UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

ALBERT AFTOORA and AMJAD KHAN Individually and On Behalf of All Others Similarly Situated, and NADIA SHASH as Sole Managing Member of PolyCon Solutions LLC, individually, Plaintiffs, v. BIOGEN INC., MICHEL VOUNATSOS, and ALFRED W. SANDROCK, JR., Defendants.	**CASE No.: 1:21-cv-10479-IT**

ORDER PRELIMINARILY APPROVING CLASS ACTION SETTLEMENT AND PROVIDING FOR NOTICE

WHEREAS, Lead Plaintiffs Amjad Khan and Albert Aftoora, on behalf of themselves and each of the Settlement Class Members, Plaintiff Nadia Shash, individually, as Sole Managing Member of PolyCon Solutions LLC (collectively, "Plaintiffs"), and Defendants Biogen Inc. ("Biogen" or the "Company"), Michel Vounatsos, and Alfred W. Sandrock, Jr. (collectively, "Defendants" and, with Plaintiffs, the "Parties"), by and through their respective counsel of record, have entered into the Stipulation of Settlement [Doc. No. 263], which is subject to review under Rule 23 of the Federal Rules of Civil Procedure and which, together with the exhibits annexed thereto and revised thereafter, see Notice [Doc. No. 272], sets forth the terms and conditions for the proposed settlement and dismissal of the class action pending before the Court entitled *Shash v. Biogen Inc., et al.*, Case No. 1:21-cv-10479-IT (D. Mass.) (the "Action");

WHEREAS, the Court having read and considered the Stipulation and the exhibits thereto and submissions made relating thereto, and finding that substantial and sufficient grounds exist for entering this Order; and the Parties having consented to the entry of this Order;

NOW, THEREFORE, IT IS HEREBY ORDERED, this 27th day of October 2026, that:

1. Capitalized terms used herein have the meanings defined in the Stipulation.

2. **Preliminary Class Findings** – This Court finds, pursuant to Rule 23(e)(1)(B)(ii) of the Federal Rules of Civil Procedure, that it will likely be able to certify the Settlement Class for purposes of the proposed Settlement. Specifically, the Court finds, preliminarily and for purposes of the proposed Settlement only, that the prerequisites for certification of the Settlement Class under Rules 23(a) and (b)(3) of the Federal Rules of Civil Procedure have been satisfied in that: (a) the number of Settlement Class Members is so numerous that joinder of all members of the Settlement Class is impracticable; (b) there are questions of law and fact common to the Settlement Class; (c) the claims of Plaintiffs Aftoora and Khan are typical of the claims of the Settlement Class they seek to represent; (d) Plaintiffs Aftoora and Khan fairly and adequately represent the interests of the Settlement Class; (e) questions of law and fact common to the Settlement Class predominate over questions affecting only individual members of the Settlement Class; and (f) a class action is superior to other available methods for the fair and efficient adjudication of the Action.

3. This Court finds, pursuant to Rule 23(e)(1)(B)(ii) of the Federal Rules of Civil Procedure, preliminarily and for the purposes of the proposed Settlement only, that it will likely be able to certify Plaintiffs Albert Aftoora and Amjad Khan as class representatives on behalf of the Settlement Class ("Class Representatives") and previously appointed Lead Counsel, The Rosen Law Firm, P.A., as class counsel for the Settlement Class. This Court also finds that Lead Counsel

has the authority to enter into the Settlement on behalf of the Settlement Class and has the authority to act on behalf of the Settlement Class with respect to all acts or consents required by or that may be given pursuant to the Stipulation or such other acts that are reasonably necessary to consummate the Settlement.

4. **Preliminary Approval of the Settlement** – The Court preliminarily finds that (a) the Stipulation resulted from good faith, arm's length negotiations between experienced counsel, including mediation under the direction of an experienced mediator, Robert Meyer; and (b) the Stipulation is sufficiently fair, reasonable, and adequate to the Settlement Class Members to warrant providing notice of the Settlement to Settlement Class Members and holding a Settlement Fairness Hearing.

