number: *****6370
Date/Time: 05/09/2024 12:07:19 ET

NOTE: This is an automated message. Please do not reply

**THE ROSEN LAW FIRM P.A.
BIOGRAPHY**

I. ATTORNEYS

LAURENCE ROSEN – MANAGING PARTNER

Laurence Rosen is a 1988 graduate of New York University School of Law. He earned an M.B.A. in finance and accounting at the University of Chicago Graduate School of Business and a B.A. in Economics from Emory University. Mr. Rosen served as a law clerk to the Honorable Stanley S. Brotman, Senior United States District Judge for the District of New Jersey. Mr. Rosen entered private practice as an associate at the law firm of Skadden Arps Slate Meagher & Flom in New York City where he participated in a number of complex securities class action and derivative litigation matters. He later served as an associate at McCarter & English in Newark, New Jersey where he specialized in securities and business litigation.

After practicing general securities and commercial litigation in New York City with Solton Rosen & Balakhovsky LLP, Mr. Rosen founded The Rosen Law Firm to represent investors exclusively in securities class actions and derivative litigation. Mr. Rosen is admitted to practice law in New York, California, Florida, New Jersey and the District of Columbia. Mr. Rosen is also admitted to practice before numerous United States District Courts throughout the country and the United States Court of Appeals for the Second, Fourth, and Sixth Circuits.

In 2019-2024 Lawdragon named Mr. Rosen as one of the 500 Leading Plaintiff Financial Lawyers. Mr. Rosen was also named by law360 as Titan of Plaintiffs' Bar for 2020. Mr. Rosen was selected to *Super Lawyers* in 2017-2024.

PHILLIP KIM – PARTNER

Mr. Kim graduated from Villanova University School of Law in 2002. He received a B.A. in Economics from The Johns Hopkins University in Baltimore, Maryland in 1999. Prior to joining

The Rosen Law Firm, Mr. Kim served as Assistant Corporation Counsel for the City of New York in the Special Federal Litigation Division. In that position, Mr. Kim defended a number of class action lawsuits, litigated numerous individual actions, and participated in more than seven trials. Mr. Kim focuses his practice on securities class actions and shareholder derivative litigation. Mr. Kim is admitted to the bar of the State of New York and admitted to practice in the Southern, Eastern, Northern and Western Districts of New York, the District of Colorado, the Eastern District of Wisconsin, and United States Court of Appeals for the Second, Sixth and Ninth Circuits.

In 2019-2024 Lawdragon named Mr. Kim as one of the 500 Leading Plaintiff Financial Lawyers. In 2023-2024 Mr. Kim was selected to *Super Lawyers*. Mr. Kim was recognized by Best Lawyers in The Best Lawyers of America 2024-2025.

JACOB A. GOLDBERG – PARTNER

Mr. Goldberg is a 1988 graduate of Columbia University. Mr. Goldberg received his J.D., *cum laude*, from the Temple University School of Law in 1992. For over 23 years, Mr. Goldberg has litigated complex cases at the highest levels, championing the rights of investors, employees and consumers. Mr. Goldberg has recovered over \$200 million for investors in securities class actions. In addition to serving in leadership roles in securities class actions, Mr. Goldberg has litigated many cases under state corporations laws, against faithless boards of directors both on behalf of shareholders, in the mergers and acquisitions context, and, derivatively, on behalf of corporations, to remedy harm to the corporation itself. Mr. Goldberg is admitted to practice law in the Commonwealth of Pennsylvania, New York, the United States Supreme Court, the United

States Court of Appeals for the Second, Third, Fourth and Sixth Circuits, and various United States District Courts across the country.

In 2019-2024 Lawdragon named Mr. Goldberg as one of the 500 Leading Plaintiff Financial Lawyers.

JONATHAN A. SAIDEL – PARTNER

Mr. Saidel has had a long and distinguished career in Pennsylvania politics, as well as in the roles of attorney, accountant and author. He served as Philadelphia city controller for four consecutive terms, each time earning reelection by a wide margin, and enacting financial reforms that have saved taxpayers upwards of \$500 million. Later, in 2010 he went on to campaign for lieutenant governor of Pennsylvania, where he was runner-up to Scott Conklin by only a few thousand votes out of almost 1 million cast. A Lifelong resident of Northeast Philadelphia, Mr. Saidel's tireless dedication to fiscal discipline reduced the city's tax burden and spurred economic development. Mr. Saidel also pushed for important business tax incentives and expanded minority and small business lending, all of which have revitalized the city, helping it prosper and come back from the brink of bankruptcy in the early 1990's to become one of the most vibrant cities on the East Coast.

Mr. Saidel's book, "Philadelphia: A New Urban Direction", is widely considered an essential guide for effective government and corporate governance and is required reading at many colleges and universities.

Mr. Saidel received his JD from the Widener University of Law and is a graduate of Temple University. He is also an adjunct lecturer at the University of Pennsylvania Fels Institute of Government, and Drexel University's MBA Program. In addition to being a Certified Public Account, Jonathan is a recipient of the National Association of Local Government Auditor's Knighton Award, the President's Council on Integrity and Efficiency Award for Excellence,

multiple special project awards from the National Association of Local Government Auditors, and the "Controller of the Year" award, a peer recognition presented by the Pennsylvania City Controllers Association.

SARA FUKS – PARTNER

Ms. Fuks graduated from Fordham University School of Law, *cum laude*, in February 2005, where she was a member of Fordham Law Review. She received her B.A. in Political Science, *magna cum laude*, from New York University in 2001. Ms. Fuks began her practice at Dewey Ballantine, LLP where she focused on general commercial litigation and then went on to prosecute numerous ERISA and securities class actions as an associate at Milberg LLP. Ms. Fuks is admitted to the bar of the State of New York and admitted to practice in the United States Southern and Eastern District Courts of New York. Ms. Fuks was selected to *SuperLawyers* in 2021-2024 and *SuperLawyers* Rising Stars in 2017-2019.

JONATHAN HORNE – PARTNER

Mr. Horne is a 2009 graduate of New York University School of Law, where he received the Lederman/Milbank Law, Economics, and Business fellowship, and holds a B.A. in Economics & Philosophy from the University of Toronto. Mr. Horne began his practice at Kaye Scholer LLP. Mr. Horne specializes in securities litigation. He is admitted to practice in New York and the United States District Courts for the District of Colorado and the Southern and Eastern Districts of New York. Mr. Horne was named a Super Lawyer – Rising Star for the New York Metro Area every year since 2015.

YU SHI – PARTNER

Mr. Shi received his J.D. from Columbia Law School in 2011 and his B.A., *cum laude*, from Columbia University in 2008. In 2024, Lawdragon recognized Mr. Shi as one of the 500 Leading Plaintiffs Financial Lawyers. In 2022, Law360 named Mr. Shi as one of the nation's top

securities attorneys under the age of 40. He has been selected to *Super Lawyers* each year since 2018. Mr. Shi began his career as a Special Assistant Corporation Counsel in the New York City Law Department's Economic Development Division. Mr. Shi joined The Rosen Law Firm in 2012 and focuses his practice on securities litigation. He is admitted to practice in the State of New York, the United States District Courts for the Eastern District of New York, Southern Districts of New York, and the District of Colorado, and the United States Court of Appeals for the Second Circuit.

JONATHAN STERN – PARTNER

Mr. Stern graduated from New York University School of Law in May of 2008, where he was a Development Editor of the Annual Survey of American Law. He received his B.A. in Philosophy with Honors from McGill University. Mr. Stern began his practice in the litigation department of Simpson Thacher & Bartlett LLP, and then went on to practice at the litigation boutique of Simon & Partners LLP, where he participated in a Federal trial. Mr. Stern is admitted to the bar of the State of New York and admitted to practice in the United States Southern and Eastern District Courts of New York and the United States Court of Appeals for the Second Circuit. for the First, Sixth, Seventh, Eighth and Ninth Circuits, and the United States Supreme Court.

JING CHEN – PARTNER

Ms. Chen received a Juris Doctor degree from Pace University School of Law in 2011, Juris Master degree from China University of Political Science and Law in Beijing, China and B.A. in English Literature and Linguistics from Shandong University in Jinan, China. She is admitted to practice in New York, New Jersey and China. Prior to joining The Rosen Law Firm, Ms. Chen practiced corporate law, commercial transactions and arbitration for over two years.

BRIAN ALEXANDER – PARTNER

Mr. Alexander graduated from Harvard Law School, *cum laude*, in 2008. He received a B.A. from Cornell University, *magna cum laude*, in 2003. Prior to joining the Rosen Law Firm, Mr. Alexander practiced complex commercial litigation at Boies Schiller Flexner LLP and other prominent law firms in New York. He also served as a law clerk to the Honorable Raymond J. Dearie of the United States District Court for the Eastern District of New York. He is admitted to practice in New York and in the United States District Courts for the Eastern and Southern Districts of New York. Mr. Alexander was recognized by Best Lawyers as Best Lawyers: Ones to Watch 2025.

ROBIN BRONZAFT HOWALD – COUNSEL

Ms. Howald is a graduate of Stanford Law School where she was a member of the Stanford Law Review. Ms. Howald earned her BA from Barnard College, *magna cum laude*. Ms. Howald joined the firm in 2021 and focuses her practice on securities litigation. For the last 15 years, Ms. Howald has prosecuted major securities litigations. She was one of the lead attorneys in cases that achieved settlements of \$250 million for injured investors, including *Schleicher v. Wendt*, 618 F.3d 679 (7th Cir. 2010) (\$41.5 million), *In re Mannkind Corp. Securities Litigation* (C.D. California) (\$23 million); *In re ECI Telecom Ltd. Securities Litigation* (Eastern District of Virginia) (\$21.75 million), *In re Gilat Satellite Networks, Ltd. Securities Litigation* (E.D.N.Y.) (\$20 million), *In re Musicmaker.com Securities Litigation*, 2001 WL 34062431 (C.D. Cal. 2001) (\$13.75 million), *In re Puda Coal Inc. Securities Litigation* (S.D.N.Y.) (\$8.6 million following reconsideration of grant of summary judgment), *Jenson v. Fiserv Trust Co.*, 256 F. App'x. 924 (9th Cir. 2007) (\$8.5 million recovered for victims of a Ponzi scheme). Ms. Howald is admitted to the bars of California, New York, the United States District Courts for the Eastern and Southern Districts of New York, the

Central, Eastern, and Northern Districts of California, the Eastern District of Michigan, the United States Court of Appeals.

GONEN HAKLAY – COUNSEL

Mr. Haklay graduated from Stanford University School of Law in 1995. He received a B.A. in Political Science from The University of Massachusetts at Amherst in 1992. After several years as an associate at a large Philadelphia law firm, Mr. Haklay joined the Philadelphia District Attorney's office. As a prosecutor, he tried over 100 criminal jury cases and handled both capital and non-capital homicide cases. After 12 years as prosecutor, Mr. Haklay joined a prominent plaintiffs' firm where he tried over ten asbestos cases, recovering millions of dollars for his clients. As a young man, Mr. Haklay served as an infantryman in the Israel Defense Forces. Mr. Haklay is admitted to the bars of the Commonwealth of Pennsylvania, the State of New Jersey, the United States District Court for the Eastern District of Pennsylvania, and the United States Third Circuit Court of Appeals. Mr. Haklay was recognized by Best Lawyers as Best Lawyers: Ones to Watch 2025.

DANIEL TYRE-KARP – COUNSEL

Prior to joining The Rosen Law Firm in May 2018, Mr. Tyre-Karp was a senior associate in the securities litigation and corporate governance group at Weil, Gotshal & Manges, where he advised corporate and individual clients on a variety of high-stakes regulatory and litigation matters in state and federal courts. Mr. Tyre-Karp's extensive experience includes working on several of the largest recent shareholder class action litigations (*In re American International Group, Inc. 2008 Securities Litigation*, Docket No. 08-CV-4772 (S.D.N.Y.) and related opt-out actions; *In re El Paso Corporation Shareholder Litigation*, Docket No. 6949 (Del. Ch.)), participating in complex business and bankruptcy litigations (*In re Lehman Brothers Holdings, Inc., et al*, Docket No. 1:08-bk-13555 (Bankr. S.D.N.Y.)), and advising numerous clients facing

FINRA and SEC investigations. Mr. Tyre-Karp graduated with honors from Wesleyan University in 2003 and received his J.D. from New York University School of Law in 2009, where he served as Senior Notes Editor of the Journal of Legislation and Public Policy. He is admitted to practice in New York and the United States District Courts for the Southern and Eastern Districts of New York. Mr. Tyre-Karp was recognized by Best Lawyers as Best Lawyers: Ones to Watch 2025.

ERICA STONE – COUNSEL

Ms. Stone graduated from the Benjamin N. Cardozo School of Law in 2013. She received her B.A. in Political Science and Communications, *cum laude*, from the University of Pennsylvania in 2009. She is admitted to practice in New York, New Jersey, and the United States District Courts for the Southern District and Eastern District of New York, the District of New Jersey, and the Eastern District of Wisconsin. In 2024, Ms. Stone was selected to *Super Lawyers*. Ms. Stone was recognized by Best Lawyers as Best Lawyers: Ones to Watch 2025.

JOSHUA BAKER – COUNSEL

Mr. Baker graduated from the New York University School of Law in 2013. He received a B.A. from the University of Maryland in 2009. Prior to joining the Rosen Law Firm, Mr. Baker practiced complex commercial litigation for a New York firm. He is admitted to practice in New York, Massachusetts, and United States District Courts for the Eastern and Southern Districts of New York. Mr. Baker was recognized by Best Lawyers as Best Lawyers: Ones to Watch 2025.

BRENT LAPOINTE – COUNSEL

Mr. LaPointe received his J.D., *cum laude*, from the University of Michigan Law School in 2010, where he served as an Articles Editor on both the Michigan Journal of Law Reform and the Michigan Journal of Gender & Law. Mr. LaPointe received a B.B.A. in Accounting & Information Systems and Political Science, *cum laude*, from the University of Massachusetts-Amherst in 2006. Mr. LaPointe focuses his practice on securities litigation. Mr. LaPointe was

recognized by Best Lawyers as Best Lawyers: Ones to Watch 2025.

HENRY BLOXENHEIM – ATTORNEY

Mr. Bloxenheim graduated from Columbia Law School in 2023. Mr. Bloxenheim received his B.A. in Political Science, *summa cum laude*, from Brooklyn College. Mr. Bloxenheim is admitted to practice in New York.

CHRISTIE BUZZETTI – ATTORNEY

Ms. Buzzetti graduated from Brooklyn Law School in 2022. She received her B.A. in Political Science from the University of California, Los Angeles in 2016. Ms. Buzzetti is admitted to practice in New York.

MICHAEL COHEN – ATTORNEY

Mr. Cohen focuses his practice on securities and shareholder derivative litigation. Prior to joining The Rosen Law Firm in 2021, Mr. Cohen was an associate in the litigation practice of Kramer Levin Naftalis & Frankel LLP, where he advised corporate and individual clients on a wide variety of litigation and regulatory matters in federal and state courts. He has also served as a law clerk to the Honorable Corinne Beckwith of the District of Columbia Court of Appeals. Mr. Cohen is admitted to practice in New York and the United States District Courts for the Eastern and Southern Districts of New York. Mr. Cohen was recognized by Best Lawyers as Best Lawyers: Ones to Watch 2023-2025.

YITZCHOK (IZZY) FISHBACH – ATTORNEY

Mr. Fishbach received his J.D. from Vanderbilt University Law School in 2022, where he served as the Articles Editor of the Environmental Law and Policy Annual Review. He received his B.A. in Political Science from Binghamton University in 2019. Mr. Fishbach is admitted to practice in New York, Tennessee, and the United States District Courts for the Eastern and Southern Districts of New York.

LUKE FOLEY – ATTORNEY

Mr. Foley received his J.D. from the William and Mary Law School in 2022. He received his B.A. in History and Citizenship & Civic Engagement from Syracuse University in 2016. Prior to joining the Rosen Law Firm in September 2023, Mr. Foley was the Law Clerk to the Hon. Barbara Buono Stanton of the New Jersey Superior Court, Passaic County. Mr. Foley is admitted to practice in Maryland.

RYAN HEDRICK – ATTORNEY

Mr. Hedrick received his J.D. from the University of Chicago in 2019. He received his B.A. in Linguistics and Political Science, *summa cum laude*, from The Ohio State University in 2015. Mr. Hedrick joined the Rosen Law Firm in August 2019. Mr. Hedrick is admitted to practice in New York, New Jersey, the United States District Courts for the Eastern and Southern Districts of New York, and the United States District Court for the District of New Jersey.

HA SUNG (SCOTT) KIM – ATTORNEY

Mr. Kim received his J.D. from the Columbia Law School in 2017. He received his B.A., *magna cum laude*, from Wheaton College in 2013. Mr. Kim joined the Rosen Law Firm in January 2020. Mr. Kim is admitted to practice in New York.

LEAH HEIFETZ-LI – ATTORNEY

Ms. Heifetz-Li is a 2009 graduate of Columbia Law School, and received a B.A. from the University of Pennsylvania. Ms. Heifetz-Li served as a Law Clerk to the Honorable Cynthia S. Kern, New York State Supreme Court, New York County. She has extensive experience in class action litigation, having previously practiced at a large class action firm representing shareholders in merger and acquisition litigation as well as shareholder derivative actions. Ms. Heifetz-Li has worked on case teams that secured significant financial recoveries for stockholders as well as corporate governance reforms in the Delaware Court of Chancery and other courts throughout the

country.

IAN McDOWELL – ATTORNEY

Mr. McDowell graduated *cum laude* from the University of Richmond School of Law in 2022. He received his B.A. from James Madison University in 2016. Mr. McDowell is admitted to practice in Pennsylvania and Maryland.

ERIC JUN BI – LAW CLERK

Mr. Bi earned his J.D. from Cornell Law School in 2024. He received his Bachelor of Laws from Yanching Institute of Technology in 2020. Mr. Bi is admitted to practice in the People's Republic of China.

OLIVIA SIMKINS – LAW CLERK

Ms Simkins is a 2024 graduate of Tulane University School of Law. She earned her B.A. in Linguistics, English *cum laude* from Tulane University in 2017.

II. RECENT ACCOMPLISHMENTS OF THE ROSEN LAW FIRM, P.A.

- **Alibaba Group Holding Ltd., (S.D.N.Y.). Rosen Lead Counsel. \$250 million.**
- **Fiat Chrysler Automobiles, (S.D.N.Y.). Rosen Co-Lead Counsel. \$110 million.**
- **Infinity Q Diversified Alpha Fund, (N.Y. Supreme). Rosen Co-Lead Counsel. \$48 million.**
- **Silver Wheaton Corp., (C.D. Cal.). Rosen Lead Counsel. \$41.5 million.**
- **Omega Healthcare Investors, Inc., (S.D.N.Y.). Rosen Lead Counsel. \$30.75 million.**
- **Magnachip Semiconductor Corp., (N.D. Cal.). Rosen Co-Lead Counsel. \$29.7 million.**
- **Och-Ziff Capital Management Group LLC, (S.D.N.Y.). Rosen Co-Lead Counsel. \$28.75 million.**
- **Walter Investment Management, (S.D. Fla.). Rosen Co-Lead Counsel. \$24 million.**

- **Galena Biopharma, Inc., (D. Or.). Rosen Co-Lead Counsel. \$20.165 million.**
- **El Pollo Loco Holdings, Inc., (C.D. Cal.). Rosen Co-Lead Counsel. \$20 million.**
- **Tibet Pharmaceuticals, Inc., (D.N.J.). Rosen Lead Counsel. \$14 million bankruptcy settlement. \$2.075 million with auditor.**
- **USA Technologies, Inc., (E.D. Pa.). Rosen Lead Counsel. \$15.3 million.**
- **Zillow Group, Inc. Sec. Litig., (W.D. Wash.). Rosen Lead Counsel. \$15 million.**
- **Silvercorp Metals, Inc., (S.D.N.Y.). Rosen Plaintiffs' Counsel. \$14 million.**
- **Sandridge Energy, Inc., (W.D. Okla.). Rosen Co-Lead Counsel. \$13.945 million.**
- **Astec Industries, Inc., (E.D. Tenn.). Rosen Lead Counsel. \$13.7 million.**
- **Blue Apron Holdings, Inc., (E.D.N.Y.). Rosen Co-Lead Counsel. \$13.25 million.**
- **Canopy Growth Corporation, (D.N.J.). Rosen Co-Lead Counsel. \$13 million.**
- **SeaWorld Entertainment Inc. (Shareholder Derivative) (Del. Ch.). Rosen Co-Lead Counsel. \$12.5 million.**
- **The RealReal, Inc., (N.D. Cal.). Rosen Lead Counsel. \$11 million.**
- **Full Truck Alliance Co. (E.D.N.Y.) and (NY. Sup.). Rosen Federal Lead Counsel. \$10.25 million.**
- **Quest Energy Partners LP, (W.D. Okla.). Rosen Lead Counsel. \$10.1 million all classes.**
- **Prosper Marketplace, Inc., (Cal. Superior). Rosen Class Counsel. \$10 million.**
- **PG&E Corp., (N.D. Cal.). Rosen Co-Lead Counsel. \$10 million.**
- **Textainer Financial Servs. Corp., (Cal. Superior). Rosen Co-Lead Counsel. \$10 million.**
- **comScore, Inc. (Shareholder Derivative), Rosen Co-Lead Counsel. \$10 million.**
- **Santander Consumer USA Holdings Inc., (N.D. Tex.). Rosen Co-Lead Counsel. \$9.5 million.**

