

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

ADAM S. LEVY on behalf of himself and
all others similarly situated,

Plaintiff,

v.

THOMAS GUTIERREZ, RICHARD J. GAYNOR,
RAJA BAL, J. MICHAL CONAWAY, KATHLEEN
A. COTE, ERNEST L. GODSHALK, MATTHEW E.
MASSENGILL, MARY PETROVICH, ROBERT E.
SWITZ, NOEL G. WATSON, THOMAS WROE,
JR., MORGAN STANLEY & CO. LLC, GOLDMAN,
SACHS & CO., CANACCORD GENUITY INC.,
AND APPLE, INC.,

Defendants.

No. 14-cv-443-JL

**ORDER APPROVING PLAN OF
ALLOCATION OF NET SETTLEMENT FUNDS**

This matter came on for hearing on June 28, 2018 (the "Settlement Hearing") on Lead Plaintiff's motion to determine whether the proposed plan of allocation of the Net Settlement Funds ("Plan of Allocation") created by the Settlements achieved in the above-captioned class action (the "Action") should be approved. The Court has considered all matters submitted to it at the Settlement Hearing and otherwise. It appears that notice of the Settlement Hearing substantially in the form approved by the Court was mailed to all Settlement Class Members who could

be identified with reasonable effort, and that a summary notice of the hearing substantially in the form approved by the Court was published in the Wall Street Journal and was transmitted over the PR Newswire pursuant to the specifications of the Court; and the Court has considered and determined the fairness and reasonableness of the proposed Plan of Allocation.

This Order incorporates by reference the definitions in the Stipulation and Agreement of Settlement with Individual Defendants dated January 26, 2018 (the "Individual Defendant Stipulation")¹; the Stipulation and Agreement of Settlement with Settling Underwriter Defendants dated August 18, 2017, and the Supplement thereto dated January 26, 2018 (the "Underwriter Defendant Stipulation," and together with the Individual Defendant Stipulation, the "Stipulations")², and the Declaration of John C. Browne in Support of: (I) Lead Plaintiff's Motion for Final Approval of Individual Defendant and Underwriter Defendant Settlements and Plan of Allocation; and (II) Lead Counsel's Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses (the "Browne Declaration").³ All capitalized terms not otherwise defined herein shall have the same meanings

¹ Doc. no. [178-1](#).

² Doc. no. [178-2](#).

³ Doc. no. [188](#).

as set forth in the Stipulations or the Brown Declaration. NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Court has jurisdiction to enter this Order and over the subject matter of the Action, as well as personal jurisdiction over all of the Settling Parties and each of the Settlement Class Members.

2. Notice of Lead Plaintiff's motion for approval of the proposed Plan of Allocation was given to all Settlement Class Members who could be identified with reasonable effort. The form and method of notifying the Settlement Classes of the motion for approval of the proposed Plan of Allocation satisfied the requirements of [Fed. R. Civ. P. 23](#), the United States Constitution (including the Due Process Clause), the Private Securities Litigation Reform Act of 1995, [15 U.S.C. §§ 77z-1, 78u-4](#), as amended (the "PSLRA"), and all other applicable law and rules; constituted the best notice practicable under the circumstances; and constituted due and sufficient notice to all persons and entities entitled thereto.

3. Copies of the Notice, which included the Plan of Allocation, were mailed to over 188,800 potential Settlement Class Members and nominees, and there are no objections to the Plan of Allocation.

4. The Court hereby finds and concludes that the formula for the calculation of the claims of Claimants as set forth in

the Plan of Allocation mailed to Settlement Class Members provides a fair and reasonable basis upon which to allocate the proceeds of the Net Settlement Funds among Settlement Class Members with due consideration having been given to administrative convenience and necessity.

5. The Court hereby finds and concludes that the Plan of Allocation is, in all respects, fair and reasonable to the Settlement Classes. Accordingly, the Court hereby approves the Plan of Allocation proposed by Lead Plaintiff.

6. There is no just reason for delay in the entry of this Order, and immediate entry by the Clerk of the Court is expressly directed.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: July 27, 2018

cc: Ari Josefson, Esq.
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