5. The Court hereby preliminarily approves the Settlement, subject to further consideration at the Settlement Fairness Hearing described below.

6. **Settlement Fairness Hearing** – The Court will hold a settlement hearing (the "Settlement Fairness Hearing") pursuant to Federal Rule of Civil Procedure 23(e), which is hereby scheduled to be held before the Court on Friday, March 5, 2027, at 10:00 a.m. for the following purposes:

(a) to determine whether, for purposes of the Settlement only, the Action should be certified as a class on behalf of the Settlement Class, Plaintiffs Albert Aftoora and Amjad Khan should be appointed as class representatives, and Lead Counsel should be appointed as class counsel for the Settlement Class;

(b) to determine finally whether the proposed Settlement as embodied in the Stipulation is fair, reasonable, and adequate, and should be approved by the Court;

(c) to determine finally whether the Order and Final Judgment as provided under the Stipulation, and substantially in the revised form, see Notice Ex. B [Doc. No. 272-3], should be entered, dismissing the Action on the merits and with prejudice;

(d) to determine finally whether the proposed Plan of Allocation for the distribution of the Net Settlement Fund is fair and reasonable and should be approved by the Court;

(e) to consider the application of Lead Counsel for an award of attorneys' fees and expenses;

(f) to consider Settlement Class Members' objections to the Settlement, if any, whether timely submitted in writing or presented orally at the Settlement Fairness Hearing by Settlement Class Members (or by counsel on their behalf), provided that they gave proper notice that they intend to appear at the Settlement Fairness Hearing; and

(g) to rule upon such other matters as the Court may deem appropriate.

7. The Court reserves the right to adjourn the Settlement Fairness Hearing to a later date and to approve the Settlement without modification, or with such modifications as may be agreed to by the Parties, and with or without further notice of any kind. The Court further reserves the right to enter its Order and Final Judgment approving the Settlement and dismissing the Action, on the merits and with prejudice, regardless of whether it has approved the Plan of Allocation or awarded attorneys' fees and expenses.

8. The Court reserves the right to hold the Settlement Fairness Hearing telephonically or by other virtual means. In the event the Court decides to hold the Settlement Fairness Hearing telephonically or by other virtual means, Lead Counsel will direct the Claims Administrator to update its website regarding the Settlement Fairness Hearing's telephonic or virtual format.

9. **Approval of Form and Content of Notice** – The Court approves the form, substance, and requirements of the: (a) Notice of Pendency and Proposed Settlement of Class Action ("Long Notice"), Exhibit A-1 [Doc. No. 272-1]; (b) Summary Notice of Pendency and Proposed Class Action Settlement ("Summary Notice"), Exhibit A-3 [Doc. No. 272-2]; (c) Postcard Notice (and with the Long Notice and Summary Notice, "Notice"), Exhibit A-4 [Doc. No. 263-5]; and (d) Proof of Claim and Release Form ("Claim Form"), Exhibit A-2 [Doc. No. 263-3], except that the dates reflecting deadlines set forth in this Order and the Claim's Administrator's website shall be added to each document identified in this paragraph.

10. The forms and methods set forth herein of notifying the Settlement Class Members of the Settlement and its terms and conditions meet the requirements of the United States Constitution (including the Due Process Clause), Rule 23 of the Federal Rules of Civil Procedure, and Section 21D(a)(7) of the Exchange Act, 15 U.S.C. § 78u-4(a)(7), as amended by the Private Securities Litigation Reform Act of 1995, and all other applicable law and rules; constitute the best notice practicable under the circumstances; and constitute due and sufficient notice to all persons and entities entitled thereto. No Settlement Class Member will be relieved from the terms and conditions of the Settlement, including the releases provided for therein, based upon the contention or proof that such Settlement Class Member failed to receive actual or adequate notice.