- **Uxin Limited**, (E.D.N.Y.). Rosen Lead Counsel. **\$9.5 million.**
- **Concordia International Corp.**, (S.D.N.Y.). Rosen Lead Counsel. **\$9.25 million.**
- **PPDAI Group Inc.**, (E.D.N.Y.). Rosen Lead Counsel. **\$9 million.**
- **Puda Coal**, (S.D.N.Y.). Rosen Co-Lead Counsel. **\$8.7 million.**
- **RINO International Corporation**, (C.D. Cal.). Rosen Lead Counsel. **\$8,685,000.**
- **Acer Therapeutics, Inc.**, (S.D.N.Y.). Rosen Lead Counsel. **\$8.35 million.**
- **Montage Technology Group Limited**, (N.D. Cal.). Rosen Lead Counsel. **\$7.25 million.**
- **AgFeed Industries**, (M.D. Tenn.). Rosen Lead Counsel. **\$7 million.**
- **Sundial Growers, Inc.**, (S.D.N.Y.). Rosen Co-Lead Counsel. **\$7 million.**
- **Akazoo S.A.**, (E.D.N.Y.). Rosen Co-Lead Counsel. **\$6.51 million.**
- **Global Brokerage, Inc. f/k/a FXCM, Inc. Sec. Litig.**, (S.D.N.Y.). Rosen Lead Counsel. **\$6.5 million.**
- **Aeterna Zentaris, Inc.**, (D. N.J.). Rosen Class Counsel. **\$6.5 million.**
- **Sunlands Technology Group**, (E.D.N.Y.). Rosen Lead Counsel. **\$6.2 million.**
- **Covia Holdings Corp.**, (N.D. Ohio). Rosen Lead Counsel. **\$6 million.**
- **FalconStor Software, Inc.**, (E.D.N.Y.). Rosen Lead Counsel. **\$5 million.**
- **Jumia Technologies AG**, (S.D.N.Y.). Rosen Lead Counsel. **\$5 million.**
- **Momo, Inc.**, (S.D.N.Y.). Rosen Lead Counsel. **\$5 million.**
- **SOS Limited**, (D.N.J.). Rosen Co-Lead Counsel. **\$5 million.**
- **Missfresh Limited**, (S.D.N.Y.). Rosen Co-Lead Counsel. **\$4.9039 million**, pending Court approval.
- **State Street**, (D. Mass.). Rosen Lead Counsel. **\$4.9 million.**
- **Altice USA Inc.**, (E.D.N.Y.). Rosen Lead Counsel. **\$4.75 million.**

- **KIOR, Inc.**, (S.D. Tex.). Rosen Co-Lead Counsel. **\$4.5 million.**
- **Entropin, Inc.**, (C.D. Cal.). Rosen Lead Counsel. **\$4.5 million.**
- **Sonus Networks, Inc.**, (D. Mass). Rosen Co-Lead Counsel. **\$4.5 million.**
- **Uni-Pixel, Inc.**, (S.D. Tex.). Rosen Co-Lead Counsel. **\$4.5 million.**
- **China Expert Technology, Inc.**, (S.D.N.Y.). Rosen Lead Counsel. **\$4.2 million.**
- **IDreamSky Technology Limited**, (S.D.N.Y.). Rosen Co-Lead Counsel. **\$4.15 million.**
- **Universal Travel Group, Inc.**, (D.N.J.). Rosen Lead Counsel. **\$4.075 million.**
- **Allegiant Travel Co.**, (D. Nev.). Rosen Lead Counsel. **\$4 million.**
- **Zynerba Pharms., Inc.**, (E.D. Pa.). Rosen Co-Lead Counsel. **\$4 million.**
- **Dapper Labs, Inc.**, (S.D.N.Y.). Rosen Lead Counsel, **\$4 million**, pending Court approval.
- **Liberty Oilfield Services, Inc.**, (D. Colo.). Rosen Lead Counsel. **\$3.9 million.**
- **Caribou Biosciences, Inc.**, (N.D. Cal.). Rosen Co-Lead Counsel. **\$3.9 million**, pending Court approval.
- **China Electric Motor, Inc.**, (C.D. Cal.). Rosen Lead Counsel. **\$3,778,333.33.**
- **IsoRay, Inc.**, (E.D. Wash.). Rosen Co-Lead Counsel. **\$3,537,500.**
- **Deer Consumer Products, Inc.**, (C.D. Cal.). Rosen Lead Counsel. **\$3.55 million.**
- **SAExploration Holdings, Inc.**, (S.D. Tex.). **\$3.55 million.**
- **L&L Energy, Inc.**, (S.D.N.Y.). Rosen Lead Counsel. **\$3.5 million.**
- **Tarena International, Inc.**, (E.D.N.Y.). Rosen Lead Counsel. **\$3.5 million.**
- **Catalyst Pharmaceutical Partners, Inc.**, (S.D. Fla.). Rosen Lead Counsel. **\$3.5 million.**
- **Sunlight Financial Holdings, Inc.**, (S.D.N.Y.). Rosen Lead Counsel. **\$3.5 million**, pending Court approval.

- **Keyuan Petrochemicals, Inc. and Auditor**, (S.D.N.Y.) & (D.N.J.). Rosen Lead Counsel. **\$3.5 million.**
- **StockerYale, Inc.**, (D.N.H.). Rosen Lead Counsel. **\$3.4 million.**
- **Industrial Enterprises of America, Inc.**, (S.D.N.Y.). Rosen Co-Lead Counsel. **\$3.4 million.**
- **Ampio Pharmaceuticals, Inc.**, (C.D. Cal.). Rosen Lead Counsel. **\$3.4 million.**
- **Textura Corporation**, (N.D. Ill.). Rosen Lead Counsel. **\$3.3 million.**
- **Roka Bioscience, Inc.**, (D.N.J.). Rosen Lead Counsel. **\$3.275 million.**
- **Intrusion, Inc.**, No. 21-cv-307-SDJ (E.D. Tex.). Rosen Lead Counsel. **\$3.25 million.**
- **Wedbush Morgan Securities, Inc.**, (Cal. Superior). Co-Lead Counsel. **\$3.2 million.**
- **New Oriental Education & Technology Group Inc.**, (D.N.J.). Rosen Co-Lead Counsel. **\$3.15 million.**
- **TierOne Corporation**, (D. Neb.). Rosen Lead Counsel. **\$3.1 million.**
- **GDS Holdings Limited**, (C.D. Cal.). Rosen Lead Counsel. **\$3 million**, pending court approval.
- **Hanmi Financial Corporation**, (C.D. Cal.). Rosen Lead Counsel. **\$3 million**
- **Cadiz, Inc.**, (C.D. Cal.). Rosen Co-Lead Counsel. **\$3 million.**
- **Fat Brands, Inc.**, (C.D. Cal.). Rosen Lead Counsel. **\$3 million.**
- **China Finance Online Co. Limited**, (S.D.N.Y.). Rosen Lead Counsel. **\$3 million.**
- **Skilled Healthcare Group, Inc.**, (C.D. Cal.). Rosen Co-Lead Counsel. **\$3 million.**
- **Spectrum Pharms. Inc.**, (D. Nev.). Rosen Lead Counsel. **\$2.995 million.**
- **MiMedx Group, Inc.**, (N.D. Ga.). Rosen Lead Counsel. **\$2.979 million.**
- **Pegasus Communications Corp**, (E.D. Pa.). Rosen Lead Counsel. **\$2.95 million.**

- **Albany Molecular Research**, (E.D.N.Y.). Rosen Lead Counsel. **\$2.868 million.**
- **Lihua International, Inc.**, (S.D.N.Y.). Rosen Lead Counsel. **\$2.865 million.**
- **TVIA, Inc.**, (N.D. Cal.). Rosen Lead Counsel. **\$2.85 million.**
- **New Source Energy Partners LP**, (S.D.N.Y.). Rosen Lead Counsel. **\$2.85 million.**
- **Innocoll Holdings Public Ltd.**, (E.D. Pa.). Rosen Lead Counsel. **\$2.755 million.**
- **Natural Health Trends Corp., et al.**, (N.D. Tex.). Rosen Lead Counsel. **\$2.75 million.**
- **Sequans Communications**, (E.D.N.Y.). Rosen Co-Lead Counsel. **\$2.75 million.**
- **Akari Therapeutics PLC**, (S.D.N.Y.). Rosen Lead Counsel. **\$2.7 million.**
- **Electric Last Mile Solutions**, (D.N.J.). Rosen Lead Counsel. **\$2.7 million**, pending court approval.
- **Growlife, Inc.**, (C.D. Cal.). Rosen Lead Counsel. **\$2.7 million (cash and stock).**
- **Tangoe, Inc.**, (D. Conn.). Rosen Co-Lead Counsel. **\$2.55 million.**
- **Twitter, Inc.**, (Cal. Superior). Rosen Co-Lead Counsel. **\$2.5 million.**
- **Radiant Pharmaceuticals Corporation**, (C.D. Cal.). Rosen Lead Counsel. **\$2.5 million.**
- **Robert T. Harvey Securities Litigation**, (C.D. Cal.). Rosen Co-Lead Counsel. **\$2.485 million.**
- **China Education Alliance, Inc.**, (C.D. Cal.). Rosen Lead Counsel. **\$2.425 million.**
- **Oasmia Pharmaceuticals AB.**, (E.D.N.Y.). Rosen Co-Lead Counsel. **\$2.35 million.**
- **BioAmber, Inc.**, (E.D.N.Y.). Rosen Co-Lead Counsel. **\$2.25 million.**
- **DouYu International Holdings Ltd.**, (D.N.J.). Rosen Co-Lead Counsel. **\$2.25 million**, pending Court approval.
- **NetApp, Inc.**, (N.D. Cal.). Rosen Lead Counsel. **\$2.25 million.**
- **Akers Biosciences, Inc.**, (D.N.J.). Rosen Lead Counsel. **\$2.25 million.**

- **Kanzhun Limited**, (D.N.J.). Rosen Lead Counsel. **\$2.25 million.**
- **SkyPeople Fruit Juice**, (S.D.N.Y.). Rosen Lead Counsel. **\$2.2 million.**
- **Caesarstone Sdot-Yam Ltd.**, (S.D.N.Y.). Rosen Co-Lead Counsel. **\$2.2 million.**
- **RCI Hospitality Holdings Inc.**, (S.D. Tex.). Rosen Co-Lead Counsel. **\$2.2 million.**
- **Fuwei Films**, (S.D.N.Y.). Rosen Lead Counsel. **\$2.15 million.**
- **Gulf Resources, Inc.**, (C.D. Cal.). Rosen Lead Counsel. **\$2.125 million.**
- **PTC Inc.**, (D. Mass.). Rosen Lead Counsel. **\$2.1 million.**
- **DS Healthcare Group, Inc.**, (S.D. Fla.). Rosen Lead Counsel. **\$2.1 million.**
- **Indivior PLC**, (D.N.J.). Rosen Lead Counsel. **\$2 million.**
- **Orient Paper, Inc.**, (C.D. Cal.). Rosen Lead Counsel. **\$2 million.**
- **Mesoblast Limited**, (S.D.N.Y.). Rosen Lead Counsel. **\$2 million.**
- **GTT Communications, Inc.**, (C.D. Cal.). **\$2 million.**
- **iBio, Inc.**, (D. Del.). Rosen Lead Counsel. **\$1.875 million.**
- **CD Projekt SA**, (C.D. Cal.). **\$1.85 million.**
- **Ignite Restaurant Group, Inc.**, (S.D. Tex.). Rosen Lead Counsel. **\$1.8 million.**
- **Electronic Game Card, Inc.**, (C.D. Cal.). Rosen Lead Counsel. **\$1.755 million.**
- **BMW AG**, (D.N.J.). Rosen Lead Counsel. **\$1.75 million.**
- **Natural Health Trends Corp.**, (C.D. Cal.). Rosen Co-Lead Counsel. **\$1.75 million.**
- **Corrrevio Pharma Corp.**, (S.D.N.Y.). Rosen Co-Lead Counsel. **\$1.75 million.**
- **Delstaff LLC (Merger Litigation)**, (Cal. Superior). **\$1.6425 million.**
- **Worldwide Energy & Manufacturing USA, Inc.**, (Cal. Superior). Rosen Lead Counsel. **\$1.615 million.**
- **Alliance MMA, Inc.**, (D.N.J.). Rosen Lead Counsel. **\$1.55 million.**

- **Lightinthebox Holding Co., Ltd.**, (S.D.N.Y.). Rosen Lead Counsel. **\$1.55 million.**
- **Nutracea, Inc.**, (D. Ariz.). Rosen Lead Counsel. **\$1.5 million.**
- **Kraton Corporation**, (S.D. Tex.). Rosen Lead Counsel. **\$1.5 million.**
- **RMG Networks Holding Corporation (Merger Litigation)**, (Del. Ch.). **\$1.5 million.**
- **BlueNRGY Group Ltd, f/k/a CBD Energy Ltd.**, (S.D. Tex.). Rosen Lead Counsel. **\$1.5 million.**
- **Ambow Education Holding Ltd.**, (C.D. Cal.). Rosen Lead Counsel. **\$1.5 million.**
- **Active Power, Inc.**, (W.D. Tex.). Rosen Lead Counsel. **\$1.5 million.**
- **Northfield Laboratories, Inc.**, (N.D. Ill.). Rosen Lead Counsel. **\$1.5 million.**
- **PartsBase.com, Inc.**, (S.D. Fla.). Rosen Lead Counsel. **\$1.5 million.**
- **China Natural Gas, Inc.**, (D. Del.). Rosen Lead Counsel. **\$1.5 million.**
- **FAB Universal Corp.**, (S.D.N.Y.). Rosen Co-Lead Counsel. **\$1.5 million.**
- **Sogou, Inc.**, (S.D.N.Y.). Rosen Co-Lead Counsel. **\$1.45 million.**
- **Code Rebel Corp.**, (S.D.N.Y.). Rosen Co-Lead Counsel. **\$1.415 million.**
- **Empyrean Bioscience**, (N.D. Ga.). Rosen Lead Counsel. **\$1.4 million.**
- **Shattuck Labs, Inc.**, (E.D.N.Y.). Rosen Lead Counsel. **\$1.4 million.**
- **Longeveron, Inc.**, (S.D. Fla.). Rosen Lead Counsel. **\$1.395 million.**
- **Agria, Inc.**, (D.N.J.). Rosen Lead Counsel. **\$1.3 million.**
- **Ateerian, Inc.**, (S.D.N.Y.). Rosen Lead Counsel. **\$1.3 million.**
- **CoCrystal Pharma, Inc.**, (D.N.J.). Rosen Lead Counsel. **\$1.265 million.**
- **Wins Financial Holdings, Inc.**, (C.D. Cal.). Rosen Lead Counsel. **\$1.26 million**, pending Court approval.
- **ERBA Diagnostics, Inc.**, (S.D. Fla.). Rosen Lead Counsel. **\$1.215 million.**

- **Yingli Green Energy Holding Co. Ltd.**, (C.D. Cal.). Rosen Lead Counsel. **\$1.2 million.**
- **Himax Technologies, Inc.**, (C.D. Cal.). Rosen Co-Lead Counsel. **\$1.2 million.**
- **Flight Safety Technologies, Inc.**, (D. Conn.). Rosen Lead Counsel. **\$1.2 million.**
- **M.H. Meyerson & Co.**, (D.N.J.). Rosen Lead Counsel. **\$1.2 million.**
- **Izea, Inc.**, (C.D. Cal.). Rosen Co-Lead Counsel. **\$1.2 million.**
- **India Globalization Capital, Inc.**, (D. Md.). Rosen Co-Lead Counsel. **\$1 million.**
- **National Lampoon, Inc.**, (C.D. Cal.). Rosen Lead Counsel. **\$1 million.**
- **Lentuo International, Inc.**, (C.D. Cal.). Rosen Lead Counsel. **\$1 million.**
- **Katanga Mining Limited**, (D.N.J.). Rosen Lead Counsel. **\$1 million.**
- **Busybox.com, Inc.**, (Cal. Superior). Rosen Co-Lead Counsel. **\$1 million.**

III. SECURITIES CLASS ACTIONS IN WHICH THE ROSEN LAW FIRM, P.A. IS CURRENTLY LEAD COUNSEL

In re Maiden Holdings, Ltd. Securities Litigation, No. 19-CV-5296-RMB-JS (D.N.J.)
Rosen Co-Lead Counsel.

In re ChinaCast Education Corporation Sec. Litig., No. CV 12-4621- JFW (PLAx) (C.D. Cal.). Rosen Co-Lead Counsel.

Kasillingam v. Tilray, Inc., No. 20-CV-3459 (PAC) (S.D.N.Y.). Rosen Lead Counsel.

In re NIO, Inc. Securities Litigation, No. 19-CV-1424 (NGG) (JRC) (E.D.N.Y.). Rosen Class Counsel.

Lee v. IQIYI, Inc., No. 20-cv-1830 (LDH)(JO) (E.D.N.Y.). Rosen Co-Lead Counsel.

Alagappan v. Baidu, Inc., No. 20-cv-3794 (DG)(TAM) (E.D.N.Y.). Rosen Co-Lead Counsel.

Lavin v. Virgin Galactic Holdings Inc., No. 21-CV-3070 (ARR)(TAM) (E.D.N.Y.). Rosen Lead Counsel.

Handal v. Tenet Fintech Group, Inc., No. 21-cv-6461 (PKC)(RLM) (E.D.N.Y.). Rosen Lead Counsel.

Atery v. Astra Space, Inc., No. 22-cv-737 (NM)(MMH) (E.D.N.Y.). Rosen Co-Lead Counsel.

Hoang v. ContextLogic, Inc., No. 21-cv-3930-BLF (N.D. Cal.). Rosen Co-Lead Counsel.

Mallozzi v. Innovative Industrial Properties, Inc., No. 22-cv-2359-EP-JRA (D.N.J.). Rosen Lead Counsel.

Gru v. Axsome Therapeutics, Inc., No. 22-cv-3925 (AGS) (S.D.N.Y.). Rosen Co-Lead Counsel.

Farhar v. Ontrak, Inc., No. 21-CV-1987-FLA-A (C.D. Cal.). Rosen Lead Counsel.

In re Vanguard Chester Funds Litig., No. 22-cv-955-ER (E.D. Pa.). Rosen Lead Counsel.

In re Walmart Secs. Litig., No. 21-cv-55-CFC (D. Del.). Rosen Lead Counsel.

Sanchez v. Arrival SA, No. 220cv0172 (DG)(RLM) (E.D.N.Y.). Rosen Lead Counsel.

In re Evolus Inc., Sec. Litig., No. 20-cv-8647 (PGG) (S.D.N.Y.). Rosen Lead Counsel.

Winter v. Stronghold Digital Mining, Inc., No. 22-CV-3088 (RA). Rosen Lead Counsel.

In re VEON Ltd. Sec. Litig., No. 15-cv-8672 (ALC)(OTW) (S.D.N.Y.). Rosen Lead Counsel.

In re Volkswagen AG Sec. Litig., No. 22-cv-45-RDA-TCB (E.D. Va.). Rosen Lead Counsel.

In re DiDi Global Inc. Sec. Litig., No. 21-CV-5807 (LAK) (S.D.N.Y.). Rosen Lead Counsel.

Patterson v. TerraForm Labs Pte Ltd., No. 22-cv-3600-TLT (N.D. Cal.). Rosen Lead Counsel.

Diaz v. The Gap, Inc., No. 22-cv-7371 (DG)(RER) (E.D.N.Y.). Rosen Lead Counsel.

Armbruster v. Gaia, Inc., No. 22-CV-3267 (D. Colo.). Rosen Lead Counsel.

Pang v. Levitt (Core Scientific, Inc.), No. 22-CV-1191-LY (W.D. Tex.). Rosen Lead Counsel.

Goodman v. Wheels Up Experience, Inc., No. 23-cv-2900 (OEM)(VMS) (E.D.N.Y.). Rosen Lead Counsel.

Brennan v. Latch, Inc., No. 22-CV-7473 (JGK) (S.D.N.Y.). Rosen Lead Counsel.

In re Enovix Corp. Sec. Litig., No. 23-cv-71-SI (N.D. Cal.). Rosen Co-Lead Counsel.

Gambrill v. CS Disco, Inc., No. 23-cv-8270 (LAK)(SN) (S.D.N.Y.). Rosen Lead Counsel.

Lewandowski v. Tal Education Group, No. 23-cv-1769 (MEF) (JRA) (D.N.J.). Rosen Lead Counsel.

HRSA-ILA Funds v. adidas AG, No. 23-CV-629-IM (D. Or.). Rosen Lead Counsel.

Zhao v. Egonex Limited, No. 23-CV-3346 (GHW) (S.D.N.Y.). Rosen Lead Counsel.

Tan v. PacWest Bancorp., No. CV-23-1685 (JWH)(ADSx) (C.D. Cal.). Rosen Co-Lead Counsel.

Maschhoff v. Polished.com, No. 22-cv-6605 (NGG)(VMS) (E.D.N.Y.). Rosen Lead Counsel.

Bergman v. Caribou Biosciences, Inc., No. 23-cv-1742 (N.D. Cal.). Rosen Co-Lead Counsel.

Donley v. Live Nation Entertainment, Inc., No. CV-23-6343 (KK)(ASx) (C.D. Cal.). Rosen Co-Lead Counsel.

Pelham v. VBIT Tech. Corp., No. 23-CV-162-CFC-SRF (D. Del.). Rosen Lead Counsel.

Sporn v. Brainstorm Cell Therapeutics, Inc., No. 23-cv-9630 (DEH) (S.D.N.Y.) Rosen Lead Counsel.

In re GigaCloud Tech. Sec. Litig., No. 23-cv-10645 (JMF) (S.D.N.Y.). Rosen Co-Lead Counsel.

Yan v. Dada Nexus Limited, No. 24-cv-239-SVW-BFM (C.D. Cal.). Rosen Lead Counsel.

Glantz v. James River Group Holdings Ltd., No. 23-cv-10000 (LJL). Rosen Lead Counsel.

Gutknecht v. Lovesac Company, 23-cv-1640-KAD (D. Conn.). Rosen Lead Counsel.

Schelling v. Microvast Holdings, Inc., No. 23-cv-4565 (S.D. Tex.). Rosen Co-Lead Counsel.

Sigman v. Nuscale Power Corp., No. 23-cv-1689-IM (D. Or.). Rosen Lead Counsel.

Spitzer v. Flexon, No. 23-cv-8659-HDV (C.D. Cal.). Rosen Co-Lead Counsel.

Bender v. Vertex Energy, Inc., No. 23-cv-2145 (S.D. Tex.). Rosen Lead Counsel.

Hunter v. Blue Ridge Bankshares, Inc., No. 23-cv-8944 (DG)(JAM) (E.D.N.Y.). Rosen Lead Counsel.

Jaar v. Northern Genesis Acquisition Corp., No. 24-cv-2155 (JLR) (S.D.N.Y.). Rosen Lead Counsel.

Taylor v. The Chemours Company, No. 24-cv-361-RGA (D. Del.). Rosen Lead Counsel.

Nowakowski v. AXT, Inc., No. 24-cv-2778-MMC (N.D. Cal.). Rosen Lead Counsel.

Dorin v. Exscientia PLC, No. 24-cv-5692-RMD-AMD (D.N.J.). Rosen Lead Counsel.

Pujo v. EHang Holdings Limited, No. 23-CV-10165-FLA (C.D. Cal.). Rosen Lead Counsel.

