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UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

IN RE ILLUMINA, INC. SECURITIES LIGITATION	Master File No. 3:16-cv-03044-L-MSB **NOTICE OF MOTION AND MOTION FOR FINAL APPROVAL OF THE SETTLEMENT** Hon. M. James Lorenz Date: Monday, April 20, 2020 Time: 10:30 A.M. Courtroom: 5B

PLEASE TAKE NOTICE that, pursuant to an Order of the Court issued on December 18, 2019 ("Preliminary Approval Order"), on April 20, 2020, at 10:30 a.m., at the United States Courthouse, Southern District of California, Courtroom 5B, 5th Floor, 221 West Broadway, San Diego, California 92101, before the Honorable M. James Lorenz, Plaintiffs will move pursuant to Rule 23(e) of the Federal Rules of Civil Procedure for an order granting final approval of the proposed settlement (the "Settlement"), including certifying the Class for settlement purposes only and approving the proposed plan of allocation of the proceeds of the Settlement, as set forth in the Stipulation, between Plaintiffs and Defendants.

PLEASE TAKE FURTHER NOTICE that this motion is supported by the accompanying Memorandum of Points and Authorities; the Declaration of Adam M. Apton in Support of Plaintiffs' Motion for Preliminary Approval of Settlement (ECF No. 95-3); the Supplemental Declaration of Adam M. Apton in Support of Plaintiffs' Motions for Final Approval of the Settlement and Attorneys' Fees, Reimbursement of Expenses, and Incentive Awards (filed herewith); the Declarations of Anton Agoshkov, Braden Van Der Wall, and Steven Romanoff (filed herewith); and the Declaration of Jack Ewasko (on behalf of JND Legal Administration); and the amended Stipulation of Settlement ("Stipulation") and the exhibits filed therewith (ECF No. 103-3).

Dated: March 2, 2020

Respectfully submitted,

s/ Adam M. Apton

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UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

IN RE ILLUMINA, INC. SECURITIES LIGITATION	Master File No. 3:16-cv-03044-L-MSB **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR FINAL APPROVAL OF THE SETTLEMENT**

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I. INTRODUCTION

Plaintiffs seek final approval of the Settlement in this class action securities fraud lawsuit. As described in their motion for preliminary approval, the Settlement provides members of the class with $13,850,000 in exchange for a release from all alleged claims. This recovery is in line with historical settlement results in cases with similar damages and, by all accounts, represents a strong recovery in light of the litigation obstacles Plaintiffs faced at the time of settlement.

Plaintiffs were able to obtain this result only after a thorough investigation of the facts and circumstances underlying Plaintiffs' claims, including analysis of public documents; interviews of confidential witnesses; consultations with experts concerning damages, market economics, and corporate law; the review of over 200,000 pages of party and non-party document discovery; party and non-party depositions; and a mediation, which required significant preparation and briefing in advance of the session. Given the relative strengths and weaknesses of the claims asserted in the action against the Defendants and the large recovery of cash obtained for the Class, Plaintiffs believe the Settlement is a superb result and fully endorse the requested approval.

By way of this motion Plaintiffs also seek final certification of the Settlement Class and final approval of the proposed plan of allocation, as described in the Stipulation of Settlement. If approved, each Class member who submits a timely and valid claim will be entitled to a pro rata share of the Settlement Fund based upon his or her ownership of shares of Illumina stock at the end of the Class Period. The proposed plan of allocation treats all Class members equally and fairly and, importantly, provides for an easy and straightforward administration and distribution.

For the reasons stated herein, Plaintiffs respectfully request that the Court grant their motion in its entirety.

II. RELEVANT BACKGROUND

On December 18, 2019, the Court conditionally granted Plaintiffs' motion for preliminary approval of the Settlement (ECF No. 104) (the "Conditional Order"). The Conditional Order provided the background facts and procedure of this action, namely that Defendants allegedly violated the Securities Exchange Act of 1934 by making false and/or materially misleading statements with respect to Illumina Inc.'s revenue and sales for the third quarter of the 2016 fiscal year and that Plaintiffs were damaged as a result. Conditional Order at 1-2.

The Conditional Order also held that the Settlement merited preliminary approval for several reasons, including that it was the product of an arm's-length negotiation and favorably resolved a litigation that posed substantial risks if it were to have continued. *Id*. at 9, 15-16. While the Conditional Order raised issues with respect to the Settlement's *cy pres* provision and the investment of the Settlement Fund pending distribution, the parties subsequently addressed those issues through a further submission. *See* Order Granting Approval of Settlement Modifications, ECF No. 104.

In addition to holding that the Settlement was preliminarily fair, reasonable, and adequate, the Conditional Order also found that the proposed plan of allocation "treat[ed] absent class members equitably relative to each other," that Plaintiffs satisfied the Rule 23 requirements for "conditional" certification, and that the proposed notice program was "satisfactory." Conditional Order at 14-19.

III. ARGUMENT

A. STANDARD FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENTS.

In approving a proposed settlement of a class action under Rule 23(e), the court must find that the proposed settlement is fundamentally fair, adequate, and reasonable. *See Staton v. Boeing Co.*, 327 F.3d 938, 959 (9th Cir. 2003). Rule 23(e)(2)

provides that court may only approve a proposed settlement that would bind class members if it is "fair, reasonable, and adequate" based upon consideration of the following: "(A) the class representatives and class counsel have adequately represented the class; (B) the proposal was negotiated at arm's length; (C) the relief provided for the class is adequate, taking into account: (i) the costs, risks, and delay of trial and appeal; (ii) the effectiveness of any proposed method of distributing relief to the class, including the method of processing class-member claims; (iii) the terms of any proposed award of attorney's fees, including timing of payment; and (iv) any agreement required to be identified under Rule 23(e)(3); and (D) the proposal treats class members equitably relative to each other." FED. R. CIV. P. 23(e)(2).

B. THE SETTLEMENT IS FAIR, REASONABLE, AND ADEQUATE.

In preliminarily approving the Settlement, the Court carefully analyzed various factors identified by the Ninth Circuit, and concluded that the Settlement was "preliminarily fair, reasonable, and adequate to the proposed class." Conditional Order at 20. Since then, the only new information to consider is the fact that no shareholder has objected to the Settlement which, as discussed below, provides further support that it is fundamentally fair, adequate, and reasonable. Accordingly, as all applicable factors weighed by the Court during preliminary approval are still in favor of granting final approval, the Court should grant this motion. *See In re Chrysler-Dodge-Jeep Ecodiesel® Mktg., Sales Practices & Prods. Liab. Litig.*, No. 17-md-02777-EMC, 2019 U.S. Dist. LEXIS 75205, at *29 (N.D. Cal. May 3, 2019) (granting final approval of settlement upon finding that its conclusions as to the Rule 23(e)(2) and the Ninth Circuit factors that supported preliminary approval still "stand").

1. Rule 23(e)(2)(A): Plaintiffs and Plaintiffs' Counsel Adequately Represented the Class.

Plaintiffs and Plaintiffs' Counsel have zealously prosecuted this action on behalf of the Class for over three years, and will continue to do so throughout the administration of the Settlement to secure and deliver its benefits. As detailed in the Declaration of Adam M. Apton in Support of Plaintiffs' Motion for Preliminary Approval of Settlement (ECF No. 95-3) (the "Apton Decl."), Plaintiffs engaged in significant motion practice and discovery efforts to prosecute the Class claims, including defeating a comprehensive motion to dismiss and briefing motions for leave to amend and class certification. Plaintiffs have also been actively engaged, having produced numerous documents and, in the case of Anton Agoshkov, traveling internationally from Moscow to sit for a lengthy deposition in New York City. Based upon these facts, the Court concluded previously in the Conditional Order that Plaintiffs "have been committed to prosecuting this case and have reached a resolution in the best interests of the Settlement Class." Conditional Order at 18. The facts supporting the Court's conclusion on this point have not changed. Accordingly, the Court should reaffirm its holding with respect to Plaintiffs' and Plaintiffs' Counsel's representation of the Class.

2. Rule 23(e)(2)(B): The Settlement Is the Product of Good Faith, Informed, and Arm's-Length Negotiations.

After a substantial amount of party and non-party discovery (which included over 200,000 pages of document discovery and an extensive Rule 30(b)(6) deposition of Illumina), the parties participated in a serious, informed negotiation facilitated by David Geronemus, Esq., at JAMS. The mediation required substantive briefing in advance (which featured many of the arguments and evidence that would have been raised at summary judgment) and included a detailed presentation featuring factual

and legal discussions on the merits and damages. The parties agreed to the Settlement at the very end of the full-day mediation session.

A settlement process facilitated by a mediator weighs heavily in favor of approval. *Rosales v. El Rancho Farms*, No. 1:09-CV-00707-AWI, 2015 U.S. Dist. LEXIS 95775, at *44 (E.D. Cal. July 21, 2015), *report and recommendation adopted*, 2015 WL 13659310 (E.D. Cal. Oct. 2, 2015) ("[T]he 'presence of a neutral mediator [is] a factor weighing in favor of a finding of non-collusiveness.'") (alternation in original) (quoting *In re Bluetooth*, 654 F.3d at 946 (9th Cir. 2011))); *Gould v. Rosetta Stone, Ltd*., No. C 11-01283 SBA, 2013 U.S. Dist. LEXIS 138921, at *16 (N.D. Cal. Sept. 26, 2013) (same); *Hughes v. Microsoft Corp.*, No. 98-1646C, 2001 U.S. Dist. LEXIS 5976, at *17 (W.D. Wash. Mar. 21, 2001) (citing *In re Pacific Enters. Sec. Litig.*, 47 F.3d 373, 378 (9th Cir. 1995) (finding mediator's involvement supports settlement approval). The procedurally fair manner in which this Settlement was reached weighs strongly in favor of granting final approval.

3. Rule 23(e)(2)(C): The Settlement Provides Significant Immediate Benefits in Exchange for the Compromise of Strong Claims.

a. *The Settlement appropriately balances the risks of litigation and the benefit to the Class of a certain recovery.*

The Court must balance the continuing risks of litigation against the benefits afforded to Class members and the immediacy and certainty of a substantial recovery. *See In re Mego Fin. Corp. Sec. Litig.*, 213 F.3d 454, 458 (9th Cir. 2000) ("'a settlement proposal requires a district court to balance a number of factors'"); *Girsh v. Jepson*, 521 F.2d 153, 157 (3d Cir. 1975); *Boyd*, 485 F. Supp. at 617. In other words, [t]he Court shall consider the vagaries of litigation and compare the significance of immediate recovery by way of the compromise to the mere possibility of relief in the future, after protracted and expensive litigation. *Nat'l Rural Telecomms. Coop. v. DIRECTV, Inc.* , 221 F.R.D. 523, 526 (C.D. Cal. 2004) (quoting

Oppenlander v. Standard Oil Co. (Indiana), 64 F.R.D. 597 (D.Colo.1974)). In the context of approving class action settlements, courts attempting to balance these factors have recognized "that stockholder litigation is notably difficult and notoriously uncertain." *Lewis v. Newman*, 59 F.R.D. 525, 528 (S.D.N.Y. 1973); *see also Republic Nat'l Life Ins. Co. v. Beasley*, 73 F.R.D. 658 (S.D.N.Y. 1977). "In this respect, [i]t has been held proper to take the bird in hand instead of a prospective flock in the bush." *Nat'l Rural*, 221 F.R.D. at 526; *see also Lundell v. Dell, Inc.* Civil Action No. CO5-3970 JW/RS, 2006 U.S. Dist. LEXIS 90990, at *9-10 (N.D. Cal. Dec. 4, 2006). Thus, "[i]n most situations, unless the settlement is clearly inadequate, its acceptance and approval are preferable to lengthy and expensive litigation with uncertain results." *Nat'l Rural*, 221 F.R.D. at 526.

Plaintiffs believed in the strength of their case and were prepared to continue litigating through summary judgment and, if necessary, trial. This belief was supported by their success in defeating Defendants' motion to dismiss as well as material obtained in discovery. However, Plaintiffs and Plaintiffs' Counsel were pragmatic and understood that the road to recovery was still fraught with substantial risks before any potential recovery could be achieved and distributed to the Class.

Two risks, in particular, heavily influenced Plaintiffs' and Plaintiffs' Counsel's decision to settle. First, whether the alleged misrepresentation in this case was "forward-looking" and thus protected under the safe harbor provision of the Securities Exchange Act of 1934 was a critical risk to Plaintiffs' case. To defeat a motion for summary judgment on this issue, Plaintiffs would have needed to adduce evidence showing actual knowledge of falsity with respect to the alleged misrepresentation, among other things. This is a very heavy burden and, in light of the evidentiary record that existed at the time of Settlement, posed a risk that Plaintiffs could lose at summary judgment. Apton Decl. at ¶22.

Second, damages were heavily contested in this case, given the fact that the alleged misrepresentation appeared to inflate the price of Illumina's stock by only a fraction of the decline in the stock price that occurred at the end of the Class Period. Illumina's stock price increased by $10 per share increase that at the time of the alleged misrepresentation but declined by $45 per share at the end of the Class Period. Plaintiffs' and the class's recovery may have been limited to just $10 per share or even less. Plaintiffs would have needed to rely heavily on an expert to justify their alleged damages, and then would have needed a jury to credit the expert over any expert or experts retained by Defendant. Thus, this too posed a significant risk as to the outcome of the case. Apton Decl. at ¶23.

In addition, Plaintiffs also faced many other risks inherent in most complex litigations, such as obtaining and maintaining class certification, having to defend and/or succeed against post-judgment appeals, and expert credibility concerns at trial. Collectively, these risks weighed heavily in favor of accepting the Settlement, which provides the substantial amount of $13.85 million to the Class in the near term, and likewise now weigh heavily in favor of approving the Settlement in final.

b. *The claim process is straightforward and convenient.*

The Settlement framework provides a simple and well-established methodology for the processing of claims from Class members. First, the Court-approved Proof of Claim form provides clear instructions to potential Class members concerning the necessary information they must present to the Claims Administrator in order it to accurately process their claim and the deadlines by which they must do such. Based on the information provided by the Class members, the Claims Administrator will confirm each Class member's eligibility to participate in the recovery by mechanically calculating their respective "Recognized Loss" based on the Court-approved Plan of Allocation to ultimately determine each Class member's *pro rata* portion of the Net Settlement Fund. *See* Apton Decl. at ¶17.

Once the April 27, 2020 Claims deadline has passed, Plaintiffs will move the Court for permission to distribute the Net Settlement Fund to Authorized Claimants. If granted, the Claims Administrator will then distribute the funds via check. After the initial distribution of the Net Settlement Fund, the Claims Administrator will make reasonable and diligent efforts to have Authorized Claimants cash their distribution checks. To the extent any monies remain in the Net Settlement Fund six (6) months after the initial distribution, if Plaintiffs' Counsel, in consultation with the Claims Administrator, determines that it is cost-effective to do so, 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 per the instructions of Plaintiffs' Counsel. If it is determined that the re-distribution is not cost-effective (*e.g.*, the monies remaining are insufficient to cover the expenses associated with a second distribution), the remaining balance shall be contributed to the Investor Protection Trust upon approval of the Court.

c. *Plaintiffs' Counsel's requested attorneys' fees and costs are reasonable.*

Plaintiffs' Counsel's fee request is detailed separately in their Motion for Attorneys' Fees, Reimbursement of Expenses, and Incentive Awards (filed herewith). For their efforts and the risks of litigating the Action, Plaintiff's Counsel is requesting that the Court award attorneys' fees in the amount of 25% of the Settlement Fund. This percentage has repeatedly found in this jurisdiction to be fair and reasonable to the Class and especially so given the procedural posture and the work performed by Plaintiffs' Counsel to date. *See Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1048 (9th Cir. 2002); *HCL Partners Ltd. P'ship v. Leap Wireless Int'l, Inc.*, No. 07 CV 2245 MMA, 2010 U.S. Dist. LEXIS 109829, at *7 (S.D. Cal. Oct. 15, 2010) (finding Lead Counsel's requested benchmark fee award of 25% "reasonable in light of the amount of efforts expended to achieve the settlement"). In

addition, Plaintiffs' Counsel seeks reimbursement of expenses in the amount of $169,727.62. *See* Supplemental Declaration of Adam M. Apton in Support of Plaintiffs' Motion for Final Approval of Settlement and Motion for Attorneys' Fees, Reimbursement of Expenses, and Incentive Awards (the "Supp. Apton Decl."), filed herewith, ¶13.[1] These expenses were incurred during the course of this litigation and for items that were reasonable and necessary for the purposes of prosecuting this case. The expenses largely include fees from experts, e-discovery vendors, and mediation. *Id*. at ¶¶14-16.

Plaintiffs' Counsel's accompanying Motion for Attorneys' Fees and Reimbursement of Expenses contains more detail (factual and legal) in support of the request. To the extent necessary for consideration of final approval, Plaintiffs respectfully refer to the information contained in the accompanying motion.

4. Rule 23(e)(2)(D): The Settlement treats Class members equitably relative to one another.

All Class Members that meet the Class definition with a "Recognized Loss" will receive a pro rata share of the Net Settlement Fund. Apton Decl. at ¶17; *see also* Notice, ECF No. 95-2, pp. 9-11. Accordingly, each Class Member that submits a Proof of Claim will have their trade information evaluated against the Class definition and the Plan of Allocation to determine their "Recognized Loss" to ultimately have their pro rata share of the Net Settlement Fund calculated and distributed. Thus, this factor also supports favor of granting final approval. *See, e.g., Hefler v. Wells Fargo & Co.*, Case No. 16-cv-05479-JST, 2018 U.S. Dist. LEXIS 150292, at *38 (N.D. Cal. Sept. 4, 2018) ("the allocation plan disburses the Settlement Fund to class members 'on a pro rata basis based on the relative size of' the potential claims that they are

[1] The expense total also includes a $2,000 estimated budget for travel to/from the final approval hearing scheduled for April 20, 2020.

compromising . . . This type of pro rata distribution has frequently been determined to be fair, adequate, and reasonable." (citing cases)).

C. THE SETTLEMENT ALSO MEETS THE REMAINING APPROVAL FACTORS CONSIDERED IN THE NINTH CIRCUIT.

The Ninth Circuit has traditionally also considered the following factors when deciding whether a settlement should be approved as fair, reasonable, and adequate to the class:

> (1) the strength of the plaintiff's case; (2) the risk, expense, complexity, and likely duration of further litigation; (3) the risk of maintaining class action status throughout the trial; (4) the amount offered in settlement; (5) the extent of discovery completed and the stage of the proceedings; (6) the experience and views of counsel; (7) the presence of a governmental participant; and (8) the reaction of the class members of the proposed settlement.

In re Bluetooth, 654 F.3d at 946. In the wake of the Rule 23(e)(2) amendment, many of the factors set as the standard for approval of settlements by the Ninth Circuit have be subsumed into the amended rule and for the reasons already discussed in detail *supra* in Sections II.B., support the approval of the Settlement. The remaining and applicable factors not specifically discussed above in the required Rule 23(e)(2) evaluation also weigh in favor of approving the Settlement.

1. <u>The Settlement Amount of $13.85 Million Supports Approval.</u>

"An important consideration in judging the reasonableness of a settlement is the strength of the plaintiffs' case on the merits balanced against the amount offered in the settlement. However, in balancing, a proposed settlement is not to be judged against a speculative measure of what might have been awarded in a judgment in favor of the class." *Nat'l Rural*, 221 F.R.D. at 526 (citation omitted). Balanced against all of the risks outlined above, Plaintiffs stand to recover a $13,850,000 cash settlement for the Class. Plaintiffs' expert estimated potential recoverable damages

for the Class of approximately $300 million. Apton Decl. at ¶21 (citing Cornerstone Research and NERA Economic Consulting studies). The Settlement, therefore, represents approximately 4.5% of the total recoverable damages (according to Plaintiffs' expert's estimate) if Plaintiffs were completely successful on all issues of liability and damages. While "[i]t is well-settled law that a cash settlement amounting to only a fraction of the potential recovery does not per se render the settlement inadequate or unfair," *Officers for Justice*, 688 F.2d at 628, the percentage recovery is within the range of settlements that have received approval by the courts. *See, e.g.*, *Hicks v. Morgan Stanley & Co.*, No. 01-10071, 2005 U.S. Dist. LEXIS 24890, at *19 (S.D.N.Y. Oct. 24, 2005) (approving settlement representing 3.8% of Plaintiff's estimated damages). The 4.5% recovery is above the median percentage of investor losses recovered in securities class action settlements with similar overall damages. *See Schuler v. Medicines Co*., No. CV 14-1149 (CCC), 2016 WL 3457218, at *8 (D.N.J. June 24, 2016) (approving $4,250,000 securities fraud settlement that reflected approximately 4% of the estimated recoverable damages and noting percentage "falls squarely within the range of previous settlement approvals"); *Medoff v. CVS Caremark Corp.*, No. 09 Civ. 554, 2016 WL 632238, at *6-7 (D.R.I. Feb. 17, 2016) (approving $48 million settlement representing approximately 5.33% of estimated recoverable damages and noting that this is "well above the median percentage of settlement recoveries in comparable securities class action cases"); *In re Am. Bus. Fin. Servs. Inc. Noteholders Litig.*, No. 05 Civ. 232, 2008 WL 4974782, at *3, *9, *13 (E.D. Pa. Nov. 21, 2008) (approving $16,767,500 settlement representing 2.5% of damages); *In re Omnivision Techs.*, 559 F. Supp. 2d 1036, 1042 (N.D. Cal. 2007) (approving 6% recovery of maximum damages). Accordingly, the proposed settlement provides an above-median recovery. *See also Detroit v. Grinnell Corp.*, 495 F.2d 448, 455 n.2 (2d Cir. 1974) (noting that there is no reason, at least in

theory, why a satisfactory settlement could not amount to a "hundredth or even a thousandth of a single percent of the potential recovery").

Moreover, in securities actions, following the verdict on liability, the practice is for a claims administrator to require each class member to file a claim and subject himself to potential attack on issues such as reliance, before the total amount of Defendants' actual liability is determined. Therefore, the $300 million figure arrived at by Plaintiffs' expert not only assumes complete success on all issues of liability and damages, but also assumes that all members of the Class who can make a claim for payment will claim. That, however, is almost never the case.

2. The View of Experienced Class Counsel.

Plaintiffs' Counsel have decades of experience and expertise in litigating securities actions. *See* Supp. Apton Decl., Exhibit A (Firm Resume). The two partners who oversaw the litigation on a day-to-day basis were Nicholas I. Porritt and Adam M. Apton. Mr. Porritt has extensive experience representing plaintiffs and defendants in a wide variety of complex commercial litigation, including civil fraud, breach of contract, and professional malpractice, as well as defending SEC investigations and enforcement actions. *Id*. at 17. Similarly, Mr. Apton has also represented plaintiffs and defendants in various complex commercial litigation and has successfully recovered millions of dollars of shareholder losses over the past several years in both class action and individual litigations. *Id*. at 11. Collectively, they provided Plaintiffs and the Class with strong representation in this matter and, as detailed above, obtained a superb result.