11. **Retention of Claims Administrator and Escrow Agent; Manner of Giving Notice** – For settlement purposes only, Lead Counsel is hereby authorized to retain Strategic Claims Services as the Claims Administrator and Huntington Bank as Escrow Agent to supervise and administer the notice procedure as well as the processing of claims.

12. At any time after entry of this Order, Lead Counsel may, without further approval from the Court or Defendants, disburse up to $300,000 from the Settlement Fund to pay reasonable

and necessary Notice and Administration Costs prior to the Effective Date. After the Effective Date, additional amounts may be transferred from the Settlement Fund for Lead Counsel to pay any additional reasonable and necessary Notice and Administration Costs without further order of the Court.

13. To assist in dissemination of Notice, within fifteen (15) business days after entry of this Order, Biogen will provide to Lead Counsel, in electronic format, a list of the names, addresses, and e-mail addresses (if available) of record purchasers of Biogen common stock during the Class Period, to the extent that such information is available to Biogen from its transfer agent, at no cost to Plaintiffs or Lead Counsel. The Parties acknowledge that any such information Defendants provide to Lead Counsel or the Claims Administrator shall be treated as confidential and will be used by Lead Counsel and/or the Claims Administrator solely to deliver the Notice and/or implement the Settlement, including the Plan of Allocation.

14. Lead Counsel, through the Claims Administrator, shall cause the Stipulation and its exhibits, this Order, a copy of the Long Notice, and the Claim Form to be posted on the Claims Administrator's website within twenty-one (21) calendar days after entry of this Order.

15. Lead Counsel, through the Claims Administrator, shall cause a press release to be issued on GlobeNewswire and the Summary Notice to be published once in The Wall Street Journal within twenty-one (21) calendar days of entry of this Order. Lead Counsel shall, at least seven (7) calendar days before the Settlement Fairness Hearing, serve upon Defense Counsel and file with the Court proof of publication of the Summary Notice.

16. Within twenty-one (21) calendar days of entry of this Order (the "Notice Date"), Lead Counsel, through the Claims Administrator, shall either: (i) email a copy of the Summary Notice and links to the location of the electronic Long Notice and Claim Form to Settlement Class

Members to the e-mail addresses set forth in the records provided by Biogen, or for whom the Claims Administrator is able to obtain e-mail addresses with reasonable effort, substantially in the forms attached as Exhibits A-1, A-2, and A-3 to the Stipulation and revised thereafter, see Notice [Doc. No. 272]; or (ii) if no email address can be obtained, cause the Postcard Notice, substantially in the form as Exhibit A-4 to the Stipulation, to be mailed by first-class mail, postage prepaid, to Settlement Class Members at the addresses set forth in the records provided by Biogen, or to Settlement Class Members whom the Claims Administrator can otherwise identify with reasonable effort.

17. Lead Counsel shall, at least seven (7) calendar days before the Settlement Fairness Hearing, serve upon Defense Counsel and file with the Court proof of the mailing and e-mailing of Notice, as required by this Order.

18. **Nominee Procedures** – Lead Counsel, through the Claims Administrator, shall make all reasonable efforts to give notice to nominees or custodians who held the Biogen common stock as record owners but not as beneficial owners. Such nominees or custodians shall, within ten (10) calendar days of receipt of the notice: (a) request from the Claims Administrator sufficient copies of the Postcard Notice to send to all beneficial owners for whom they are a nominee or custodian, and within ten (10) calendar days after receipt thereof send copies to such beneficial owners; (b) request a link to the Long Notice and Claim Form and email the link to the Long Notice and Claim Form to each beneficial owner for whom they are nominee or custodian within ten (10) calendar days after receipt thereof; or (c) within ten (10) calendar days after receipt thereof, provide the Claims Administrator with lists of the names, last known addresses and email addresses (to the extent known) of such beneficial owners, in which event the Claims Administrator shall promptly deliver electronically the link to the Long Notice and Claim Form,