Plaintiffs' Firm Name	Case Name	Citation	Non-Partner Attorneys' Fee Range	Partners' Fee Range
Bernstein Litowitz Berger & Grossman LLP	In re Oracle Corporation Securities Litigation, No. 5:18-cv-04844-BLF	(N.D.Cal.) (Dec. 2022) (Dkt. No. 140)	Associate: \$425 - \$575 Staff Attorney: \$425 - \$450 Investigator: \$325 - \$600 Paralegal: \$335 - \$375	\$850 - \$1,100
	Lord Abbett Affiliated Fund, Inc., et al. v. Navient Corp., et al., No. 1:16-cv-00112--MN	(D. Del.) (Feb. 2022) (Dkt. No. 347-5)	Senior Counsel: \$775 Associate: \$425 - \$700 Staff Attorney: \$350 - \$400 Paralegal: \$325 - \$350	\$900 - \$1,300
	SEB Investment Management AB, et al. v. Symantec Corporation and Gregory S. Clark, No. 3:18-cv-02902-WHA	(N.D.Cal.) (Dec. 2021) (Dkt. No. 415-3)	Senior Counsel: \$775 - \$800 Associate: \$425 - \$575 Staff Attorney: \$375 - \$425 Investigator: \$300 - \$575 Paralegal: \$325 - \$350	\$875 - \$1,300
Boies, Schiller & Flexner LLP	Brown et al. v. Google LLC, No. 4:30-cv-03664-YGR-SVK	(N.D.Cal.) (Jun. 2022) (Dkt. No. 597)	Associate: \$475 - \$950 Paralegal: \$225 - \$380	\$725 - \$1,950
	Erica P John Fund Inc et al v. Halliburton Company et al, No. 3:02-cv-01152-M	(N.D. Tex.) (July 2017) (Dkt. No. 819)	Of Counsel: \$700 - \$750 Associate: \$420 - \$720 Staff Attorney: \$180 - \$390 Paralegal: \$100 - \$260	\$350 - \$1,650

Plaintiffs' Firm Name	Case Name	Citation	Non-Partner Attorneys' Fee Range	Partners' Fee Range
Cohen Milstein Sellers & Toll, PLLC	Plumbers & Pipefitters National Pension Fund et al v. Kevin Davis et al, No. 1:16-cv-03591-GHW	(S.D.N.Y.) (Oct. 2022) (Dkt. No. 292)	Of Counsel: \$725 - \$750 Associate: \$475 - \$585 Staff Attorney: \$495 - \$585 Investigator: \$450 - \$535 Paralegal: \$270 - \$335	\$775 - \$1,150
	In re GreenSky Securities Litigation, No. 1:18-cv-11071-AKH	(S.D.N.Y.) (Sep. 2021) (Dkt. No. 195)	Of Counsel: \$675 Associate: \$495 - \$585 Staff Attorney: \$455 - \$575 Paralegal: \$290 - \$325	\$740 - \$1,125
	In re Flint Water Cases, No. 5:16-cv-10444-JEL-MKM	(E.D. Mich.) (Mar. 2021) (Dkt. No. 1458-2)	\$530 - \$740 (Associate / Of Counsel)	\$645 - \$1,125
Hausfeld LLP	In re TikTok, Inc., Consumer Privacy Litigation, MDL No. 2948	(N.D.Ill.) (Mar. 2022) (Dkt. No. 197-20)	Of Counsel: \$875 Associate: \$500 - \$610 Paralegal: \$300 - \$325	\$725 - \$1,525
	In re Foreign Exchange Benchmark Rates Antitrust Litigation, No. 1:13-cv-07789-LGS	(S.D.N.Y.) (Jan. 2018) (Dkt. No. 939-3)	Associate: \$350 - \$500 Staff Attorney: \$350 - \$600 Contract Attorney: \$350 - \$425 Paralegal: \$75 - \$280	\$630 - \$1,375
Keker, Van Nest & Peters LLP	OpenGov, Inc. v. GTY Technology Holdings Inc. et al, No. 3:18-cv-07198-JSC	(N.D. Cal.) (Mar. 2019) (Dkt. No. 40-1)	Of Counsel: \$775 - \$1,075 Paralegal: \$250 - \$290	\$700 - \$1,500
Labaton Sucharow LLP	In re Twitter Inc. Securities Litigation, No. 4:16-cv-05314-JST (SK)	(N.D.Cal.) (Oct. 2022) (Dk. No. 661-1)	Of Counsel: \$675 Staff Attorney: \$335 - \$410 Paralegal \$355 - \$375	\$825 - \$1,100

Plaintiffs' Firm Name	Case Name	Citation	Non-Partner Attorneys' Fee Range	Partners' Fee Range
Labaton Sucharow LLP	In re Nielsen Holdings PLC Securities Litig., No. 1:18-cv-07143-JMF	(S.D.N.Y.) (Jul. 2022) (ECF No. 146-5)	Of Counsel: \$550 - \$850 Associate: \$425 - \$675	\$875 - \$1,300
	In re Resideo Technologies, Inc. Securities Litigation, No. 0:19-cv-02863-WMW-BRT	(D. Minn.) (Dec. 2021) (Dkt. No. 144-5)	Of Counsel: \$565 - \$800 Associate: \$400 - \$525 Staff Attorney: \$390 - \$435 Paralegal: \$335 - \$375	\$800 - \$1,150
	In re ADT Inc. Shareholder Litigation, No. 502018CA003494	(Palm Beach County, Fla.) (Dec. 2020) (Dkt. No. 170)	\$425 - \$750	\$775 - \$1,100
	In re Facebook Biometric Information Privacy Litigation, No. 3:15-cv-03747-JD	(N.D. Cal.) (Oct. 2020) (Dkt. No. 499-5)	\$360 - \$850	\$800 - \$1,200
Levi & Korsinsky LLP	In re U.S. Steel Consolidated Casts, No. 2:17-cv-00579-CB	(W.D.Penn.) (Mar. 2023) (Dkt. No. 351)	Of Counsel: \$450 - \$850 Associate: \$425 - \$850	\$765 - \$1,050
	In re Restoration Robotics, Inc. Securities Litigation, No. 5:18-cv-03712-EJD	(N.D.Cal.) (Jul. 2021) (Dkt No. 117)	\$425 - \$850	\$1,000 - \$1,050
	In re ADT Inc. Shareholder Litigation, No. 502018CA003494	(Palm Beach County, Fla.) (Dec. 2020) (Dkt. No. 170)	\$495 - \$800	\$1,000 - \$1,050
Lief Cabraser Heimann & Bernstein, LLP	In re Bofl Holding, Inc. Securities Litigation, No. 3:15-cv-02324-GPC-KSC	(S.D.Cal) (Jul. 2022) (Dkt. No. 383-2)	Associate: \$395 - \$535 Staff Attorney: \$415	\$555 - \$1,150
	In re Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation, No. 15-md-02672	(N.D. Cal.) (Nov. 2016) (Dkt. No. 2175-1)	Associate: \$150 - \$790 Paralegal: \$80 - \$490	\$275 - \$1,600
Motley Rice LLC	In re Twitter Inc. Securities Litigation, No. 4:16-cv-05314-JST (SK)	(N.D.Cal.) (Oct. 2022) (Dk. No. 664-1)	Senior Counsel: \$925 Associate: \$425 - \$600 Staff Attorney: \$400 - \$425 Contract Attorney: \$395 Paralegal: \$175 - \$375	\$725 - \$1,100

Plaintiffs' Firm Name	Case Name	Citation	Non-Partner Attorneys' Fee Range	Partners' Fee Range
Motley Rice LLC	In re SCANA Corp. Sec. Litig., No. 3:17-cv-02616-MBS	(D.S.C.) (Apr. 2020) (Dkt. No. 229-7)	Senior Counsel: \$925 Associate: \$500 - \$600 Paralegal: \$225 - \$375	\$775 - \$1,100
	In re Investment Technology Group, Inc. Securities Litigation, No. 15-cv-06369	(S.D.N.Y.) (Jan. 2019) (Dkt. No. 119)	\$300 - \$750	\$775 - \$1,050
Pomerantz LLP	Klein v. Altria Group, Inc. et al., No. 3:20-cv-00075-DJN	(E.D. Va.) (Feb. 2022) (Dkt. No. 311-5)	Of Counsel: \$645 - \$660 Associate: \$375 - \$660 Paralegal: \$335	\$815 - \$1,025
Quinn Emanuel Urquhart & Sullivan, LLP	Alaska Electrical Pension Fund, et al., v. Bank of America, N.A., et al., No. 14-cv-07126-JMF-OTW	(S.D.N.Y.) (Mar. 2018) (Dkt. No. 617-1)	Of Counsel: \$885 - \$920 Associate: \$630 - \$875 Staff Attorney: \$350 - \$535 Paralegal: \$300 - \$320 Litigation Support: \$175 - \$365	\$940 - \$1,375
Robbins Geller Rudman & Dowd LLP	In re Infinity Q Diversified Alpha Fund Securities Litigation, No. 651295/2021	(New York County, New York) (Dec. 2022) (Dkt. No. 223)	Of Counsel: \$1,090 Associate: \$375 Staff Attorney: \$420 - \$445 Research Analyst: \$295	\$675 - \$1,350
	Azar v. Grubhub Inc., et al., No. 1:19-cv-07665	(N.D.Ill.) (Dec. 2022) (Dkt. No. 2279)	Of Counsel: \$955 Associate: \$375 - \$650 Staff Attorney: \$410 - \$445 Research Analyst: \$295 Investigator: \$290	\$675 - \$1,350

Plaintiffs' Firm Name	Case Name	Citation	Non-Partner Attorneys' Fee Range	Partners' Fee Range
Robbins Geller Rudman & Dowd LLP	Gordon v. Vanda Pharmaceuticals, Inc. and Mihael H Polymeropoulos, No. 1:19-cv-01108-FB-LB	(E.D.N.Y.) (Dec. 2022) (Dkt. No. 104-6)	Of Counsel: \$1,090 Associate: \$375 - \$630 Staff Attorney: \$420 - \$445 Litigation Support: \$300 Investigator: \$290	\$785 - \$1,350
	In re Twitter Inc. Securities Litigation, No. 4:16-cv-05314-JST (SK)	(N.D.Cal.) (Oct. 2022) (Dk. No. 663-1)	Of Counsel: \$775 - \$1,080 Associate: \$425 - \$520 Staff Attorney: \$400 - \$425 Paralegal: \$275 - \$350	\$820 - \$1,325
	Rodriguez v. CPI Aerostructures, Inc. et al., No. 1:20-cv-00982-ENV-CLP	(E.D.N.Y.) (Aug. 2022) (Dkt. No. 64-5)	Of Counsel: \$925 - \$1,090 Associate: \$630	\$675 - \$1,350
Scott+Scott, Attorneys at Law, LLP	In re Infinity Q Diversified Alpha Fund Securities Litigation, No. 651295/2021	(New York County, New York) (Dec. 2022) (Dkt. No. 230)	Associate: \$675 - \$795 Staff Attorney: \$650 Research Analyst: \$395 Paralegal: \$395	\$995 - \$1,395
	Mo-Kan Iron Workers Pension Fund v. Teligent, Inc. et al., No. 1:19-cv-03354-VM	(S.D.N.Y.) (Oct. 2021) (Dkt. No. 91)	Associate: \$475 - \$695 Investigator: \$550 - \$650 Paralegal: \$395	\$995 - \$1,295

Defense Firm Name	Case Name	Citation	Non-Partner Attorneys' Fee Range	Partners' Fee Range
Akin Gump Strauss Hauer & Feld LLP	In re Pipeline Health System, LLC, <i>et al.</i> , Debtors, No. 22-90291 (MI)	(Bankr. S.D.Tex.) (Mar. 2023) (Dkt. No. 1169)	Senior Counsel: \$1,105 - \$1,300 Counsel: \$1,025 - \$1,190 Associate: \$670 - \$880 Paraprofessional: \$510	\$1,400 - \$1,775
	In re GTT Communications, Inc., <i>et al.</i> , Debtors, No. 21-11880-MEW	(Bankr. S.D.N.Y.) (Nov. 2021) (Dkt. No. 133)	Senior Counsel: \$845 - \$1,655 Counsel: \$1,025 - \$1,225 Associate: \$605 - \$1,130 ("2022 Range")	\$1,125 - \$1,995 ("2022 Range")
	In re True Religion Apparel Inc., <i>et al.</i> , Debtors, No. 20-10941 (CSS)	(Bankr. D. Del.) (May 2020) (Dkt. No. 216)	Senior Counsel: \$735 - \$1,510 Counsel: \$820 - \$1,090 Associate: \$535 - \$960 Paraprofessional: \$100 - \$455	\$995 - \$1,995
	In re Purdue Pharma L.P., <i>et al.</i> , Debtors, No. 19-23649 (RDD)	(Bankr. S.D.N.Y.) (Mar. 2020) (Dkt. No. 947)	Senior Counsel & Counsel: \$850 - \$1,110 Associate: \$535 - \$810 Staff Attorneys & Paraprofessional: \$205 - \$625 ("2020 Rate")	\$1,075 - \$1,655 ("2020 Rate")
Arnold & Porter Kaye Scholer LLP	In re BDC Inc., <i>et al.</i> , Debtors, No. 20-10010 (CSS)	(Bankr. D. Del.) (Feb. 2021) (Dkt. No. 1423)	Counsel: \$920 - \$1,050 Associate: \$520 - \$910 Staff Attorney: \$545 - \$610 Legal Assistant: \$295 - \$405	\$910 - \$1,240
Boies, Schiller Flexner LLP	In re Marshall Broadcasting Group, Inc., Debtor, No. 19-36743 (DRJ)	(Bankr. S.D.Tex.) (Mar. 2021) (Dkt. No. 443)	Associate: \$850 - \$890	\$1,050 - \$1,080

Defense Firm Name	Case Name	Citation	Non-Partner Attorneys' Fee Range	Partners' Fee Range
Cleary Gottlieb Steen & Hamilton LLP	In re Genesis Global Holdco, LLC, <i>et al.</i> , Debtors, No. 23-10063 (SHL)	(Bankr. S.D.N.Y.) (May 2023) (Dkt. No. 316)	Counsel: \$1,280 - \$1,765 Associate: \$845 - \$1,400 Contract Attorney: \$300 - \$375 Litigation Paralegal: \$370 - \$430	\$1,305 - \$2,135
	In re LATAM Airlines Group S.A., <i>et al.</i> , Debtors, No. 20-11254 (JLG)	(Bankr. S.D.N.Y.) (Aug. 2020) (Dkt. No. 967)	Counsel / Senior Attorney: \$1,130 - \$1,215 Associate: \$770 - \$955 First-year Associate: \$565 - \$670 Staff / Project Attorney: \$420 - \$495 Paralegal: \$355 - \$415	\$1,065 - \$1,525
Dechert LLP	In re PURDUE PHARMA L.P., <i>et al.</i> , Debtors, No. 19-23649-shl	(Bankr. S.D.N.Y.) (Aug. 2023) (Dkt. No. 5840)	Associate: \$880 - \$1,050 Paralegal: \$300	\$1,125 - \$1,650
	In re LATAM Airlines Group S.A., <i>et al.</i> , Debtors, No. 20-11254 (JLG)	(Bankr. S.D.N.Y.) (Dec. 2022) (Dkt. No. 7235)	Counsel: \$1,145 Associate: \$630 - \$1,065 Legal Assistant: \$460	\$1,200 - \$1,650
DLA Piper LLP (US)	In re Amsterdam House Continuing Care Retirement Community, Inc., Debtor, No. 23-70989-ast	(Bankr. E.D.N.Y.) (Jun. 2023) (Dkt. No. 254)	Associate: \$750 - \$1,195 Paralegal: \$380 - \$475	\$1,195 - \$1,240
	In re Tilden Marcellus, LLC, Debtor, No. 22-20212-GLT	(Bankr. W.D.Penn.) (Jun. 2022) (Dkt. No. 496)	Associate: \$675 - \$1,020 Paralegal: \$340 - \$360	\$1,020 - \$1,285

Defense Firm Name	Case Name	Citation	Non-Partner Attorneys' Fee Range	Partners' Fee Range
Freshfields Bruckhaus Deringer LLP	In re Revlon, Inc. <i>et al.</i> , Debtors, No. 22-10760 (DSJ)	(Bankr. S.D.N.Y.) (Apr. 2023) (Dkt. No. 1835)	Counsel: \$843 Associate: \$321 - \$1,323 Paralegal/Non-Legal Staff: \$320 - \$525	\$1,057 - \$1,723
	In re Expro Holdings US Inc., <i>et al.</i> , Debtors, No. 17-60179 (DRJ)	(Bankr. S.D. Tex.) (Dec. 2017) (Dkt. No. 154)	Counsel: \$1,065 Associate: \$545 - \$965 Paralegal: \$325 - \$425	\$1,165 - \$1,250
Gibson, Dunn & Crutcher LLP	In re Stimwave Technologies Incorporated, <i>et al.</i> , Debtors, No. 22-10541 (TMH)	(Bankr. D.Del.) (May 2023) (Dkt. No. 901)	Associate: \$1,105 - \$1,210	\$1,860
	In re Sequential Brands Group, Inc., <i>et al.</i> , Debtors, No. 21-11194 (JTD)	(Bankr. D.Del.) (Sep. 2021) (Dkt. No. 95)	Counsel: \$1,025 - \$1,210 Associate: \$610 - \$1,060	\$1,095 - \$1,645
Greenberg Traurig LLP	In re Kabbage, Inc. d/b/a Kservicing, <i>et al.</i> , Debtors, No. 22-10951 (CTG)	(Bankr. D.Del.) (Jun. 2023) (Dkt. No. 855)	Associate: \$870 Paralegal: \$435	Shareholder: \$1,255 - \$1,540
	In re American Eagle Delaware Holding Company LLC, et al, Debtors, No. 22-10028-JKS	(Bankr. D. Del.) (Mar. 2022) (Dkt. No. 250)	Associate: \$750 Paralegal: \$150 - \$365	Shareholder: \$1,255 - \$1,430
	In re Avadel Specialty Pharmaceuticals, LLC, Debtor, No. 19-10248 (CSS)	(Bankr. D. Del.) (Nov. 2020) (Dkt. No. 443)	Associate: \$395 - \$900 Paralegal: \$150 - \$325	Shareholder: \$650 - \$1,480
	In re IFS Securities, Inc., Debtor, No. 20-65841-LRC	(Bankr. N.D. Ga.) (May 2020) (Dkt. No. 49-2)	Of Counsel: \$400 - \$995 Associate: \$395 - \$825 Legal Assistant/Paralegal: \$120 - \$475	Shareholder: \$565 - \$1,500
Hogan Lovells US LLP	In re LTL Management LLC, Debtor, No. 21-30589 (JCW)	(Bankr. D.N.J.) (May 2022) (Dkt. No. 2240-1)	Counsel: \$910 - \$1,735 Associate: \$605 - \$1,055 Paralegal: \$275 - \$550	\$950 - \$2,465

Defense Firm Name	Case Name	Citation	Non-Partner Attorneys' Fee Range	Partners' Fee Range
Jones Day	In re Purdue Pharma L.P., et al., Debtors, No. 19-23649 (SHL)	(Bankr. S.D.N.Y.) (Jun. 2023) (Dkt. No. 5669)	Associate: \$650 - \$880 Paralegal & Staff: \$325 - \$450	\$1,050 - \$1,418
	In re LTL Management LLC, Debtor, No. 21-30589 (JCW)	(Bankr. W.D.N.C.) (Nov. 2021) (Dkt. No. 404)	Associate: \$525 - \$975	\$1,125 - \$1,450
Katten Muchin Rosenman LLP	In re Voyager Digital Holdings, Inc. <i>et al.</i> , Debtors, No. 22-10943 (MEW)	(Bankr. S.D.N.Y.) (Mar. 2023) (Dkt. No. 1147)	Associate: \$765 - \$815	\$1,040 - \$1,755
	In re: Sheridan Holding Company I, LLC, et al. Reorganized Debtors, No. 20-31884 (DRJ)	(Bankr. S.D.Tex.) (Apr. 2020) (Dkt. No. 124)	Of Counsel: \$895 - \$1,475 Associate: \$460 - \$970 Paraprofessional: \$195 - \$580	\$770 - \$1,555
	In re: High Ridge Brands Co., et al., Debtors, No. 19-12689 (BLS)	(Bankr. D.Del.) (Jan. 2020) (Dkt. No. 161)	Of Counsel: \$895 - \$1,475 Associate: \$460 - \$970 Paraprofessional: \$195 - \$580	\$770 - \$1,555
King & Spalding LLP	In re DCL Holdings (USA), Inc., <i>et al.</i> , Debtors, No. 22-11319 (JKS)	(Bankr. D.Del.) (May 2023) (Dkt. No. 442)	Associate: \$685 - \$1,315 Project Assistant: \$250	\$1,340 - \$1,780
	In re Briggs & Stratton Corporation, <i>et al.</i> , Debtors, No. 20-43597	(Bankr. E.D.Mo.) (Jul. 2020) (Dkt. No. 194)	Counsel: \$750 - \$1,005 Associate: \$440 - \$750 Paraprofessional: \$190 - \$325	\$820 - \$1,290
Kirkland & Ellis, LLP	In re: Celsius Network LLC, No. 22- 10964	(Bankr. S.D.N.Y. Aug. 2022) (ECF No. 360)	Of Counsel: \$805 - \$1,845 Associate: \$650 - \$1,245	\$1,135 - \$1,995
	In re Seadrill New Finance Limited, <i>et al.</i> , Reorganized Debtors, No. 22-90001 (DRJ)	(Bankr. S.D. Tex.) (Feb. 2022) (Dkt. No. 96)	Associate: \$660 - \$1,245 Paralegal: \$295 - \$480	\$1,195 - \$1,995
	In re rue21, inc., <i>et al.</i> , Debtors, No. 17-22045-GLT	(Bankr. W.D. Pa.) (Nov. 2017) (Dkt. No. 1308-6)	Associate: \$555 - \$965 Paralegal: \$220 - \$420 Support Staff: \$210 - \$340	\$965 - \$1,625