This action has been litigated and settled by experienced and competent counsel. That such qualified and well-informed counsel endorse the Settlement as being fair, reasonable and adequate to the Class heavily favors this Court's approval of the Settlement. *See Rodriguez v. West Publ'g Corp.*, 563 F.3d 948, 967 (9th Cir. 2009) ("[P]arties represented by competent counsel are better positioned than courts

to produce a settlement that fairly reflects each party's expected outcome in litigation."); *Adoma v. Univ. of Phoenix, Inc.*, No. 10-0059, 2012 U.S. Dist. LEXIS 181281, at *24 (E.D. Cal. Dec. 18, 2012) ("[g]reat weight is accorded to the recommendation of counsel, who are most closely acquainted with the facts of the underlying litigation.").

3. The Reaction of the Class to the Proposed Settlement.

As of February 27, 2020, the Claims Administrator sent 71,092 Notice Packets to potential Class members. Declaration of Jack Ewashko, filed herewith, ¶12 ("Ewashko Decl."). Additionally, the Claims Administrator published the Summary Notice via *PR Newswire* and has been administrating a telephone hotline and website to field shareholder questions. *Id.* at ¶¶12-15. As of the date of this motion, neither Plaintiffs' Counsel nor the Claims Administrator have received any objections to the Settlement. *Id*. at ¶17. There has been only one request for an exclusion, which was submitted by a trustee on behalf of a deceased investor. *Id*. at ¶18. Plaintiffs will respond to any objections and exclusions after the March 23, 2020 deadline has elapsed.

It is established that the absence of a large number of objectors to a proposed class action settlement raises a strong presumption that the terms of a proposed class settlement action are favorable to the class members. *Mandujano v. Basic Vegetable Prods. Inc.*, 541 F.2d 832, 837 (9th Cir. 1976). "The absence of any objector strongly supports the fairness, reasonableness, and adequacy of the settlement." *Martin v. AmeriPride Servs.*, No. 08cv440-MMA (JMA), 2011 U.S. Dist. LEXIS 61796, at *21 (S.D. Cal. June 9, 2011); *see In re Skilled Healthcare Group, Inc.*, No. 09-5416, 2011 U.S. Dist. LEXIS 10139, at *11 (C.D. Cal. Jan. 26, 2011) ("In this case, the Court interprets the lack of anything other than a de minimus objection as ratification of the settlement terms by the class."); *see also Heritage Bond Litig.*, 2005 U.S. Dist. LEXIS 13555, at *34; *Nat'l Rural*, 221 F.R.D. at 528. Given the absence of objections

at this time, the Court should consider this as additional evidence in support of granting final approval.

D. THE PLAN OF ALLOCATION IS FAIR AND REASONABLE AND SHOULD BE APPROVED BY THE COURT

Assessment of a plan of allocation of settlement proceeds in a class action under Fed. R. Civ. P 23 is governed by the same standards of review applicable to the settlement as a whole – the plan must be fair, reasonable, and adequate. *Class Plaintiff v. Seattle*, 955 F.2d 1268, 1284 (9th Cir. 1992); *In re Omnivision Techs.*, 559 F. Supp. 2d at 1045. "However, [a]n allocation formula need only have a reasonable, rational basis, particularly if recommended by experienced and competent counsel." *Heritage*, 2005 U.S. Dist. LEXIS 13555, at *38 (quoting *Maley v. Del Global Techs. Corp*, 186 F. Supp. 2d at 367 (S.D.N.Y. 2002) (citation omitted). There is no requirement that a settlement must benefit all class members equally. *See Mego*, 213 F.3d at 461; *Petrovic v. AMOCO Oil Co.*, 200 F.3d 1140, 1152 (8th Cir. 1999) (upholding distribution plan where class members received different levels of compensation and finding that no subgroup was treated unfairly); *S.C. Nat'l Bank v. Stone*, 749 F. Supp. 1419, 1437 (D.S.C. 1990) (approving settlement where some class members did not share in recovery). These decisions acknowledge that the goal of a distribution plan is fairness to the class as a whole, taking into account the various disclosures during the Class Period and establishing a claim value based on the market's reaction to each new piece of information.

In order to develop a fair distribution plan, Plaintiffs' Counsel developed the Plan of Allocation based on the damages analysis and distribution of estimated damages rendered by Plaintiff's damages expert earlier in the litigation. Apton Decl. at ¶17. This analysis was, at the time the Settlement was reached, the best estimate of damages that Plaintiffs had and is still the analysis that Plaintiffs would likely have presented to the trier of fact. *Id.*

The Plan of Allocation, of course, like Plaintiffs' estimate of Class-wide damages itself, assumes complete success on all aspects of liability and damages at trial and post-trial appeals. Thus, the Plan of Allocation credits all Class members with the best possible result they could have achieved based on the number of Illumina shares they purchased, their cost basis in those shares, and the timing of their purchases and sales of Illumina common stock. Shaping each class member's recovery around these factors is only fair. *Skilled Healthcare*, 2011 U.S. Dist. LEXIS 10139 at *12.

The Plan of Allocation, in full and complete detail, was included in the Notice mailed to Class members and, as of the date of this motion, no one has objected. Ewashko Decl. at ¶17. Based upon the foregoing, Plaintiffs and Plaintiffs' Counsel submit that the Plan of Allocation will equitably apportion the net Settlement proceeds among all eligible Class members using the principles set forth in the case law cited above, and should be approved.

E. THE NOTICE SATISFIED THE REQUIREMENTS OF DUE PROCESS

Rule 23(e)(1)(B) requires the Court to direct notice in a reasonable manner to all class members who would be bound by a proposed settlement, voluntary dismissal, or compromise. As previously mentioned, the Claims Administrator disseminated 71,092 Notice Packets to potential Class members and nominees. Ewashko Decl. at ¶12. In addition, the Claims Administrator published the Summary Notice via *PR Newswire* and has been administrating a telephone hotline and website to field shareholder questions. *Id.* at ¶¶13-15. This notice program was clearly "the best notice practicable under the circumstances including individual notice to all members who can be identified through reasonable effort," *Eisen v. Carlisle & Jacquelin*, 417 U.S. 156, 173 (1974), and meets the requirements of Fed. R. Civ. P. 23(c) and (e) and due process. *See, e.g., DeJulius v. New England Health Care*

Employees Pension Fund, 429 F.3d 935, 945-47 (10th Cir. 2005) (finding notice program akin to the instant one satisfied due process); *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950) (notice need only be "reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.").

The Notice was also clearly sufficient with respect to its content. *See Maher v. Zapata Corp.*, 714 F.2d 436, 451 (5th Cir. 1983) (notice must "fairly apprise the prospective members of the class of the terms of the proposed settlement and of the options that are open to them . . . ." (quoting *Greenspun v. Bogan,* 492 F.2d 375, 382 (1st Cir.1974)). Courts have repeatedly sustained notices in cases where the notice included only very general information. *See, e.g.*, *In re Equity Funding Corp. of Am. Sec. Litig.*, 603 F.2d 1353, 1361-62 (9th Cir. 1979); *Mendoza v. United States*, 623 F.2d 1338, 1351-52 (9th Cir. 1980).

Here, the Notice detailed the Settlement and the releases that would be exchanged; summarized the history of the litigation; described the parties and the Class; discussed the settlement negotiations; detailed the Plan of Allocation; detailed the maximum amount that Plaintiffs' Counsel would seek in attorneys' fees and reimbursement of expenses for prosecuting the Action; described Class members' right to request exclusion from the Class or appear through personal counsel of their choosing and/or to object to the Settlement, Plan of Allocation and/or request for attorneys' fees and reimbursement of expenses, the deadlines for asserting these rights and procedures for doing so; and provided addresses, a toll-free telephone number and a website where Class members could obtain additional information. *See* Notice (ECF No. 95-2). The Notice also contained a statement of the average per share amount that the Settlement represents to the total number of damaged shares in the Class; a statement that there is no agreement on the amount of damages; identification of the attorneys for the class; and the reasons for the Settlement.

Accordingly, the notice to the Class met all requirements of Rule 23(c) and (e), 15 U.S.C. §78u-4(a)(7) of the PSLRA, and due process.

IV. CONCLUSION

For the reasons set forth above, Plaintiffs and Plaintiffs' Counsel respectfully request that the motion be granted in its entirety.

Dated: March 2, 2020

Respectfully submitted,

s/ Adam M. Apton

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UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

IN RE ILLUMINA, INC. SECURITIES LIGITATION	Master File No. 3:16-cv-03044-L-MSB **SUPPLEMENTAL DECLARATION OF ADAM M. APTON IN SUPPORT OF PLAINTIFFS' MOTION FOR FINAL APPROVAL OF SETTLEMENT AND MOTION FOR ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES, AND INCENTIVE AWARDS**

I, Adam M. Apton, hereby declare as follows:

1. I am a partner of the law firm of Levi & Korsinsky, LLP, attorneys for Lead Plaintiff Anton Agoshkov, as the putative assignee of the claims of Lead Plaintiff Natissisa Enterprises Ltd. and named plaintiffs Braden Van Der Wall and Steven Romanoff ("Plaintiffs") and Plaintiffs' Counsel in this action. I submit this Declaration in support of Plaintiffs' Motions for: (i) Final Approval of the Settlement; and (ii) an Attorneys' Fees, Reimbursement of Expenses, and Incentive Awards.

2. I am admitted to practice before this Court and have personal knowledge of the various matters set forth herein based on my day-to-day participation in the prosecution and settlement of this Action. If necessary, I could and would testify competently to the matters set forth herein.

FINAL APPROVAL

3. I previously submitted a declaration in support of Plaintiffs' Motion for Preliminary Approval of Settlement (ECF No. 95-3). In that declaration, I expressed support for the Settlement and explained why I believed that it represented an excellent result for the Class. I continue to believe that today and, in fact, even more so based on the absence of any objections to the Settlement from potential Class Members.

4. The Court-appointed claims administrator, JND Legal Administration, has faithfully carried out its obligation to disseminate notice to potential Class Members. As described in the accompanying Declaration of Luiggy Segura, JND Legal Administration has published the Notice in print and online, and mailed it to over 71,000 potential Class members. Neither the Claims Administrator nor I have received any objections to the Settlement and, to date, I have received only 1 request for exclusion (which was from a representative of the estate of a deceased investor and did not relate to the merits of the Settlement). In my experience as a class action securities litigator, this suggests that the Settlement is broadly supported by the Class.

ATTORNEYS' FEES AND EXPENSES

5. As compensation for our efforts, Plaintiffs' Counsel is applying for an award of attorneys' fees in the amount of 25% of the Settlement Fund and reimbursement of $169,727.62 in expenses reasonably incurred in the prosecution and settlement of the action.

6. Plaintiffs' Counsel has prosecuted this case for over three years without any compensation and has incurred thousands of dollars in expenses without any guarantee of success. The fee request is within the range of fees

awarded by courts in the Ninth Circuit, as further detailed and discussed in Plaintiffs' accompanying Motion for Attorneys' Fees, Reimbursement of Expenses, and Incentive Awards.

7. Plaintiffs' Counsel undertook representation of Plaintiffs and the Class on a wholly contingent basis. Plaintiffs' Counsel knew from the outset that they would expend a substantial amount of time prosecuting this action, yet receive no compensation if the action ultimately proved unsuccessful. Thus, the contingent nature of payment of fees and expenses and the risks and complexity of the action should be given substantial weight by the Court in considering the instant application for fees and expenses.

8. This is especially so given the complexity of the legal issues and the amount of work performed by Plaintiffs' Counsel to achieve the result at hand. Plaintiffs brought claims for securities fraud under the Securities and Exchange Act of 1934, which require exacting levels of specificity at the pleading level before the case can even enter discovery. Moreover, given that this matter was a class action proceeding, Plaintiffs' Counsel had to plan and prepare for certification proceedings which were significantly complicated by the fact that Natissisa Enterprises Ltd. entered voluntary dissolution proceedings during the course of the litigation. In addition to the standard predominance issues under Rule 23(b), Plaintiffs' Counsel also required expert assistance with regard to corporate legal issues stemming from the dissolution.

9. From start to end, Plaintiffs' Counsel dedicated 3,936.20 hours to prosecuting this action. The following table lists the names and roles of the professionals at Levi & Korsinsky, LLP who worked on this matter, the number of hours they expended on this matter, and their current hourly rates. These hours were compiled from contemporaneous time records maintained by each attorney and professional staff member affiliated with Plaintiffs' Counsel. Applying Plaintiffs' Counsel's current hourly rates to the hours expended in this action yields a lodestar amount of $2,125,332.25:

Name and Title	Hours	Hourly Rate	Lodestar
Eduard Korsinsky (P)	24.00	$1,025	$24,600.00
Adam M. Apton (P)	739.80	$850	$628,830.00
Nicholas I. Porritt (P)	227.55	$975	$221,861.25
Alexander A. Krot (A)	111.25	$650	$72,312.50
Adam McCall (A)	677.25	$550	$372,487.50
Cecille Cargill (A)	5.75	$550	$3,162.50
Neil Fay (SA)	39.50	$350	$13,825.00
Jonathan Gitlen (A)	15.75	$625	$9,843.75
Tatyana Grubnick (SA)	210.5	$475	$99,987.50
Ivy Hamlin (SA)	137.5	$350	$48,125.00
Jamillah Fraser (SA)	144.25	$350	$50,487.50
Lori Fulmer (SA)	183.00	$350	$64,050.00
Michelle Gruesbeck (A)	26.75	$455	$12,171.25
Murray Hough (SA)	86.50	$350	$30,275.00
Pamela Hunter (SA)	271.45	$475	$128,938.75
Ryan Caban (SA)	590.50	$350	$205,537.50
Steven Ekechuku (SA)	263.25	$350	$92,137.50
Stephanie Glenn-Palmer (SA)	33.75	$350	$11,812.50
Paralegal	131.65	$265	$34,887.25
Legal Intern*	16.25	--	--
Total	***3,936.20***		***$2,125,332.25***

(P) – Partner / (A) – Associate / (SA) – Staff Attorney

** – Non-billable*

10. Plaintiffs' Counsel spent the majority of their time (over 3,000 hours) in this matter conducting discovery. In addition to the approximate 200,000 pages of documents received, Defendants also produced dozens of excel

spreadsheets containing vast amounts of data. Each spreadsheet required multiple hours to review. Preparing for depositions was also extremely time-consuming, given the high volume of email correspondence and complex subject-matter of the testimony.

11. Plaintiffs' Counsel also spent a significant amount of time (approximately 400 hours) researching and briefing class certification issues. Class certification was complicated by the fact that the lead plaintiff, Natissisa Enterprises, Ltd., voluntarily dissolved during the course of the litigation. This prompted arguments over the implications of the dissolution, which necessitated research into corporate law as well as federal law concerning substitution.

12. Plaintiffs' Counsel also invested heavily in preparing for the mediation in this matter (approximately 200 hours). The mediation briefs were comprehensive and included a significant amount of evidentiary support, similar to what would have been presented in support of (or opposition to) a summary judgment brief. Plaintiffs' Counsel also prepared a detailed presentation for the mediation session. Plaintiffs' Counsel's hard-work preparing for the mediation was likely responsible for achieving the settlement result at hand.

13. Plaintiffs' Counsel also incurred $169,727.62 in unreimbursed expenses in connection with the prosecution of this litigation. The following table, compiled from the records regularly maintained by Levi & Korsinsky, LLP, lists the expenses incurred in furtherance of this action, all of which were reasonable and necessary in terms of obtaining the result at hand:

Expense	**Amount**
Experts	$97,583.60
Travel	$12,298.49
Meals	$219.94
Filing/Court Fees	$611.00
Postage, Printing and Copies	$1,674.73

Mediation	$12,583.12
Notices	$663.54
Court Reporter/Transcripts	$4,838.13
E-Discovery	$8,575.00
Computer Research	$17,063.22
Process Servers	$1,442.56
Investigator Fees	$9,880.40
Translation Service Fees	$190.00
Supplies	$103.89
*Estimated Travel for Final Approval Hearing	$2,000
TOTAL	***$169,727.62***

14. Expert fees comprised the majority of Plaintiffs' Counsel's litigation expenses. In particular, Plaintiffs' Counsel needed to retain an expert in connection with Plaintiffs' motion for class certification. The "predominance" requirement under Rule 23(b) in class action securities fraud cases is typically satisfied upon showing "market efficiency" which, in turn, affords plaintiffs with a presumption of "reliance" under *Basic Inc. v. Levinson*, 485 U.S. 224 (1988). To prove "market efficiency," however, a plaintiff ordinarily needs to rely upon expert analysis. The nature of the expert's work is complex and often requires complicated statistical analyses. Plaintiffs' "market efficiency" expert fees totaled nearly $85,000; the remainder of the expert fees related to consultants for damages evaluations and corporate law.

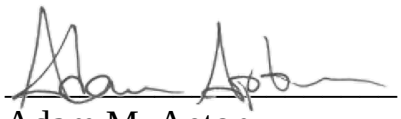
15. Other significant expenses included Plaintiffs' Counsel's investigation fees and computer research fees. The investigation was conducted by an outside, third-party vendor who researched, identified, and interviewed potential witnesses. Plaintiffs' Counsel's computer research included payments for stock market analyst reports obtained through a financial news-information subscription service. These analyst reports were necessary for Plaintiffs' Counsel to interpret and

understand the market's various reactions to public disclosures made by or on behalf of Defendants prior to, during, and after the Class Period in this action.

16. Finally, the mediation was also integral to securing the Settlement. The parties used a seasoned mediator with expertise in the field of securities laws, David Geronemus, Esq., at JAMS. But for his assistance, the parties may not have been able to reach the agreement they did or as efficiently as they did.

17. A true and accurate copy of Levi & Korsinsky, LLP's firm resume is attached hereto as Exhibit A.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 2nd day of March 2020.



Adam M. Apton

EXHIBIT A

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ABOUT THE FIRM

Levi & Korsinsky, LLP is a national law firm with decades of combined experience litigating complex securities, class, and consumer actions in state and federal courts throughout the country. Our main office is located in New York City and we also maintain offices in Connecticut, California, and Washington, D.C.

We represent the interests of aggrieved shareholders in class action and derivative litigation through the vigorous prosecution of corporations that have committed securities fraud and boards of directors who have breached their fiduciary duties. We have served as Lead and Co-Lead Counsel in many precedent–setting litigations, recovered millions of dollars for shareholders via securities fraud lawsuits, and obtained fair value, multi-billion dollar settlements in merger transactions.

We also represent clients in high-stakes consumer class actions against some of the largest corporations in America. Our legal team has a long and successful track record of litigating high-stakes, resource-intensive cases and consistently achieving results for our clients.

Our attorneys are highly skilled and experienced in the field of securities class action litigation. They bring a vast breadth of knowledge and skill to the table and, as a result, are frequently appointed Lead Counsel in complex shareholder and consumer litigations in various jurisdictions. We are able to allocate substantial resources to each case, reviewing public documents, interviewing witnesses, and consulting with experts concerning issues particular to each case. Our attorneys are supported by exceptionally qualified professionals including financial experts, investigators, and administrative staff, as well as cutting-edge technology and e-discovery systems. Consequently, we are able to quickly mobilize and produce excellent litigation results. Our ability to try cases, and win them, results in substantially better recoveries than our peers.

We do not shy away from uphill battles – indeed, we routinely take on complex and challenging cases, and we prosecute them with integrity, determination, and professionalism.

"...a model for how [the] great legal profession should conduct itself."

Justice Timothy S. Driscoll in *Grossman v. State Bancorp, Inc.*,
Index No. 600469/2011 (N.Y. Sup. Ct. Nassau Cnty. Nov. 29, 2011)

PRACTICE AREAS

Securities Fraud Class Actions

According to Lex Machina's second annual Securities Litigation Report, Levi & Korsinsky was named the Top Securities Firm for the period of January 2017 and June 30, 2018, with 266 lawsuits filed during that period. Law360.com dubbed the Firm one of the "busiest securities firms" in what is "on track to be one of the busiest [years] for federal securities litigation." Our firm has been appointed Lead Counsel in a significant number of class actions filed in both federal and state courts across the country.

In ***In re U.S. Steel Consolidated Cases***, Civil Action No. 17-559-CB (W.D. Pa. 2017) the firm is sole Lead Counsel and has prevailed on a Motion to Dismiss. The class action case is moving into discovery, wherein shareholders stand to recover potential damages totaling hundreds of millions of dollars.

In ***Ford v. TD Ameritrade Holding Corporation***, No. 14-cv-396 (D. Neb.), the Firm was appointed Lead Counsel and successfully defeated a motion to dismiss. We achieved certification of a class of customers, on whose behalf we are challenging a securities fraud scheme that has netted the defendant broker well over a billion dollars since the beginning of the class period at the cost of the execution quality of class

members' orders. We are using cutting edge data analysis techniques to precisely measure damages incurred by millions of class members.