if email addresses are available, or Postcard Notice to such beneficial owners, if last known addresses are provided. Nominees or custodians who elect to email notice or send the Postcard Notice to their beneficial owners shall send a written certification to the Claims Administrator confirming that the applicable emailing or mailing has been made as directed. Copies of the Postcard Notice shall be made available to any nominee or custodian requesting same for the purpose of distribution to beneficial owners. Upon full compliance with this Order, nominees or custodians may seek reimbursement of their reasonable expenses actually incurred in complying with this Order by providing the Claims Administrator with proper documentation supporting the expenses for which reimbursement is sought. Reasonable expenses shall not exceed: (i) $0.02 per name, address, and email address provided; (ii) $0.02 per email for emailing notice; or (iii) $0.02 per postcard, plus postage at the pre-sort rate used by the Claims Administrator, for mailing the Postcard Notice, subject to further order of this Court with respect to any dispute concerning such reimbursement. Such properly documented expenses incurred by nominees or custodians in compliance with the terms of this Order shall be paid solely from the Settlement Fund, with any disputes as to reasonableness or documentation of expenses incurred subject to review by the Court.

19. **CAFA Notice** – As provided in the Stipulation, Defendants shall serve, or cause to be served, the notice required under the Class Action Fairness Act of 2005 ("CAFA") pursuant to § 1715 of Title 28 of the United States Code no later than ten (10) calendar days following the filing of the Stipulation with the Court.

20. **Participation in the Settlement** – To participate in recovery from the Net Settlement Fund after the Effective Date, each Settlement Class Member shall take the following action and be subject to the following conditions:

(a) A properly completed and executed Claim Form must be submitted to the Claims Administrator: (i) electronically through the Claims Administrator's website by 11:59 p.m. ET on January 19, 2027; or (ii) at the Post Office Box indicated in the Notice, postmarked no later than January 19, 2027 (forty-five (45) calendar days before the Settlement Fairness Hearing). Such deadline may be further extended by Order of the Court. Each Claim Form shall be deemed to have been submitted when: (i) the Claimant receives a confirmation notice from Strategic Claims Services for electronic submissions; or (ii) it is legibly postmarked (if properly addressed and mailed by first class mail). Any Claim Form submitted in any other manner shall be deemed to have been submitted when it was actually received by the Claims Administrator at the address designated in the Notice.

(b) The Claim Form submitted by each Settlement Class Member must satisfy the following conditions: (i) it must be properly completed, signed and submitted in a timely manner in accordance with the provisions of the preceding subparagraph; (ii) it must be accompanied by adequate supporting documentation for the transactions and holdings reported therein, in the form of broker confirmation slips, broker account statements, an authorized statement from the broker containing the transactional information found in a broker confirmation slip, or such other documentation as is deemed adequate by the Claims Administrator with supervision by Lead Counsel as necessary; (iii) if the person executing the Claim Form is acting in a representative capacity, a certification of their current authority to act on behalf of the Settlement Class Member must be provided with the Claim Form; and (iv) the Claim Form must be complete and contain no material deletions or modifications of any of the printed matter contained therein and must be signed under penalty of perjury.

(c) Once the Claims Administrator has considered a timely submitted Claim Form, it shall determine whether such claim is valid, deficient, or rejected. For each claim determined to be either deficient or rejected, the Claims Administrator shall send a deficiency letter or rejection letter as appropriate, describing the basis on which the claim was so determined. Persons who timely submit a Claim Form that is deficient shall be afforded a reasonable time (at least ten (10) calendar days from the date the Claims Administrator provides notice of the deficiency) to cure such deficiency if it shall appear that such deficiency may be cured. If any Claimant whose claim has been rejected in whole or in part (either due to an uncurable deficiency, a failure to cure a deficiency, or any other stated basis) wishes to contest such rejection, the Claimant must, within ten (10) calendar days after the date of mailing of the rejection or partial rejection notice, serve upon the Claims Administrator a notice and statement of reasons indicating the Claimant's ground for contesting the rejection along with any supporting documentation, and requesting a review thereof by the Court. If an issue concerning a claim cannot be otherwise resolved, Lead Counsel shall thereafter present the request for review to the Court.