Defense Firm Name	Case Name	Citation	Non-Partner Attorneys' Fee Range	Partners' Fee Range
Mayer Brown LLP	In re GWG Holdings, Inc., <i>et al.</i> , Debtors, No. 22-90032 (MI)	(Bankr. S.D.Tex.) (Dec. 2022) (Dkt. No. 1220)	Counsel: \$1,025 to \$1,250 Associate: \$590 - \$1,075 Paraprofessionals: \$210 - \$475	\$1,120 - \$1,940
	In re Greensill Capital Inc., Debtor, No. 21-10561 (MEW)	(Bankr. S.D.N.Y.) (Sep. 2021) (Dkt. No. 262)	Counsel: \$995 Associate: \$505 - \$870 Paralegal: \$400	\$865 - \$1,425
	In re Scottish Holdings, Inc., <i>et al.</i> , Debtors, No. 18-10160 (LSS)	(Bankr. D. Del.) (Mar. 2018) (Dkt. No. 193)	Of Counsel: \$775 - \$895 Associate: \$605 - \$780 Paralegal: \$350	\$960 - \$1,130
McDermott Will & Emery LLP	In re: Voyager Digital Holdings, Inc., No. 22-0943	(Bankr. S.D.N.Y.) (Aug. 2022) (Dkt. No. 317)	Of Counsel: \$755 - \$1,300 Associate: \$545 - \$1,190	\$875 - \$1,510
Milbank LLP	In re Talen Energy Supply, LLC, <i>et al.</i> , Debtors, No. 22-90054 (MI)	(S.D.Tex.) (Mar. 2023) (Dkt. No. 1931)	Special Counsel: \$1,320 Associate: \$695 - \$1,200 Legal Assistant: \$270 - \$390	\$1,495 - \$2,045
	In re: Kfir Gavrieli, Debtor, No. 21-bk-10826-BB	(Bankr. C.D. Cal.) (Oct. 2021) (Dkt. No. 517)	Associate: \$1,050 - \$1,090	\$1,695
Norton Rose Fulbright US LLP	In re Valaris PLC, <i>et al.</i> , Debtors, No. 20-34114 (MI)	(Bankr. S.D.Tex.) (Jun. 2021) (Dkt. No. 1307)	Associate: \$450 - \$665	\$780 - \$1,165
	In re TRIVASCULAR SALES LLC, <i>et al.</i> , No. 20-31840-SGJ	(Bankr. E.D.Tex.) (Aug. 2020) (Dkt. No. 291)	Of Counsel: \$670 - \$1,225 Senior Counsel: \$520 - \$1,175 Associate: \$355 - \$855 Paraprofessional: \$230 - \$480	\$700 - \$1,350

Defense Firm Name	Case Name	Citation	Non-Partner Attorneys' Fee Range	Partners' Fee Range
O'Melveny & Myers LLP	In re: FHC Holdings Corporation, <i>et al.</i> , Debtors, No. 20-13076-BLS	(Bankr. D. Del.) (Jun. 2021) (Dkt. No. 792)	Senior Counsel: \$1,105 Associate: \$708 - \$940	\$1,100 - \$1,400
	In re Remington Outdoor Company, Inc., <i>et al.</i> , Debtors, No. 20-81688-11	(Bankr. N.D. Ala.) (Jul. 2020) (Dkt. No. 24)	Associate and Counsel: \$545 - \$995 Paraprofessional and Legal Assistant: \$180 - \$415	\$955 - \$1,555
Paul, Weiss, Rifkind, Wharton & Garrison LLP	In re Mallinckrodt PLC, <i>et al.</i> , Debtors, No. 20-12522 (JTD)	(Bankr. D.Del.) (Apr. 2022) (Dkt. No. 7037)	Counsel: \$1,525 Associate: \$1,040 - \$1,135	\$1,605 - \$2,025
	In re Diamond Offshore Drilling, Inc., <i>et al.</i> , Debtors, No. 20-32307 (DRJ)	(Bankr. S.D.N.Y.) (Dec. 2020) (Dkt. No. 766)	Counsel: \$1,200 Associate: \$255 - \$380 Paraprofessional: \$255 - \$380	\$1,225 - \$1,650
Proskauer Rose LLP	In re Alpha Media Holdings LLC, <i>et al.</i> , Debtors, No. 21-30209 (KRH)	(Bankr. E.D. Va.) (Mar. 2021) (Dkt. No. 197)	Senior Counsel: \$1,150 - \$1,375 Associate: \$730 - \$1,195	\$1,225 - \$1,795
Quinn Emanuel Urquhart & Sullivan, LLP	In re J.C. Penney Company, Inc., <i>et al.</i> , Debtors, No. 20-20182 (DRJ)	(Bankr. S.D. Tex.) (Jan. 2021) (Dkt. No. 2313)	\$750 - \$1,100	\$1,200 - \$1,325
	In re: Garrett Motion Inc., No. 20-12212	(Bankr. S.D.N.Y. Sep. 2020) (ECF No. 137)	\$625 - \$1,270	\$745 - \$1,595
Ropes & Gray LLP	In re Vewd Software USA, LLC, <i>et al.</i> , Debtors, No. 21-12065 (MEW)	(Bankr. S.D.N.Y.) (Jan. 2022) (Dkt. No. 62)	Counsel: \$770 - \$1,140 Associate: \$700 - \$1,270 Paraprofessional: \$290 - \$485	\$1,400 - \$2,100
	In re Weatherford International plc, <i>et al.</i> , Debtors, No. 19-33694 (DRJ)	(Bankr. S.D. Tex.) (Aug. 2019) (Dkt. No. 276)	Associate: \$580 - \$1,050 Paralegal: \$400	\$1,150 - \$1,520
Shearman & Sterling LLP	In re Carlson Travel, Inc., <i>et al.</i> , Reorganized Debtors, No. 21-90017 (MI)	(Bankr. S.D. Tex.) (Jan. 2022) (Dkt. No. 249)	Associate: \$435 - \$1,210 Paralegal: \$395	\$1,195 - \$1,825

Defense Firm Name	Case Name	Citation	Non-Partner Attorneys' Fee Range	Partners' Fee Range
Sidley Austin LLP	In re: GVS Texas Holdings I, LLC, <i>et al.</i> , Debtors, No. 21-31121-MVL	(Bankr. N.D. Tex.) (Nov. 2021) (Dkt. No. 279)	Counsel: \$1,075 Associate: \$815 - \$930 Paralegal: \$415 - \$490	\$1,100 - \$1,450
	In re Boy Scouts of America and Delaware BSA, LLC, Debtors, No. 20-10343 (LSS)	(Bankr. D. Del.) (Jun. 2020) (Dkt. No. 760)	Counsel: \$925 - \$1,000 Associate: \$570 - \$955 (\$550 for Associate pending Admission) Paralegal: \$250 - \$460	\$1,100 - \$1,375
	In re Borden Dairy Company, <i>et al.</i> , Debtors, No. 20-10010 (CSS)	(Bankr. D. Del.) (Feb. 2020) (Dkt. No. 264)	Senior Counsel and Counsel: \$775 - \$1,750 Associate: \$570 - \$960 Paraprofessional: \$250 - \$470	\$1,000 - \$1,800
Simpson Thacher & Bartlett LLP	In re MetlinPatterson Global Opportunities Partners II L.P., <i>et al.</i> , Debtors, No. 21-11255-DSJ	(Bankr. S.D.N.Y.) (Nov. 2021) (Dkt. No. 243)	Senior Counsel and Counsel: \$1,320 - \$1,350 Associate: \$655 - \$1,240 Paralegal: \$320 - \$475	\$1,550 - \$1,895
	In re Arsenal Energy Holdings LLC, Reorganized Debtor, No. 19-10226 (BLS)	(Bankr. D. Del.) (Feb. 2019) (Dkt. No. 77)	Senior Counsel and Counsel: \$1,190 - \$1,220 Associate: \$840 - \$1,050 (\$590 for Associate pending Admission) Paralegal: \$265	\$1,425 - \$1,535
	In re FR Dixie Acquisition Sub Corp., Reorganized Debtor, No. 18-12476 (KG)	(Bankr. D. Del.) (Feb. 2019) (Dkt. No. 26)	Senior Counsel and Counsel: \$1,140 - \$1,170 Associate: \$540 - \$1,085 Paralegal: \$240 - \$410	\$1,350 - \$1,550

Defense Firm Name	Case Name	Citation	Non-Partner Attorneys' Fee Range	Partners' Fee Range
Skadden, Arps, Slate, Meagher & Flom LLP	In re: Armstrong Flooring, Inc., No. 22-bk-10426	(Bankr. D. Del. May 2022) (ECF No. 187)	Of Counsel: \$1,300 - \$1,495 Associate: \$550 - \$1,275	\$1,465 - \$1,980
	In re VIVUS, Inc. <i>et al.</i> , Reorganized Debtors, No. 20-bk-11779 (LSS)	(Bankr. D. Del.) (Jan. 2021) (Dkt. No. 443)	Of Counsel: \$1,260 Associate: \$695 - \$1,120 (\$495 for Associate pending Admission)	\$1,425 - \$1,565
	In re JCK Legacy Company, <i>et al.</i> , Debtors, No. 20-10418 (MEW)	(Bankr. S.D.N.Y.) (Oct. 2020) (Dkt. No. 938)	Counsel: \$1,125 - \$1,325 Associate: \$575 - \$1,120 Paraprofessional: \$95 - \$520	\$1,275 - \$1,775
Sullivan & Cromwell LLP	In re SVB Financial Group, Debtor, No. 23-10367 (MG)	(Bankr. S.D.N.Y.) (Sep. 2023) (Dkt. No. 543)	Senior Counsel: \$2,165 Special Counsel: \$1,575 - \$1,790 Associate: \$775 - \$1,475 Paralegal: \$425 - \$595 Legal Analyst: \$595	\$1,083 - \$2,165
	In re FTX Trading LTD, <i>et al.</i> , Debtors, No. 22-11068 (JTD)	(Bankr. D. Del.) (Aug. 2023) (Dkt. No. 2271)	Of Counsel: \$2,165 Special Counsel: \$1,575 - \$1,825 Associate: \$775 - \$1,475 Law Clerk: \$550 Paralegal: \$425 - \$595 Legal Analyst: \$595	\$1,595 - \$2,165

Defense Firm Name	Case Name	Citation	Non-Partner Attorneys' Fee Range	Partners' Fee Range
Vinson & Elkins LLP	In re California Resources Corporation, <i>et al.</i> , Debtors, No. 20-33568 (DRJ)	(Bankr. S.D.Tex.) (Nov. 2020) (Dkt. No. 674)	Counsel: \$835 - \$1,085 Associate: \$565 - \$955	\$1,025 - \$1,630
	In re Cloud Peak Energy Inc., <i>et al.</i> , Debtors, No. 19-11047 (KG)	(Bankr. D. Del.) (Sept. 2019) (Dkt. No. 663)	Counsel: \$1,010 - \$1,070 Associate: \$525 - \$1,065 Paralegal: \$330 - \$380 Practice Support: \$300 - \$375	\$1,070 - \$1,550
Weil, Gotshal & Manges LLP	In re ORG GC MIDCO, LLC, Debtor, No. 21-90015 (MI)	(Bankr. S.D. Tex.) (Dec. 2021) (Dkt. No. 124-2)	Associate: \$630 - \$1,100 Paraprofessional: \$260 - \$460	\$1,225 - \$1,795
	In re Sears Holdings Corporation, <i>et al.</i> , Debtors, No. 18-23538 (RDD)	(Bankr. S.D.N.Y.) (Oct. 2018) (Dkt. No. 344)	Associate: \$560 - \$995 Paraprofessional: \$240 - \$420	\$1,075 - \$1,600
Willkie Farr & Gallagher LLP	In re Frontier Communications Corporation, <i>et al.</i> , Debtors, No. 20-22476 (RDD)	(Bankr. S.D.N.Y.) (Nov. 2020) (Dkt. No. 1365)	Associate: \$1,050 Paralegal: \$265 - \$435	\$1,450
	In re Imerys Talc America, Inc., <i>et al.</i> , Debtors, No. 19-10289 (LSS)	(Bankr. D. Del.) (Nov. 2020) (Dkt. No. 2554)	Associate: \$515 - \$1,100 Paraprofessional: \$310 - \$435	\$1,200 - \$1,600
Wilson Sonsini Goodrich & Rosati	In re Tonopah Solar Energy, LLC, Debtor, No. 20-11884 (KBO)	(Bankr. D. Del.) (Jul. 2020) (Dkt. No. 43)	Counsel: \$440 - \$1,350 Associate: \$510 - \$920 Legal Staff: \$120 - \$480	Member: \$925 - \$1,750
	In re Insys Therapeutics, Inc., <i>et al.</i> , Debtors, No. 19-11292 (JTD)	(Bankr. D. Del.) (Apr. 2020) (Dkt. No. 1289)	Associate: \$590- \$815	Member: \$840 -\$1,390



RECENT TRENDS IN SECURITIES CLASS ACTION LITIGATION: 2023 FULL-YEAR REVIEW

By Edward Flores and Svetlana Starykh¹

FOREWORD

I am excited to share NERA's "Recent Trends in Securities Class Action Litigation: 2023 Full-Year Review" with you. This year's edition builds on work carried out over more than three decades by many of NERA's securities and finance experts. Although space does not permit us to present all the analyses the authors have undertaken while working on this year's edition or to provide details on the statistical analysis of settlement amounts, we hope you will contact us if you want to learn more about our research or our work in securities litigations. On behalf of NERA's securities and finance experts, I thank you for taking the time to review this year's report and hope you find it informative.

DAVID TABAK, PhD

Senior Managing Director



INTRODUCTION

There were 228 new federal securities class action suits filed in 2023, ending a four-year decline in filings seen from 2019 to 2022. The increase in filings was mainly driven by an increase in the number of suits alleging Rule 10b-5 violations. Fueled by turmoil in the banking industry, filings in the finance sector more than doubled in 2023, comprising 18% of new filings. The number of filings related to the environment quadrupled in 2023 compared to 2022.

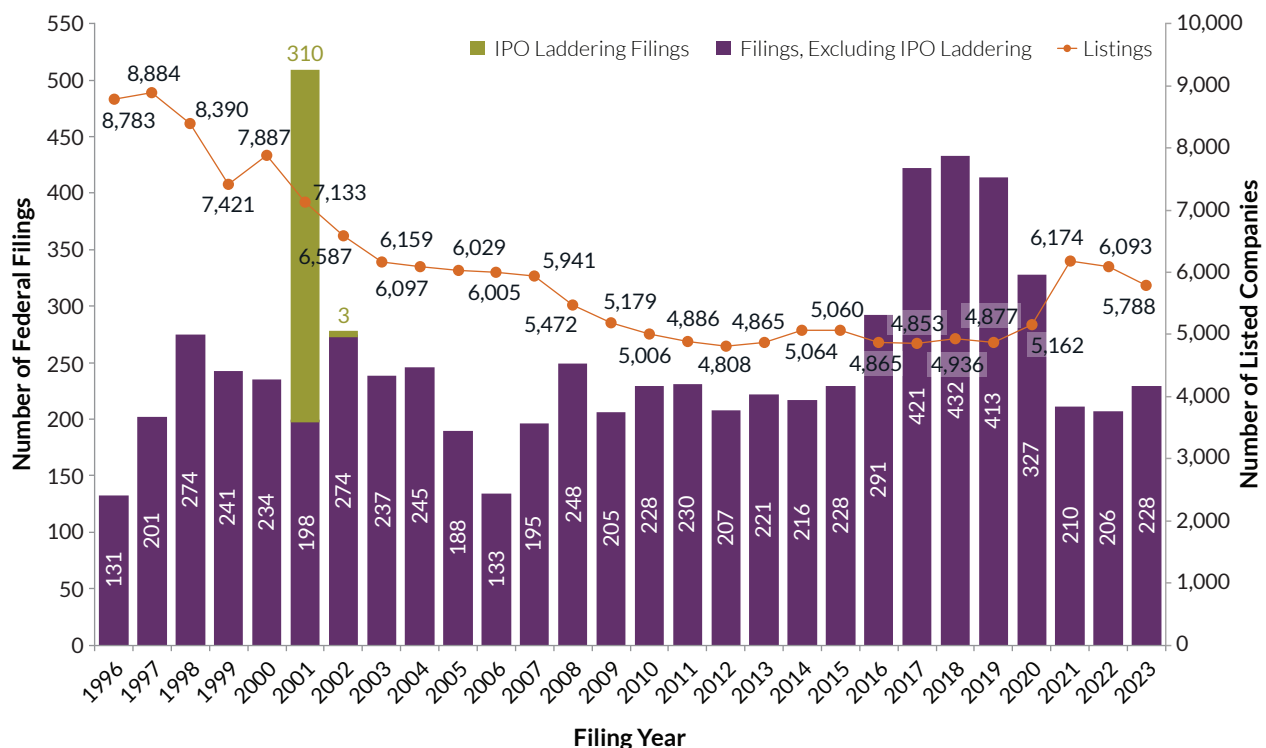
For the sixth consecutive year, there was a decline in the number of resolutions. There were 190 cases resolved in 2023, consisting of 90 settlements and 100 dismissals, marking the lowest recorded level of resolutions in the last 10 years. More than half of the decline in resolutions was driven by a decrease in the number of settled cases with Rule 10b-5, Section 11, and/or Section 12 claims.

Aggregate settlements totaled \$3.9 billion in 2023, with the top 10 settlements of the year accounting for over 66% of this amount. Aggregate plaintiffs' attorneys' fees and expenses totaled \$972 million, accounting for 24.9% of the 2023 aggregate settlement value. The average settlement value increased by 17% in 2023 to \$46 million, though this was largely driven by the presence of a \$1 billion settlement. The median settlement value for 2023 was \$14 million, a nominal 7% increase from the inflation-adjusted median settlement value in 2022.

TRENDS IN FILINGS

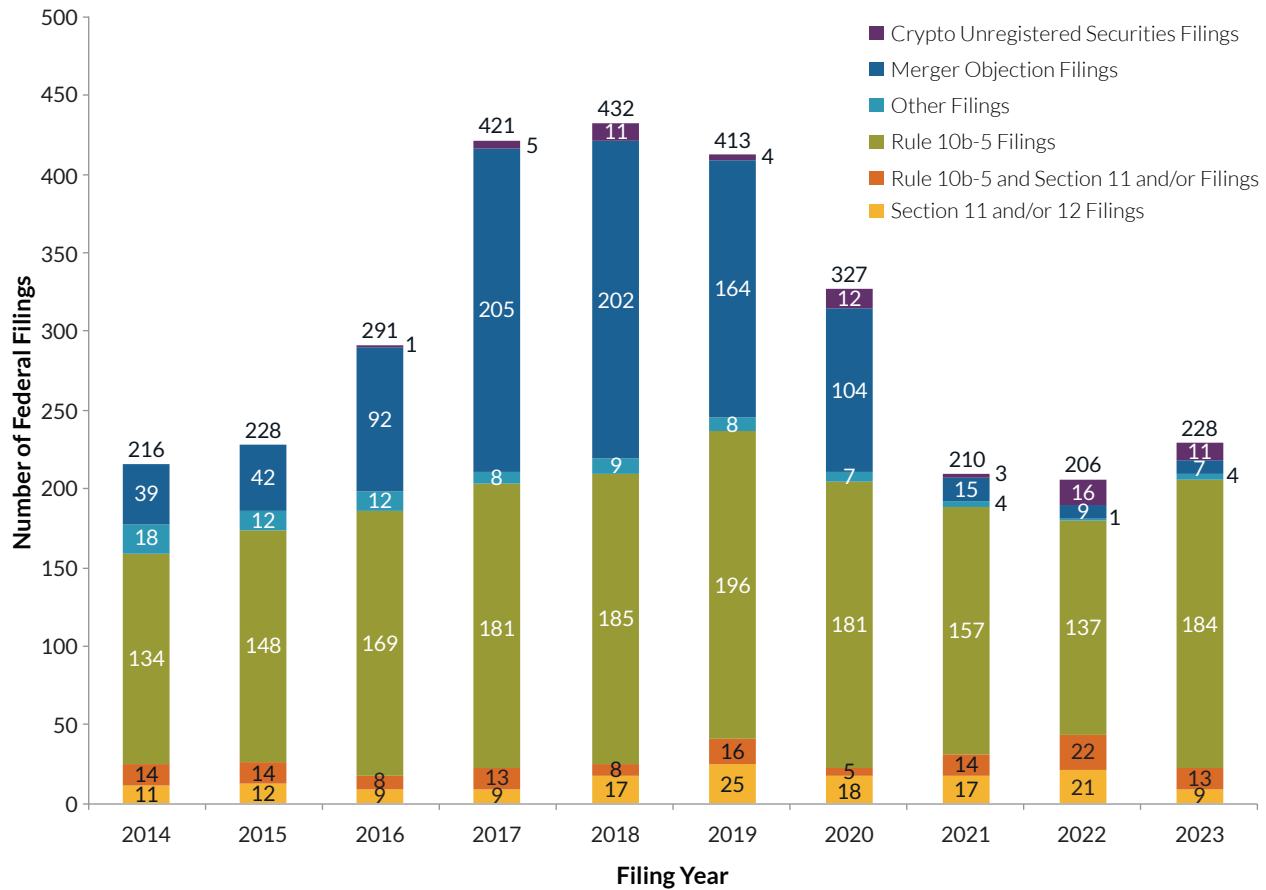
From 2019 to 2022, there was a decline in the number of federal filings. In 2023, there were 228 new cases filed, an increase from the 206 cases filed in 2022 (see Figure 1).² Standard cases, which contain alleged violations of Rule 10b-5, Section 11, and/or Section 12, accounted for most new filings with 206.³ In particular, filings involving only Rule 10-5 claims increased by 34% from 137 in 2022 to 184 in 2023. On the other hand, there were only seven merger-objection suits filed in 2023, marking a 10-year low. There was also a decline in filings involving crypto unregistered securities, dropping to 11 in 2023 from the 16 observed in 2022.⁴ See Figure 2.

Figure 1. **Federal Filings and Number of Companies Listed in the United States**
January 1996–December 2023



Note: Listed companies include those listed on the NYSE and Nasdaq. Listings data obtained from World Federation of Exchanges (WFE). The 2023 listings data are as of October 2023.