We have been appointed Lead or Co-Lead Counsel in the following securities class actions:

- ***Scheller v. Nutanix Inc.,*** 19-cv-01651-WHO (N.D. Cal. Jul. 10, 2019)
- ***Luo v. Sogou Inc.***, 1:19-cv-00230-JPO (S.D.N.Y. Apr. 2, 2019)
- ***Kanefsky v. Honeywell Int'l Inc.***, 2:18-cv-15536-WJM-SCM (D.N.J. Feb. 26, 2019)
- ***Chew v. MoneyGram International, Inc.***, 1:18-cv-07537 (E.D. Ill. Feb. 12, 2019)
- ***Tung v. Dycom Industries, Inc.***, 9:18-cv-81448-RLR (S.D. Fla. Jan. 11, 2019)
- ***Guyer v. MGT Capital Investments, Inc.***, 1:18-cv-09228-LAP (S.D.N.Y. Jan. 9, 2019)
- ***In re Adient plc Sec. Litig.,*** 1:18-CV-09116 (S.D.N.Y. Dec. 21, 2018)
- ***Church VI v. Glencore PLC***, 18-cv-11477 (SDW)(CLW) (D.N.J. Dec. 12, 2018)
- ***In re Tesla Inc. Sec. Litig.***, 3:18-cv-04865-EMC (N.D. Cal. Nov. 27, 2018)
- ***In re Helios and Matheson Analytics, Inc. Sec. Litig.,*** 1:18-cv-06965-JGK (S.D.N.Y. Nov. 16, 2018)
- ***In re Prothena Corp. plc Sec. Litig.,*** 1:18-cv-06425 (S.D.N.Y. Oct. 31, 2018)
- ***Balestra v. Cloud With Me Ltd.***, 2:18-cv-00804-LPL (W.D. Pa. Oct. 18, 2018)
- ***Pierrelouis v. Gogo Inc.,*** 1:18-cv-04473 (N.D. Ill. Oct. 10, 2018)
- ***In re Restoration Robotics, Inc. Sec. Litig.***, 5:18-cv-03712-EJD (N.D. Cal. Oct. 2, 2018)
- ***Richmond v. Mercury Systems, Inc.***, 1:18-cv-11434-IT (D. Mass. Sept. 27, 2018)
- ***Balestra v. Giga Watt, Inc.***, 2:18-cv-00103-SMJ (E.D. Wash. June 28, 2018)
- ***Chandler v. Ulta Beauty, Inc.***, 1:18-cv-01577 (N.D. Ill. June 26, 2018)
- ***In re Longfin Corp. Sec. Litig.***, 1:18-cv-2933 (S.D.N.Y. June 25, 2018)
- ***Chahal v. Credit Suisse Group AG***, 1:18-cv-02268-AT (S.D.N.Y. June 21, 2018)
- ***In re Bitconnect Sec. Litig.***, 9:18-cv-80086-DMM (S.D. Fla. June 19, 2018)
- ***In re Aqua Metals Sec. Litig.***, 4:17-cv-07142-HSG (N.D. Cal. May 23, 2018)
- ***Davy v. Paragon Coin, Inc.***, 4:18-cv-00671-JSW (N.D. Cal. May 10, 2018)
- ***Rensel v. Centra Tech, Inc.***, 17-cv-24500-JLK (S.D. Fla. Apr. 11, 2018)
- ***Cullinan v. Cemtrex, Inc.*** 2:17-cv-01067 (E.D.N.Y. Mar. 3, 2018)
- ***Emerson v. Genocea Biosciences, Inc.***, 1:17-cv-12137 (D. Mass. Feb. 2, 2018)
- ***In re Navient Corporation Sec. Litig.***, 1:17-cv-08373-RBK-AMD (D.N.J. Feb. 2, 2018)
- ***Abouzied v. Applied Optoelectronics, Inc.***, 4:17-cv-2399 (S.D. Tex. Jan. 22, 2018)
- ***Huang v. Depomed, Inc.***, 3:17-cv-04830-JST (N.D. Cal. Dec. 8, 2017)
- ***In re Regulus Therapeutics Inc. Sec. Litig.,*** 3:17-cv-00182-BTM-RBB (D. Mass. Oct. 26, 2017)
- ***Mahoney v. Foundation Medicine, Inc.,*** 1:17-cv-11394-LTS (D. Mass. Oct. 20, 2017)
- ***Murphy III v. JBS S.A.,*** 1:17-cv-03084-ILG-RER (E.D.N.Y. Oct. 10, 2017)
- ***Goldsmith v. Weibo Corporation***, 2:17-cv-04728-SRC-CLW (D.N.J. Sept. 28, 2017)
- ***Waterford Township Police and Fire Retirement System v. Mattel, Inc.,*** 2:17-cv-04732-VAP-KS (C.D. Cal. Sept. 9, 2017)
- ***In re U.S. Steel Consolidated Cases,*** Civil Action No. 17-559-CB (W.D. Pa. Aug. 16, 2017)

- ***Hinshaw v. Neurotrope, Inc.,*** 1:17-cv-03718-LGS (S.D.N.Y. Aug. 10, 2017)
- ***Ohren v. Amyris, Inc.,*** 3:17-cv-002210-WHO (N.D. Cal. Aug. 8, 2017)
- ***Rodriguez v. Gigamon Inc.,*** 5:17-cv-00434-EJD (N.D. Cal. July 26, 2017)
- ***Beezley v. Fenix Parts, Inc.,*** 2:17-cv-00233 (D.N.J. June 28, 2017)
- ***M & M Hart Living Trust v. Global Eagle Entertainment, Inc.,*** 2:17-cv-01479 (C.D. Cal. June 26, 2017)
- ***Maurer v. Argos Therapeutics, Inc.,*** 1:17-cv-00216 (M.D.N.C. June 23, 2017)
- ***Ruedelstei v. U.S. Concrete, Inc.,*** 4:17-cv-266 (N.D. Tex. June 22, 2017)
- ***In re Aratana Therapeutics, Inc. Sec. Litig.,*** 1:17-cv-880 (S.D.N.Y. June 6, 2017)
- ***In re Insys Therapeutics, Inc.,*** 1:17-cv-1954 (S.D.N.Y. May 31, 2017)
- ***Clevlen v. Anthera Pharmaceuticals, Inc.,*** 3:17-cv-00715 (N.D. Cal. May 18, 2017)
- ***In re Agile Therapeutics, Inc. Sec. Litig.***, 3:17-cv-00119-AET-LHG (D.N.J. May 15, 2017)
- ***Chupka v. Pearson Plc.,*** 1:17-cv-1422 (S.D.N.Y. May 9, 2017)
- ***Roper v. SITO Mobile Ltd.,*** 2:17-cv-01106-ES-MAH (D.N.J. May 8, 2017)
- ***In re Egalet Corporation Sec. Litig.,*** 2:17-cv-00617 (E.D.Pa. May 1, 2017)
- ***In re Illumina, Inc. Sec. Litig.***, 3:16-cv-03044-L-KSC (S.D. Cal. Mar. 30, 2017)
- ***In re Arrowhead Pharmaceuticals, Inc.,*** 2:16-cv-08505-PSG-PJW (C.D. Cal. Mar. 8, 2017)
- ***Michael Gregory v ProNAi,*** 1:16-cv-08703-PAE (Mass. Sup. Ct. Feb. 1, 2017)
- ***Rossbach v. VASCO Data Security Int'l Inc.***, 1:15-cv-06605 (N.D. Ill. Dec. 1, 2016)
- ***In re PTC Therapeutics, Inc.,*** 2:16-cv-01224-KM-MAH (D.N.J. Nov. 14, 2016)
- ***Schwab v. E*Trade Financial Corporation,*** 1:16-cv-05891-JGK (S.D.N.Y. Nov. 9, 2016)
- ***Wilbush v. Ambac Financial Group, Inc.,*** Civ. No. 1:16-cv-05076 RMB (S.D.N.Y. Oct. 11, 2016)
- ***The TransEnterix Investor Group v. TransEnterix, Inc.***, 5:16-cv-00313-D (E.D.N.C. Aug. 30, 2016)
- ***Magro v. Freeport-McMoran Inc.***, 2:16-cv-00186-DJH (D. Ariz. Aug. 19, 2016)
- ***Gormley v. magicJack VocalTec Ltd.***, 1:16-cv-01869-VM (S.D.N.Y. July 12, 2016)
- ***Azar v. Blount Int'l Inc.,*** Civ. No. 3:16-cv-00483-SI (D. Or. July 1, 2016)
- ***Plumley v. Sempra Energy***, 3:16-cv-00512-BEN-RBB (S.D. Cal. June 6, 2016)
- ***Francisco v. Abengoa, S.A.,*** 1:15-cv-06279-ER (S.D.N.Y. May 24, 2016)
- ***Harrington v. Tetraphase Pharmaceuticals, Inc.,*** Civ. No. 1:16-cv-10133-LTS (D. Mass. May 13, 2016)
- ***De Vito v. Liquid Holdings Group, Inc.***, 2:15-cv-06969-KM-JBC (D.N.J. Apr. 7, 2016)
- ***In re OvaScience Inc. Stockholder Litig.,*** C.A. No. 15-3087-BLS2 (Mass. Super. Ct. Apr. 2, 2016)
- ***Ford v. Natural Health Trends Corp.,*** 2:16-cv-00255-TJH-AFM (C.D. Cal. Mar. 29, 2016)
- ***Bai v. TCP International Holdings Ltd.***, 1:16-cv-00102-DCN (N.D. Ohio Mar. 18, 2016)
- ***Meier v. Checkpoint Systems, Inc.,*** 1:15-cv-08007 (D.N.J. Jan. 1, 2016)
- ***Messner v. USA Technologies, Inc.,*** 2:15-cv-05427-MAK (E.D. Pa. Dec. 15, 2015)
- ***Levin v. Resource Capital Corp.,*** 1:15-cv-07081-LLS (S.D.N.Y. Nov. 24, 2015)
- ***Messerli v. Root 9B Technologies, Inc.,*** 1:15-cv-02152-WYD (D. Colo. Oct. 14, 2015)
- ***Martin v. Altisource Residential Corp.,*** 1:15-cv-00024 (D.V.I. Oct. 7, 2015)
- ***Paggos v. Resonant, Inc.,*** 2:15-cv-01970 SJO (VBKx) (C.D. Cal. Aug. 7, 2015)

- ***Fragala v. 500.com Ltd.***, 2:15-cv-01463-MMM (C.D. Cal. July 7, 2015)
- ***Stevens v. Quiksilver Inc.***, 8:15-cv-00516-JVS-JCGx. (C.D. Cal. June 26, 2015)
- ***In re Ocean Power Technologies, Inc. Sec. Litig.***, 14-3799 (FLW) (LHG) (D.N.J. Mar. 17, 2015)
- ***In re Energy Recovery Inc. Sec. Litig.***, 3:15-cv-00265 (N.D. Cal. Jan. 20, 2015)
- ***Klein v. TD Ameritrade Holding Corp.***, 3:14-cv-05738 (D. Neb. Dec. 2, 2014)
- ***In re China Commercial Credit Sec. Litig.***, 1:15-cv-00557 (ALC) (D.N.J. Oct. 31, 2014)
- ***In re Violin Memory, Inc. Sec. Litig.***, 4:13-cv-05486-YGR (N.D. Cal. Feb. 26, 2014)
- ***Berry v. Kior, Inc.***, 4:13-cv-02443 (S.D. Tex. Nov. 25, 2013)
- ***In re OCZ Technology Group, Inc. Sec. Litig.***, 3:12-cv-05265-RS (N.D. Cal. Jan. 4, 2013)
- ***In re Digital Domain Media Group, Inc. Sec. Litig.***, 12-CIV-14333 (JEM) (S.D. Fla. Sept. 20, 2012)
- ***Zaghian v. THQ, Inc.***, 2:12-cv-05227-GAF-JEM (C.D. Cal. Sept. 14, 2012)

Derivative, Corporate Governance & Executive Compensation

We protect shareholders by enforcing the obligations of corporate fiduciaries. We are a leader in achieving important corporate governance reforms for the benefit of shareholders. Our efforts include the prosecution of derivative actions in courts around the country, making pre-litigation demands on corporate boards to investigate misconduct and taking remedial action for the benefit of shareholders. In situations where a company's board responds to a demand by commencing its own investigation, we frequently work with the board's counsel to assist with and monitor the investigation, ensuring that the investigation is thorough and conducted in an appropriate manner.

We also have successfully prosecuted derivative and class action cases to hold corporate executives and board members accountable for various abuses and to help preserve corporate assets through long-lasting and meaningful corporate governance changes, thus ensuring that prior misconduct does not reoccur. We have extensive experience challenging executive compensation, recapturing assets for the benefit of companies and their shareholders. In addition, we have secured corporate governance changes to ensure that executive compensation is consistent with shareholder-approved compensation plans, company performance, and federal securities laws.

In ***MacCormack v. Groupon, Inc.***, C.A. No. 13-940-GMS (D. Del. 2013), we caused the cancellation of $2.3 million worth of restricted stock units granted to a company executive in violation of a shareholder-approved plan, as well as the adoption of enhanced corporate governance procedures designed to ensure that the board of directors complies with the terms of the plan; we also obtained additional material disclosures to shareholders in connection with a shareholder vote on amendments to the plan.

In ***Scherer v. Lu***, (Diodes Incorporated), No. 13-358-GMS, 2014 U.S. Dist. LEXIS 196440 (D. Del. 2014), we secured the cancellation of $4.9 million worth of stock options granted to the company's CEO in violation of a shareholder-approved plan, and obtained additional disclosures to enable shareholders to cast a fully-informed vote on the adoption of a new compensation plan at the company's annual meeting.

In ***Edwards v. Benson***, (Headwaters Incorporated), (D. Utah 2014), we caused the cancellation of $3.2 million worth of stock appreciation rights granted to the company's CEO in violation of a shareholder-approved plan and the adoption of enhanced corporate governance procedures designed to ensure that the board of directors complies with the terms of the plan.

In ***Pfeiffer v. Begley***, (DeVry, Inc.), (Cir. Ct. DuPage Cty., Ill. 2012), we secured the cancellation of $2.1 million worth of stock options granted to the company's CEO in 2008-2012 in violation of a shareholder-approved incentive plan.

In ***Basch v. Healy*** (D. Del. 2014), we obtained a cash payment to the company to compensate for equity awards issued to officers in violation of the company's compensation plan and caused significant changes in the company's compensation policies and procedures designed to ensure that future compensation decisions are made consistent with the company's plans, charters and policies. We also impacted the board's creation of a new compensation plan and obtained additional disclosures to stockholders concerning the board's administration of the company's plan and the excess compensation.

In ***Pfeiffer v. Toll*** (Toll Brothers Derivative Litigation)**,** C.A. No. 4140-VCL (Del. Ch. 2010), we prevailed in defeating defendants' motion to dismiss in a case seeking disgorgement of profits that company insiders reaped through a pattern of insider-trading. After extensive discovery, we secured a settlement returning $16.25 million in cash to the company, including a significant contribution from the individuals who traded on inside information.

In ***Kleba v. Dees***, C.A. 3-1-13 (Tenn. Cir. Ct. Knox Cty. 2014), we recovered approximately $9 million in excess compensation given to insiders and the cancellation of millions of shares of stock options issued in violation of a shareholder-approved compensation plan. In addition, we obtained the adoption of formal corporate governance procedures designed to ensure that future compensation decisions are made independently and consistent with the plan.

In ***Lopez v. Nudelman***, (CTI BioPharma Corp.), 14-2-18941-9 SEA (Wash. Super. Ct. King Cnty. 2015), we recovered approximately $3.5 million in excess compensation given to directors and obtained the adoption of a cap on director compensation, as well as other formal corporate governance procedures designed to implement best practices with regard to director and executive compensation.

In ***In re i2 Technologies, Inc. Shareholder Litigation***, C.A. No. 4003-CC (Del. Ch. 2008), as Counsel for the Lead Plaintiff, we challenged the fairness of certain asset sales made by the company and secured a $4 million recovery.

In ***In re Activision, Inc. Shareholder Derivative Litigation***, No. 06-cv-04771-MRP (JTLX) (C.D. Cal. 2008), we were Co-Lead Counsel and challenged executive compensation related to the dating of options. This effort resulted in the recovery of more than $24 million in excessive compensation and expenses, as well as the implementation of substantial corporate governance changes.

In ***In re Corinthian Colleges, Inc. Shareholder Derivative Litigation***, 8:06cv777-AHS (C.D. Cal. 2006), we were Co-Lead Counsel and achieved a $2 million benefit for the company, resulting in the re-pricing of executive stock options and the establishment of extensive corporate governance changes.

In ***Pfeiffer v. Alpert (Beazer Homes Derivative Litigation)***, C.A. No. 10-cv-1063-PD (D. Del. 2010), we successfully challenged certain aspects of the company's executive compensation structure, ultimately forcing the company to improve its compensation practices.

In ***In re Cincinnati Bell, Inc., Derivative Litigation***, Case No. A1105305 (Ohio, Hamilton Cty. 2012), we achieved significant corporate governance changes and enhancements related to the company's compensation policies and practices in order to better align executive compensation with company performance. Reforms included the formation of an entirely independent compensation committee with staggered terms and term limits for service.

In ***Woodford v. Mizel (M.D.C. Holdings, Inc.)***, 1:2011cv00879 (D. Del. 2012), we challenged excessive executive compensation, ultimately obtaining millions of dollars in reductions of that compensation, as well as corporate governance enhancements designed to implement best practices with regard to executive compensation and increased shareholder input.

In ***Bader v. Goldman Sachs Group, Inc.***, No. 10-4364-cv, 2011 WL 6318037 (2d Cir. Dec. 19, 2011), we persuaded the Second Circuit Court of Appeals to reverse the District Court's dismissal of derivative claims seeking to recover excessive compensation granted to officers and directors of Goldman Sachs.

In ***In re Google Inc. Class C Shareholder Litigation***, C.A. No. 7469-CS (Del. Ch. 2012), we challenged a stock recapitalization transaction to create a new class of nonvoting shares and strengthen the corporate control of the Google founders. We helped achieve an agreement that provided an adjustment payment to shareholders in the event of certain discounts in the price of Google stock, and provided enhanced board scrutiny of the Google founders' ability to transfer stock, including the implementation of a new procedure for a waiver or modification of the founders' Transfer Restriction Agreement.

Mergers & Acquisitions

We have achieved an impressive record in obtaining injunctive relief for shareholders and are one of the premier law firms engaged in mergers & acquisitions and takeover litigation, where we strive to maximize shareholder value. In these cases, we regularly fight to obtain settlements that enable the submission of competing buyout bid proposals, thereby increasing consideration for shareholders.

We have litigated landmark cases that have altered the landscape of mergers & acquisitions law and resulted in multi-million dollar awards to aggrieved shareholders.

In ***In re Great Wolf Resorts, Inc. Shareholder Litigation***, C.A. No. 7328-VCN (Del. Ch. 2012), we achieved tremendous results for shareholders, including partial responsibility for a $93 million (57%) increase in merger consideration and the waiver of several "don't-ask-don't-waive" standstill agreements that were restricting certain potential bidders from making a topping bid for the company.

In ***In re CNX Gas Corp. Shareholder Litigation***, 4 A.3d 397 (Del. Ch. 2010), as Plaintiffs' Executive Committee Counsel, we obtained a landmark ruling from the Delaware Chancery Court that set forth a unified standard for assessing the rights of shareholders in the context of freeze-out transactions and ultimately led to a common fund recovery of over $42.7 million for the company's shareholders.

In ***In re Talecris Biotherapeutics Holdings Shareholder Litigation***, C.A. No. 5614-VCL (Del. Ch. 2010), we served as counsel for one of the Lead Plaintiffs, achieving a settlement that increased the merger consideration to Talecris shareholders by an additional 500,000 shares of the acquiring company's stock and providing shareholders with appraisal rights.

In ***In re Minerva Group LP v. Mod-Pac Corp.***, Index No. 800621/2013 (N.Y. Sup. Ct. Erie Cty. 2013), we obtained a settlement in which defendants increased the price of an insider buyout from $8.40 to $9.25 per share, representing a recovery of $2.4 million for shareholders.

In ***Stephen J. Dannis v. J.D. Nichols***, C.A. No. 13-CI-00452 (Ky. Cir. Ct. Jefferson Cty. 2014), as Co-Lead Counsel, we obtained a 23% increase in the merger consideration (from $7.50 to $9.25 per unit) for shareholders of NTS Realty Holdings Limited Partnership. The total benefit of $7.4 million was achieved after two years of hard-fought litigation, challenging the fairness of the going-private, squeeze-out merger by NTS's controlling unitholder and Chairman, Defendant Jack Nichols. The unitholders bringing the action alleged that Nichols' proposed transaction grossly undervalued NTS's units. The 23% increase in consideration was a remarkable result given that on October 18, 2013, the Special Committee appointed by the Board of Directors had terminated the existing merger agreement with Nichols. Through counsel's tenacious efforts the transaction was resurrected and improved.

In ***In re Craftmade International, Inc. Shareholders Litigation***, C.A. No. 6950-VCL (Del. Ch. 2011), we served as Co-Lead Counsel and successfully obtained an injunction requiring numerous corrective disclosures and a "Fort Howard" release announcing that the Craftmade Board of Directors was free to conduct discussions with any other potential bidders for the company.

In ***Dias v. Purches***, C.A. No. 7199-VCG (Del. Ch. 2012), Vice Chancellor Sam Glasscock, III of the Delaware Chancery Court partially granted shareholders' motion for preliminary injunction and ordered that defendants correct a material misrepresentation in the proxy statement related to the acquisition of Parlux

Fragrances, Inc. by Perfumania Holding, Inc.

In ***Forgo v. Health Grades, Inc.***, C.A. No. 5716-VCS (Del. Ch. 2010), as Co-Lead Counsel, our attorneys established that defendants had likely breached their fiduciary duties to Health Grades' shareholders by failing to maximize value as required under *Revlon, Inc. v. MacAndrews & Forbes Holdings, Inc.*, 506 A.2d 173 (Del. 1986). We secured an agreement with defendants to take numerous steps to seek a superior offer for the company, including making key modifications to the merger agreement, creating an independent committee to evaluate potential offers, extending the tender offer period, and issuing a "Fort Howard" release affirmatively stating that the company would participate in good faith discussions with any party making a bona fide acquisition proposal.

In ***Chen v. Howard-Anderson***, C.A. No 5878-VCL (Del. Ch. 2010), we represented shareholders in challenging the merger between Occam Networks, Inc. and Calix, Inc., obtaining a preliminary injunction against the merger after showing that the proxy statement by which the shareholders were solicited to vote for the merger was materially false and misleading. We then took the case to trial and recovered $35 million for the shareholders.

In ***In re Pamrapo Bancorp Shareholder Litigation***, Docket C-89-09 (N.J. Ch. Hudson Cty. 2011) & HUD-L-3608-12 (N.J. Law Div. Hudson Cty. 2015), we defeated defendants' motion to dismiss shareholders' class action claims for money damages and a motion for summary judgment, ultimately securing a settlement recovering $1.95 million for the Class plus the Class's legal fees and expenses up to $1 million (representing an increase in consideration of 15-23% for the members of the Class). The case stemmed from the sale of Pamrapo Bancorp to BCB Bancorp at an allegedly unfair price through an unfair process. In addition to obtaining this recovery, the Court also found that our efforts substantially benefited the shareholders by obtaining supplemental disclosures for shareholders ahead of the merger vote.

In ***In re Complete Genomics, Inc. Shareholder Litigation***, C.A. No. 7888-VCL (Del. Ch. 2012), we obtained preliminary injunctions of corporate merger and acquisition transactions, and Plaintiffs successfully enjoined a "don't-ask-don't-waive" standstill agreement.

In ***In re Integrated Silicon Solution, Inc. Stockholder Litigation***, Lead Case No. 115CV279142 (Super. Ct. Santa Clara, CA 2015), we won an injunction requiring corrective disclosures concerning "don't-ask-don't-waive" standstill agreements and certain financial advisor conflicts of interests, and contributed to the integrity of a post-agreement bidding contest that led to an increase in consideration from $19.25 to $23 per share, a bump of almost 25 percent.

In ***In re Bluegreen Corp. Shareholder Litigation***, Case No. 502011CA018111 (Cir. Ct. for Palm Beach Cty., FL), as Co-Lead Counsel, we achieved a common fund recovery of $36.5 million for minority shareholders in connection with a management-led buyout, increasing gross consideration to shareholders in connection with the transaction by 25% after three years of intense litigation.

Consumer Litigation

Levi & Korsinsky works hard to protect consumers by holding corporations accountable for defective products, false and misleading advertising, overcharging, and unfair or deceptive business practices.

Our litigation and class action expertise combined with our in-depth understanding of federal and state laws enables us to fight for consumers who purchased defective products, including automobiles, appliances, electronic goods, and home products, as well as consumers who were deceived by consumer service providers such as banks and insurance, credit card, or phone companies.

In ***NV Security, Inc. v. Fluke Networks***, Case No. CV05-4217 GW (SSx) (C.D. Cal. 2005), we negotiated a settlement on behalf of purchasers of Test Set telephones in an action alleging that the Test Sets contained a defective 3-volt battery. We benefited the consumer class by obtaining the following relief: free repair of

the 3-volt battery, reimbursement for certain prior repair, an advisory concerning the 3-volt battery on the outside of packages of new Test Sets, an agreement that defendants would cease to market and/or sell certain Test Sets, and a 42-month warranty on the 3-volt battery contained in certain devices sold in the future.

In ***Bustos v. Vonage America, Inc.***, Case No. 06 Civ. 2308 (HAA) (D.N.J. 2006), our firm achieved a common fund settlement of $1.75 million on behalf of class members who purchased Vonage Fax Service in an action alleging that Vonage made false and misleading statements in the marketing, advertising, and sale of Vonage Fax Service by failing to inform consumers that the protocol Defendant used for the Vonage Fax Service was unreliable and unsuitable for facsimile communications.

In ***Masterson v. Canon U.S.A.***, Case No. BC340740 (Cal. Super. Ct. L.A. Cty. 2006), we represented purchasers of Cannon SD Cameras in an action alleging that liquid crystal display ("LCD") screens on Cannon SD Cameras cracked, broke, or otherwise malfunctioned, and obtained refunds for certain broken LCD repair charges and important changes to the product warranty.