(d) As part of the Claim Form, each Settlement Class Member shall submit to the jurisdiction of the Court with respect to the claim submitted, and shall, upon the Effective Date, release all claims as provided in the Stipulation.

21. Except as otherwise ordered by the Court or accepted by Lead Counsel pursuant to the Stipulation, all Settlement Class Members who do not submit valid and timely Claim Forms or whose Claim Forms are rejected will be forever barred from receiving any payments from the Net Settlement Fund, but will in all other respects be subject to and bound by the provisions of the Stipulation, the Settlement, the Order and Final Judgment (if entered), and all proceedings, determinations, orders, and judgments in the Action relating thereto, including, without limitation,

the Order and Final Judgment and the Releases provided for therein, whether favorable or unfavorable to the Settlement Class.

22. **Exclusion from the Settlement Class** – Settlement Class Members shall be bound by all determinations and judgments in this Action whether favorable or unfavorable, unless such Persons request exclusion from the Settlement Class in a timely and proper manner, as hereinafter provided. A Settlement Class Member wishing to make such request for exclusion shall mail it, in written form, by first class mail, postage prepaid, or otherwise deliver it, so that it is received no later than January 19, 2027 (forty-five (45) calendar days before the Settlement Fairness Hearing) (the "Exclusion Deadline"), to the address listed in the Notice. Such request for exclusion must:

(a) clearly indicate the name, address, phone number, and e-mail contact information (if any) of the Person seeking exclusion, and state that the sender specifically "requests to be excluded from the Settlement Class in *Shash v. Biogen Inc., et al.*, Case No. 1:21-cv-10479-IT (D. Mass.)";

(b) state the number of shares of Biogen common stock that the Person requesting exclusion owned as of the close of trading on October 21, 2019, and November 5, 2020, and purchased/acquired and/or sold during the Class Period, as well as the date, number of shares, and dollar amount of each purchase/acquisition and sale;

(c) be submitted with documentary proof: (i) of each purchase and, if applicable, sale transaction of Biogen common stock during the Class Period; and (ii) demonstrating the Person's status as a beneficial owner of those shares; and

(d) be signed and submitted by the Person requesting exclusion under penalty of perjury.

23. The request for exclusion shall not be effective unless it provides the required information, is legible, and is made within the time stated above, or the exclusion is otherwise accepted by the Court, provided that any request for exclusion to the Court must be made no later than forty (40) calendar days prior to the Settlement Fairness Hearing. Lead Counsel may contact any Person filing a request for exclusion, or their attorney if one is designated, to discuss the exclusion.

24. The Claims Administrator shall provide all requests for exclusion and supporting documentation submitted therewith (including untimely requests and revocations of requests) to Lead Counsel and Defense Counsel promptly as received on a rolling basis, within five (5) calendar days of receipt, and in no case later than the Exclusion Deadline (or as received if after the Exclusion Deadline). The Settlement Class will not include any Person who delivers a valid and timely request for exclusion.

25. Any Person who submits a request for exclusion may thereafter submit to the Claims Administrator a written revocation of that request for exclusion, provided that it is received no later than three (3) calendar days before the Settlement Fairness Hearing, in which event that Person will be included in the Settlement Class.

26. All Persons who submit valid, timely and unrevoked requests for exclusion will be forever barred from receiving any payments from the Net Settlement Fund.

27. **Appearance and Objections at Settlement Fairness Hearing** – Settlement Class Members do not need to appear at the Settlement Fairness Hearing or take any other action to indicate their approval.