Figure 2. **Federal Filings by Type**
January 2014–December 2023

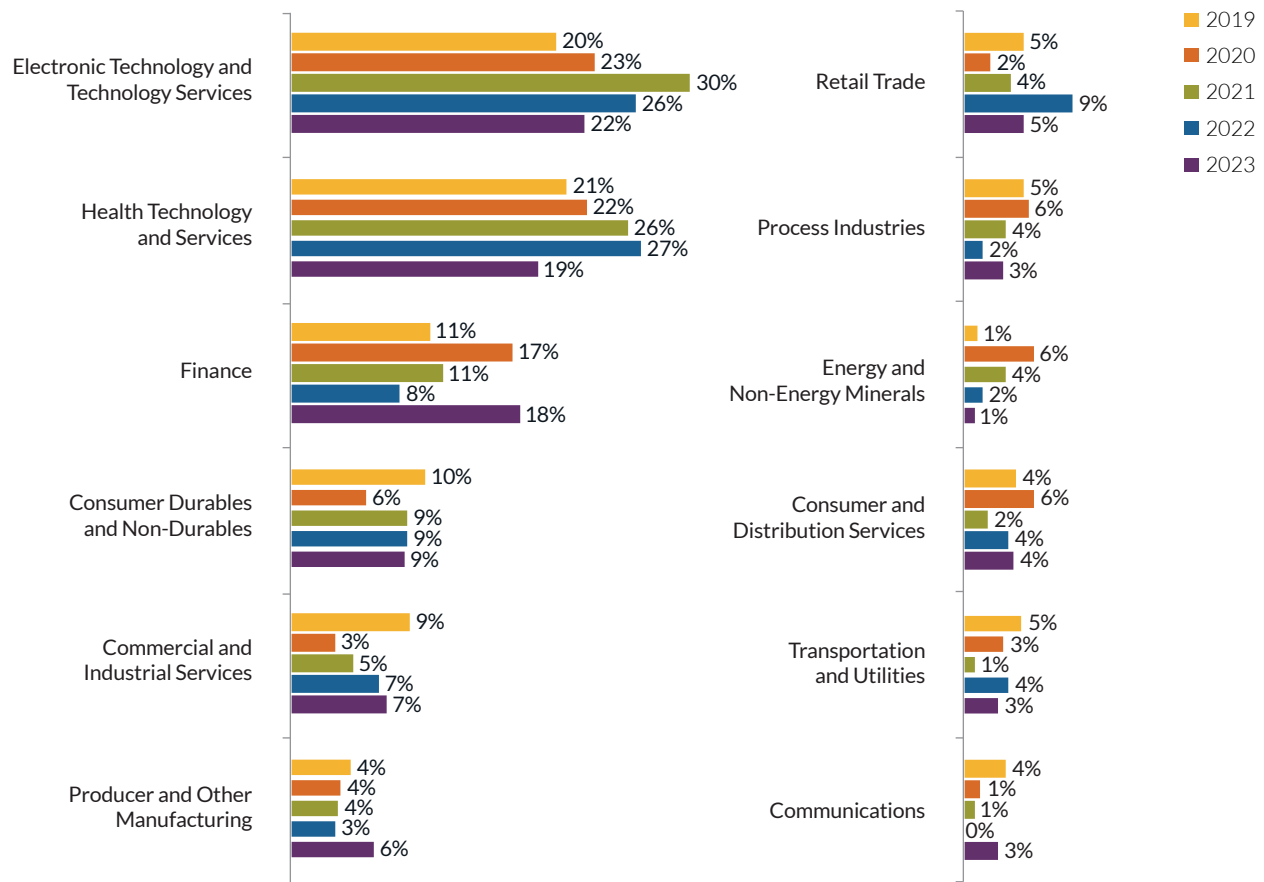


Excluding merger-objection and crypto unregistered securities cases, the electronic technology and technology services sector accounted for 22% of new filings, the largest proportion of any sector. After hitting a five-year low in 2022, there was a resurgence in filings in the finance sector in 2023, accounting for 18% of new filings. This is more than double the percentage in 2022 and was partly due to the banking crisis in early 2023. On the other hand, the percentage of suits in the health technology and services sector declined from 27% in 2022 to 19% in 2023, partially driven by a decline in COVID-19-related suits. See Figure 3.

Figure 3. Percentage of Federal Filings by Sector and Year

Excludes Merger Objections and Crypto Unregistered Securities

January 2019–December 2023

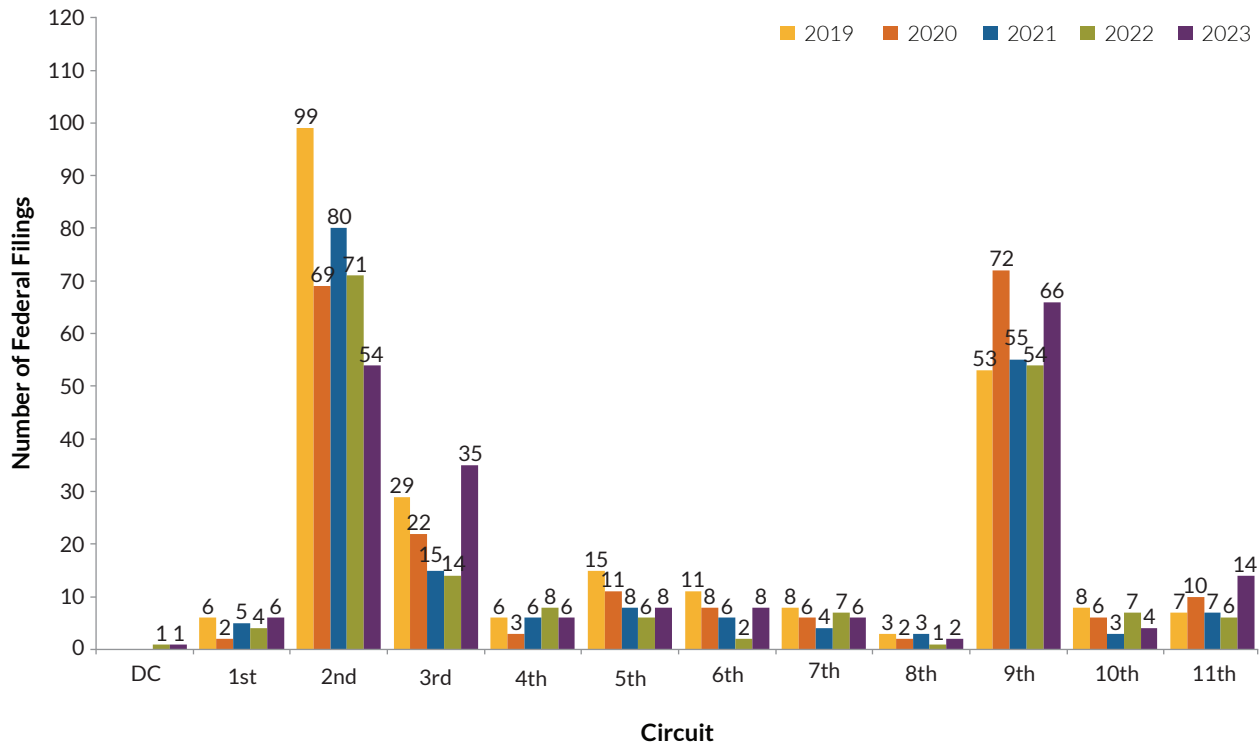


Note: This analysis is based on the FactSet Research Systems, Inc. economic sector classification. Some of the FactSet economic sectors are combined for presentation.

The Second, Third, and Ninth Circuits continue to be the jurisdictions with the most cases filed, together accounting for 155 of the 210 non-merger-objections, non-crypto unregistered securities filings. The Ninth Circuit witnessed 66 new filings, marking a 22% increase from 2022. The number of filings in the Second Circuit declined by 24% to 54, marking a five-year low. The Third Circuit accounted for 35 filings, more than double the number of cases in 2022. Elsewhere, there were 14 cases filed in the Eleventh Circuit, marking a five-year high. See Figure 4.

Figure 4. **Federal Filings by Circuit and Year**

Excludes Merger Objections and Crypto Unregistered Securities
January 2019–December 2023



Among filings of standard cases, 31% included an allegation related to missed earnings guidance and 29% included an allegation related to misled future performance.⁵ Meanwhile, the percentage of standard cases containing an allegation related to merger-integration issues declined by one-third to 11%, partially driven by a decline in SPAC-related filings. See Figure 5.

Figure 5. **Allegations**

Shareholder Class Actions with Alleged Violations of Rule 10b-5, Section 11, and/or Section 12
January 2019–December 2023



FILINGS AGAINST FOREIGN COMPANIES

Historically, foreign companies with securities listed on US exchanges have been targeted with securities class action suits at a higher rate than their proportion of US listings, though this trend has reversed over the past two years.⁶ In 2023, 18.9% of filings of standard cases were against foreign companies, compared to 24.1% of US listings represented by foreign companies. See Figure 6.

In 2023, there were 39 standard suits filed against foreign companies, a slight increase from 2022 (see Figure 7). Suits against companies in Asia accounted for 19 filings, while another 14 filings were against European companies. Nearly 36% of cases involving foreign companies had an allegation related to regulatory issues, compared to 23% for US companies. See Figure 8.

Figure 6. **Foreign Companies: Share of Filings and Share of Companies Listed on US Exchanges**
 Shareholder Class Actions with Alleged Violations of Rule 10b-5, Section 11, and/or Section 12
 January 2014–December 2023

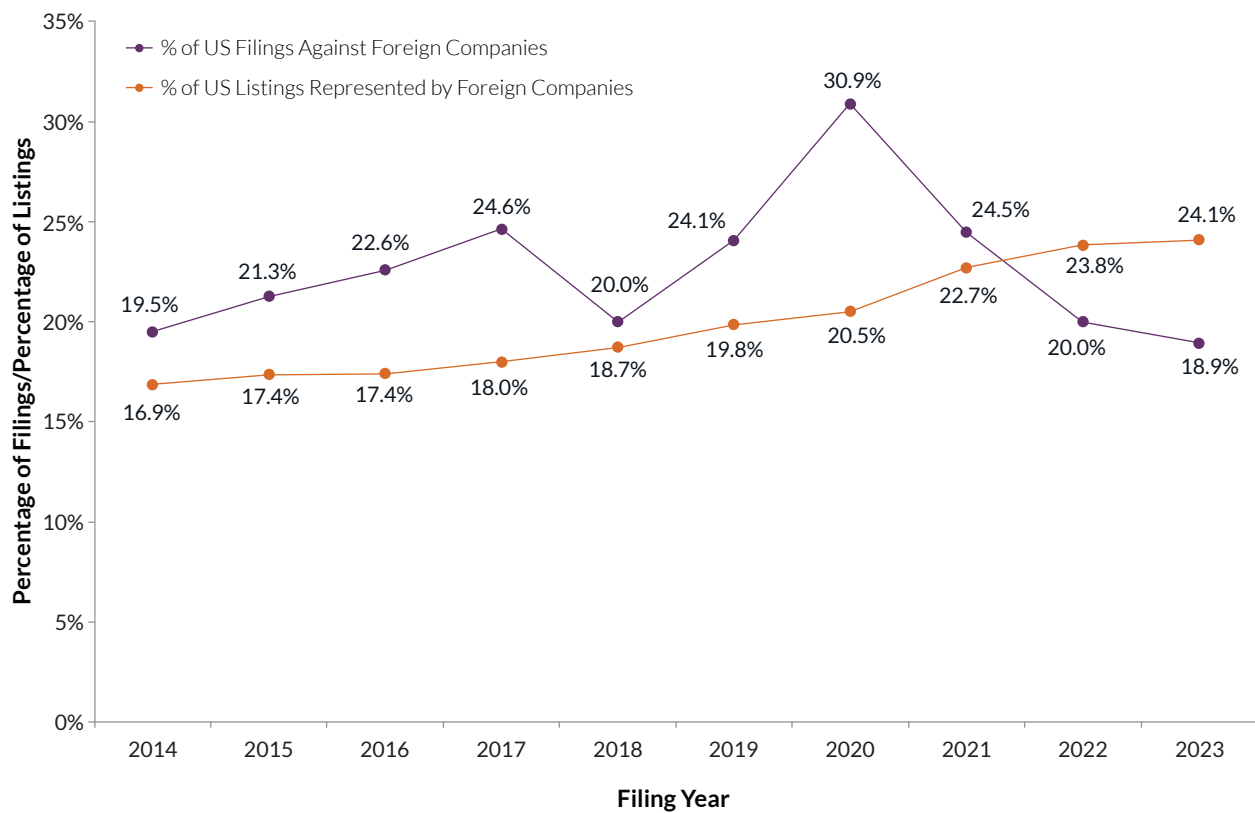
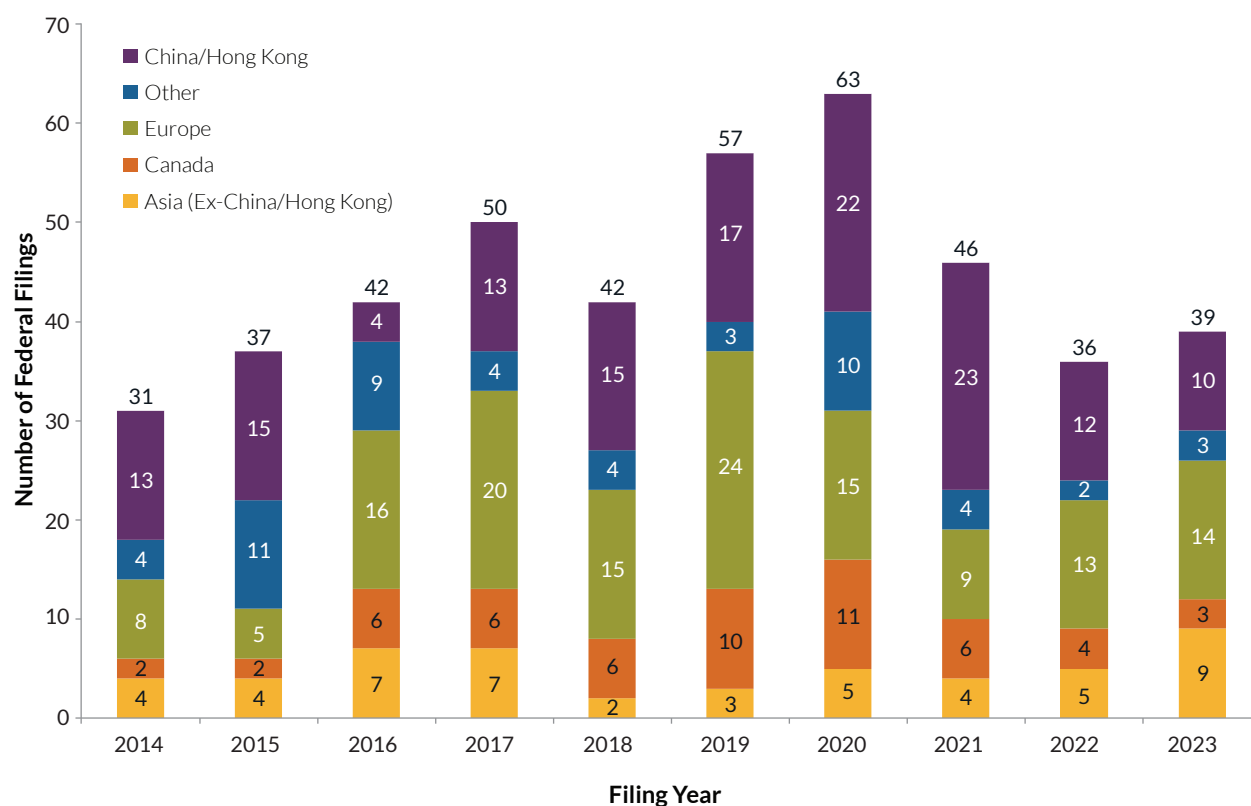


Figure 7. **Filings Against Foreign Companies**

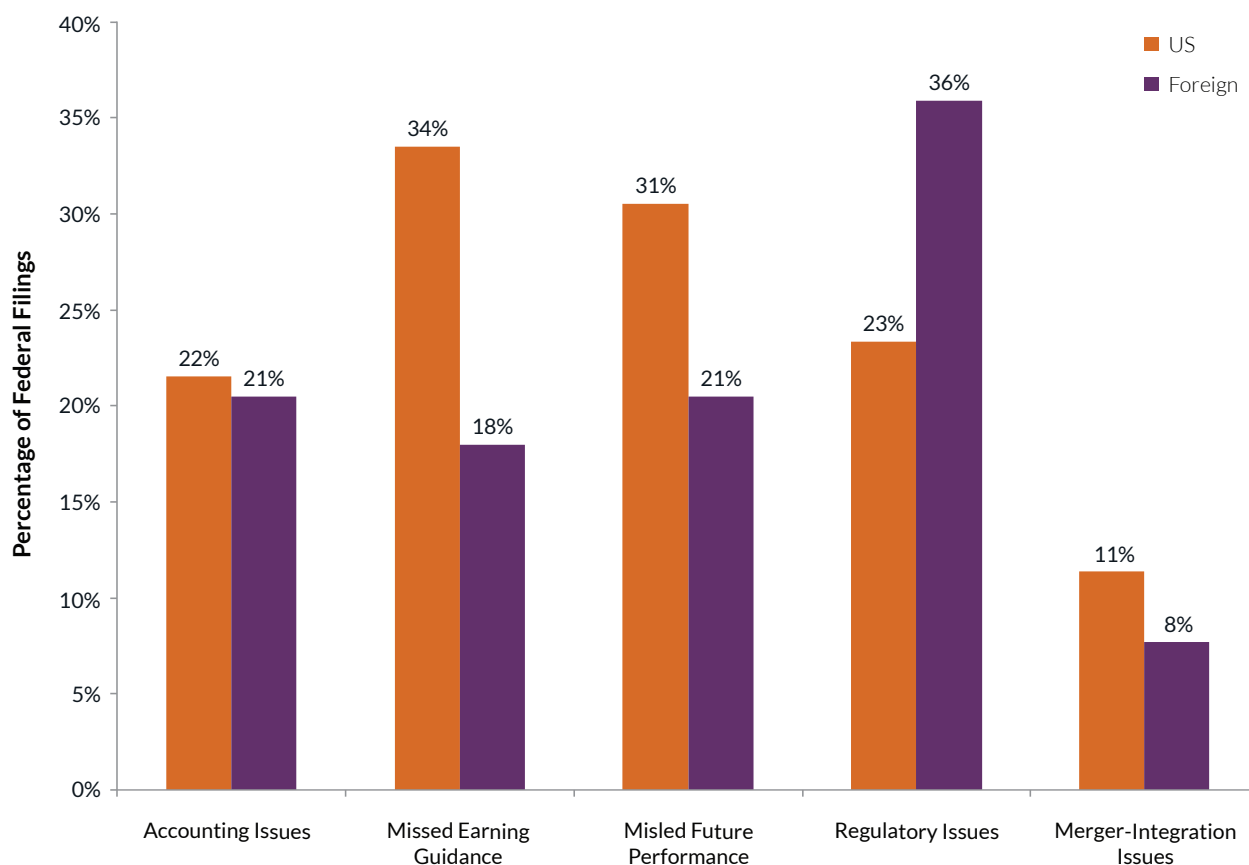
Shareholder Class Actions with Alleged Violations of Rule 10b-5, Section 11, or Section 12 by Region
January 2014–December 2023



Note: Foreign issuer status determined based on location of principal executive offices.

Figure 8. **Allegations by US and Foreign Companies**

Shareholder Class Actions with Alleged Violations of Rule 10b-5, Section 11, and/or Section 12
January 2023–December 2023



EVENT-DRIVEN AND OTHER SPECIAL CASES

In this section, we summarize trends in filings in potential development areas that we have identified for securities class actions over the past five years (see Figures 9 and 10). Due to the small number of cases in some categories, the findings summarized here may be driven by one or two cases.

Crypto Cases

Since 2020, there have been at least 10 crypto-related federal filings each year, comprised of cases involving unregistered securities and shareholder suits involving companies operating in or adjacent to the cryptocurrency sector. In 2023, there were 16 crypto-related federal filings, a 28% decline from the 26 filings observed in 2022.

Figure 9. **Number of Crypto Federal Filings**
January 2016–December 2023



2023 Banking Turmoil

The first securities class action suit alleging problems in the banking industry was filed on 7 December 2022 against bank holding company Silvergate Capital Corporation, which provided a banking platform through its subsidiary, Silvergate Bank.⁷ Silvergate Bank's voluntary liquidation on 8 March 2023 started a rapid chain of bank failures that intensified during the spring, which saw the collapse of Silicon Valley Bank, Signature Bank, and First Republic Bank,⁸ and continued through 3 November 2023, when Citizens Bank of Sac City was closed by the Iowa Division of Banking.⁹ Between December 2022 and October 2023, there were 12 securities class action suits filed against banking institutions. Of those, 11 cases were filed in 2023, representing nearly 30% of all filings in the finance sector. Four of the 11 cases were filed against Credit Suisse Group AG, after Credit Suisse, the second-largest bank in Switzerland, collapsed in March 2023 and was bought by rival UBS Group AG.

Environment

In recent years, there has been an increased focus by governments and regulators on issues related to the environment, fossil fuel emissions, quality of drinking water, and climate change. During the past five years, there have been 20 environment-related securities class action suits filed. Eight of these cases were filed in 2023, quadruple the number from the two cases filed in 2022. Among the cases filed in 2023 include a suit against Hawaiian Electric Industries, Inc. in connection with wildfires in Hawaii, two cases related to train derailments with severe environmental consequences against Norfolk Southern Corporation, and three cases involving telecommunication companies AT&T, Verizon Communications, and Lumen Technologies for ownership of thousands of miles of lead-covered cables.

Cannabis

In 2019, there were 13 securities class action suits filed against defendants in the cannabis industry. The number of filings has declined in subsequent years, with only one suit filed per year in each of 2022 and 2023.

Money Laundering

In each of 2019 and 2020, three cases were filed with claims related to money laundering. In 2021, there were no such cases filed, while in 2022 and 2023, only one such suit was filed in each year.

Cybersecurity and Customer Privacy Breach

Since 2019, there have been at least three securities class action suits filed each year related to a cybersecurity and/or customer privacy breach. While there were seven such filings in 2021, there were only three filings in 2023.