"The quality of the representation... has been extremely high, not just in terms of the favorable outcome in terms of the substance of the settlement, but in terms of the diligence and the hard work that has gone into producing that outcome."

The Honorable Joseph F. Bianco, in *Landes v. Sony Mobile Communications*, 17-cv-02264-JFB-SIL (E.D.N.Y. Dec. 1, 2017)

OUR ATTORNEYS

Managing Partners

Eduard Korsinsky

For more than 20 years Eduard Korsinsky has represented clients in securities cases, derivative actions, consumer fraud, and complex commercial matters. He has been named a New York "Super Lawyer" by Thomson Reuters and is recognized as one of the country's leading practitioners in class and derivative matters. Mr. Korsinsky also has served as an editor of the American Bar Association's Securities Litigation Section's newsletter and is a member of the American Bar Association's Derivative Suits Subcommittee.

Cases which he has litigated include:

- ***E-Trade Financial Corp. Sec. Litig.***, No. 07-cv-8538 (S.D.N.Y. 2007), $79 million recovery
- ***In re Activision, Inc. S'holder Derivative Litig.***, No. 06-cv-04771-MRP (JTLX)(C.D. Cal. 2006), recovered $24 million in excess compensation
- ***Corinthian Colleges, Inc., S'holder Derivative Litig.***, SACV-06-0777-AHS (C.D. Cal. 2009), obtained re-pricing of executive stock options providing more than $2 million in benefits to the company
- ***Pfeiffer v. Toll,*** C.A. No. 4140-VCL (Del. Ch. 2010), $16.25 million in insider trading profits recovered
- ***In re Net2Phone, Inc. S'holder Litig.***, Case No. 1467-N (Del. Ch. 2005), obtained increase in tender offer price from $1.70 per share to $2.05 per share
- ***In re Pamrapo Bancorp S'holder Litig.***, C-89-09 (N.J. Ch. Hudson Cty. 2011) & HUD-L-3608-12 (N.J. Law Div. Hudson Cty. 2015), obtained supplemental disclosures following the filing of a motion for preliminary injunction, pursued case post-closing, defeated motion for summary judgment, and obtained an increase in consideration of between 15-23% for the members of the Class
- ***In re Google Inc. Class C S'holder Litig.***, C.A. No. 19786 (Del. Ch. 2012), obtained payment ladder indemnifying investors up to $8 billion in losses stemming from trading discounts expected to affect the new stock
- ***Woodford v. M.D.C. Holdings, Inc.***, 1:2011cv00879 (D. Del. 2012), one of a few successful challenges to say on pay voting, recovered millions of dollars in reductions to compensation
- ***i2 Technologies, Inc. S'holder Litig.***, C.A. No. 4003-CC (Del. Ch. 2008), $4 million recovered, challenging fairness of certain asset sales made by the company
- ***Pfeiffer v. Alpert (Beazer Homes)***, C.A. No. 10-cv-1063-PD (D. Del. 2011), obtained substantial revisions to an unlawful executive compensation structure
- ***In re NCS Healthcare, Inc. Sec. Litig.***, C.A. CA 19786, (Del. Ch. 2002), case settled for approximately $100 million
- ***Paraschos v. YBM Magnex Int'l, Inc.***, No. 98-CV-6444 (E.D. Pa.), United States and Canadian cases settled for $85 million Canadian

Education

- New York University School of Law, LL.M. Master of Law(s) Taxation (1997)

- Brooklyn Law School, J.D. (1995)
- Brooklyn College, B.S., Accounting, *summa cum laude* (1992)

Admissions

- New York (1996)
- New Jersey (1996)
- United States District Court for the Southern District of New York (1998)
- United States District Court for the Eastern District of New York (1998)
- United States Court of Appeals for the Second Circuit (2006)
- United States Court of Appeals for the Third Circuit (2010)
- United States District Court for the Northern District of New York (2011)
- United States District Court of New Jersey (2012)
- United States Court of Appeals for the Sixth Circuit (2013)

Publications

- Delaware Court Dismisses Compensation Case Against Goldman Sachs, ABA Section of Securities Litigation News & Developments (Nov. 7, 2011)
- SDNY Questions SEC Settlement Practices in Citigroup Settlement, ABA Section of Securities Litigation News & Developments (Nov. 7, 2011)
- New York Court Dismisses Shareholder Suit Against Goldman Sachs, ABA Section of Securities Litigation News & Developments (Oct. 31, 2011)

Joseph E. Levi

Joseph E. Levi is a central figure in shaping and managing the Firm's securities litigation practice. Mr. Levi has been lead or co-lead in dozens of cases involving the enforcement of shareholder rights in the context of mergers & acquisitions and securities fraud. In addition to his involvement in class action litigation, he has represented numerous patent holders in enforcing their patent rights in areas including computer hardware, software, communications, and information processing, and has been instrumental in obtaining substantial awards and settlements.

Mr. Levi and the attorneys achieved success on behalf of the former shareholders of Occam Networks, Inc. in litigation challenging the Company's merger with Calix, Inc., obtaining a preliminary injunction against the merger due to material representations and omissions in the proxy statement by which the shareholders were solicited to vote. See ***Chen v. Howard-Anderson***, No. 5878-VCL (Del. Ch. Jan. 24, 2011). Vigorous litigation efforts continued to trial, recovering $35 million for the shareholders.

Another victory for Mr. Levi and the attorneys was in litigation challenging the acquisition of Health Grades, Inc. by affiliates of Vestar Capital Partners, L.P., where it was successfully demonstrated to the Delaware Court of Chancery that the defendants had likely breached their fiduciary duties to Health Grades' shareholders by failing to maximize value as required by ***Revlon, Inc. v. MacAndrews & Forbes Holdings, Inc.***, 506 A.2d 173 (Del. 1986). See ***Weigard v. Hicks***, No. 5732-VCS (Del. Ch. Sept. 3, 2010). This ruling was used to reach a favorable settlement in which defendants agreed to a host of measures designed to increase the likelihood of superior bid. Vice Chancellor Strine "applaud[ed]" the litigation team for their preparation and the extraordinary high-quality of the briefing. He and the attorneys also played a prominent role in the matter of ***In re CNX Gas Corp. Shareholders Litigation***, C.A. No. 5377-VCL (Del. Ch.

2010), in which plaintiffs recovered a common fund of over $42.7 million for stockholders.

Education

- Brooklyn Law School, J.D., *magna cum laude* (1995)
- Polytechnic University, B.S., *summa cum laude* (1984); M.S. (1986)

Admissions

- New York (1996)
- New Jersey (1996)
- United States Patent and Trademark Office (1997)
- United States District Court for the Southern District of New York (1997)
- United States District Court for the Eastern District of New York (1997)

"[The court] appreciated very much the quality of the argument…, the obvious preparation that went into it, and the ability of counsel…"

Vice Chancellor Sam Glasscock, III in *Dias v. Purches*, C.A. No. 7199-VCG (Del. Ch. Apr. 5, 2012)

Partners

Adam M. Apton

Adam M. Apton focuses his practice on investor protection. He represents institutional investors and high net worth individuals in securities fraud, corporate governance, and shareholder rights litigation. Prior to joining the firm, Mr. Apton defended corporate clients against complex mass tort, commercial, and products liability lawsuits. Thomson Reuters selected Mr. Apton to the Super Lawyers Washington, DC "Rising Stars" list for the years 2016, 2017, and 2018, a distinction given to only the top 2.5% of lawyers.

Mr. Apton currently serves as court-appointed lead counsel in several class action lawsuits throughout the United States:

- ***Carlton v. Cannon (KiOR Inc.),*** 4:13-cv-02443 (LHR) (S.D. Tex.), federal class action securities fraud lawsuit against former officers of biofuel firm KiOR, Inc., featured on CBS's "60 Minutes"
- ***In re Energy Recovery Inc. Sec. Litig.***, 3:15-cv-00265 (N.D. Cal.), federal class action lawsuit alleging securities fraud violations against company and former chief executive officer for false projections and reports of finances and operations
- ***Cortina v. Anavex Life Sciences Corp.***, 1:15-cv-10162-JMF (S.D.N.Y.), federal class action lawsuit for market manipulation against biopharmaceutical company for promoting itself as extraordinary investment opportunity based on supposed cure for Alzheimer's Disease
- ***Rux v. Meyer (Sirius XM Holdings Inc.)***, No. 11577 (Del. Ch.), shareholder rights lawsuit against SiriusXM's Board of Directors for engaging in harmful related-party transactions with controlling stockholder, John. C. Malone and Liberty Media Corp.
- ***Stadnick v. Vivint Solar, Inc.***, No. 16-65 (2d Cir.), federal class action lawsuit alleging violations

under the Securities Act of 1933 in connection with misleading initial public offering documents

Mr. Apton's past representations and successes include:

- ***In re Violin Memory Inc. Sec. Litig.***, 4: 13-cv-05486-YGR (N.D. Cal.) (settlement of $7.5 million over allegations of false statements in initial public offering documents concerning sales to government sector)
- ***Roby v. Ocean Power Technologies, Inc.***, 3:14-cv-3799-FLW-LHG (D.N.J.) (settlement fund of $3 million and 380,000 shares of common stock in response to allegations over failed technology)
- ***Maritime Asset Management, LLC v. NeurogesX, Inc.***, 4: 12-cv-05034-YGR (N.D. Cal.) (recovery of $1.25 million on behalf of private offering class)
- ***Monson v. Friedman (Associated Estates Realty Corp.)***, 1:14-cv-01477-PAG (N.D. Ohio) (revoking improperly awarded stock options and implementing corporate governance preventing reoccurrence of similar violations)
- ***In re OCZ Technology Group, Inc. Sec. Litig.***, 3:12-cv-05265-RS (N.D. Cal.) (settlement fund of $7.5 million over allegations of accounting fraud relating to improper revenue recognition)

Education

- New York Law School, J.D., *cum laude* (2009), where he served as Articles Editor of the *New York Law School Law Review* and interned for the New York State Supreme Court, Commercial Division
- University of Minnesota, B.A., Entrepreneurial Management & Psychology, With Distinction (2006)

Admissions

- New York (2010)
- United States District Court for the Southern District of New York (2010)
- United States District Court for the Eastern District of New York (2010)
- District of Columbia (2013)
- United States Court of Appeals for the Ninth Circuit (2015)
- United States Court of Appeals for the Second Circuit (2016)
- United States Court of Appeals for the Third Circuit (2016)
- California (2017)
- United States District Court for the Northern District of California (2017)
- United States District Court for the Central District of California (2017)
- United States District Court for the Southern District of California (2017)

Donald J. Enright

During his 20 years as a litigator and trial lawyer, Mr. Enright has handled matters in the fields of securities, commodities, consumer fraud and commercial litigation, with a particular emphasis on shareholder M&A and securities fraud class action litigation. He has been named as a Washington, D.C. "Super Lawyer" by Thomson Reuters for several consecutive years, and as one of Washington's "Top Lawyers" by *Washingtonian* magazine.

Mr. Enright has shown a track record of achieving victories in federal trials and appeals, including:

- ***Nathenson v. Zonagen, Inc.***, 267 F. 3d 400, 413 (5th Cir. 2001)
- ***SEC v. Butler***, 2005 U.S. Dist. LEXIS 7194 (W.D. Pa. April 18, 2005)
- ***Belizan v. Hershon***, 434 F. 3d 579 (D.C. Cir. 2006)

Most recently, as Co-Lead Counsel in ***In re Bluegreen Corp. Shareholder Litigation***, Case No. 502011CA018111 (Cir. Ct. for Palm Beach Cnty., Fla.), Mr. Enright achieved a $36.5 million common fund settlement in the wake of a majority shareholder buyout, representing a 25% increase in total consideration to the minority stockholders. Similarly, in ***In re CNX Gas Corp. Shareholders Litigation***, C.A. No. 53377-VCL (Del. Ch. 2010), in which Levi & Korsinsky served upon plaintiffs' Executive Committee, Mr. Enright helped obtain the recovery of a common fund of over $42.7 million for stockholders.

Mr. Enright has also played a leadership role in numerous securities and shareholder class actions from inception to conclusion. His leadership has produced multi-million dollar recoveries in shareholder class actions involving such companies as:

- Allied Irish Banks PLC
- Iridium World Communications, Ltd.
- En Pointe Technologies, Inc.
- PriceSmart, Inc.
- Polk Audio, Inc.
- Meade Instruments Corp.
- Xicor, Inc.
- Streamlogic Corp.
- Interbank Funding Corp.
- Riggs National Corp.
- UTStarcom, Inc.
- Manugistics Group, Inc.

Mr. Enright also has a successful track record of obtaining injunctive relief in connection with shareholder M&A litigation, having won preliminary injunctions or other injunctive relief in the cases of:

- ***In re Portec Rail Products, Inc. S'holder Litig.***, G.D. 10-3547 (Ct. Com. Pleas Pa. 2010)
- ***In re Craftmade International, Inc. S'holder Litig.***, C.A. No. 6950-VCL (Del. Ch. 2011)
- ***Dias v. Purches***, C.A. No. 7199-VCG (Del. Ch. 2012)
- ***In re Complete Genomics, Inc. S'holder Litig.***, C.A. No. 7888-VCL (Del. Ch. 2012)
- ***In re Integrated Silicon Solution, Inc. Stockholder Litig.***, Lead Case No. 115CV279142 (Sup. Ct. Santa Clara, CA 2015)

Mr. Enright has also demonstrated considerable success in obtaining deal price increases for shareholders in M&A litigation. As Co-Lead Counsel in the matter of ***In re Great Wolf Resorts, Inc. Shareholder Litigation***, C.A. No. 7328-VCN (Del. Ch. 2012), Mr. Enright was partially responsible for a $93 million (57%) increase in merger consideration and waiver of several "don't-ask-don't-waive" standstill agreements that were precluding certain potential bidders from making a topping bid for the company.

Similarly, Mr. Enright served as Co-Lead Counsel in the case of ***Berger v. Life Sciences Research, Inc.***, No. SOM-C-12006-09 (NJ Sup. Ct. 2009), which caused a significant increase in the transaction price from $7.50

to $8.50 per share, representing additional consideration for shareholders of approximately $11.5 million.

And most recently, representing a substantial institutional investor, Mr. Enright served as Co-Lead Counsel in ***Minerva Group, LP v. Keane***, Index No. 800621/2013 (NY Sup. Ct. of Erie Cnty.), and obtained a settlement in which Defendants increased the price of an insider buyout from $8.40 to $9.25 per share.

The courts have consistently recognized and praised the quality of Mr. Enright's work. In ***In re Interbank Funding Corp. Securities Litigation*** (D.D.C. 02-1490), Judge Bates of the United States District Court for the District of Columbia observed that Mr. Enright had "...skillfully, efficiently, and zealously represented the class, and... worked relentlessly throughout the course of the case."

Similarly, in ***Freeland v. Iridium World Communications***, LTD, (D.D.C. 99-1002), Judge Nanette Laughrey stated that Mr. Enright had done "an outstanding job" in connection with the recovery of $43.1 million for the shareholder class.

And, in the matter of ***Osieczanek v. Thomas Properties Group***, C.A. No. 9029-VCG (Del. Ch. 2013), Vice Chancellor Sam Glasscock of the Chancery Court of Delaware observed that "it's always a pleasure to have counsel [like Mr. Enright] who are articulate and exuberant in presenting their position," and that Mr. Enright's prosecution of a merger case was "wholesome" and served as "a model of . . . plaintiffs' litigation in the merger arena."

Education

- George Washington University School of Law, J.D. (1996), where he was a Member Editor of The George Washington University Journal of International Law and Economics from 1994 to 1996
- Drew University, B.A., Political Science and Economics, *cum laude* (1993)

Admissions

- Maryland (1996)
- New Jersey (1996)
- United States District Court for the District of Maryland (1997)
- United States District Court for the District of New Jersey (1997)
- District of Columbia (1999)
- United States Court of Appeals for the Fourth Circuit (1999)
- United States Court of Appeals for the Fifth Circuit (1999)
- United States District Court for the District of Columbia (1999)
- United States Court of Appeals for the District of Columbia (2004)
- United States Court of Appeals for the Second Circuit (2005)
- United States Court of Appeals for the Third Circuit (2006)
- United States District Court for the District of Colorado (2017)

Publications

- "SEC Enforcement Actions and Investigations in Private and Public Offerings," Securities: Public and Private Offerings, Second Edition, West Publishing 2007
- "Dura Pharmaceuticals: Loss Causation Redefined or Merely Clarified?" J. Tax'n & Reg. Fin. Inst. September/October 2007, Page 5

Shannon L. Hopkins

Shannon L. Hopkins manages the Firm's Connecticut office. She was selected in 2013 as a New York "Super Lawyer" by Thomson Reuters. For more than a decade Ms. Hopkins has been prosecuting a wide range of complex class action matters in securities fraud, mergers and acquisitions, and consumer fraud litigation on behalf of individuals and large institutional clients. Ms. Hopkins has played a lead role in numerous shareholder securities fraud and merger and acquisition matters and has been involved in recovering multi-million dollar settlements on behalf of shareholders, including:

- ***In re Force Protection, Inc. S'holder Litig.***, C.A. No. A-11-651336-B (D. Nev. 2015), $11 million shareholder recovery
- ***Craig Telke v. New Frontier Media, Inc.***, C.A. No. 1:12-cv-02941-JLK (D. Co. 2015), $2.25 million shareholder recovery
- ***Shona Investments v. Callisto Pharmaceuticals, Inc.***, C.A. No. 652783/2012 (NY Sup. Ct. 2015), shareholder recovery of $2.5 million and increase in exchange ratio from 0.1700 to 0.1799
- ***E-Trade Financial Corp. S'holder Litig.***, No. 07-cv-8538 (S.D.N.Y. 2007), $79 million recovery for the shareholder class
- ***In re Cogent, Inc. S'holder Litig.***, C.A. No. 5780-VCP (Del. Ch. 2010), $1.9 million shareholder recovery and corrective disclosures relating to the Merger
- ***In re CMS Energy Sec. Litig.***, Civil No. 02 CV 72004 (GCS) (E.D. Mich. Sept. 6, 2007), $200 million recovery
- ***In re Sears, Roebuck and Co. Sec. Litig.***, No. 02-cv-07527 (N.D. Ill. Jan. 8, 2007), $200 million recovery
- ***In re El Paso Electric Co. Sec. Litig.***, C.A. No. 3:03-cv-00004-DB (W.D. Tex. Sept. 15, 2005), $10 million recovery
- ***In re Novastar Fin. Sec. Litig.***, 4:04-cv-00330-ODS (W.D. Mo. Apr. 14, 2009), $7.25 million recovery

The quality of Ms. Hopkin's work has been noted by courts. In ***In re Health Grades, Inc. Shareholder Litigation***, C.A. No. 5716-VCS (Del. Ch. 2010), where Ms. Hopkins was significantly involved with the briefing of the preliminary injunction motion, then Vice Chancellor Strine "applaud[ed]" Co-Lead Counsel for their preparation and the extraordinary high-quality of the briefing.

In addition to her legal practice, Ms. Hopkins is a Certified Public Accountant (1998 Massachusetts). Prior to becoming an attorney, Ms. Hopkins was a senior auditor with PricewaterhouseCoopers LLP, where she led audit engagements for large publicly held companies in a variety of industries.

Education

- Suffolk University Law School, J.D., *magna cum laude* (2003), where she served on the Journal for High Technology and as Vice Magister of the Phi Delta Phi International Honors Fraternity
- Bryant University, B.S.B.A., Accounting and Finance, *cum laude* (1995), where she was elected to the Beta Gamma Sigma Honor Society

Admissions

- Massachusetts (2003)
- United States District Court for the District of Massachusetts (2004)
- New York (2004)

- United States District Court for the Southern District of New York (2004)
- United States District Court for the Eastern District of New York (2004)
- United States District Court for the District of Colorado (2004)
- United States Court of Appeals for the First Circuit (2008)
- United States Court of Appeals for the Third Circuit (2010)
- Connecticut (2013)

Publications

- "Cybercrime Convention: A Positive Beginning to a Long Road Ahead," 2 J. High Tech. L. 101 (2003)

In appointing the Firm Lead Counsel, the Honorable Gary Allen Feess noted our "significant prior experience in securities litigation and complex class actions."

Zaghian v. THQ, Inc., 2:12-cv-05227-GAF-JEM (C.D. Cal. Sept. 14, 2012)

Gregory Mark Nespole

Gregory Mark Nespole is a Partner of the Firm, having been previously a member of the management committee of one of the oldest firms in New York, as well as chair of that firm's investor protection practice. He specializes in complex class actions, derivative actions, and transactional litigation representing institutional investors such as public and labor pension funds, labor health and welfare benefit funds, and private institutions. Prior to practicing law, Mr. Nespole was a strategist on an arbitrage desk and an associate in a major international investment bank where he worked on structuring private placements and conducting transactional due diligence.

For over twenty years, Mr. Nespole has played a lead role in numerous shareholder securities fraud and merger and acquisition matters and has been involved in recovering multi-million-dollar settlements on behalf of shareholders, including:

- Served as co-chair of a Madoff Related Litigation Task Force that recovered over several hundred million dollars for wronged investors;
- Obtained a $90 million award on behalf of a publicly listed company against a global bank arising out of fraudulently marketed auction rated securities;
- Successfully obtained multi-million-dollar securities litigation recoveries and/or corporate governance reforms from Cablevision, JP Morgan, American Pharmaceutical Partners, Sepracor, and MBIA, among many others.

Mr. Nespole's peers have elected him a "Super Lawyer" in the class action field annually since 2009. He is active in his community as a youth sports coach.

Education

- Brooklyn Law School, J.D. (1993)
- Bates College, B.A. (1989)

Admissions

- New York (1994)
- United States District Court for the Southern District of New York (1994)
- United States District Court for the Eastern District of New York (1994)
- United States Court of Appeals for the Second Circuit (1994)
- United States Court of Appeals for the Fourth Circuit (1994)
- United States Court of Appeals for the Fifth Circuit (1994)
- United States District Court for the Northern District of New York (2018)

Nicholas I. Porritt

Nicholas I. Porritt prosecutes securities class actions, shareholder class actions, derivative actions, and mergers and acquisitions litigation. He has extensive experience representing plaintiffs and defendants in a wide variety of complex commercial litigation, including civil fraud, breach of contract, and professional malpractice, as well as defending SEC investigations and enforcement actions. Mr. Porritt has helped recover hundreds of millions of dollars on behalf of shareholders. He was one of the Lead Counsel in ***In re Google Inc. Class C Shareholder Litigation***, C.A. No. 7469-CS (Del. Ch. 2012) that resulted in a payment of $522 million to shareholders and overall benefit of over $3 billion to Google's minority shareholders. He was one of the lead counsel in ***Chen v. Howard-Anderson***, No. 5878-VCL (Del. Ch. Jan. 24, 2011) that settled during trial resulting in a $35 million payment to the former shareholders of Occam Networks, Inc., one of the largest quasi-appraisal recoveries for shareholders. Some of Mr. Porritt's cases include:

- ***Zaghian v. Farrell,*** 675 Fed. Appx. 718, (9th Cir. 2017)
- ***SEC v. Cuban***, 620 F.3d 551 (5th Cir. 2010)
- ***Cozzarelli v. Inspire Pharmaceuticals, Inc.***, 549 F.3d 618 (4th Cir. 2008)
- ***Teachers' Retirement System of Louisiana v. Hunter***, 477 F.3d 162 (4th Cir. 2007)
- ***In re PTC Therapeutics Sec. Litig.,*** 2017 WL 3705801 (D.N.J. Aug. 28, 2017)
- ***Gormley v. magicJack VocalTec Ltd.,*** 220 F. Supp. 3d 510 (S.D.N.Y. 2016)
- ***Carlton v. Cannon***, 184 F. Supp. 3d 428 (S.D. Tex. 2016)
- ***Zola v. TD Ameritrade, Inc.***, 172 F. Supp. 3d 1055 (D. Neb. 2016)
- ***In re Energy Recovery Sec. Litig.,*** 2016 WL 324150 (N.D. Cal. Jan. 27, 2016)
- ***In re EZCorp Inc. Consulting Agreement Deriv. Litig.***, 2016 WL 301245 (Del. Ch. Jan. 25, 2016)
- ***In re Violin Memory Sec. Litig.***, 2014 WL 5525946 (N.D. Cal. Oct. 31, 2014)
- ***Garnitschnig v. Horovitz***, 48 F. Supp. 3d 820 (D. Md. 2014)

Mr. Porritt speaks frequently on current topics relating to securities laws and derivative actions, including presentations on behalf of the Council for Institutional Investors, Nasdaq, and the Practising Law Institute. He currently serves as co-chair of the American Bar Association Sub-Committee on Derivative Actions.