28. The Court will consider comments on and/or objections to the Settlement, the Plan of Allocation, or the Fee and Expense Application, provided, however, that no Settlement Class

Member or other Person shall be heard or entitled to contest the approval of the terms and conditions of the proposed Settlement or, if approved, the Order and Final Judgment, or any other order relating thereto, unless that Person (individually or through their counsel of choice) has served copies of any objections, papers and briefs to each of the counsel listed below at least twenty-one (21) calendar days prior to the Settlement Fairness Hearing Date:

LEAD COUNSEL:
Jonathan Horne
THE ROSEN LAW FIRM, P.A.
275 Madison Avenue, 40th Floor
New York, NY 10016

DEFENDANTS' COUNSEL:
Audra J. Soloway
Paul, Weiss, Rifkind, Wharton & Garrison LLP
1285 Ave. of the Americas
New York, NY 10019

and that Person (or their counsel of choice) has (at least twenty-one (21) calendar days prior to the Settlement Fairness Hearing date) filed said objections, papers and briefs, showing due proof of service upon counsel identified above, with the Clerk of the Court, U.S. District Court, District of Massachusetts, 1 Courthouse Way, Suite 2300, Boston, MA 02210.

29. Any such objection or other submission must clearly indicate the case name and number (*Shash v. Biogen Inc., et al.*, Case No. 1:21-cv-10479-IT (D. Mass.)) and: (1) contain the Settlement Class Member's name, address, e-mail contact (if any), and telephone number; (2) contain a list of all purchases and sales of Biogen common stock during the Class Period (to show membership in the Settlement Class), including the number of shares of stock and the dates of each purchase and sale; (3) state with specificity all grounds for the objection, including any legal support known to the Settlement Class Member and/or his, her, their, or its counsel; (4) contain the name, address, email address, and telephone number of all counsel who represent the Settlement Class Member, including former or current counsel who may be entitled to compensation in connection with the objection; and (5) contain the number of times the Settlement Class Member and/or his, her, their, or its counsel has filed an objection to a class action settlement

in the last five years, the nature of each such objection in each case, the jurisdiction in each case, and the name of the issuer of the security or seller of the product or service at issue in each case.

30. Attendance at the Settlement Fairness Hearing is not necessary, but Persons wishing to be heard orally in opposition to the approval of the Stipulation, the Plan of Allocation, and/or the Fee and Expense Application may appear at the Settlement Fairness Hearing at their own expense, individually or through their counsel of choice, and are required to indicate in their written objection (or in a separate writing that is submitted and served on the Parties) at least twenty-one (21) calendar days prior to the Settlement Fairness Hearing that they intend to appear at the Settlement Fairness Hearing and identify any witnesses they seek to call to testify or exhibits they seek to introduce into evidence at the Settlement Fairness Hearing.

31. Any Settlement Class Member who does not object in the manner prescribed above shall be deemed to have waived their right to object to any aspect of the proposed Settlement, Plan of Allocation, and Lead Counsel's Fee and Expense Application, and shall forever be foreclosed from making any objection to the fairness, adequacy, or reasonableness of the Settlement, the Order and Final Judgment to be entered approving the Settlement, the Plan of Allocation, the Fee and Expense Application, and/or from otherwise being heard on matters concerning the Settlement in this or any other proceeding, unless otherwise ordered by the Court; shall be bound by all the terms and provisions of the Stipulation and by all proceedings, orders, and judgments in the Action; and shall also be foreclosed from appealing from any judgment or order entered in this Action.

32. The Court reserves the right to adjourn the Settlement Fairness Hearing without any further notice other than entry of an Order on the Court's docket, and to approve the Settlement without further notice to the Settlement Class.

33. **Supporting Papers** – Lead Counsel shall file and serve all papers in support of the Settlement, the Plan of Allocation, and the Fee and Expense Application no later than thirty-five (35) calendar days before the Settlement Fairness Hearing.

34. Any submissions filed in response to any objections or in further support of the Settlement, the Plan of Allocation, and the Fee and Expense Application shall be filed no later than seven (7) calendar days prior to the Settlement Fairness Hearing.

35. Defendants shall have no responsibility for, or liability with respect to, the Plan of Allocation, any Fee and Expense Application, any Fee and Expense Award, or any reimbursement of Plaintiffs' Expenses, and such matters will be considered separately from the fairness, reasonableness, and adequacy of the Settlement.