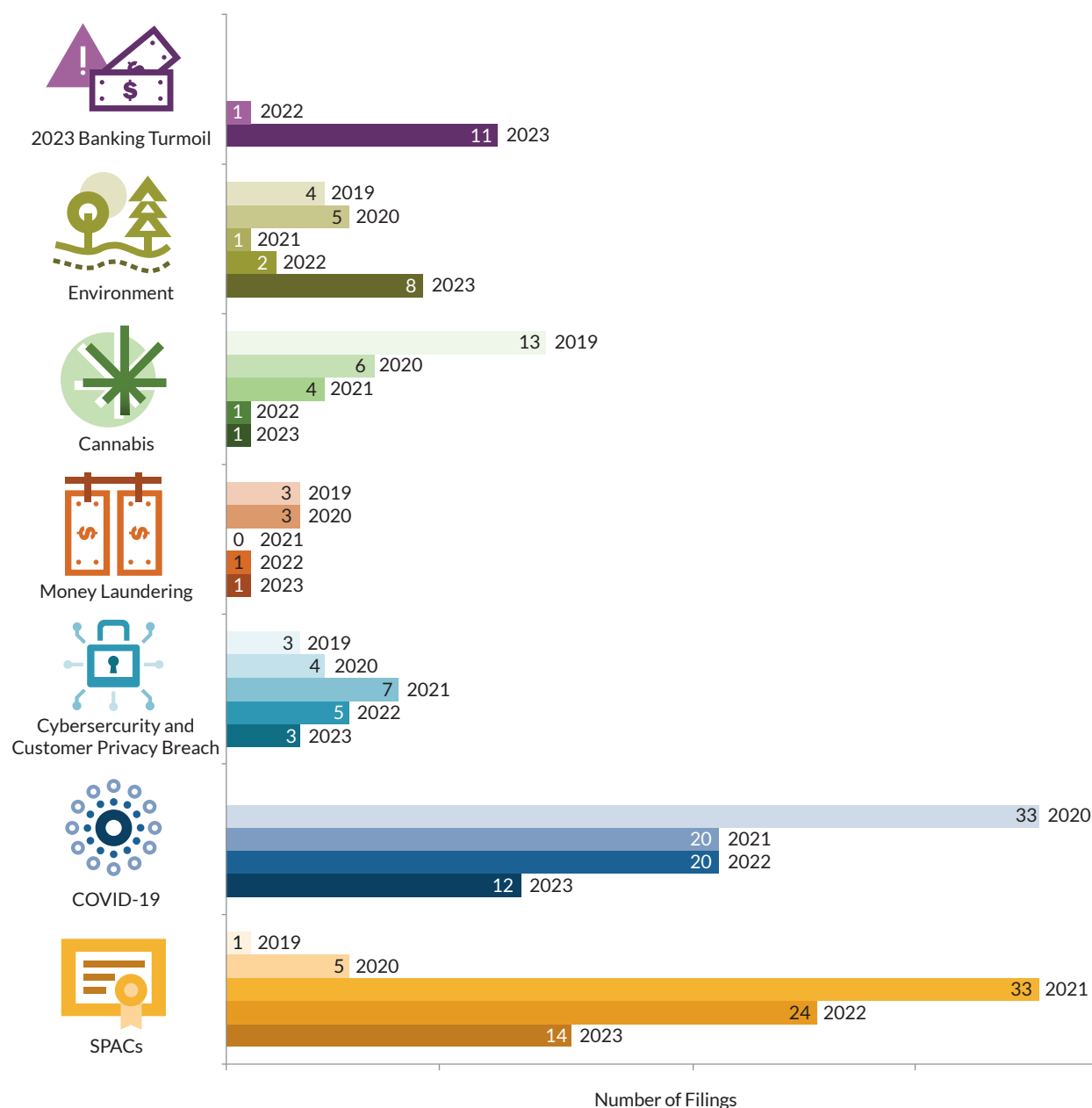
COVID-19

Since March 2020, there have been 85 securities class actions filed with claims related to the COVID-19 pandemic. Of these, 33 cases were filed in 2020. In 2021 and 2022, the number of suits declined to 20 each year, while in 2023, there were only 12 such filings.

SPAC

Filings related to special purpose acquisition companies (SPACs) peaked in 2021 with 31 securities class action suits filed that year. Since then, new federal filings related to SPACs have declined each year to 24 in 2022 and 14 in 2023.

Figure 10. Event-Driven and Other Special Cases by Filing Year
January 2019–December 2023



TRENDS IN RESOLUTIONS

In 2023, the number of resolved cases declined by 15% to 190 from 223 in 2022, continuing a six-year decline in resolutions seen since 2018 and marking the lowest recorded level of resolutions in the last 10 years. Of these resolved cases, 90 were settlements and 100 were dismissals.¹⁰ While resolutions declined across all categories of cases, more than half of this decline was due to

a reduction in the number of settled standard cases, which had a record-setting year in 2022. The number of merger-objection cases resolved declined to nine in 2023, consistent with the reduced number of filings of such cases in recent years. See Figure 11.

Since 2015, more cases filed have been dismissed than settled. This is consistent with historical trends, which indicate that dismissals tend to occur earlier in the litigation cycle and settlements occur later (see Figure 12). For cases filed in 2023, 5% of cases have been dismissed while 95% remain pending as of December 2023.

For cases filed and resolved over the past 20 years, over two-thirds were resolved within three years of the filing of the first complaint, while 16% of cases take longer than four years to resolve (see Figure 13). The median time to resolution is 2.1 years.

Figure 11. **Number of Resolved Cases: Dismissed or Settled**
January 2014–December 2023

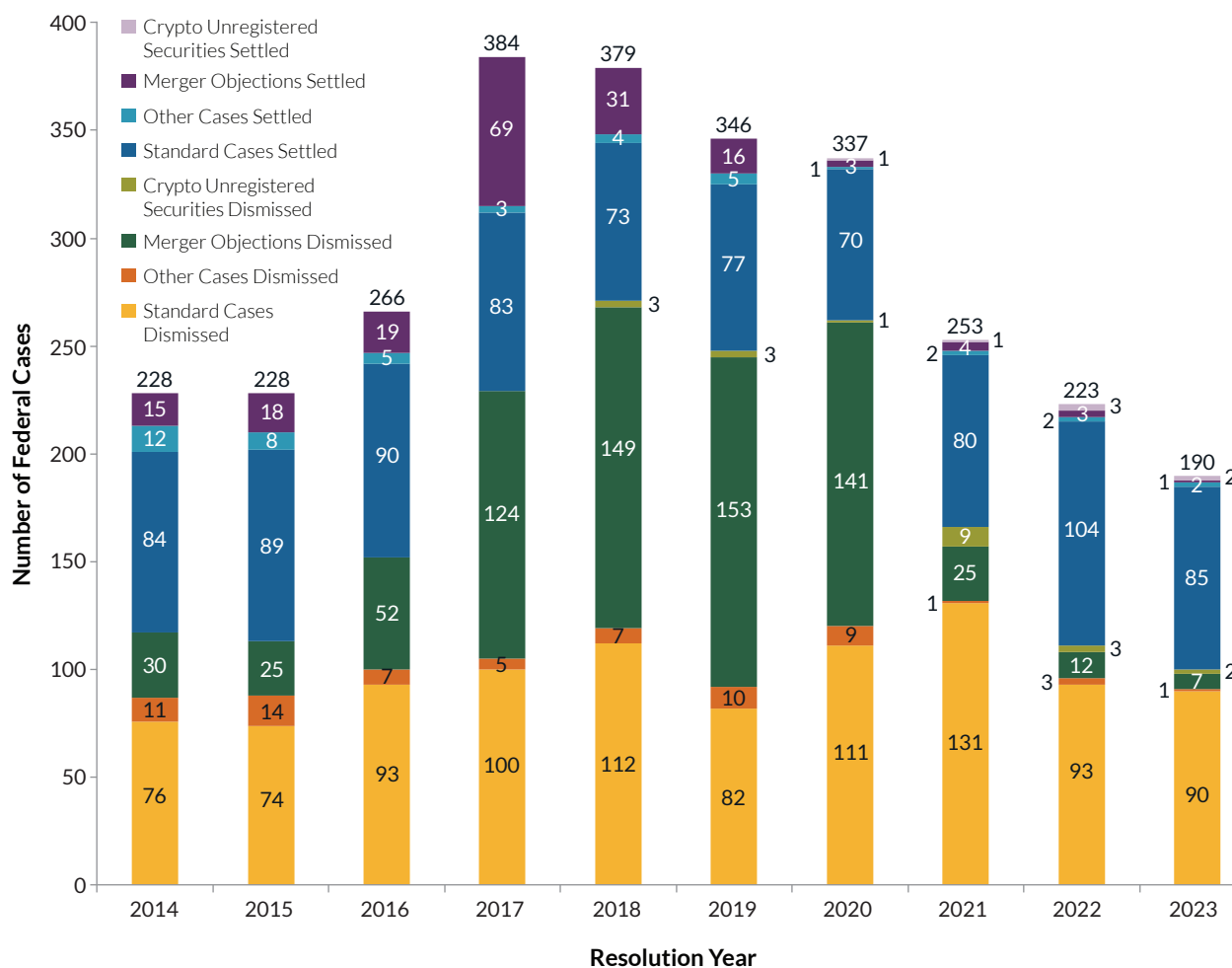
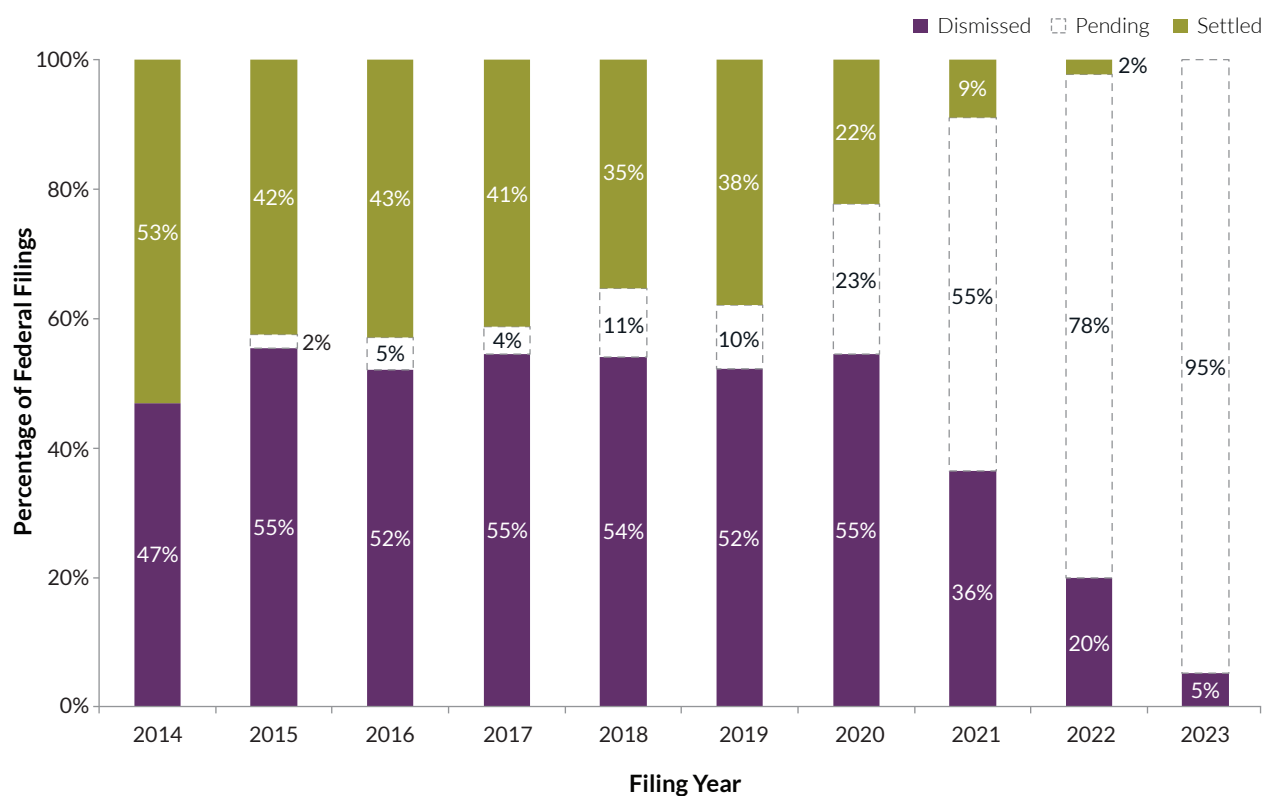


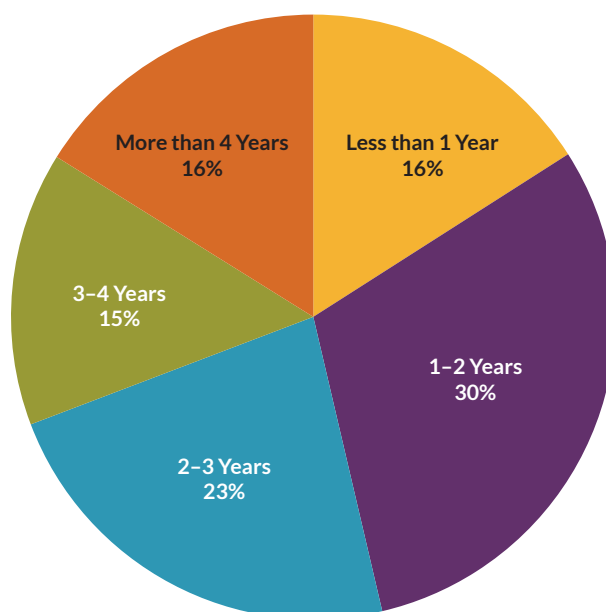
Figure 12. **Status of Cases as Percentage of Federal Filings by Filing Year**
 Excludes Merger Objections, Crypto Unregistered Securities, and Verdicts
 January 2014–December 2023



Note: Dismissals may include dismissals without prejudice and dismissals under appeal. Component values may not add to 100% due to rounding.

The number of resolved cases decreased by 15% to 190 from 223 in 2022, continuing a six-year decline in resolutions seen since 2018 and marking the lowest recorded level of resolutions in the last 10 years.

Figure 13. **Time from First Complaint Filing to Resolution**
 Excluding Merger Objections and Crypto Unregistered Securities
 Cases Filed January 2004–December 2019 and Resolved January 2004–December 2023



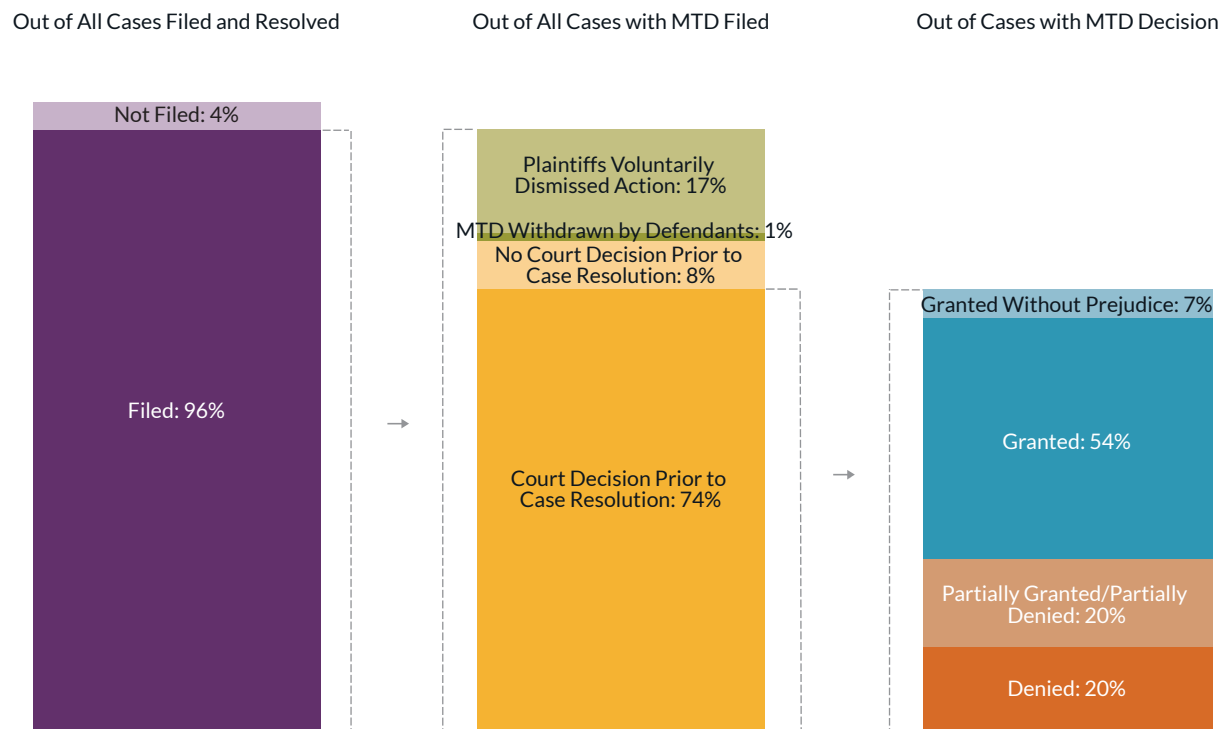
ANALYSIS OF MOTIONS

NERA's federal securities class action database tracks filing and resolution activity as well as decisions on motions to dismiss, motions for class certification, and the status of any motion as of the resolution date. For this analysis, we include securities class actions that were filed and resolved over the 2014–2023 period in which purchasers of common stock are part of the class and in which a violation of Rule 10b-5, Section 11, and/or Section 12 is alleged.

Motion to Dismiss

A motion to dismiss was filed in 96% of the securities class action suits filed and resolved. A decision was reached in 74% of these cases, while 17% were voluntarily dismissed by plaintiffs, 8% settled before a court decision was reached, and 1% of motions were withdrawn by defendants. Among the cases in which a decision was reached, 60% of motions were granted (with or without prejudice) while 40% were denied either in part or in full. See Figure 14.

Figure 14. **Filing and Resolutions of Motions to Dismiss**
Cases Filed and Resolved January 2014–December 2023



Motion for Class Certification

A motion for class certification was filed in only 18% of the securities class action suits filed and resolved, as most cases are either dismissed or settled before the class certification stage is reached. A decision was reached in 60% of the cases in which a motion for class certification was filed, while nearly all remaining 40% of cases were resolved with a settlement. Among the cases in which a decision was reached, the motion for class certification was granted (with or without prejudice) in 86% of cases. See Figure 15.

Approximately 64% of decisions on motions for class certification occur within three years of the filing of the first complaint, with nearly all decisions occurring within five years (see Figure 16). The median time is about 2.7 years.

Figure 15. **Filing and Resolutions of Motions for Class Certification**
Cases Filed and Resolved January 2014–December 2023

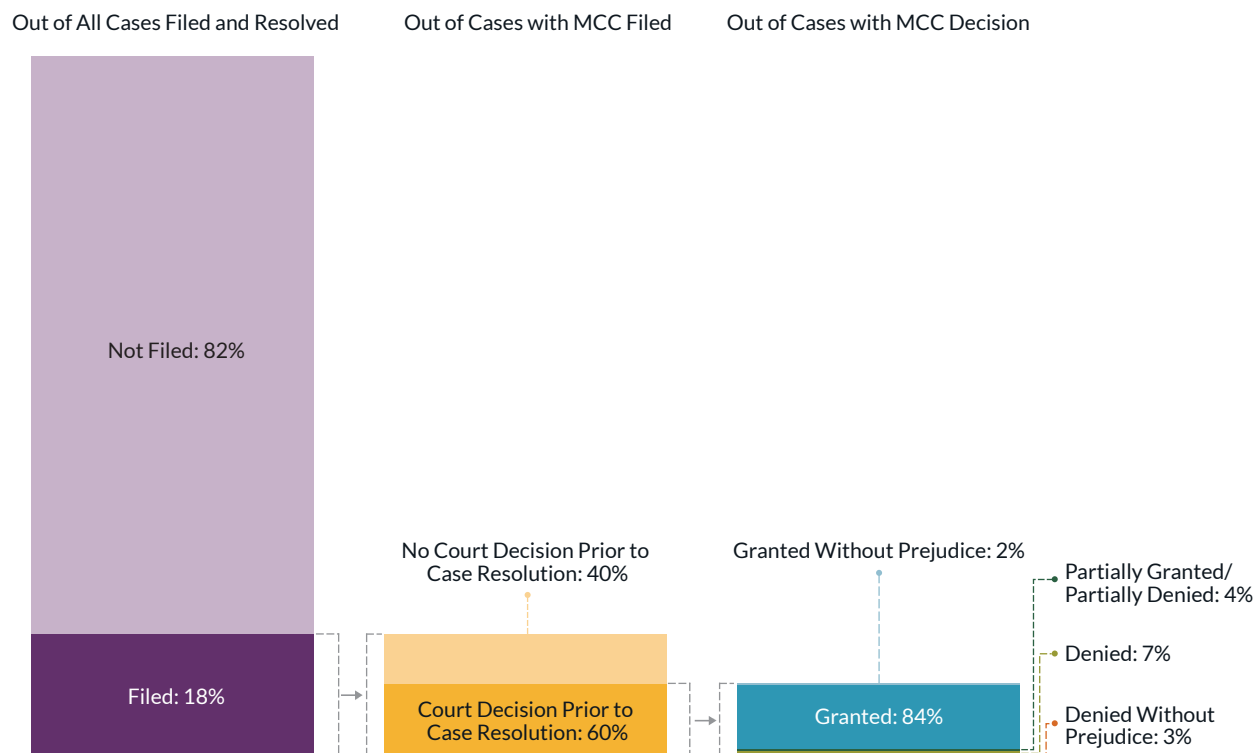
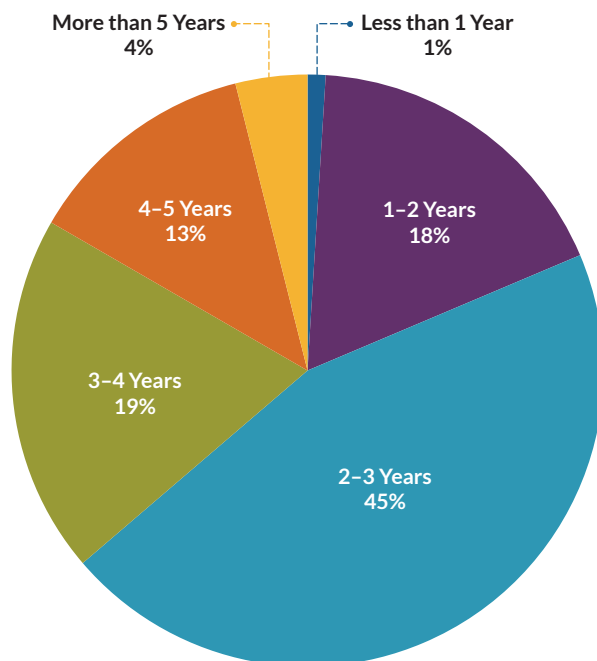


Figure 16. **Time from First Complaint Filing to Class Certification Decision**
Cases Filed and Resolved January 2014–December 2023