Before joining the Firm, Mr. Porritt practiced as a partner at Akin Gump Strauss Hauer & Feld LLP and prior to

that was a partner at Wilson Sonsini Goodrich & Rosati PC.

Education

- University of Chicago Law School, J.D., With Honors (1996)
- University of Chicago Law School, LL.M. (1993)
- Victoria University of Wellington, LL.B. (Hons.), With First Class Honors, Senior Scholarship (1990)

Admissions

- New York (1997)
- District of Columbia (1998)
- United States District Court for the District of Columbia (1999)
- United States District Court for the Southern District of New York (2004)
- United States Court of Appeals for the Fourth Circuit (2004)
- United States Court of Appeals for the District of Columbia Circuit (2006)
- United States Supreme Court (2006)
- United States District Court for the District of Maryland (2007)
- United States District Court for the Eastern District of New York (2012)
- United States Court of Appeals for the Second Circuit (2014)
- United States Court of Appeals for the Ninth Circuit (2015)
- United States District Court for the District of Colorado (2015)
- United States Court of Appeals for the Tenth Circuit (2016)
- United States Court of Appeals for the Eleventh Circuit (2017)

Publications

- "Current Trends in Securities Litigation: How Companies and Counsel Should Respond," *Inside the Minds Recent Developments in Securities Law* (Aspatore Press 2010)

Rosemary M. Rivas

The Firm's Consumer Litigation Group is led by Rosemary M. Rivas, who manages the Firm's San Francisco office. She has dedicated her legal career to representing consumers in complex, class action litigation in various areas including antitrust, data breach and privacy rights, defective products, false advertising, and unfair business practices, among others. Ms. Rivas has been influential in recovering millions of dollars and changes to corporate practices on behalf of consumers. In a highly competitive application process, Judge Charles R. Breyer appointed Ms. Rivas to the Plaintiffs' Steering Committee in ***In re: Volkswagen "Clean Diesel" MDL***, Case No. 15-MDL-2672-CRB (JSC), which resulted in unprecedented settlements exceeding $15 billion dollars.

Currently, Ms. Rivas is Co-Lead Counsel in the action titled ***Intel Corp. CPU Marketing, Sales Practices and Products Liability Litig.***, Case No. 3:18-md-02828-SI, involving allegations that Intel sold CPUs that were defective and allowed unauthorized access to confidential information. Ms. Rivas is also currently a member of the Plaintiffs' Steering Committee in the action titled ***In re: EpiPen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litig.***, Case No. 2:17-md-02785 (D. Kan.) involving unlawful monopoly claims in the market for epinephrine injection pens.

Ms. Rivas' work has resulted in important monetary and injunctive settlements in a number of class action cases, such as:

- ***Sung v. Schuman Fine Papers***, Case No. 17-cv-02760 (N.D. Cal.) (Co-Lead Class Counsel): nationwide class action settlement of claims for unauthorized disclosure of W2s; eligible class members could recover up to $500 and implementation of training and changes to practices for the protection of employee personal and financial information
- ***Scott v. JPMorgan Chase Bank, N.A.***, Case No. 1:17-cv-00249 (D.D.C.) (Co-Lead Class Counsel): nationwide class action settlement of claims alleging improper fees to payments awarded to jurors; 100% direct refund of improper fees collected
- ***Lilly v. ConAgra Foods***, 743 F.3d 662 (9th Cir. 2014) (Class Counsel): claims that food manufacturer violated food regulations by failing to list total sodium on salt of sunflower seeds product were not preempted by federal law; class action injunctive relief settlement for change in product labels
- ***Petersen v. CJ America, Inc.***, Case No. 3:14-cv-02570 (S.D. Cal.) (Co-Lead Class Counsel): nationwide class action involving false advertising claims; $1.5 million common fund and changes to product labeling
- ***Lilly v. Jamba Juice***, Case No. 13-cv-02998 (N.D. Cal.) (Co-Lead Class Counsel): class action injunctive relief settlement; change in product labels
- ***In re Carrier IQ, Inc., Consumer Privacy Litig.***, Case No. 3:12-md-02330 (N.D. Cal.) (Executive Committee): nationwide class action settlement involving data privacy; $9 million settlement and changes to corporate practices
- ***Pappas v. Naked Juice***, Case No. 2:11-cv-08276 (C.D. Cal.) (Co-Lead Class Counsel): nationwide class action settlement for $9 million and changes to the company's testing procedures and product labels
- ***Garcia v. Allergan, Inc.***, Case No. 09-cv-7088 PSG (C.D. Cal.) (Co-Lead Class Counsel): nationwide class action settlement of false advertising and unfair business practice claims; $7.75 million settlement and changes to the company's training procedures
- ***Rodriguez v. West Publishing Corp.***, 563 F.3d 948 (9th Cir. 2009): nationwide class action settlement of antitrust claims in bar review market; $49 million and dissolution of allegedly illegal market allocation agreement
- ***Lima v. Gateway***, Case No. SACV-09-1366 (C.D. Cal.) (Co-Lead Class Counsel): nationwide class action involving defective monitor; $195 cash refund for each monitor purchased

She has also been instrumental in obtaining favorable appellate decisions on behalf of consumers in the areas of false advertising, federal preemption, and arbitration, such as:

- ***Lilly v. ConAgra Foods, Inc.***, 743 F.3d 662 (9th Cir. 2014)
- ***In re Sony PS3 "Other OS" Litig.,*** 551 Fed. App. 916 (9th Cir. 2014)
- ***Probst v. Superior Court (Health Net of California)***, 2012 Cal. LEXIS 4476 (Ct. Appeal, 1st Dist., May 9, 2012)

Ms. Rivas is a recipient of the 2018 California Lawyer Attorney of the Year (CLAY) Award. The CLAY award was presented to her by the Daily Journal for her work in the Volkswagen litigation. The CLAY awards are given annually to outstanding California practitioners "whose extraordinary work and cases had a major impact on the law."

In 2019 Ms. Rivas was selected as a Super Lawyer. From 2009-2011, Ms. Rivas was selected as a Rising Star by Law & Politics Magazine, which recognizes the best lawyers 40 years old or under or in practice for 10 years or less. In 2015, Bay Area Legal Aid presented her with the Guardian of Justice award, for her work achievements in the law and her role in helping direct cy pres funds to ensure equal access to the civil justice system. As a recognized leader in consumer class actions, Ms. Rivas is regularly invited to speak at conferences concerning class action litigation, including the following:

- *Nationwide Settlement Classes – The Impact of the Hyundai/Kia Litigation*, 2018 (National Consumer Law Center's Consumer Rights Litigation Conference and Class Action Symposium)
- One Class Action Or 50? Choice of Law Considerations as Potential Impediment to Nationwide Class Action Settlements, 2018 (5th Annual Western Regional CLE Program on Class Actions and Mass Torts)
- *The Right Approach to Effective Claims*, 2018 (Beard Group - Class Action Money & Ethics)
- *False Advertising Class Actions: A Practitioner's Guide to Class Certification, Damages and Trial*, 2017 (The Bar Association of San Francisco)
- *Section 17200: The Fertility of Man's Invention*, 2016 (The Bar Association of San Francisco)
- *Food Labeling and False Advertising Class Actions*, 2015 (The Bar Association of San Francisco)
- *Data Privacy Law 101: U.S. Data Privacy and Security Laws 2015* (The Bar Association of San Francisco)
- *Effective Consumer Privacy Enforcement*, 2011 (Berkeley Law and The Samuelson Law, Technology & Public Policy Clinic)
- *Class Actions: New Developments & Approaches for Strategic Response*, 2013 (American Bar Association)

Previously, Ms. Rivas served as a Board Member and Diversity Director of the Barristers Club of the San Francisco Bar Association. Ms. Rivas is fluent in Spanish.

Education

- University of California, Hastings College of Law, J.D. (2000)
- San Francisco State University, B.A., Political Science (1997)

Admissions

- United States Court of Appeals for the Ninth Circuit (2001)
- United States District Court for the Northern District of California (2001)
- United States District Court for the Central District of California (2002)
- United States District Court for the Eastern District of California (2005)
- United States District Court for the Southern District of California (2005)

Elizabeth K. Tripodi

Elizabeth K. Tripodi focuses her practice on shareholder M&A litigation, representing shareholders of public companies impacted by mergers, acquisitions, tender offers, and other change-in-control transactions. Ms. Tripodi has been named as a Washington, DC "Super Lawyer" and was selected as a "Rising Star" by Thomson Reuters for several consecutive years.

Ms. Tripodi has played a lead role in obtaining monetary *recoveries* for shareholders in M&A litigation:

- ***In re Bluegreen Corp. S'holder Litig.***, Case No. 502011CA018111 (Circuit Ct. for Palm Beach Cty., FL), creation of a $36.5 million common fund settlement in the wake of a majority shareholder buyout, representing a 25% increase in total consideration to the minority stockholders
- ***In re Cybex International S'holder Litig***, Index No. 653794/2012 (N.Y. Sup. Ct. 2014), recovery of $1.8 million common fund, which represented an 8% increase in stockholder consideration in connection with management-led cash-out merger
- ***In re Great Wolf Resorts, Inc. S'holder Litig***, C.A. No. 7328-VCN (Del. Ch. 2012), where there was a $93 million (57%) increase in merger consideration
- ***Minerva Group, LP v. Keane***, Index No. 800621/2013 (N.Y. Sup. Ct. 2013), settlement in which Defendants increased the price of an insider buyout from $8.40 to $9.25 per share

Ms. Tripodi has played a key role in obtaining injunctive relief while representing shareholders in connection with M&A litigation, including obtaining preliminary injunctions or other injunctive relief in the following actions:

- ***In re Portec Rail Products, Inc. S'holder Litig***, G.D. 10-3547 (Ct. Com. Pleas Pa. 2010)
- ***In re Craftmade International, Inc. S'holder Litig***, C.A. No. 6950-VCL (Del. Ch. 2011)
- ***Dias v. Purches***, C.A. No. 7199-VCG (Del. Ch. 2012)
- ***In re Complete Genomics, Inc. S'holder Litig***, C.A. No. 7888-VCL (Del. Ch. 2012)
- ***In re Integrated Silicon Solution, Inc. Stockholder Litig.***, Lead Case No. 115CV279142 (Sup. Ct. Santa Clara, CA 2015)

Prior to joining Levi & Korsinsky, Ms. Tripodi was a member of the litigation team that served as Lead Counsel in, and was responsible for, the successful prosecution of numerous class actions, including: *Rudolph v. UTStarcom* (stock option backdating litigation obtaining a $9.5 million settlement); *Grecian v. Meade Instruments* (stock option backdating litigation obtaining a $3.5 million settlement).

Education

- American University Washington College of Law, *cum laude* (2006), where she served as Editor in Chief of the Business Law Brief, was a member of the National Environmental Moot Court team, and interned for Environmental Enforcement Section at the Department of Justice
- Davidson College, B.A., Art History (2000)

Admissions

- Virginia (2006)
- District of Columbia (2008)
- United States District Court for the Eastern District of Virginia (2006)

- United States District Court for the District of Columbia (2010)

Of Counsel

Mark Levine

Mark Levine is Of Counsel to the Firm. For more than 30 years Mr. Levine has been prosecuting a wide-range of complex class and other action matters in securities fraud, mergers and acquisitions, and consumer protection litigation.

Mr. Levine has played a lead role in numerous shareholder securities fraud and merger and acquisition matters and has had significant involvement in recovering multi-million-dollar settlements on behalf of shareholders, including:

- ***In re Merck & Co., Inc. Sec., Deriv. & "ERISA" Litig.***, (MDL No. 1658, 2:05-cv-01151; 2:05-CV-02367 (D.N.J. 2016) (settlement resulting in recover of over $1 billion for misrepresentations to the investing public about the safety profile of Vioxx)
- ***In re Computer Associates Sec. Litig.***, 98-cv-4839 (E.D.N.Y. 2003) *(settlement valued at $150 million in securities for corporate misrepresentation of financial results and prospects)*
- ***In re American Express Financial Advisors Litig.***, 04-cv-1773 (S.D.N.Y. 2007) (settlement of $100 million for misrepresentations to mutual fund purchasers and misleading practices with respect to sale of American Express financial plans)
- ***In re Northeast Utilities Sec. Litig.***, 397-cv-00189 (D. Conn. 2001) (settlement of $25 million for misrepresentations to investors regarding safety of nuclear power plant)
- ***Lasker v. Kanas***, Index No. 103557/06 (Sup. Ct. N. Y. Co. 2007) *(settlement of $20 million on behalf of shareholders of North Fork Bancorporation in connection with its merger with CapitalOne)*
- ***Lasky v. Brown***, C.A. No. 99-1035-B-M2 (M.D. La. 2002) (settlement of $20 million for investors for misrepresentations by finance company)
- ***In re Trump Hotels S'holder Litig.***, 98-Civ-7820 (GEL) (S.D.N.Y. 2001) (derivative settlement resulting in contribution to the company by Donald Trump of an asset valued by an expert at up to $10 million, as well as the institution of corporate therapeutics)
- ***In re Cabletron Systems Sec. Litig.***, 99-4085 (D.N.H. 2006) (settlement of $10.5 million for alleged misrepresentations to investors by high tech company)
- ***Greenfield v. Compuserve Corp.***, 96-cv-06-4810 (Court of Common Pleas, Franklin County, Ohio 2000) (settlement of $9.5 million for misrepresentations in registration statement of internet company)
- ***In re Steven Madden Ltd. Sec. Litig.***, 00-cv-3676 (E.D.N.Y. 2002) (settlement of $9.0 million for misrepresentation to investors by shoe designer and retailer)
- ***In re Cityscape Financial Sec. Litig.***, 97-CIV-5668 (E.D.N.Y. 2001) (settlement of $7 million for alleged misrepresentations to investors by finance company)
- ***In re Ziff Davis Sec. Litig.***, 98-CIV-7158 (S.D.N.Y. 2001) (settlement of $6 million for alleged misrepresentations to investors in an initial public offering)

- ***In re Regeneron Pharmaceuticals, Inc. Sec. Litig.***, 03-cv-311(S.D.N.Y. 2005) (settlement of $4.5 million for misrepresentations to investors regarding pharmaceuticals)

Education

- Brooklyn Law School, J.D. (1981)
- University of Maryland, B.A. (1976)

Admissions

- New York (1982)
- United States District Court for the Southern District of New York (1982)
- United States District Court for the Eastern District of New York (1982)
- United States Court of Appeals for the Tenth Circuit (1993)
- United States Court of Appeals for the Fourth Circuit (1998)
- United States Court of Appeals for the Ninth Circuit (1998)
- United States District Court for the Northern District of Illinois (2001)
- United States District Court for the Western District of New York (2001)
- United States Court of Appeals for the Third Circuit (2001)
- United States Court of Appeals for the First Circuit (2002)
- United States Court of Appeals for the Sixth Circuit (2002)
- United States Court of Appeals for the Second Circuit (2018)

Associates

Stephanie A. Bartone

Stephanie A. Bartone practices in all areas of the firm, with a focus on consumer class action litigation. Prior to joining the firm, Ms. Bartone worked for the Connecticut Judicial System where she assisted State court judges in civil and family matters. Ms. Bartone also previously worked for a firm specializing in civil litigation and criminal defense at the state and federal level.

Education

- The University of Connecticut School of Law, J.D. (2012), where she served as Symposium Editor of the Connecticut Law Review
- University of New Hampshire, B.A., Psychology and Justice Studies, *summa cum laude* (2008)

Admissions

- Connecticut (2012)
- Massachusetts (2012)
- United States District Court for the District of Colorado (2013)
- United States District Court for the District of Connecticut (2015)
- United States District Court for the District of Massachusetts (2016)

Jordan A. Cafritz

Jordan Cafritz is an Associate with the Firm's Washington, D.C. office. While attending law school at American University he was an active member of the American University Business Law Review and worked as a Rule 16 attorney in the Criminal Justice Defense Clinic. After graduating from law school, Mr. Cafritz clerked for the Honorable Paul W. Grimm in the U.S. District Court for the District of Maryland.

Education

- American University Washington College of Law, J.D. (2014)
- University of Wisconsin-Madison, B.A., Economics & History (2010)

Admissions

- Maryland (2014)
- District of Columbia (2018)

Cecille B. Cargill

Cecille B. Cargill manages the Firm's client development services. She advises shareholders of their rights related to securities litigation, complex class actions, and shareholder and derivative litigation, and also responds to shareholder inquiries pertaining to the Firm and specific cases.

Education

- Boston University School of Law, J.D. (1994)
- State University at Buffalo, B.A., History & Legal Studies (1990)

Admissions

- Massachusetts (1995)

"I think you've done a superb job and I really appreciate the way this case was handled."

The Honorable Ronald B. Rubin in *Teoh v. Ferrantino*, C.A. No. 356627 (Cir. Ct. for Montgomery Cnty., MD 2012)

John A. Carriel

John A. Carriel is an Associate with the Firm in the Washington, D.C. office, where he focuses his practice on financial litigation, including class action litigation relating to corporate governance, securities, cryptocurrencies, and initial coin offerings. During law school, he interned for the Enforcement and Investment Management Divisions of the Securities and Exchange Commission and the Legal Division of the Consumer Financial Protection Bureau. In addition, he worked as a summer associate for a midsize business law firm in New York.

Education

- The George Washington University Law School, J.D., With Honors (2017)
- Universidad Pontificia Comillas (ICADE), LL.M., International and European Business Law, With Honors (2015)
- Drew University, B.A., Business Studies (2013)

Admissions

- District of Columbia (2017)
- United States District Court for the District of Colorado (2018)

Publications

- "M-U-N-I: Evidencing the Inadequacies of the Municipal Securities Regulatory Framework," 1 BUS. ENTREPRENEURSHIP & TAX L. REV. 528 (2017).

William J. Fields

William J. Fields is a member of the New York City Bar Association and serves on the New York City Affairs Committee. Before joining the Firm, Mr. Fields was a Law Clerk in the Second Circuit Court of Appeals – Staff Attorney's Office.

Education

- Cornell Law School, J.D. (2011)
- University of Connecticut, B.A., *cum laude* (2008)

Admissions

- New York (2012)
- United States District Court for the Eastern District of Michigan (2016)

Vice Chancellor Sam Glasscock, III said "it's always a pleasure to have counsel who are articulate and exuberant…" and referred to our approach to merger litigation as "wholesome" and "a model of… plaintiffs' litigation in the merger arena."

Ocieczanek v. Thomas Properties Group, C.A. No. 9029-VCG (Del. Ch. May 15, 2014)

Alexander Krot

Education

- The George Washington University, B.B.A., Finance and International Business (2003)
- American University Washington College of Law, J.D. (2010)
- Georgetown University Law Center, LL.M., Securities and Financial Regulation, With Distinction

(2011)

- American University, Kogod School of Business, M.B.A. (2012)

Admissions

- Maryland (2011)
- District of Columbia (2014)
- United States District Court for the District of Colorado (2015)
- United States Court of Appeals for the Tenth Circuit (2016)
- United States District Court for the Eastern District of Wisconsin (2017)
- United States Court of Appeals for the Third Circuit (2018)

Christopher J. Kupka

Christopher J. Kupka represents victims of wrongdoing in employment, consumer, and securities class actions and stockholder derivative suits. In law school, Mr. Kupka was awarded the M.H. Goldstein Memorial Prize for excellence in labor law. Mr. Kupka was also the recipient of an Edward V. Sparer Public Interest Fellowship.

Education

- University of Pennsylvania Law School, J.D. (2010), where he served as an editor of the Journal of International Law
- Cornell University, A.B. (2007)

Admissions

- New York (2011)
- United States District Courts for the Southern District of New York (2012)
- United States District Courts for the Eastern District of New York (2012)
- Illinois (2013)
- United States District Courts for the Northern District of Illinois (2014)

Publications

- "Remediation of Unfair Labor Practices and the EFCA: Justifications, Criticisms, and Alternatives," 38 Rutgers L. Rec. 197 (May 2011)
- Co-author of "Turning Tides For Employee Arbitration Agreements" as featured on Law360.com (October 2016)

Then Vice Chancellor Leo E. Strine, Jr. praised the Firms' "exceedingly measured and logical" argument

Forgo v. Health Grades, Inc., C.A. No. 5716-VCS (Del. Ch. Sept. 3, 2010)

Courtney E. Maccarone

Courtney E. Maccarone focuses her practice on prosecuting consumer class actions. Prior to joining Levi & Korsinsky, Ms. Maccarone was an associate at a boutique firm in New York specializing in class action litigation. While attending Brooklyn Law School, Ms. Maccarone served as the Executive Symposium Editor of the *Brooklyn Journal of International Law* and was a member of the Moot Court Honor Society. Her note, "Crossing Borders: A TRIPS-Like Treaty on Quarantines and Human Rights" was published in the Spring 2011 edition of the *Brooklyn Journal of International Law*.

Ms. Maccarone also gained experience in law school as an intern to the Honorable Martin Glenn of the Southern District of New York Bankruptcy Court and as a law clerk at a New York City-based class action firm. Ms. Maccarone has been recognized as a Super Lawyer "Rising Star" for the New York Metro area for the past five consecutive years.

Education

- Brooklyn Law School, J.D., *magna cum laude* (2011), where she served as the Executive Symposium Editor of the *Brooklyn Journal of International Law* and was a member of the Moot Court Honor Society
- New York University, B.A., *magna cum laude* (2008)

Admissions

- New Jersey (2011)
- New York (2012)
- United States District Court for the District of New Jersey (2012)
- United States District Court for the Eastern District of New York (2012)
- United States District Court for the Southern District of New York (2012)

Publications

- "Crossing Borders: A TRIPS-Like Treaty on Quarantines and Human Rights," published in the Spring 2011 edition of the *Brooklyn Journal of International Law*

Rosanne L. Mah

Rosanne L. Mah is an Associate in Levi & Korsinsky, LLP's San Francisco office. She represents consumers in complex class action litigation involving deceptive or misleading practices, false advertising, and data/privacy issues.