36. **Stay and Temporary Injunction** – Pending final determination of whether the Settlement should be approved, Plaintiffs, all Settlement Class Members, Plaintiffs' Releasees, Defendants, and Defendants' Releasees shall be enjoined from commencing, prosecuting, or attempting to prosecute any Released Claims against any Releasee in any court or tribunal or proceeding. Unless and until the Stipulation is cancelled and terminated pursuant to the Stipulation, all proceedings in the Action, other than such proceedings as may be necessary to carry out the terms and conditions of the Stipulation, are hereby stayed and suspended until further order of the Court.

37. **Settlement Fund** – All funds held by the Escrow Agent shall be deemed and considered to be in the custody of the Court, and shall remain subject to the jurisdiction of the Court, until such time as such funds shall be distributed or returned pursuant to the Stipulation and Plan of Allocation and/or further order(s) of the Court.

38. **Use of this Order** – Neither this Order, the Stipulation (whether or not consummated), including the exhibits thereto and the Plan of Allocation contained therein (or any other plan of allocation that may be approved by the Court), the Parties' mediation and subsequent settlement, any documents produced or provided in connection with the Parties' mediation and subsequent Settlement, the Memorandum of Understanding, the communications and/or discussions leading to the execution of the Memorandum of Understanding and the Stipulation, nor any proceedings taken pursuant to or in connection with the Memorandum of Understanding, the Stipulation, and/or approval of the Settlement (including any arguments proffered in connection therewith) shall be offered against or construed as an admission or concession by: (i) Defendants or Defendants' Releasees with respect to the truth of any fact alleged by Plaintiffs in this Action, or the validity of any claim that has been or could have been asserted against any of the Defendants or Defendants' Releasees in this Action, or the deficiency of any defense that has been or could have been asserted in the Action, or of any wrongdoing or liability by any of the Defendants, or that class certification is appropriate in this Action; (ii) Plaintiffs of the validity of any factual or legal defense or of the infirmity of any of the claims or facts alleged in this Action; or (iii) Defendants, Defendants' Releasees, Plaintiffs, or Plaintiffs' Releasees that the consideration given under the Settlement represents the amount which could be or would have been recovered after trial; provided, however, that if the Stipulation is approved by the Court, the Parties, Defendants' Releasees, Plaintiffs' Releasees, and their respective counsel may refer to it to effectuate the protections from liability granted thereunder or otherwise to enforce the terms of the Settlement.

39. **Termination of the Settlement** – In the event the Settlement is not consummated in accordance with the terms of the Stipulation, then the Stipulation and this Order (including any

amendment(s) thereof, and except as expressly provided in the Stipulation or by order of the Court) shall be null and void, of no further force or effect, and without prejudice to any Party, and may not be introduced as evidence or used in any action or proceeding by any Person against the Parties, and each Party shall be restored to his, her, or its respective litigation positions as they existed as of August 6, 2026, and shall retain all of their respective claims and defenses, pursuant to the terms of the Stipulation.

40. **Taxes** – The Escrow Agent is authorized and directed to prepare any tax returns and any other tax reporting form for or in respect to the Settlement Fund, to pay from the Settlement Fund any Taxes owed with respect to the Settlement Fund, and to otherwise perform all obligations with respect to Taxes and any reporting or filings in respect thereof without further order of the Court in a manner consistent with the provisions of the Stipulation.

41. **Jurisdiction** – The Court retains exclusive jurisdiction over the Action to consider all further matters arising out of, or relating to, the Stipulation, including by way of illustration and not limitation, any dispute concerning any Claim Form submitted and any future requests by one or more of the Parties that the Order and Final Judgment, the releases and/or the permanent injunction set forth in the Stipulation be enforced.

Dated: October 27, 2026

/s/ Indira Talwani
HON. INDIRA TALWANI
UNITED STATES DISTRICT JUDGE