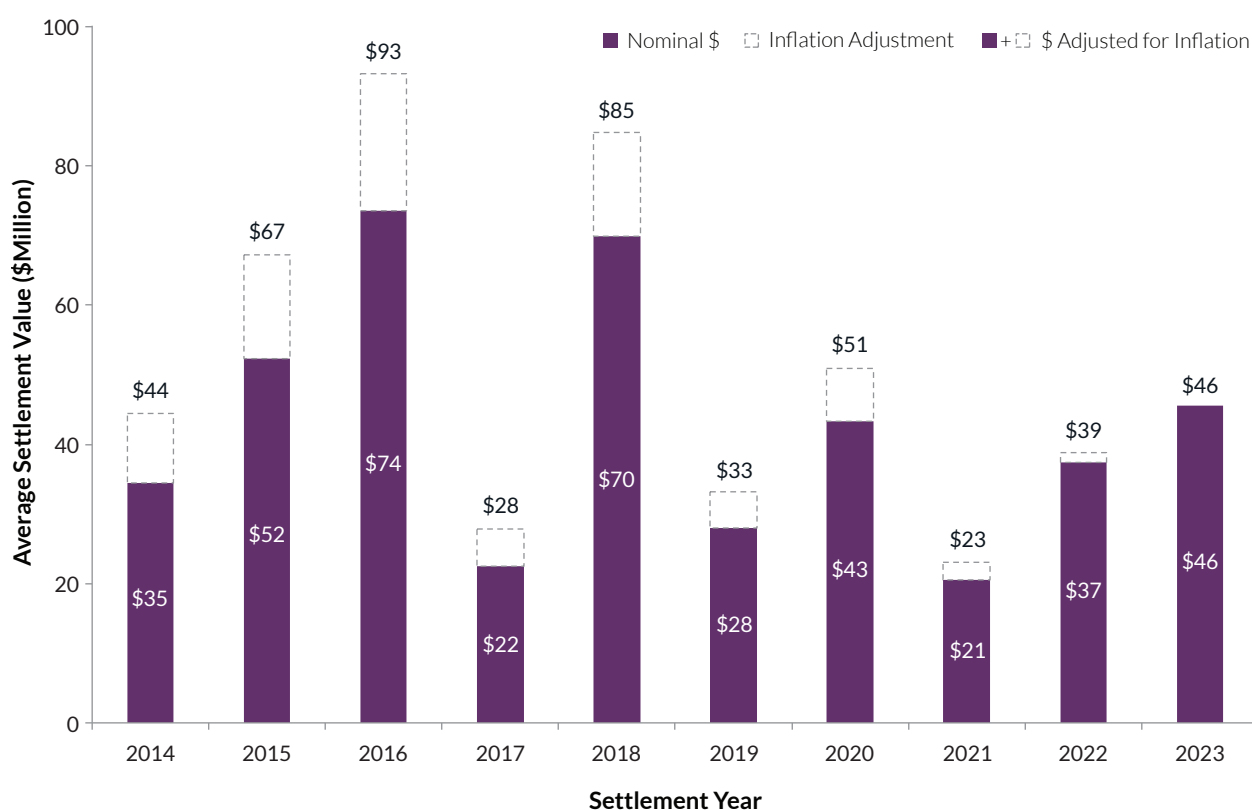


TRENDS IN SETTLEMENT VALUES¹¹

Aggregate settlements for 2023 totaled \$3.9 billion, which marks a slight decline from the inflation-adjusted total of \$4.2 billion from 2022.¹² In 2023, the average settlement value was approximately \$46 million, a 17% increase over the 2022 inflation-adjusted average settlement value of \$39 million and the second consecutive year that this value has increased (see Figure 17). The increase in the average settlement value is largely driven by a \$1 billion settlement by Wells Fargo & Company.¹³

Figure 17. **Average Settlement Value**

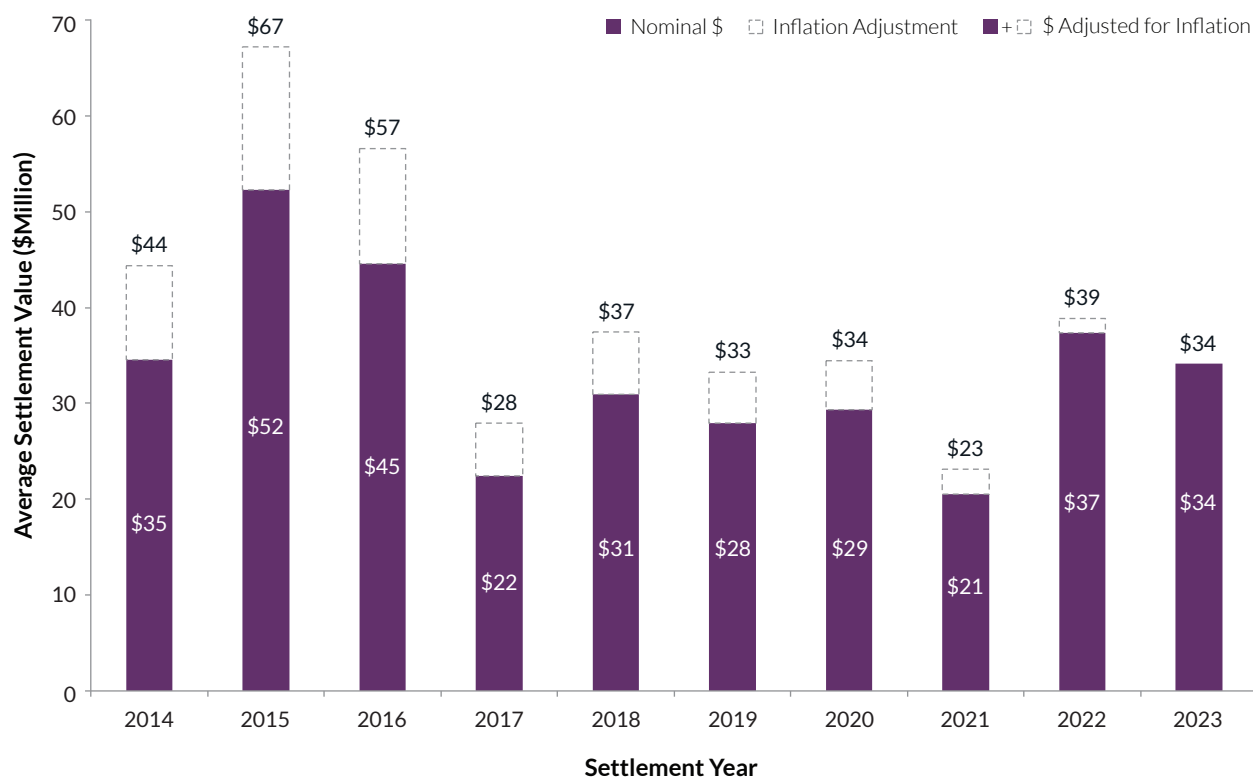
Excludes Merger Objections, Crypto Unregistered Securities, and Settlements for \$0 to the Class
January 2014–December 2023



When excluding settlements of \$1 billion or higher, the average settlement value was \$34 million, a decrease of 12% from the \$39 million inflation-adjusted amount in 2022 (see Figure 18). The median settlement value was \$14.4 million, which is a slight increase from the \$13.5 million inflation-adjusted value seen in 2022 (see Figure 19). Aside from a decrease in the percentage of settlements between \$10 and \$19.9 million and a roughly similar increase in the percentage of settlements between \$20 to \$49.9 million in 2023, the distribution of settlement values in 2023 looks similar to that of 2022 (see Figure 20).

Figure 18. **Average Settlement Value**

Excludes Settlements of \$1 Billion or Higher, Merger Objections, Crypto Unregistered Securities,
and Settlements for \$0 to the Class
January 2014–December 2023



When excluding settlements of \$1 billion or higher, the average settlement value was \$34 million in 2023, a decrease of 12% from the \$39 million inflation-adjusted amount in 2022.

Figure 19. **Median Settlement Value**

Excludes Settlements of \$1 Billion or Higher, Merger Objections, Crypto Unregistered Securities,
and Settlements for \$0 to the Class
January 2014–December 2023

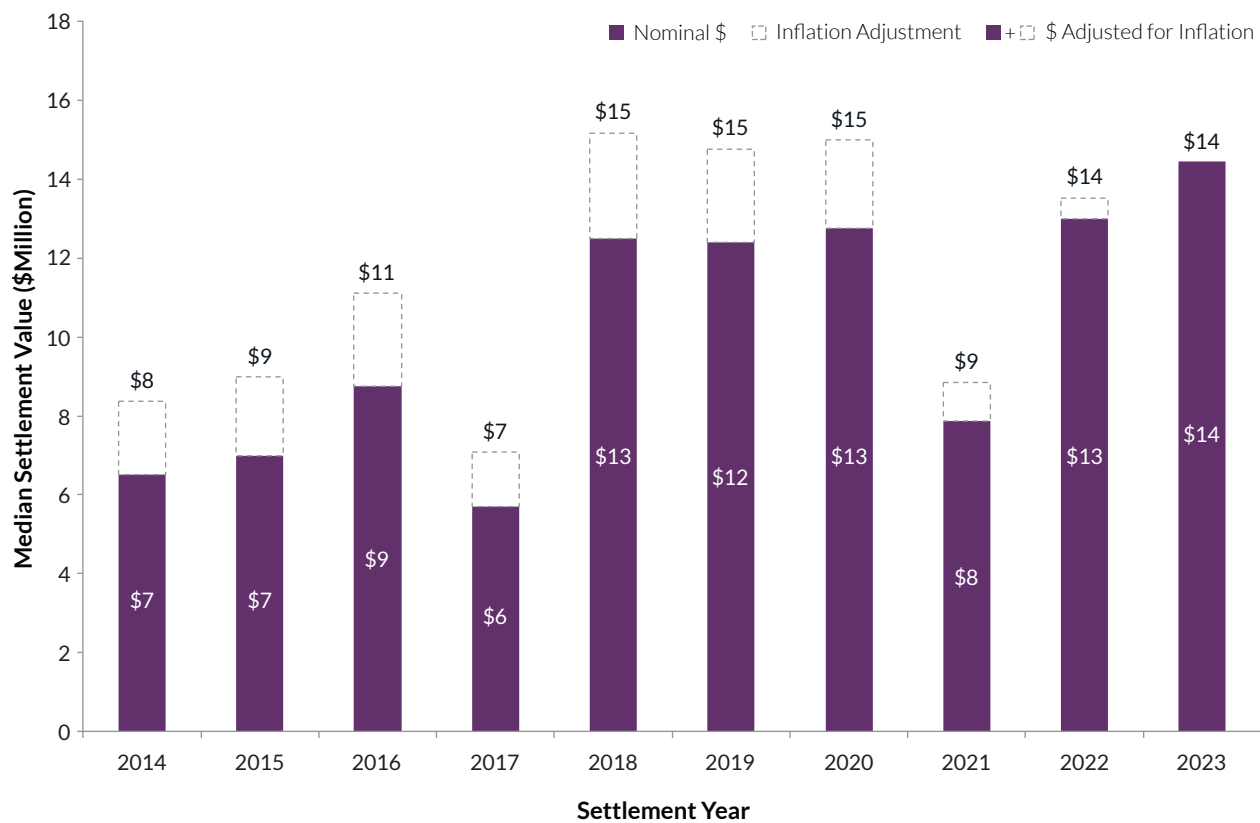
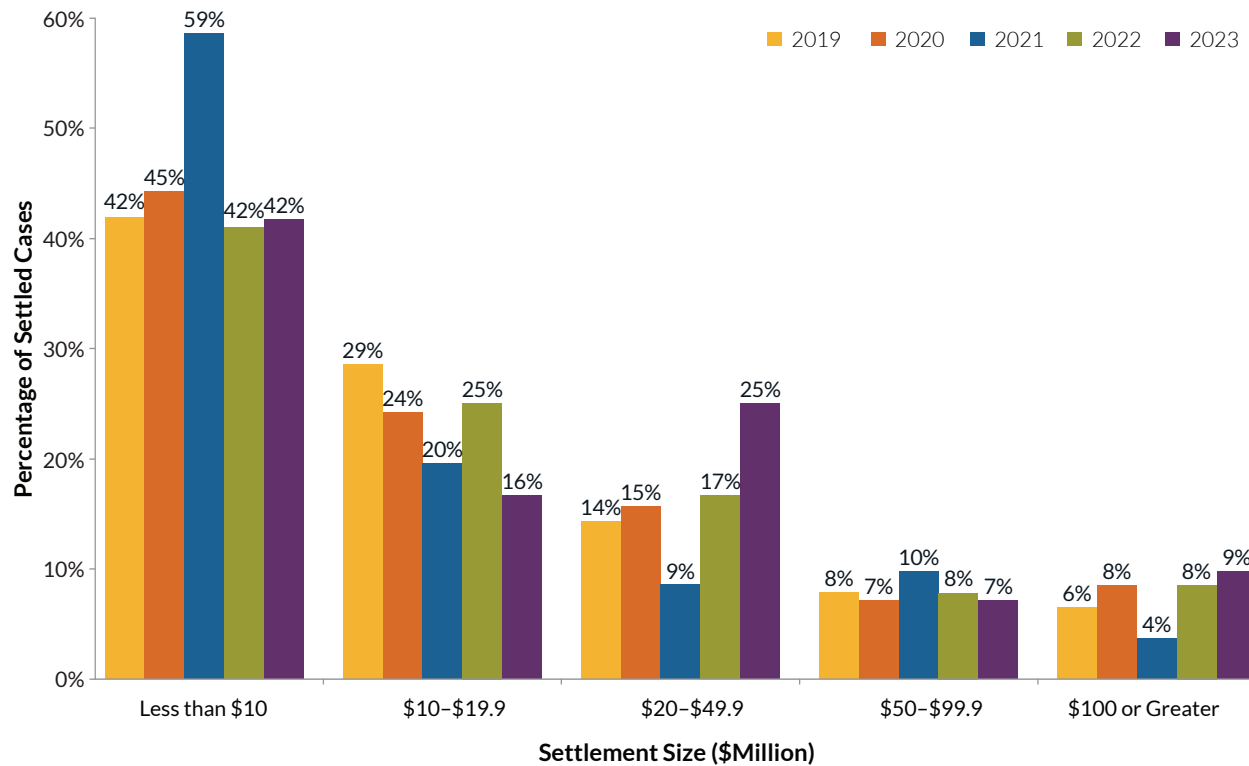


Figure 20. **Distribution of Settlement Values**

Excludes Merger Objections, Crypto Unregistered Securities, and Settlements for \$0 to the Class
January 2019–December 2023



Aggregate settlements for 2023 totaled \$3.9 billion, which marks a slight drop relative to the inflation-adjusted total of \$4.2 billion from 2022.

TOP SETTLEMENTS

The 10 largest settlements in 2023 ranged from \$90 million to \$1 billion and together accounted for over 66% of the \$3.9 billion aggregate settlement amount reached in 2023. Wells Fargo & Company appears twice on this list, taking the top spot in a \$1 billion settlement in a case involving misrepresentations regarding its progress in overhauling its internal controls¹⁴ as well as the third-highest spot in a \$300 million settlement in a matter involving allegations of misconduct in its auto insurance practices.¹⁵ The Second, Seventh, and Ninth circuits accounted for nine of the top 10 settlements.

Table 1. **Top 10 2023 Securities Class Action Settlements**

Rank	Defendant	Filing Date	Settlement Date	Total Settlement Value (\$Million)	Plaintiffs' Attorneys' Fees and Expenses Value (\$Million)	Circuit	Economic Sector
1	Wells Fargo & Company (2020) (S.D.N.Y.)	11 Jun 2020	8 Sep 2023	\$1,000.0	\$181.1	2nd	Finance
2	The Kraft Heinz Company (N.D. Ill.)	24 Feb 2019	12 Sep 2023	\$450.0	\$92.7	7th	Consumer Non-Durables
3	Wells Fargo & Company (2018)	14 Feb 2019	17 Aug 2023	\$300.0	\$77.0	9th	Finance
4	Exelon Corporation (2019)	16 Dec 2019	7 Sep 2023	\$173.0	\$45.3	7th	Utilities
5	McKesson Corporation	25 Oct 2018	2 Jun 2023	\$141.0	\$36.3	9th	Distribution Services
6	Alexion Pharmaceuticals, Inc. (D. Conn.)	17 Nov 2016	20 Dec 2023	\$125.0	\$32.8	2nd	Health Technology
7	Cardinal Health, Inc. (2019)	1 Aug 2019	11 Sep 2023	\$109.0	\$33.4	6th	Distribution Services
8	Micro Focus International plc (S.D.N.Y.) (SEC 11)	28 Mar 2018	27 Jul 2023	\$107.5	\$36.7	2nd	Technology Services
9	Grupo Televisa S.A.B.	5 Mar 2018	8 Aug 2023	\$95.0	\$29.6	2nd	Communications
10	The Allstate Corporation	10 Nov 2016	19 Dec 2023	\$90.0	\$27.1	7th	Finance
Total				\$2,590.0	\$591.9		

Table 2 lists the 10 largest federal securities class action settlements through 31 December 2023. Since the Valeant Pharmaceuticals partial settlement of \$1.2 billion in 2020, this list has remained unchanged, with settlements ranging from \$1.1 to \$7.2 billion.

Table 2. Top 10 Federal Securities Class Action Settlements (As of 31 December 2023)

Rank	Defendant	Filing Date	Settlement Year(s)	Total Settlement Value (\$Million)	Financial Institutions Value (\$Million)	Accounting Firms Value (\$Million)	Plaintiffs' Attorney's Fees and Expenses Value (\$Million)	Circuit	Economic Sector
1	ENRON Corp.	22 Oct 2001	2003–2010	\$7,242	\$6,903	\$73	\$798	5th	Industrial Services
2	WorldCom, Inc.	30 Apr 2002	2004–2005	\$6,196	\$6,004	\$103	\$530	2nd	Communications
3	Cendant Corp.	16 Apr 1998	2000	\$3,692	\$342	\$467	\$324	3rd	Finance
4	Tyco International, Ltd.	23 Aug 2002	2007	\$3,200	No codefendant	\$225	\$493	1st	Producer Manufacturing
5	Petroleo Brasileiro S.A.-Petrobras	8 Dec 2014	2018	\$3,000	\$0	\$50	\$205	2nd	Energy Minerals
6	AOL Time Warner Inc.	18 July 2002	2006	\$2,650	No codefendant	\$100	\$151	2nd	Consumer Services
7	Bank of America Corp.	21 Jan 2009	2013	\$2,425	No codefendant	No codefendant	\$177	2nd	Finance
8	Household International, Inc.	19 Aug 2002	2006–2016	\$1,577	Dismissed	Dismissed	\$427	7th	Finance
9	Valeant Pharmaceuticals International, Inc.*	22 Oct 2015	2020	\$1,210	\$0	\$0	\$160	3rd	Health Technology
10	Nortel Networks	2 Mar 2001	2006	\$1,143	No codefendant	\$0	\$94	2nd	Electronic Technology
Total				\$32,334	\$13,249	\$1,017	\$3,358		

* Denotes a partial settlement, which is included here due to its sizeable amount. Note that this case is not included in any of our resolution or settlement statistics.

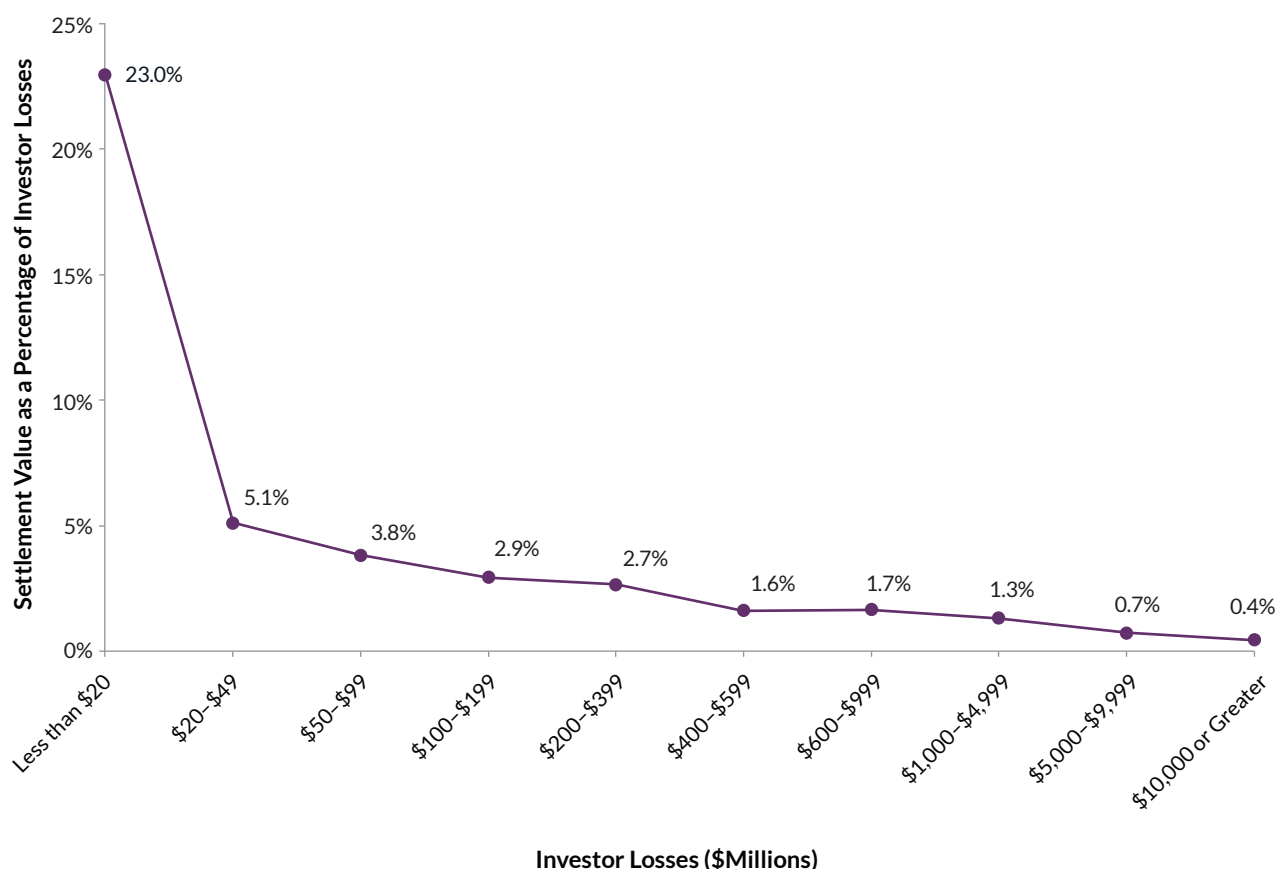
NERA-DEFINED INVESTOR LOSSES

To estimate the potential aggregate loss to investors as a result of investing in the defendant's stock during the alleged class period, NERA has developed a proprietary variable, NERA-Defined Investor Losses, using publicly available data. The NERA-Defined Investor Loss measure is constructed assuming investors had invested in stocks during the class period whose performance was comparable to that of the S&P 500 Index. Over the years, NERA has reviewed and examined more than 2,000 settlements and found, of the variables analyzed, this proprietary variable to be the most powerful predictor of settlement amount.¹⁶

A statistical review reveals that while settlement values and NERA-Defined Investor Losses are highly correlated, the relationship is not linear. The ratio is higher for cases with lower NERA-Defined Investor Losses than for cases with higher Investor Losses. For instance, in cases with less than \$20 million in Investor Losses, the median settlement value comprises 23% of Investor Losses, while in cases with more than \$50 million in Investor Losses, the median settlement value is less than 4% of Investor Losses. See Figure 21.