Education

- University of San Francisco, School of Law, J.D. (2005)
- University of California at Santa Cruz, B.A., Politics and Environmental Studies (1995)

Admissions

- United States District Court for the Northern District of California (2007)
- United States District Court for the Eastern District of California (2007)

- United States District Court for the Central District of California (2017)

Adam C. McCall

Adam C. McCall is an Associate with the Firm. Prior to joining Levi & Korsinsky, Mr. McCall was a Summer Analyst at Moelis & Company and an intern at Fortress Investment Group. While attending the Georgetown University Law Center, he was an extern at the Securities and Exchange Commission's Division of Corporate Finance.

Education

- Georgetown University Law Center, LL.M., Securities and Financial Regulation (2015)
- California Western School of Law, J.D., *cum laude* (2013)
- Santa Clara University, Certificate of Advanced Accounting Proficiency (2010)
- University of Southern California, B.A., Economics (2008)

Admissions

- California (2014)
- United States District Court for the Central District of California (2015)
- United States District Court for the Eastern District of California (2015)
- United States District Court for the Northern District of California (2015)
- United States District Court for the Southern District of California (2015)
- United States Court of Appeals for the Ninth Circuit (2016)
- District of Columbia (2017)

Melissa Muller

Melissa Muller is an Associate with the Firm's New York Office focusing on federal securities litigation. Ms. Muller previously worked as a paralegal for the New York office while attending law school.

Education

- New York Law School, J.D., Dean's Scholar Award, member of the Dean's Leadership Council (2018)
- John Jay College of Criminal Justice, B.A. (2013), *magna cum laude*

Admissions

- New York (2018) *Admission Pending*

Gregory M. Potrepka

Gregory M. Potrepka is an Associate in Levi & Korsinsky's Connecticut office. Mr. Potrepka is an experienced lawyer having litigated cases in State, Federal, and Tribal courts, at both the trial and appellate levels. While in law school, Mr. Potrepka clerked in the Civil Division of the United States Attorney's Office for the District of Columbia.

Education

- University of Connecticut School of Law, J.D. (2015)
- University of Connecticut Department of Public Policy, M.P.A. (2015)
- University of Connecticut, B.A., Political Science (2010)

Admissions

- Connecticut (2015)
- Mashantucket Pequot Tribal Court (2015)
- United States District Court for the District of Connecticut (2016)
- United States District Court for the Southern District of New York (2018)
- United States District Court for the Eastern District of New York (2018)

Andrew Rocco

Andrew Rocco is an Associate with the Firm in the Connecticut office. As a law student, he interned for the Office of the Attorney General for the State of Connecticut in the Employment Rights Department, and served as the Editor-in-Chief of the Quinnipiac Probate Law Journal.

Education

- Quinnipiac University School of Law, J.D., *summa cum laude* (2017)
- Champlain College, B.A., Legal Studies, *summa cum laude* (2014)

Admissions

- Connecticut

Samir Shukurov

Mr. Shukurov is an associate in Levi & Korsinsky's New York office and represents shareholders in complex corporate litigation, corporate governance and securities matters in state and federal courts nationwide. Mr. Shukurov also has corporate experience representing clients in various exempted securities offerings and 1934 Securities Exchange Act reporting matters. Previously, Mr. Shukurov worked in the General Counsel's office of Ernst & Young in his home country of Azerbaijan.

Education

- Boston University School of Law, LL.M., Outstanding Achievement Award (2015)
- Baku State University, LL.M., Civil Law, With Honors (2012)
- Baku State University, LL.B. (2009)

Admissions

- Massachusetts (2015)
- New York (2016)
- United States District Court for the Southern District of New York (2016)

Brian Stewart

Brian Stewart is an Associate with the Firm practicing in the Washington, D.C. office. Prior to joining the firm, Mr. Stewart was an associate at a small litigation firm in Washington D.C. and a regulatory analyst at the Financial Industry Regulatory Authority (FINRA). During law school, he interned for the Enforcement Divisions of the SEC and CFPB.

Education

- American University Washington College of Law, J.D. (2012)
- University of Washington, B.S., Economics and Mathematics (2008)

Admissions

- Maryland (2012)
- District of Columbia (2014)

Sebastian Tornatore

Sebastian Tornatore is an Associate in the Connecticut office where he focuses on representing shareholders in federal securities actions. While at the University of Connecticut School of Law, Mr. Tornatore served as an Executive Editor of the *Connecticut Law Review* and as a member of the Connecticut Moot Court Board. Prior to joining the Firm, Mr. Tornatore worked for the Connecticut Judicial System, where he gained significant experience assisting various state judges.

Education

- The University of Connecticut School of Law, J.D. (2012)
- Boston College, B.A., Political Science (2008)

Admissions

- Massachusetts (2012)
- Connecticut (2012)
- New York (2014)
- United States District Court for the District of Connecticut (2014)
- United States District Court for the Southern District of New York (2016)
- United States District Court for the District of Massachusetts (2016)
- United States District Court for the Eastern District of New York (2018)

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

IN RE ILLUMINA, INC. SECURITIES LITIGATION	Case No. 3:16-cv-03044-L-MSB **DECLARATION OF JACK EWASHKO**

I, JACK EWASHKO, declare as follows:

1. I am a Director of Securities Class Actions at JND Legal Administration ("JND"). Pursuant to the Court's Order Conditionally Granting Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement, filed December 18, 2019 (ECF No. 102) (the "Preliminary Approval Order"), JND was appointed to serve as the Claims Administrator in connection with the proposed settlement of the above-captioned action (the "Action").[1] I submit this Declaration in order to provide the Court and the parties to the Action information regarding the mailing of the Notice of Pendency and Proposed Settlement of Class Action (the "Notice") and Proof of Claim (the "Claim Form," and together with the Notice, the "Notice Packet"), the publication of the Summary Notice of Pendency of Class Action and Proposed Settlement (the "Summary Notice"), as well as updates concerning other aspects of the settlement administration process. The following statements are based on my personal knowledge and information provided to me by other experienced JND employees, and, if called as a witness I could and would testify competently thereto.

MAILING OF NOTICE PACKET

[1] All terms with initial capitalization not otherwise defined herein shall have the meanings ascribed in the Stipulation and Agreement of Settlement, dated June 11, 2019 (ECF No. 95-2) (the "Stipulation").

2. Pursuant to the Preliminary Approval Order, JND was responsible for disseminating the Notice Packet to potential Settlement Class Members. A sample of the Notice Packet is attached hereto as Exhibit A.

3. On January 7, 2020, JND received from Plaintiffs' Counsel the names and addresses of persons who purchased or otherwise acquired Illumina's Inc. common stock, between July 26, 2016 and October 10, 2016, inclusive (the "Class Period"). These names and addresses were derived from Illumina Inc.'s transfer agent. This list contained a total of 184 unique names. Prior to JND mailing out Notice Packets, JND verified the mailing records through the National Change of Address ("NCOA") database to ensure the most current address was being used. As a result, 8 addresses were updated with new addresses, and on January 22, 2020, JND mailed 184 Notice Packets via First-Class mail to potential Settlement Class Members.

4. JND also researched filings with the U.S. Securities and Exchange Commission (the "SEC") on Form 13-F to identify additional institutions or entities who may have purchased or acquired Illumina Inc.'s common stock during the Class Period. As a result, JND mailed Notice Packets via First-Class mail to 805 potential Settlement Class Members on January 22, 2020.

5. As in most securities class actions, a large majority of Settlement Class Members are beneficial purchasers whose securities are held in "street name," *i.e.*, the securities are purchased by brokerage firms, banks, institutions or other third-party nominees in the name of the nominee, on behalf of the beneficial purchasers. JND maintains a proprietary database with the names and addresses of the most common banks and brokerage firms, nominees and known third party filers. JND mailed Notice Packets via First-Class mail to 4,096 banks, brokerage firms, nominees and known third party filers on January 22, 2020.

6. Based on all the sources of information, JND mailed a total of 5,085 Notice Packets via First-Class mail to potential Settlement Class Members/Nominees (the "Initial Mailing").

7. JND also posted the Notice for brokers and nominees on the DTC Lens service. This service is made available to all brokers/nominees who use the DTC. The DTC Lens is a place for legal notices to be posted pertaining to publicly traded companies. JND provided DTC Lens with the Notice on January 21,2020 for posting on January 22, 2020.

8. In a further attempt to garner broker responses, JND reached out via telephone to 100 of the largest firms from the broker/nominee and third-party filer community.

9. On February 19, 2020, JND caused reminder postcards to be mailed by First-Class mail, postage prepaid, to the nominees in the Broker Database who did not respond to the initial mailing. The postcard advised nominees of their obligation to facilitate notice of the Settlement to their clients who purchased Illumina Inc.'s common stock during the Class Period.

10. The Notice requested all nominees who purchased or otherwise acquired illumine common stock during the Class Period to either (a) within (10) calendar days after receipt of the Notice Packet, forward the Notice Packet to all such beneficial owners; or (b) within ten (10) calendar days of receipt of the Notice Packet, provide a list of the names and addresses of all such beneficial owners to JND so that we could mail the Notice Packet to the potential Settlement Class Members.

11. Following the initial mailing, JND has received an additional 43,669 unique names and addresses of potential Settlement Class Members from individuals or nominees requesting Notice Packets to be mailed to such persons or entities. JND has also received requests from brokers and other nominee holders for 22,338 Notice Packets that will be forwarded by the nominees to their customers.

12. As a result of the efforts described above, as of February 27, 2020, JND has mailed a total of 71,092 Notice Packets to potential Settlement Class Members, brokers, and nominee holders.

PUBLICATION OF THE SUMMARY NOTICE

13. Pursuant to the Preliminary Approval Order, JND is also responsible for publishing the Summary Notice. Accordingly, JND caused the Summary Notice to be transmitted once over the *PR Newswire* on January 22, 2020. Attached hereto as Exhibit B is the publication for *PR Newswire*.

ESTABLISHMENT OF CLAIMS CALL CENTER

14. Beginning on or about January 21, 2020, JND established and continues to maintain a toll-free telephone number (1-833-216-4455) for Settlement Class Members to call and obtain information about the Settlement and request a Notice and Claim Form. As of February 27, 2020, JND has received a total of 69 calls to the telephone hotline. JND has promptly responded to each telephone inquiry and will continue to address Settlement Class Member inquiries.

ESTABLISHMENT OF THE SETTLEMENT WEBSITE

15. To further assist potential Settlement Class Members, JND, in coordination with Class Counsel, designed, implemented, and currently maintains a website, www.IlluminaSecuritiesSettlement.com, dedicated to the Settlement (the "Settlement Website"). The Settlement Website became operational on [date], and is accessible 24 hours a day, 7 days a week. Among other things, the Settlement Website includes general information regarding the Settlement, lists the exclusion, objection, and claim filing deadlines, as well as the date and time of the Court's Settlement Hearing. JND also posted to the Settlement Website copies of the Stipulation, Preliminary Approval Order, Claim Form, Notice and other relevant Court documents. The Settlement Website will continue to be updated with relevant case information and Court documents. The website also allows claimants to submit their Claim at the site instead of sending one in via U.S. Mail. Potential claimants can enter

all of their claim information via the web, complete the Claim Form, and upload all pertinent documentation. As of February 27, 2020, the Settlement Website has received 2,923 hits.

OBJECTIONS AND ECLUSIONS

16. The deadline for Class Members to object and/or request exclusion from the Settlement is March 23, 2020.

17. To date, JND has received no objections to the Settlement.

18. To date, JND has received only one request for exclusion.

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 28, 2020.

Jack Ewashko

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

IN RE ILLUMINA, INC. SECURITIES LITIGATION	Case No. 3:16-cv-03044-L-MSB **NOTICE OF PENDENCY AND PROPOSED SETTLEMENT OF CLASS ACTION**

TO: ALL PERSONS OR ENTITIES who purchased or otherwise acquired A LEGAL OR BENEFICIAL OWNERSHIP INTEREST IN Illumina, INC.'s common stock between July 26, 2016 and October 10, 2016, inclusive (the "Class Period").

PLEASE READ THIS NOTICE CAREFULLY AND IN ITS ENTIRETY. YOUR RIGHTS MAY BE AFFECTED BY PROCEEDINGS IN THIS CONSOLIDATED ACTION. PLEASE NOTE THAT IF YOU ARE A SETTLEMENT CLASS MEMBER, YOU MAY BE ENTITLED TO SHARE IN THE PROCEEDS OF THE SETTLEMENT DESCRIBED IN THIS NOTICE. TO CLAIM YOUR SHARE OF THE PROCEEDS OF THE SETTLEMENT, YOU MUST SUBMIT A VALID PROOF OF CLAIM AND RELEASE FORM ("PROOF OF CLAIM") **POSTMARKED OR SUBMITTED ONLINE NO LATER THAN APRIL 27, 2020**.

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

Securities and Time Period: Illumina Inc. ("Illumina") Common Stock purchased or otherwise acquired between July 26, 2016 and October 10, 2016, inclusive (the "Class Period").

Description of the Consolidated Action and the Settlement Class: The Settlement[1] resolves class action litigation over whether Illumina, and certain Illumina executives, made materially false or misleading statements or omissions to investors concerning, among other things, Illumina's July 26, 2016 earnings guidance, which projected that the Company would earn revenue of between $625 million and $630 million in the third quarter of 2016 and projected

[1] This Notice incorporates by reference the definitions in the Stipulation and Agreement of Settlement, dated June 11, 2019 (the "Settlement" or "Stipulation"), and all capitalized terms used but not defined herein shall have the same meanings as in the Settlement. A copy of the Settlement can be obtained at www.IlluminaSecuritiesSettlement.com.

approximately 12% revenue growth and non-GAAP earnings per diluted share of $3.48 to $3.58 for the fiscal year 2016. The Settlement Class consists of:

all persons or entities who purchased or otherwise acquired a legal or beneficial ownership interest in Illumina's common stock between July 26, 2016 through October 10, 2016, inclusive. Excluded from the Settlement Class are (i) any putative Settlement Class Members who exclude themselves by filing a timely and valid request for exclusion in accordance with the requirements set forth in the Notice; (ii) Defendants and their family members; (iii) any entity in which Defendants have or had a controlling interest; (iv) the officers and directors of Illumina during the Class Period; and (iv) the legal representatives, agents, executors, successors, or assigns of any of the foregoing excluded persons or entities, in their capacities as such.

Settlement Fund: Subject to Court approval, a Settlement fund of $13,850,000 total in cash will be established pursuant to the Settlement. If you participate in the Settlement by timely submitting a valid Proof of Claim Form, your recovery will depend on the amount of Illumina Common Stock you purchased or otherwise acquired during the Class Period, the price(s) at which that stock was purchased or acquired, the timing of your purchase(s) or acquisition(s), and any sales. Depending on the number of eligible securities that participate in the Settlement and when and at what price those securities were purchased or acquired and sold, Plaintiffs estimate the average cash recovery per share of Illumina Common Stock will be approximately $1.67 (assuming claims representing all damaged shares are filed) before deduction of court-approved fees and expenses and any other awards or payments.

Reasons for Settlement: The principal reason for the settlement is the benefit to be provided to the Settlement Class now. This benefit must be compared to the costs and risks associated with continued litigation, including the danger of no recovery for Settlement Class Members after a contested trial and likely appeals, possibly years into the future.

If the Class Action Had Not Settled: Continuing with the case could have resulted in dismissal or loss at trial. The parties disagree about both liability and damages and do not agree on the amount of damages that would be recoverable even assuming the Settlement Class prevailed on each claim alleged. Defendants deny Plaintiffs' allegations that they made materially misleading statements or omissions and further deny that they are liable to Plaintiffs and/or the Settlement Class or that Plaintiffs or other members of the Settlement Class suffered any damages. Moreover, the parties do not agree on the likelihood that Plaintiffs and/or the Settlement Class would be able to prevail at trial or the amount of damages that potentially would be recoverable if Plaintiffs and/or the Settlement Class were to prevail on any or all of

their claims. The issues about which the two sides disagree include, but are not limited to: (1) whether, and the extent to which, various statements made by Defendants were materially false or misleading or actionable under the securities laws; (2) whether any Defendants intended to mislead investors; (3) whether, and the extent to which, various alleged statements and/or omissions influenced the trading price of Illumina stock during the relevant period; (4) whether Illumina stock prices were artificially inflated during the relevant period; and (5) the amount of such inflation, if any.

Attorneys' Fees and Expenses: Lead Counsel has not received any payment for their work investigating the facts, conducting this litigation, or negotiating the settlement on behalf of Plaintiffs and the Settlement Class. Court-appointed Lead Counsel will ask the Court for an award of attorneys' fees not to exceed 25% ($3,462,500) from the Settlement Fund and reimbursement of out-of-pocket litigation expenses not to exceed $180,000 to be paid from the Settlement Fund. If the above amounts are requested and approved by the Court, the average cost per share of Common Stock will be approximately $0.44. If approved, Plaintiffs estimate the average cash recovery per share of Common Stock will be approximately $1.23 net attorneys' fees and expenses (assuming claims representing all damaged shares are filed).

Deadlines:

Submit Claim:	April 27, 2020
Request Exclusion:	March 23, 2020
File Objection:	March 23, 2020
Court Hearing on Fairness of Settlement:	April 20, 2020

More Information: www.IlluminaSecuritiesSettlement.com or

Claims Administrator:
Illumina, Inc. Securities Litigation
c/o JND Legal Administration
P.O. Box 91086
Seattle, WA 98111-9186

Lead Counsel:
Nicholas I. Porritt, Esq.
Levi & Korsinsky, LLP
1101 30th Street, N.W., Suite 115
Washington, D.C. 20007
nporritt@zlk.com

YOUR LEGAL RIGHTS AND OPTIONS IN THE SETTLEMENT:	
REMAIN A MEMBER OF THE CLASS AND FILE A PROOF OF CLAIM FORM.	This is the only way to receive a payment. If you wish to obtain a payment as a member of the Settlement Class, you will need to file a proof of claim form (the "Proof of Claim Form"), which is included with this Notice, ***postmarked or submitted online no later than*** **APRIL 27, 2020**.
EXCLUDE YOURSELF FROM THE CLASS BY SUBMITTING A WRITTEN REQUEST FOR EXCLUSION SO THAT IT IS *POSTMARKED* NO LATER THAN MARCH 23, 2020	If you exclude yourself from the Settlement Class, you will receive no payment pursuant to this Settlement. You may be able to seek recovery against Defendants or other Released Parties through other litigation.
OBJECT TO THE SETTLEMENT BY SUBMITTING A WRITTEN OBJECTION SO THAT IT IS *POSTMARKED* NO LATER THAN MARCH 23, 2020.	Write to the Court and explain why you do not like the Settlement, the proposed Plan of Allocation, or the request for attorneys' fees and reimbursement of Litigation Expenses. You cannot object to the Settlement unless you are a member of the Settlement Class and do not validly exclude yourself.
GO TO THE HEARING ON APRIL 20, 2020 AT 10:30 A.M., AND FILE A NOTICE OF INTENTION TO APPEAR SO THAT IT IS *POSTMARKED* NO LATER THAN MARCH 23, 2020.	You may attend the hearing to speak in Court about the fairness of the Settlement, the proposed Plan of Allocation, or Lead Counsel's request for attorneys' fees and reimbursement of Litigation Expenses. You cannot object to the Settlement unless you are a member of the Settlement Class and do not validly exclude yourself.
DO NOTHING	Receive no payment, remain a Settlement Class Member, give up your rights to seek recovery against Defendants and the other Released Parties through other litigation and be bound by the Judgment entered by the Court if it approves the Settlement, including the release of the Released Claims.

These rights and options – ***and the deadlines to exercise them*** – are explained in this Notice.

The Court in charge of this case must decide whether to approve the Settlement. Payments will be made if the Court approves the Settlement and, if there are any appeals, after appeals are resolved. Please be patient.

BASIC INFORMATION

1. Why Did I Get This Notice Package?

You or someone in your family may have purchased or acquired Illumina Common Stock between July 26, 2016 and October 10, 2016.

The Court ordered that this Notice be sent to you because you have a right to know about a proposed Settlement of a class action lawsuit, and about all of your options, before the Court decides whether to approve the Settlement. If the Court approves it and after any objections or appeals are resolved, the Claims Administrator appointed by the Court will make the payments that the Settlement allows.

This package explains the lawsuit, the settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them.

The Court in charge of the case is the United States District Court for the Southern District of California, and the case is known as *In re Illumina Inc. Securities Litigation*, 3:16-CV-03044 (S.D. Cal.). The individuals responsible for prosecuting this action, Anton Agoshkov (individually and as the putative assignee of the claims of Natissisa Enterprises Ltd.), Branden Van Der Wall, and Steven Romanoff, are called Plaintiffs, and the companies and the individuals they sued, Illumina, as well as Francis deSouza and Marc Stapley, are called Defendants. Defendants have agreed to settle the claims made in this case.

The Final Approval Hearing will be held on April 20, 2020, at 10:30 a.m., before the Honorable M. James Lorenz, United States District Judge, at the Edward J. Schwartz Courthouse, 221 West Broadway, Courtroom 5B, San Diego, CA 92101, for the purpose of determining, among other things:

(1) whether the proposed Settlement of the securities class action claims asserted in this Consolidated Action, pursuant to which Illumina, Inc., on behalf of all Defendants, will cause to be deposited into a Settlement Fund the combined sum of $13,850,000.00 in cash in exchange for the dismissal of the Consolidated Action with prejudice and a release of all claims against Defendants and other Released Parties, should be approved by the Court as fair, reasonable, and adequate;

(2) whether the Court should grant final certification of the Consolidated Action as a class action for settlement purposes and confirm the appointments of Class Representatives and Lead Counsel;

(3) whether the Consolidated Action should be dismissed on the merits with prejudice as set forth in the Stipulation and Agreement of Settlement dated June 11, 2019 (the "Settlement" or "Stipulation");

(4) whether the Court should permanently enjoin the assertion of any claims that arise from or relate to the subject matter of the Consolidated Action;

(5) whether the application for the payment of attorneys' fees and expenses to be submitted by Lead Counsel should be approved;

(6) whether the Plan of Allocation is fair and reasonable to the members of the Settlement Class; and

(7) whether any application for compensatory awards to be submitted by Plaintiffs should be approved.

2. What is this Lawsuit About?

Plaintiffs allege that Illumina and certain of its current executive officers violated the federal securities laws by making false and misleading statements and/or omitting statements of material fact regarding Illumina's revenue and earnings estimates for the third quarter of 2016 and the fiscal year 2016. Defendants filed a motion to dismiss the Consolidated Action, which the Court granted in part and denied in part on January 22, 2018.

Defendants deny any and all of the claims and contentions of wrongdoing alleged by Plaintiffs in the litigation and maintain that they have at all times acted in good faith and in compliance with their legal obligations, including any obligations under the federal securities laws. Defendants contend that they did not make any materially false or misleading statements, that they disclosed all material information required to be disclosed, and that any alleged misstatements or omissions were not made with the requisite intent or knowledge of wrongdoing. Defendants also contend that any losses suffered by members of the Settlement Class were not caused by any false or misleading statements or any other act or omission by Defendants and/or were caused by other events. Defendants have agreed to settle this Consolidated Action, without any admission of liability whatsoever, solely to avoid the expense, distraction, and uncertainty of further litigation.

3. Why Is This a Class Action?

In a class action, one or more people or entities called class representatives sue on behalf of a group of people who have similar claims, otherwise known as members of the Class or Class Members. One court resolves the issues for all the Class Members, except for those who exclude themselves from the Class.

4. Why Is There a Settlement?

The Court did not decide in favor of the Plaintiffs or Defendants. Instead, both sides have agreed to a settlement. As a result, the parties will avoid the cost of further litigation, and eligible Settlement Class Members who make valid claims will get compensation. Plaintiffs and their attorneys (referred to here as Lead Counsel) think the settlement is the best resolution of this lawsuit for all Settlement Class Members.

Defendants deny Plaintiffs' allegations and further deny that they are liable to the Plaintiffs and/or the Settlement Class but have agreed to settle this Consolidated Action, without any admission of liability whatsoever, to avoid the expense, distraction, and uncertainty of further litigation.

WHO IS IN THE SETTLEMENT

To see if you will get money from this settlement, you first have to determine if you are a Settlement Class Member.

5. How Do I Know if I Am A Part of the Settlement?

The Settlement Class includes all persons or entities who purchased or otherwise acquired a legal or beneficial ownership interest in Illumina's Common Stock between July 26, 2016 through October 10, 2016, inclusive.

6. What Are the Exceptions to Being Included?

Excluded from the Settlement Class are Defendants and their family members, any entity in which Defendants have or had a controlling interest, the officers and directors of Illumina during the Class Period, and the legal representatives, agents, executors, successors, or assigns of any of these excluded persons or entities. Also excluded from the Settlement Class are any putative Settlement Class Members who exclude themselves by filing a timely and valid request for exclusion in accordance with the requirements set forth in this Notice.

If you sold but did not purchase Illumina Common Stock during the Class Period, you are not a member of the Settlement Class. You are a member of the Settlement Class only if you purchased or otherwise acquired your shares during the Class Period.

7. I'm Still Not Sure If I Am Included in the Class Action

If you are still not sure whether you are included, you can ask for free help. You can contact the Claims Administrator toll-free at 1-833-216-4455, or you can fill out and return the Proof of Claim form enclosed with this Notice package to see if you qualify.

THE SETTLEMENT BENEFITS – WHAT YOU GET

8. What Does the Settlement Provide?

In exchange for settling all Released Claims against them and the other Released Parties, Defendants have agreed to cause their insurers to pay a total of $13,850,000 in cash as part of the Settlement.

The Settlement Fund will be divided among all eligible Settlement Class Members who send in valid Proof of Claim forms, after payment of Court-approved attorneys' fees and expenses and the costs of claims administration, including the costs of printing and mailing this Notice and the cost of publishing notice (the "Net Settlement Fund").

9. How Much Will My Payment Be?

Your share of the Net Settlement Fund will depend on several things, including how many Settlement Class Members submit timely and valid Proof of Claim forms, the total recognized losses represented by the valid Proof of Claim forms that Settlement Class Members send in, the total number of shares of Illumina Common Stock you purchased or acquired, how much you paid, when you sold or divested, and/or the proceeds you received when you sold or divested.

By following the instructions in the Plan of Allocation, you can calculate what is called your Recognized Loss. The Plan of Allocation for this Settlement is as follows: Each Class Member that submits a valid Claim (an "Authorized Claimant") will be assigned a Recognized Loss. An Authorized Claimant's Recognized Loss depends upon the number of Illumina shares purchased or acquired during the Class Period and held at the close of trading on October 10, 2016.

For each share of Common Stock purchased, an Authorized Claimant's Recognized Loss is equal to:

- If the share was purchased during the Class Period and held through January 9, 2017, then the Recognized Loss is equal to the price paid for the share minus $134.01 (which is the mean trading price of Illumina's Common Stock during the 90-day period following the Class Period);
- If the share was purchased during the Class Period and sold between October 11, 2016 and January 9, 2017, then the Recognized Loss is equal to the price paid for the share minus the greater of (i) $134.01 or (ii) the price at which you sold the share.
- If the share was purchased during the Class Period and sold on or before October 10, 2016, then the Recognized Loss is $0. This is because the share was not harmed in accordance with Plaintiffs' theory of liability and, therefore, there are no recoverable damages.

This will not be the amount of your payment. After the deadline for all Authorized Claimants to send in their Proof of Claim forms, the payment you get will be a proportion of the Net Settlement Fund equal to your Recognized Loss divided by the total of each Authorized Claimant's Recognized Losses. Your payment will be made in cash.

The Plan of Allocation also includes the following provisions:

(1) An Authorized Claimant will have a Recognized Loss only in connection with damaged shares. Thus, any transaction that resulted in a profit or gain will not be included in an Authorized Claimant's overall Recognized Loss;

(2) There shall be no Recognized Loss attributed to any Illumina securities other than Common Stock or to any shares of Common Stock purchased on a foreign exchange;

(3) The date of a purchase or sale is the "trade" date and not the "settlement" date;

(4) The last-in, first-out basis ("LIFO") will be applied to both purchases and sales;

(5) Exercise of option contracts or the conversion of preferred stock into Common Stock will be considered to be purchases or sales of Common Stock as of the date of the exercise or conversion. Your purchase or sale price will be the closing price for the stock on that day, unless otherwise stated herein;

(6) No cash payment will be made on a claim where the potential distribution amount is less than $10. Please be advised that if you did not incur a Recognized Loss as defined in the Plan of Allocation, you will not receive a cash distribution from the Net Settlement Fund, but you will be bound by all determinations and judgments of the Court in connection with the Settlement,

including being barred from asserting any of the Released Claims against the Released Parties;

(7) No person shall have any claim against Lead Counsel or the Claims Administrator based on the distribution made substantially in accordance with the Stipulation and this Plan of Allocation, or further orders of the Court. In addition, Defendants and Defendants' Counsel have no responsibility for the Plan of Allocation, the administration of the settlement, or the distribution to Settlement Class Members, and no person shall have any claim against Defendants or Defendants' Counsel based on the Plan of Allocation, the administration of the settlement, or the distribution to the Settlement Class Members; and

(8) Settlement Class Members who do not submit valid Proof of Claim forms will not share in the settlement proceeds. Settlement Class Members who do not either submit a request for exclusion or submit a valid Proof of Claim form will nevertheless be bound by the Settlement and the Order and Final Judgment of the Court dismissing this Consolidated Action.

HOW YOU GET A PAYMENT – SUBMITTING A CLAIM FORM

10. How Will I Get a Payment?

To qualify for payment, you must be an eligible Settlement Class Member and you must send in a Proof of Claim form. A Proof of Claim form is enclosed with this Notice. Read the instructions carefully, fill out the form, include all the documents the form asks for, sign it, and submit it **postmarked or submitted online no later than April 27, 2020.**

11. When Will I Get My Payment?

The Court will hold a hearing on April 20, 2020 at 10:30 a.m., to decide whether to approve the Settlement. If the Court approves the Settlement, there may be appeals. If any appeals are brought, a resolution of those appeals can take time, perhaps several years. Everyone who sends in a Proof of Claim form will be informed of the determination with respect to his or her claim. Please be patient.

12. What Am I Giving Up to Get a Payment or Stay in the Class?

Unless you exclude yourself, you are staying in the Settlement Class, and that means that you cannot sue, continue to sue, or be part of any other lawsuit against Defendants or the other Released Parties about the same legal issues in this case. It

also means that all of the Court's Orders will apply to you and legally bind you, and you will release your claims in this case against Defendants and other Released Parties. The terms of the release are included in the Proof of Claim form that is enclosed and are further described below.

Specifically, if the Settlement is approved, the Court will enter a judgment (the "Judgment"). The Judgment will dismiss with prejudice the claims in the Consolidated Action and will provide that Plaintiffs and all other Settlement Class Members, on behalf of themselves, and their respective past and present directors, officers, employees, agents, trustees, fiduciaries, guardians, servants, consultants, underwriters, attorneys, advisors, representatives, estate trustees, heirs, executors, administrators, predecessors, successors and assigns, and any other person claiming by, through or on behalf of them, shall be deemed by operation of law to (a) have released, waived, discharged and dismissed each and every of the Released Claims against the Released Parties; (b) forever be enjoined from commencing, instituting or prosecuting any or all of the Released Claims against any of the Released Parties; and (c) forever be enjoined from instituting, continuing, maintaining or asserting, either directly or indirectly, whether in the United States or elsewhere, on their own behalf or on behalf of any class or any other person, any action, suit, cause of action, claim or demand against any person or entity who may claim any form of contribution or indemnity from any of the Released Parties in respect of any Released Claim.

"Released Claims" means any and all claims, debts, demands, rights, causes of action, or liabilities whatsoever (including, but not limited to, any claims for damages, interest, attorneys' fees, expert or consulting fees, and any other costs, penalties, expenses or liability whatsoever, whenever or wherever incurred), whether based on federal, state, local, foreign, statutory, or common law or any other law, rule, or regulation, whether fixed or contingent, accrued or unaccrued, liquidated or unliquidated, at law or in equity, matured or unmatured, whether class, individual, or otherwise in nature, whether personal or subrogated, whether suspected or unsuspected, including both known claims and Unknown Claims: (1) that have been or could have been asserted in any of the Complaints filed in this Consolidated Action, or (2) that, directly or indirectly, arise out of or are related to (i) any of the factual allegations in the Complaints, (ii) any misrepresentation or omission or alleged misrepresentation or omission by any Released Party before or during the Class Period related to or in connection with Illumina, or any of its subsidiaries, or the purchase or sale of Illumina Common Stock or (iii) any loss sustained or allegedly sustained as a result of the purchase, sale, or holding Illumina Common Stock during the Class Period. Notwithstanding the foregoing, "Released Claims" does not include any claims to enforce the Settlement or any of its terms.

"Released Parties" means Defendants; each of their respective current and former officers, directors, employees, agents, servants, representatives, parents, subsidiaries, affiliates, trusts, controlled persons and entities, controlling persons and entities, successors, predecessors, assigns, assignees, attorneys, accountants, advisors, insurers, family members and partners; and each of their respective heirs, executors, administrators, legal representatives, successors and assigns. "Unknown Claims" means any and all Released Claims that any Plaintiff or Settlement Class Member does not know or suspect to exist in his, her or its favor, and any of the Settled Defendants' Claims that any Defendant does not know or suspect to exist in his, her or its favor, which if known by him, her or it might have affected his, her or its decision(s) with respect to the Settlement. With respect to any and all Released Claims and Settled Defendants' Claims, Plaintiffs and Defendants stipulate and agree that upon the Effective Date, Plaintiffs and Defendants shall each, for themselves and all persons claiming by, through, or on behalf of them, expressly waive, and each Settlement Class Member shall be deemed to have waived, and by operation of the Judgment shall have expressly waived, any and all provisions, rights and benefits conferred by any law of any state or territory of the United States, or principle of common law, that is similar, comparable, or equivalent to Cal. Civ. Code §1542, which provides:

A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release and that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

Plaintiffs and Defendants acknowledge, and all Settlement Class Members and any successors, assigns, and persons claiming through or on behalf of any of the foregoing, shall, by operation of law, be deemed to have acknowledged, that the inclusion of "Unknown Claims" in the definition of Released Claims and Settled Defendants' Claims were separately bargained for and constitute material elements of this Settlement.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want a payment from this settlement, but you want to keep the right to sue or continue to sue any Defendants or other Released Parties on your own about the same legal issues in this case, then you must take steps to get out of the Settlement Class. This is called excluding yourself or is sometimes referred to as opting out of the Settlement Class.

13. How Do I Get Out of the Class?

To exclude yourself from the Settlement Class, you must send a letter by mail stating that you want to be excluded from *In re Illumina Inc. Securities Litigation*, No. 3:16-CV-03044-L-MSB. You must include your name, address, telephone number, signature, the number of Illumina shares you purchased or otherwise acquired during the Class Period, and the dates of such purchases or acquisitions. You must mail your exclusion request **postmarked no later than March 23, 2020** to:

Nicholas I. Porritt, Esq.
Levi & Korsinsky, LLP
1101 30th Street, N.W., Suite 115
Washington, D.C. 20007

You cannot exclude yourself by phone or by e-mail. If you ask to be excluded, you are not eligible to get any settlement payment, and you cannot object to the settlement. You will not be legally bound by anything that happens in this lawsuit.

14. If I Do Not Exclude Myself, Can I Sue Defendants for the Same Thing Later?

No. Unless you exclude yourself, you give up any right to sue Defendants or other Released Parties for the claims resolved by the class action settlement. If you have a pending lawsuit against any Defendants, speak to your lawyer in that case immediately. **Remember the exclusion deadline is March 23, 2020**.

15. If I Exclude Myself, Can I Get Money from This Settlement?

No. If you exclude yourself, you will not be eligible to participate in the Settlement and should not send in a Proof of Claim form. However you may sue, continue to sue, or be part of a different lawsuit against any Defendants.

THE LAWYERS REPRESENTING YOU

16. Do I Have a Lawyer in This Case?

The Court appointed the law firm Levi & Korsinsky, LLP to represent you and other Settlement Class Members.

These lawyers are called Lead Counsel. You will not be charged for the services of these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

17. How Will the Lawyers Be Paid?

Lead Counsel will ask the Court for attorneys' fees of up to 25% of the Settlement Fund ($3,462,500) and for reimbursement of their out-of-pocket litigation expenses up to $180,000, that were advanced in connection with the Consolidated Action. Such sums as may be approved by the Court will be paid from the Settlement Fund. Settlement Class Members are not personally liable for any such fees or expenses.

The attorneys' fees and expenses requested will be the only payment to Lead Counsel for their efforts in achieving this settlement and for the risk in undertaking this representation on a wholly contingent basis. To date, Lead Counsel has not been paid for their services for conducting this litigation on behalf of Plaintiffs and the Settlement Class nor for their substantial out-of-pocket expenses. The fees requested will compensate Lead Counsel for their work in achieving the Settlement Fund and are within the range of fees awarded to class counsel under similar circumstances in other cases of this type. The Court may award less than this amount.

Lead Counsel will also request reimbursement of attorneys' fees and expenses for administration of the settlement including costs associated with notice and the fees and expenses of the claims administrator. Those amounts will be requested before distribution of the Net Settlement Fund to Settlement Class Members. Again, such sums as may be approved by the Court will be paid from the Settlement Fund.

Lead Counsel will also request the Court to award Plaintiffs incentive awards in the following amounts: $25,000 for Natissisa and/or Anton Agoshkov; $1,000 for Braden Van Der Wall; and $1,000 for Steven Romanoff as rewards for their active participation in the Consolidated Action.

OBJECTING TO THE SETTLEMENT

You can tell the Court that you do not agree with the settlement or any part of it.

18. How Do I Tell the Court that I Do Not Like the Settlement?

If you are a Settlement Class Member, you can object to the settlement if you do not like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must send a letter saying that you object to the settlement in *In re Illumina Inc. Securities Litigation*, No. 3:16-CV-03044-L-MSB. Be sure to include the reasons you object to the settlement as well as the following information: your name, address, telephone number, signature,

the number of Illumina shares you purchased or otherwise acquired during the Class Period, and the dates of such purchases or acquisitions. Any objection to the settlement must be mailed or delivered such that it is **postmarked no later than March 23, 2020**.

Nicholas I. Porritt, Esq.
Levi & Korsinsky, LLP
1101 30th Street, N.W., Suite 115
Washington, D.C. 20007

Lead Counsel will then immediately provide to Defendants' Counsel any such objection.

19. What's the Difference Between Objecting and Excluding?

Objecting is simply telling the Court that you do not like something about the settlement. You can object ***only if*** you stay in the Settlement Class. Excluding yourself is telling the Court that you do not want to be part of the Settlement Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

THE COURT'S FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the settlement. You may attend and you may ask to speak, but you do not have to.

20. When and Where Will the Court Decide Whether to Approve the Settlement?

The Court will hold a fairness hearing at 10:30 a.m., on April 20, 2020, at the Edward J. Schwartz Courthouse, 221 West Broadway, Courtroom 5B, San Diego, CA 92101. At this hearing the Court will consider whether the Settlement of the Consolidated Action is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court will listen to people who have asked to speak at the hearing. The Court will also consider how much to pay to Lead Counsel. The Court may decide these issues at the hearing or take them under consideration. We do not know how long these decisions will take.

21. Do I Have to Come to the Hearing?

No. Lead Counsel will answer any questions the Court may have on behalf of the Settlement Class Members. However you are welcome to come at your own expense.

If you send an objection, you do not have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

22. May I Speak at the Hearing?

You may ask the Court for permission to speak at the Settlement Hearing. To do so, you must send a letter saying that it is your intention to appear in *In re Illumina Inc. Securities Litigation*, No. 3:16-CV-03044-L-MSB. Be sure to include your name, address, telephone number, signature, the number of Illumina shares you purchased or otherwise acquired during the Class Period, and the dates of such purchases or acquisitions. Your notice of intention to appear must be **postmarked no later than March 23, 2020**, by Lead Counsel at the address listed in question 18. You cannot speak at the hearing if you exclude yourself from the Settlement Class.

IF YOU DO NOTHING

23. What Happens if I Do Nothing At All?

If you do nothing, you will get no money from this Settlement. But, unless you exclude yourself, you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Defendants or other Released Parties about the same legal issues in this case.

GETTING MORE INFORMATION

24. Are There More Details About the Settlement?

This Notice summarizes the proposed settlement. More details are in the Stipulation and Agreement of Class Settlement dated as of June 11, 2019. You can get a copy of the Stipulation or more information about the Settlement by visiting www.IlluminaSecuritiesSettlement.com.

You can also contact the Claims Administrator:

Illumina, Inc. Securities Litigation
c/o JND Legal Administration
P.O. Box 91086
Seattle, WA 98111-9186

Or Lead Counsel

Nicholas I. Porritt, Esq.

Levi & Korsinsky, LLP
1101 30th Street, N.W., Suite 115
Washington, D.C. 20007

You can also obtain a copy from the Clerk's Office during regular business hours:

Clerk of Court
United States District Court
Southern District of California
333 West Broadway, Suite 420
San Diego, CA 92101

DO NOT TELEPHONE THE COURT OR DEFENDANTS' COUNSEL REGARDING THIS NOTICE

SPECIAL NOTICE TO NOMINEES

If you purchased or otherwise acquired shares of any Illumina Common Stock between July 26, 2016 through October 10, 2016, inclusive, then, within ten (10) days after you received this Notice, you must either: (1) send a copy of this Notice and Proof of Claim by first class mail to all such beneficial owners; or (2) provide a list of names and addresses of such Persons to the Claims Administrator:

Illumina, Inc. Securities Litigation
c/o JND Legal Administration
P.O. Box 91086
Seattle, WA 98111-9186

If you choose to mail the Notice and Proof of Claim yourself, you may obtain from the Claims Administrator (without cost to you) as many additional copies of these documents as you will need to complete the mailing.

Regardless of whether you choose to complete the mailing yourself or elect to have the mailing performed for you, you may obtain reimbursement for or advancement of reasonable administrative costs actually incurred or expected to be incurred in connection with forwarding the Notice and which would not have been incurred but for the obligation to forward the Notice, upon submission of appropriate documentation to the Claims Administrator. Reimbursement will be limited to reasonable costs and expenses not to exceed $0.65 per mailing.

DATED: DECEMBER 18, 2019

BY ORDER OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

PROOF OF CLAIM AND RELEASE

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

IN RE ILLUMINA, INC. SECURITIES LITIGATION

Master File No. 3:16-cv-03044-L-MSB

IN RE ILLUMINA, INC SECURITIES LITIGATION
c/o JND Legal Administration
PO Box 91086
Seattle, WA 98111-9186

Telephone: 1-833-216-4455
info@IlluminaSecuritiesSettlement.com
www.IlluminaSecuritiesSettlement.com

Deadline for Submission: Postmarked or Submitted Online no later than April 27, 2020

CONTENTS

I. GENERAL INSTRUCTIONS

1. To recover as a member of the class based on your claims in the action entitled *In re Illumina, Inc. Securities Litigation,* 3:16-cv-03044-L-MSB (the "Consolidated Action"), you must complete and, on page 8 hereof, sign this Proof of Claim and Release Form. If you fail to file a properly addressed (as set forth in paragraph 3 below) Proof of Claim and Release Form, your claim may be rejected and you may be precluded from any recovery from the Settlement Fund created in connection with the proposed Settlement of the Consolidated Action.[1]

2. Submission of this Proof of Claim and Release Form, however, does not assure that you will share in the proceeds of Settlement of the Consolidated Action. Your recovery, if any, will be calculated as described in the Plan of Allocation in the Notice of Pendency and Proposed Settlement of Class Action (the "Notice").

3. YOU MUST MAIL YOUR COMPLETED AND SIGNED PROOF OF CLAIM AND RELEASE FORM **POSTMARKED OR SUBMITTED ONLINE ON OR BEFORE APRIL 27, 2020**, ADDRESSED AS FOLLOWS:

Illumina, Inc. Securities Litigation
c/o JND Legal Administration
P.O. Box 91086
Seattle, WA 98111-9186

4. If you are a Settlement Class Member, you are bound by the terms of any judgment entered in the Consolidated Action, WHETHER OR NOT YOU SUBMIT A PROOF OF CLAIM AND RELEASE FORM unless you timely and validly request exclusion from the Settlement Class pursuant to the Notice.

II. CLAIMANT IDENTIFICATION

1. If you purchased or otherwise acquired a legal or beneficial ownership interest in Illumina, Inc. Common Stock, during the period from July 26, 2016 through October 10, 2016, inclusive (the "Class Period"), and held the certificate(s) in your name, you are the beneficial purchaser or acquirer as well as the record purchaser or acquirer. If, however, the certificate(s) were registered in the name of a third party, such as a nominee or brokerage firm, you are the beneficial purchaser and the third party is a record purchaser.

2. Use Part I of the Proof of Claim and Release Form entitled "Claimant Identification" to identify each purchaser of record ("nominee"), if different from the beneficial purchaser of Illumina, Inc. Common Stock which form the basis of your claim. THIS PROOF OF CLAIM AND RELEASE FORM MUST BE FILED BY THE ACTUAL BENEFICIAL PURCHASER OR PURCHASERS, OR THE LEGAL REPRESENTATIVE OF SUCH PURCHASER OR PURCHASERS OF THE ILLUMINA, INC. COMMON STOCK UPON WHICH THIS CLAIM IS BASED.

[1] This Proof of Claim incorporates by reference the definitions in the Stipulation and Agreement of Settlement, dated June 11, 2019 (the "Settlement" or "Stipulation"), and all capitalized terms used but not defined herein shall have the same meanings as in the Settlement. A copy of the Settlement can be obtained at www.IlluminaSecuritiesSettlement.com.

3. All joint purchasers must sign this Proof of Claim and Release Form. Executors, administrators, guardians, conservators, and trustees must complete and sign this Proof of Claim and Release Form on behalf of Persons represented by them; their authority must accompany this claim and their titles or capacities must be stated. The Social Security (or taxpayer identification) number and telephone number of the beneficial owner may be used in verifying the claim. Failure to provide the foregoing information could delay verification of your claim or result in rejection of your Claim.

III. CLAIM FORM

1. Use Part II of the Proof of Claim and Release Form below entitled "Schedule of Transactions in Illumina, Inc. Common Stock" to supply all required details of your transaction(s) in Illumina, Inc. Common Stock. If you need more space or additional schedules, attach separate sheets giving all of the required information in substantially the same form. Sign and print or type your name on each additional sheet.