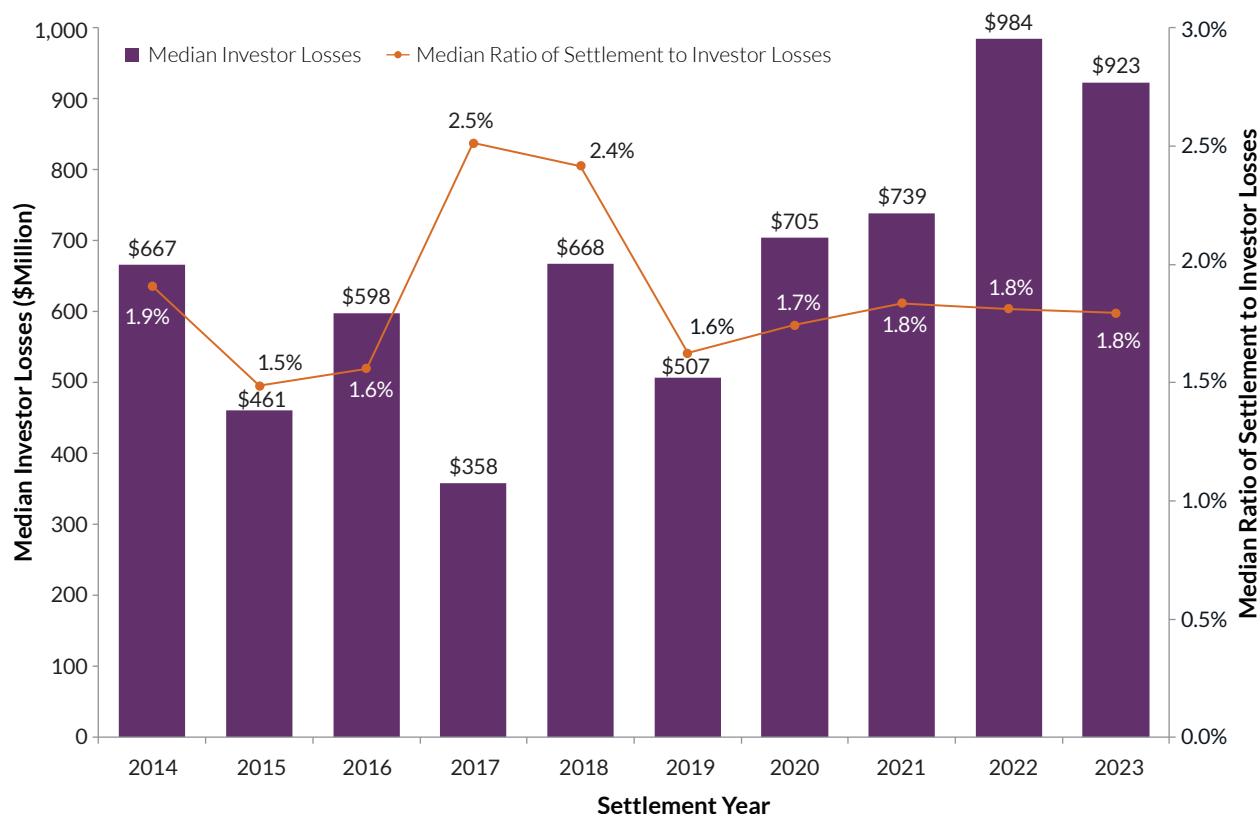
Since 2014, annual median Investor Losses have ranged from a low of \$358 million to a high of \$984 million. For cases settled in 2023, the median Investor Losses were \$923 million, a 6% decline from 2022 and the second highest recorded value during the 2014–2023 period. Since 2021, the median ratio of settlement amount to Investor Losses has remained stable at 1.8%. See Figure 22.

Figure 21. **Median Settlement Value as a Percentage of NERA-Defined Investor Losses**
 By Level of Investor Losses
 Cases Settled January 2014–December 2023



The median Investor Losses were \$923 million, a 6% decline relative to 2022 and the second highest recorded value during the 2014–2023 period.

Figure 22. Median NERA-Defined Investor Losses and Median Ratio of Settlement to Investor Losses by Settlement Year
January 2014–December 2023

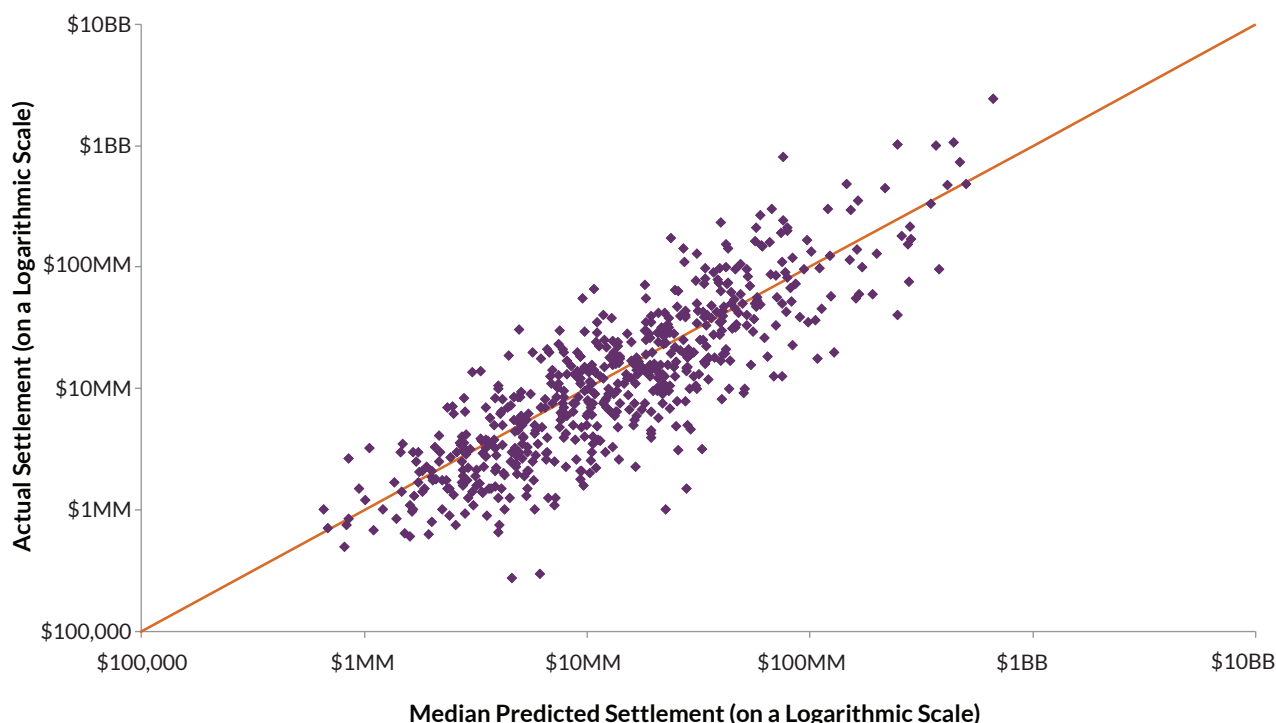


NERA has identified the following key factors as driving settlement amounts:

- NERA-Defined Investor Losses;
- The market capitalization of the issuer immediately after the end of the class period;
- The types of securities (in addition to common stock) alleged to have been affected by the fraud;
- Variables that serve as a proxy for the merit of plaintiffs' allegations (e.g., whether the company has already been sanctioned by a government or regulatory agency or paid a fine in connection with the allegations);
- The stage of litigation at the time of settlement; and
- Whether an institution or public pension fund is named lead plaintiff (see Figure 23).

Among cases settled between January 2012 and December 2023, these factors in NERA's statistical model can explain over 70% of the variation observed in actual settlements.

Figure 23. **Predicted vs. Actual Settlements**
Investor Losses Using S&P 500 Index
Cases Settled January 2012–December 2023



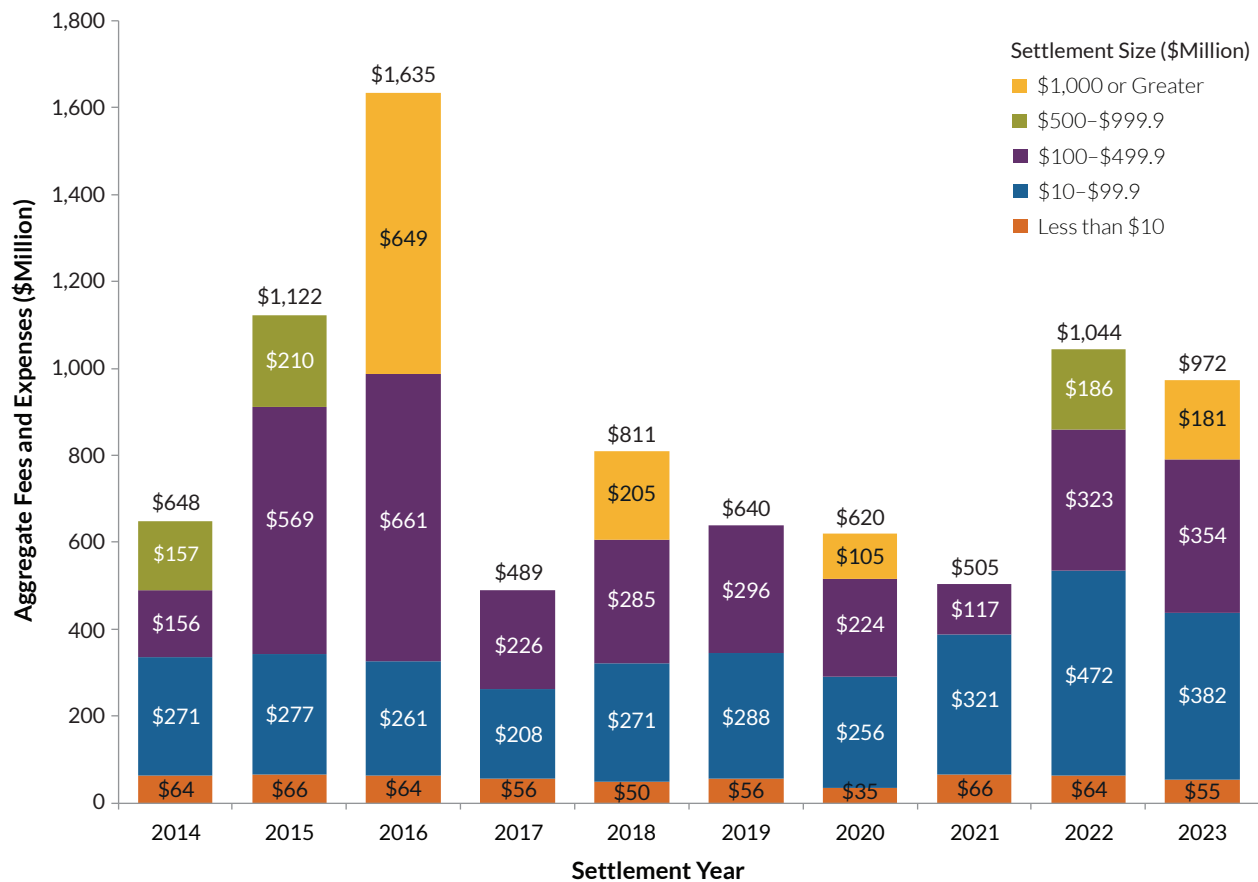
TRENDS IN PLAINTIFFS' ATTORNEYS' FEES AND EXPENSES

Over the past 10 years, annual aggregate plaintiffs' attorneys' fees and expenses have ranged from a low of \$489 million in 2017 to a high of \$1.6 billion in 2016. In 2023, aggregate plaintiffs' attorneys' fees and expenses totaled \$972 million, a slight decline from the \$1.0 billion seen in 2022 (see Figure 24). Plaintiffs' attorneys' fees and expenses comprised roughly 24.9% of the \$3.9 billion aggregate settlement value in 2023.

A historical analysis of plaintiffs' attorneys' fees and expenses for cases that have settled since the passage of the PSLRA in 1996 reveals that fees and expenses as a percentage of the settlement amount decline as the settlement size increases. For instance, for cases settled during the 2014–2023 period, median percent fees and expenses ranged from 36.1% in settlements of \$5 million or lower to 18.6% in settlements of \$1 billion or higher.

In the past 10 years, median percent attorneys' fees have increased for settlements under \$5 million and for settlements over \$500 million relative to the 1996–2013 period. This increase is more pronounced for settlements of \$1 billion or higher, although this is partly due to this category having only five cases in the post-2013 period (see Figure 25).

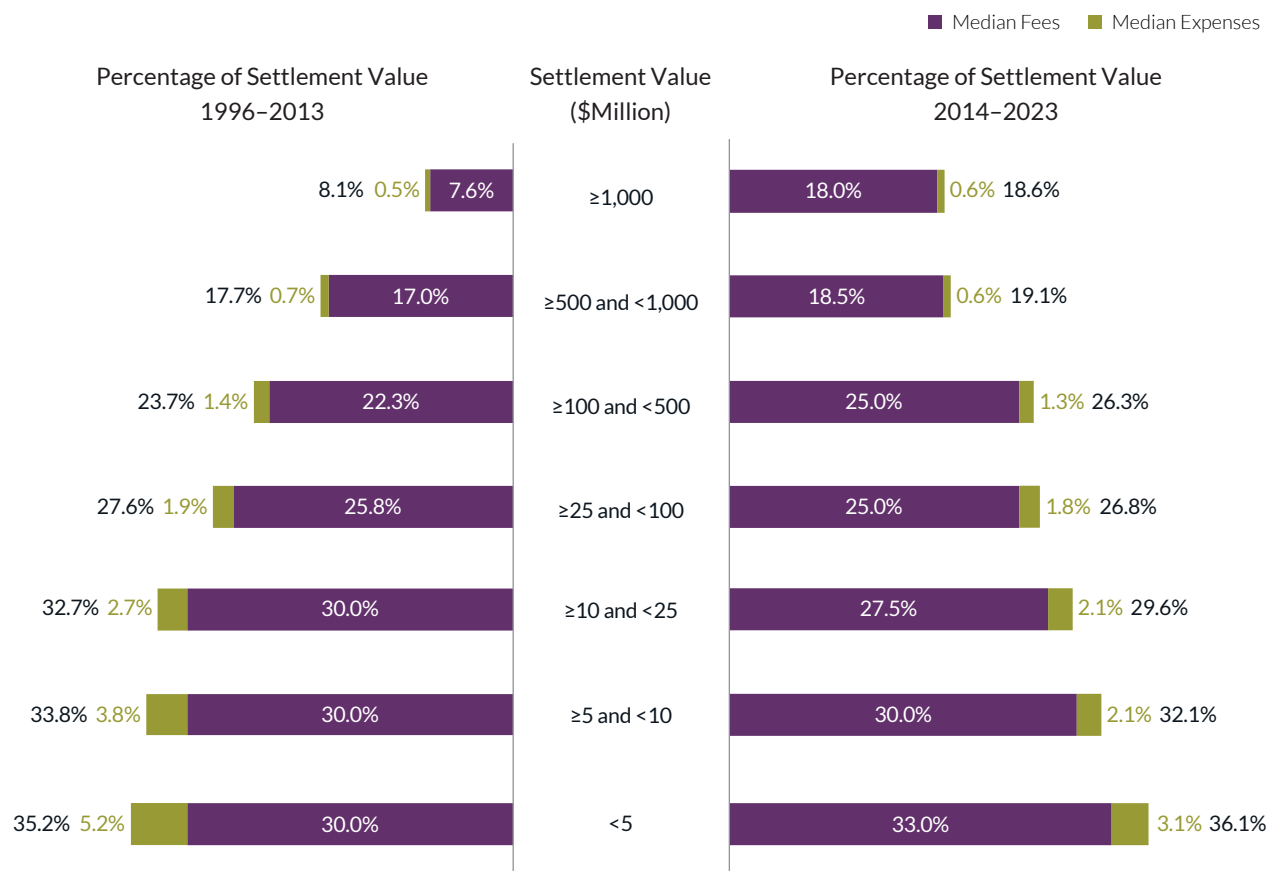
Figure 24. **Aggregate Plaintiffs' Attorneys' Fees and Expenses by Settlement Size**
January 2014–December 2023



Plaintiffs' attorneys' fees and expenses comprised roughly 24.9% of the \$3.9 billion aggregate settlement value in 2023.

Figure 25. Median of Plaintiffs' Attorneys' Fees and Expenses by Size of Settlement

Excludes Merger Objections, Crypto Unregistered Securities, and Settlements for \$0 to the Class



Note: Component values may not add to total value due to rounding.

CONCLUSION

In 2023, federal filings increased by 11% from 206 in 2022 to 228 in 2023, ending a four-year period of annual declines in filings from 2019 to 2022. Of the 228 cases filed in 2023, 206 were standard cases with alleged violations of Rule 10b-5, Section 11, and/or Section 12, and 18.9% of standard cases were against foreign companies. Filings against companies in the information technology and technology services, health technology and services, and the finance sectors accounted for 59% of non-merger objections, non-crypto unregistered securities filings.

The number of resolved cases declined by 15% from 223 in 2022 to 190 in 2023. There were 90 settlements and 100 dismissals, marking the lowest level of both settlements and dismissals in the last 10 years. Excluding the presence of settlements of \$1 billion or higher, the average settlement value for 2023 was \$34 million and the median settlement value was \$14 million. Aggregate settlements totaled \$3.9 billion in 2023, with aggregate plaintiffs' attorneys' fees and expenses accounting for \$972 million, or 24.9%, of the 2023 aggregate settlement value. Over the last 10 years, the median plaintiffs' attorneys' fees and expenses as a percentage of settlement value has ranged from 18.6% for settlements of \$1 billion or higher to 36.1% for settlements of \$5 million or lower.

NOTES

- 1 This edition of NERA's report on "Recent Trends in Securities Class Action Litigation" expands on previous work by our colleagues Lucy P. Allen, Dr. Vinita Juneja, Dr. Denise Neumann Martin, Dr. Jordan Milev, Robert Patton, Dr. Stephanie Planchich, Janeen McIntosh, and others. The authors thank Dr. David Tabak and Benjamin Seggerson for helpful comments on this edition. We thank Vlad Lee, Daniel Klotz, and other of NERA's securities and finance researchers for their valuable assistance. These individuals receive credit for improving this report; any errors and omissions are those of the authors. NERA's proprietary securities class action database and all analyses reflected in this report are limited to federal case filings and resolutions.
- 2 NERA tracks securities class actions that have been filed in federal courts. Most of these cases allege violations of federal securities laws; others allege violations of common law, including breach of fiduciary duty, as with some merger-objection cases; still others are filed in federal court under foreign or state law. If multiple actions are filed against the same defendant, are related to the same allegations, and are in the same circuit, we treat them as a single filing. The first two actions filed in different circuits are treated as separate filings. If cases filed in different circuits are consolidated, we revise our count to reflect the consolidation. Therefore, case counts for a particular year may change over time. Different assumptions for consolidating filings would probably lead to counts that are similar but may, in certain circumstances, lead observers to draw a different conclusion about short-term trends in filings. Data for this report were collected from multiple sources, including Institutional Shareholder Services, Dow Jones Factiva, Bloomberg Finance, FactSet Research Systems, Nasdaq, Intercontinental Exchange, US Securities and Exchange Commission (SEC) filings, complaints, case dockets, and public press reports. IPO laddering cases are presented only in Figure 1.
- 3 Federal securities class actions that allege violations of Rule 10b-5, Section 11, and/or Section 12 have historically dominated federal securities class action dockets and have often been referred to as "standard" cases. In the analyses of this report, standard cases involve registered securities and do not include cases involving crypto unregistered securities, which will be considered as a separate category.
- 4 In this study, crypto cases consist of two mutually exclusive subgroups: (1) crypto shareholder class actions, which include a class of investors in common stock, American depositary receipts/ American depositary shares (ADR/ADS), and/or other registered securities, along with crypto- or digital-currency-related allegations; and (2) crypto unregistered securities class actions, which do not have class investors in any registered securities that are traded on major exchanges (New York Stock Exchange, Nasdaq). We include crypto shareholder class actions in all our analyses that include standard cases. Crypto unregistered securities class actions are excluded from some analyses, which is noted in the titles of our figures.
- 5 Most securities class action complaints include multiple allegations. For this analysis, all allegations from the complaint are included and thus the total number of allegations exceeds the total number of filings.
- 6 In our analysis, a company is defined as a foreign company based on the location of its principal executive office.
- 7 Class Action Complaint for Violations of the Federal Securities Laws, *In re Silvergate Capital Corporation Securities Litigation*, 7 December 2023.
- 8 Madeleine Ngo, "A Timeline of How the Banking Crisis Has Unfolded," *The New York Times*, 1 May 2023, available at <https://www.nytimes.com/2023/05/01/business/banking-crisis-failure-timeline.html>.
- 9 "Iowa Trust & Savings Bank, Emmetsburg, Iowa, Assumes All of the Deposits of Citizens Bank, Sac City, Iowa," FDIC Press Release, 3 November 2023, available at <https://www.fdic.gov/news/press-releases/2023/pr23091.html>.
- 10 "Dismissed" is used here as shorthand for all class actions resolved without settlement; it includes cases in which a motion to dismiss was granted (and not appealed or appealed unsuccessfully), voluntary dismissals, cases terminated by a successful motion for summary judgment, or an ultimately unsuccessful motion for class certification.
- 11 Unless otherwise noted, the analyses in this section exclude the 2020 partial settlement involving Valeant Pharmaceuticals.
- 12 For our analysis, NERA includes settlements that have had the first settlement-approval hearing. We do not include partial settlements or tentative settlements that have been announced by plaintiffs and/or defendants. As a result, although we include the 2020 Valeant Pharmaceuticals partial settlement in Table 2 due to its settlement size, this case is not included in any of our resolution, settlement, or attorney fee statistics.
- 13 While annual average settlement values can be a helpful statistic, these values may be affected by one or a few very high settlement amounts. Unlike averages, the median settlement value is unaffected by these very high outlier settlement amounts. To understand what more typical cases look like, we analyze the average and median settlement values for cases with a settlement amount under \$1 billion, thus excluding these outlier settlement amounts. For the analysis of settlement values, we limit our data to non-merger-objection and non-crypto unregistered securities cases with settlements of more than \$0 to the class.
- 14 Jon Hill and Jessica Corso, "Wells Fargo Inks \$1B Deal to End Investors' Compliance Suit," *Law360.com*, 16 May 2023, available at <https://www.law360.com/articles/1677976/>.
- 15 Lauren Berg, "Wells Fargo Investors Ink \$300M Deal in Auto Insurance Suit," *Law360.com*, 7 February 2023, available at <https://www.law360.com/articles/1573911/>.
- 16 NERA-Defined Investor Losses is only calculable for cases involving allegations of damages to common stock based on one or more corrective disclosures moving the stock price to its alleged true value. As a result, we have not calculated this metric for cases such as merger objections.

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