2. On the schedules, provide all of the requested information with respect to ***all*** of your purchases or acquisitions and ***all*** of your sales of Illumina, Inc. Common Stock which took place at any time from July 26, 2016 through October 10, 2016, inclusive, whether such transactions resulted in a profit or a loss. You must also provide all of the requested information with respect to all of the shares of Illumina, Inc. Common Stock you held at the close of trading on January 9, 2017. Failure to report all such transactions may result in the rejection of your Claim.

3. List each transaction in the Class Period separately and in chronological order by trade date, beginning with the earliest. You must accurately provide the month, day, and year of each transaction you list.

4. Broker confirmations or other documentation of your transactions in Illumina, Inc. Common Stock should be attached to your Proof of Claim and Release Form. Failure to provide this documentation could delay verification of your Claim or result in rejection of your Claim.

5. The above requests are designed to provide the minimum amount of information necessary to process your Claim.

6. NOTICE REGARDING ELECTRONIC FILES: Certain Claimants with large numbers of transactions may request, or may be requested, to submit information regarding their transactions in electronic files. To obtain the mandatory electronic filing requirements and file layout, you may visit the settlement website at www.IlluminaSecuritiesSettlement.com. Any file not in accordance with the required electronic filing format will be subject to rejection.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
In re Illumina, Inc. Securities Litigation
Case No. 3:16-cv-03044
PROOF OF CLAIM AND RELEASE
Must be Postmarked or Submitted Online No Later Than
April 27, 2020

PART I – CLAIMANT IDENTIFICATION

Beneficial Owner's Name (First, Middle, Last):

Street Address:

City:

State or Province:

Zip Code or Postal Code:

Country:

Social Security Number or
Taxpayer Identification Number:

☐ Individual

☐ Corporation/Other

Telephone Number (Work):

— —

Telephone Number (Home):

— —

Record Owner's Name (if different from beneficial owner listed above):

Email:

PART II – SCHEDULE OF TRANSACTIONS IN ILLUMINA, INC. COMMON STOCK

A. Number of shares of Illumina, Inc. common stock held at the close of trading on July 25, 2016: ☐

B. Purchases or acquisitions of Illumina, Inc. common stock between July 26, 2016 and October 10, 2016, inclusive. Be sure to attach documentation verifying your transactions. (Must be documented.)

Trade Date (Month/Day/Year)	Number of Shares Purchased	Price Per Share	Total Amount	Purchased on U.S. Exchange	Purchased on Foreign Exchange
/ /		$	$	☐	☐
/ /		$	$	☐	☐
/ /		$	$	☐	☐
/ /		$	$	☐	☐

C. Number of shares of Illumina, Inc. common stock purchased between October 11, 2016 and January 9, 2017, inclusive: ☐

D. Sales or dispositions of Illumina, Inc. common stock between July 26, 2016 and January 9, 2017, inclusive. (Must be documented.)

Trade Date (Month/Day/Year)	Number of Shares Sold	Price Per Share	Total Amount
/ /		$	$
/ /		$	$
/ /		$	$
/ /		$	$

E. Number of shares of Illumina, Inc. common stock held at the close of trading on January 9, 2017 (must be documented): ☐

If you require additional space, attach extra schedules in the same format as above. Sign and print your name on each additional page.

YOU MUST READ AND SIGN THE RELEASE ON PAGE 8. FAILURE TO SIGN THE RELEASE MAY RESULT IN A DELAY IN PROCESSING OR THE REJECTION OF YOUR CLAIM.

IV - SUBMISSION TO JURISDICTION OF COURT AND ACKNOWLEDGMENTS

I (We) submit this Proof of Claim and Release under the terms of the Stipulation and Agreement of Settlement, dated June 11, 2019 ("Settlement" or "Stipulation") described in the Notice. I (We) also submit to the jurisdiction of the United States District Court for the Southern District of California, with respect to my (our) Claim as a Settlement Class Member (as defined in the Notice) and for purposes of enforcing the Releases set forth in the Settlement and herein. I (We) further acknowledge that I am (we are) bound by and subject to the terms of any judgment that may be entered in the Consolidated Action. I (We) agree to furnish additional information to Lead Counsel or the Claims Administrator to support this claim if required to do so. I (We) have not submitted any other claim covering the same purchases or sales of Illumina, Inc. securities during the Class Period and know of no other Person having done so on my (our) behalf.

V. RELEASE

1. I (We) hereby acknowledge, on behalf of myself (ourselves) and each of my (our) past and present directors, officers, employees, agents, trustees, fiduciaries, guardians, servants, consultants, underwriters, attorneys, advisors, representatives, estate trustees, heirs, executors, administrators, predecessors, successors and assigns, and any other person claiming by, through or on behalf of me (us) that I (we): (a) fully, finally and forever settle, release, waive, relinquish, discharge, and dismiss each and every of the Released Claims against the Released Parties; (b) am (are) forever enjoined from commencing, instituting, or prosecuting any or all of the Released Claims against the Released Parties; and (c) am (are) forever enjoined from instituting, continuing, maintaining, or asserting, either directly or indirectly, whether in the United States or elsewhere, on my (our) own behalf or on behalf of any class or any other person, any action, suit, cause of action, claim or demand against any person or entity who may claim any form of contribution or indemnity from any of the Released Parties in respect of any Released Claim or any matter related thereto.

2. "Released Claims" means any and all claims, debts, demands, rights, causes of action, or liabilities whatsoever (including, but not limited to, any claims for damages, interest, attorneys' fees, expert or consulting fees, and any other costs, penalties, expenses or liability whatsoever, whenever or wherever incurred), whether based on federal, state, local, foreign, statutory, or common law or any other law, rule, or regulation, whether fixed or contingent, accrued or unaccrued, liquidated or unliquidated, at law or in equity, matured or unmatured, whether class, individual, or otherwise in nature, whether personal or subrogated, whether suspected or unsuspected, including both known claims and Unknown Claims: (1) that have been or could have been asserted in any of the Complaints filed in this Consolidated Action, or (2) that, directly or indirectly, rise out of or are related to (i) any of the factual allegations in the Complaints, (ii) any misrepresentation or omission

or alleged misrepresentation or omission by any Released Party before or during the Class Period related to or in connection with Illumina, Inc., or any of its subsidiaries or the purchase or sale of Illumina, Inc. Common Shares, or (iii) any loss sustained or allegedly sustained as a result of the purchase, sale, or holding Common Shares issued by Illumina, Inc., during the Class Period. Notwithstanding the foregoing, "Released Claims" does not include any claims to enforce the Settlement or any of its terms.

3. "Unknown Claims" means any and all Released Claims that any Plaintiff or Settlement Class Member does not know or suspect to exist in his, her or its favor, and any of the Settled Defendants' Claims that any Defendant does not know or suspect to exist in his, her or its favor, which if known by him, her or it might have affected his, her or its decision(s) with respect to the Settlement. With respect to any and all Released Claims and Settled Defendants' Claims, Plaintiffs and Defendants stipulate and agree that upon the Effective Date, Plaintiffs and Defendants shall each, for themselves and all persons claiming by, through, or on behalf of them, expressly waive, and each Class Member shall be deemed to have waived, and by operation of the Judgment shall have expressly waived, any and all provisions, rights and benefits conferred by any law of any state or territory of the United States, or principle of common law, that is similar, comparable, or equivalent to Cal. Civ. Code §1542, which provides:

> A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release and that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

Plaintiffs and Defendants acknowledge, and all Class Members and any successors, assigns, and persons claiming through or on behalf of any of the foregoing, shall, by operation of law, be deemed to have acknowledged that the inclusion of "Unknown Claims" in the definitions of Released Claims and Settled Defendants' Claims were separately bargained for and constitute material elements of the Settlement.

4. "Released Parties" means Defendants; each of their respective current and former officers, directors, employees, agents, servants, representatives, parents, subsidiaries, affiliates, trusts, controlled persons and entities, controlling persons and entities, successors predecessors, assigns, assignees, attorneys, accountants, advisors, insurers, family members and partners; and each of their respective heirs, executors, administrators, legal representatives, successors and assigns.

5. This release shall be of no force or effect unless and until the Court approves the Settlement set forth in the Stipulation and it becomes effective on the Effective Date.

6. I (We) hereby warrant and represent that I (we) have not assigned or transferred or purported to assign or transfer, voluntarily or involuntarily, any matter released pursuant to this release or any other part or portion thereof.

7. I (We) hereby warrant and represent that I (we) have included information about all of my (our) transactions in Illumina, Inc. Common Stock that occurred during the Class Period as well as the amount of Illumina, Inc. Common Stock held by me (us) at the opening of trading on July 26, 2016, and the close of trading on January 9, 2017.

8. I (We) certify that I am (we are) not subject to backup withholding under the provisions of Section 3406(a)(1)(C) of the Internal Revenue Code.

Note: If you have been notified by the Internal Revenue Service that you are subject to backup withholding, please strike out the language that you are 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 the foregoing information supplied by the undersigned is true and correct.

Executed this _____ day of _____ in _____

_____	_____
(Sign your name here)	(Sign your name here)
_____	_____
(Type or print your name here)	(Type or print your name here)
_____	_____
(Capacity of person(s) signing, *e.g.*, Beneficial Purchaser, Executor or Administrator)	(Capacity of person(s) signing, *e.g.*, Beneficial Purchaser, Executor or Administrator)

ACCURATE CLAIMS PROCESSING TAKES A SIGNIFICANT AMOUNT OF TIME.
THANK YOU FOR YOUR PATIENCE.

REMINDER CHECKLIST

1. Please sign the above release and declaration

2. If this Claim is being made on behalf of Joint Claimants, then both must sign.

3. Remember to attach copies of supporting documentation, if available.

4. **Do not send** originals of certificates.

5. Keep a copy of your own claim form and all supporting documentation for your records.

6. If you desire an acknowledgment of receipt of your claim form please send it Certified Mail, Return Receipt Requested.

7. If you move, please send your new address to the address below.

8. **Do not use red pen our highlighter** on the Proof of Claim and Release form supporting documentation.

THIS PROOF OF CLAIM FORM MUST BE POSTMARKED OR SUBMITTED ONLINE NO LATER THAN APRIL 27, 2020,
ADDRESSED AS FOLLOWS

Illumina, Inc. Securities Litigation
c/o JND Legal Administration
P.O. Box 91086
Seattle, WA 98111-9186

EXHIBIT B

Notice of Proposed Class Action Settlement Involving All Persons and Entities Who Purchased or Otherwise Acquired a Legal or Beneficial Ownership Interest in Illumina's Common Stock

NEWS PROVIDED BY
JND Legal Administration →
Jan 22, 2020, 09:17 ET

SEATTLE, Jan. 22, 2020 /PRNewswire/ --

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

IN RE ILLUMINA, INC. SECURITIES LITIGATION	Master File No. 3:16-cv-03044-L-MSB **CLASS ACTION**

This notice affects all persons or entities who purchased or otherwise acquired a legal or beneficial ownership interest in Illumina's common stock between July 26, 2016 through October 10, 2016, inclusive (the "Class Period").

YOU ARE HEREBY NOTIFIED, pursuant to Rule 23 of the Federal Rules of Civil Procedure that **a hearing will be held on April 20, 2020, at 10:30 a.m.**, before the Honorable M. James Lorenz, United States District Judge, at the Edward J. Schwartz Courthouse, 221 West Broadway, Courtroom 5B, San Diego, CA 92101, for the purpose of determining, among other things: (1) whether the proposed Settlement of the securities class action claims asserted in this Consolidated Action, pursuant to which Illumina, Inc., will cause Defendants' insurers to deposit

$13,850,000.00 in cash into a Settlement Fund in exchange for the dismissal of the Consolidated Action with prejudice and a release of all Released Claims against Defendants and other Released Parties, should be approved by the Court as fair, reasonable, and adequate; (2) whether the Court should grant final certification of the Consolidated Action as a class action for settlement purposes and confirm the appointments of Class Representatives and Lead Counsel; (3) whether the Consolidated Action should be dismissed on the merits with prejudice as set forth in the Stipulation and Agreement of Settlement dated June 11, 2019 (the "Settlement" or "Stipulation"); (4) whether the Court should permanently enjoin the assertion of any claims that arise from or relate to the subject matter of the Consolidated Action; (5) whether the application for the payment of attorneys' fees and expenses to be submitted by Lead Counsel should be approved; (6) whether the Plan of Allocation is fair and reasonable to the members of the Settlement Class; and (7) whether any application for compensatory awards to be submitted by Plaintiffs should be approved. This notice incorporates by reference the definitions in the Stipulation and Settlement, and all capitalized terms used, but not defined herein, shall have the same meaning as in the Settlement. A copy of the Settlement can be obtained at www.IlluminaSecuritiesSettlement.com.

If you purchased or otherwise acquired a legal or beneficial interest in Illumina, Inc. common stock, from July 26, 2016 through October 10, 2016, inclusive, your rights may be affected by the settlement of this Consolidated Action and you may be entitled to share in the distribution of the Settlement Fund if you submit a Proof of Claim and Release Form **postmarked or submitted online no later than April 27, 2020**, and if the information and documentation you provide in that Proof of Claim and Release Form establishes that you are entitled to recovery.

This Summary Notice provides only a summary of matters regarding the Consolidated Action and the Settlement. A detailed Notice of Pendency and Proposed Settlement of Class Action (the "Notice") describing the Consolidated Action, the proposed Settlement, and the rights of Settlement Class Members to appear in Court at the Final Approval Hearing, to request to be excluded from the Settlement Class, and/or to object to the Settlement, the Plan of Allocation and/or the request by Legal Counsel for an award of attorneys' fees and reimbursement of Litigation Expenses, has been mailed to persons or entities known to be potential Settlement Class Members. If you have not received the Notice and a copy of the Proof of Claim and Release Form, you may obtain them free of charge by contacting the Claims Administrator, by mail at: Illumina, Inc. Securities Litigation, c/o JND Legal Administration, P.O. Box 91086, Seattle, WA 98111-9186.

As further described in the Notice, if you are a Settlement Class Member, you will be bound by any Judgment entered in the Consolidated Action, regardless of whether you submit a Proof of Claim and Release Form, unless you exclude yourself from the Class, in accordance with the procedures set forth in the Notice, **postmarked no later than March 23, 2020.** Any objections to the Settlement, Plan of Allocation, application for attorneys' fees and expenses, or applications for compensatory awards must be filed and served, in accordance with the procedures set forth in the Notice, **postmarked no later than March 23, 2020.**

Inquiries, other than requests for the Notice, may be made to Lead Counsel for the Class: Nicholas I. Porritt, Esq., Levi & Korsinsky, LLP, 1101 30th Street, N.W., Suite 115, Washington, D.C. 20007, nporritt@zlk.com.

INQUIRIES SHOULD NOT BE DIRECTED TO THE COURT, THE CLERK'S OFFICE, DEFENDANTS, OR DEFENDANTS' COUNSEL.

If you have any questions about the Settlement, you may contact Lead Counsel at the address listed above.

SOURCE JND Legal Administration

Related Links

http://www.IlluminaSecuritiesSettlement.com

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Lead Counsel and Attorneys for Lead Plaintiff Natissisa Enterprises Ltd., Plaintiffs Anton Agoshkov, Braden Van Der Wall, and Steven Romanoff

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

IN RE ILLUMINA, INC. SECURITIES LIGITATION	Master File No. 3:16-cv-03044-L-MSB **DECLARATION OF ANTON AGOSHKOV**

I, ANTON AGOSHKOV, on behalf of myself and the entity formerly known as Natissisa Enterprises Ltd. ("Natissisa"), hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746:

1. I served as the Lead Plaintiff in this securities class action (the "Action") on behalf of Natissisa. I submit this Declaration in support of (a) Plaintiffs' motion for final approval of the proposed settlement reached in the Action (the "Settlement") and the proposed Plan of Allocation for the Settlement proceeds; and (b) Lead Counsel's request for an award of attorneys' fees, reimbursement of litigation expenses, and approval of Plaintiffs' request for an incentive award. I have personal knowledge of the matters set forth in this Declaration as I have been directly involved in monitoring and overseeing the prosecution and settlement of the Action, and I could and would testify competently thereto.

2. In fulfillment of my responsibilities as the Court-appointed Lead Plaintiff, and on behalf of all members of the Settlement Class, I undertook to diligently perform my role as a class representative in pursuit of a favorable result in this Action. This included (a) conferring with counsel concerning the issues and strategy in the case; (b) reviewing court filings in the Action and periodic reports from counsel concerning the work being done; (c) conferring with counsel with respect to settlement and mediation efforts; (d) researching and collecting documents in my possession relevant to my claims; (e) traveling and appearing for a full-day deposition; (f) coordinating between counsel and various parties related with Natissisa for the purposes of this Action; and (g) evaluating the Settlement with counsel prior to and during the resolution of this Action.

3. Based on my involvement throughout the prosecution and resolution of the Action, I believe that the proposed Settlement is fair, reasonable and

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adequate to the Settlement Class. I also believe that the proposed Settlement represents a favorable recovery for the Settlement Class, particularly in light of the risks of continued litigation in this case, including our ability to establish damages at trial and the potential defenses that would have been raised with regard to the forward-looking nature of the alleged misrepresentations at issue in this case. Therefore, I endorse approval of the Settlement by the Court.

4. I believe that Lead Counsel's request for an award of attorneys' fees in the amount of one-quarter of the Settlement Fund is fair and reasonable. I have evaluated counsel's fee request by considering the amount of work they have performed on behalf of the Settlement Class over the past four years, the complexity of the litigation, the recovery obtained relative to overall recoverable damages, and the fact that Lead Counsel accepted this representation on a contingency basis. I further believe that the litigation expenses for which reimbursement is requested are reasonable and represent costs and expenses necessary for the prosecution and resolution of this complex securities fraud action.

5. I also understand that reimbursement of a lead plaintiff's reasonable costs and expenses, including lost wages, is authorized under Section 21D(a)(4) of the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4(a)(4). For this reason, I seek reimbursement for the costs that I incurred in connection with my representation of the Settlement Class. Such costs total $25,000, consisting of the value of the time that I devoted to participating in the Action (approximately 70 hours at $350 per hour).

6. By profession, I am a wealth manager and have worked for several investment banks and investment managers during my career in finance. I hold a degree in Economics and Management from the University of Bristol. The time

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that I devoted to this Action was time that I otherwise would have spent attending to professional or work-related matters. Although difficult to quantify the exact amount lost due to my involvement in this Action, I believe that the requested amount of $25,000 conservatively approximates the time and effort I spent serving as Lead Plaintiff in this action.

7. Based on the foregoing, and consistent with my obligation to the Class to obtain the best result at the most efficient cost, I support Lead Counsel's request for attorneys' fees and reimbursement of litigation expenses.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 20, 2020.

Anton Agoshkov

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Lead Counsel and Attorneys for Lead Plaintiff Natissisa Enterprises Ltd., Plaintiffs Anton Agoshkov, Braden Van Der Wall, and Steven Romanoff

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

IN RE ILLUMINA, INC. SECURITIES LIGITATION	Master File No. 3:16-cv-03044-L-MSB **DECLARATION OF STEVEN ROMANOFF**

I, STEVEN ROMANOFF, hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746:

1. I am one of the Court-appointed plaintiffs in this securities class action (the "Action"). I submit this Declaration in support of (a) Plaintiffs' motion for final approval of the proposed settlement reached in the Action (the "Settlement") and the proposed Plan of Allocation for the Settlement proceeds; and (b) Lead Counsel's request for an award of attorneys' fees, reimbursement of litigation expenses, and approval of Plaintiffs' request for an incentive award. I have personal knowledge of the matters set forth in this Declaration as I have been directly involved in monitoring and overseeing the prosecution and settlement of the Action, and I could and would testify competently thereto.

2. Since becoming a named plaintiff in this action, I conferred with counsel concerning the issues and strategy in the case, reviewed court filings in the Action, conferred with counsel with respect to the litigation, and collected documents in my possession relevant to my claims.

3. Based on my involvement in this Action, I believe that the proposed Settlement is fair, reasonable and adequate to the Settlement Class. I also believe that the proposed Settlement represents a favorable recovery for the Settlement Class, particularly in light of the risks of continued litigation in this case, including our ability to establish damages at trial and the potential defenses that would have been raised in this case. Therefore, I endorse approval of the Settlement by the Court.

4. I also understand that reimbursement of a plaintiff's reasonable costs and expenses, including lost wages, is authorized under Section 21D(a)(4) of the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4(a)(4). For this reason, I seek reimbursement for the costs that I incurred in connection with

connection with my representation of the Settlement Class. Such costs total $1,000, consisting of the value of the time that I devoted to participating in the Action (approximately 100 hours at $100 per hour).

5. By profession, I am an anthropologist. I hold a Ph.D. from Columbia University. The time that I devoted to this Action was time that I otherwise would have spent attending to professional or work-related matters. Although difficult to quantify the exact amount lost due to my involvement in this Action, I believe that the requested amount of $1,000 conservatively approximates the time and effort I spent serving as a plaintiff in this action.

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

Executed on February 19, 2020.

Steven Romanoff

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Lead Counsel and Attorneys for Lead Plaintiff Natissisa Enterprises Ltd., Plaintiffs Anton Agoshkov, Braden Van Der Wall, and Steven Romanoff

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

IN RE ILLUMINA, INC. SECURITIES LIGITATION	Master File No. 3:16-cv-03044-L-MSB **DECLARATION OF BRADEN VAN DER WALL**

I, BRADEN VAN DER WALL, hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746:

1. I am one of the named plaintiffs in this securities class action (the "Action"). I submit this Declaration in support of (a) Plaintiffs' motion for final approval of the proposed settlement reached in the Action (the "Settlement") and the proposed Plan of Allocation for the Settlement proceeds; and (b) Lead Counsel's request for an award of attorneys' fees, reimbursement of litigation expenses, and approval of Plaintiffs' request for an incentive award. I have personal knowledge of the matters set forth in this Declaration and I could and would testify competently thereto.

2. As a named plaintiff in this action, I conferred with counsel concerning the issues and strategy in the case, reviewed court filings in the Action and periodic reports from counsel concerning the work being done, conferred with counsel with respect to settlement and mediation efforts, and (d) collected documents in my possession relevant to my claims.

3. Based on my involvement in this Action, I believe that the proposed Settlement is fair, reasonable and adequate to the Settlement Class. I also believe that the proposed Settlement represents a favorable recovery for the Settlement Class, particularly in light of the risks of continued litigation in this case, including our ability to establish damages at trial and the potential defenses that would have been raised in this case. Therefore, I endorse approval of the Settlement by the Court.

4. I also understand that reimbursement of a plaintiff's reasonable costs and expenses, including lost wages, is authorized under Section 21D(a)(4) of the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4(a)(4). For this reason, I seek reimbursement for the costs that I incurred in connection with

my representation of the Settlement Class. Such costs total $1,000, consisting of the value of the time that I devoted to participating in the Action (approximately 10 hours at $100 per hour).

5. By profession, I am a doctor. I hold a degree in medicine. The time that I devoted to this Action was time that I otherwise would have spent attending to professional or work-related matters. Although difficult to quantify the exact amount lost due to my involvement in this Action, I believe that the requested amount of $1,000 conservatively approximates the time and effort I spent serving as a plaintiff in this action.

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

Executed on February 18, 2020.

Braden Van Der Wall