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Adam M. Apton (SBN 316506)
Adam C. McCall (SBN 302130)
LEVI & KORSINSKY, LLP
445 South Figueroa Street, 31st Fl.
Los Angeles, California 90071
Telephone: (213) 985-7290
Facsimile: (202) 333-2121
Email: aapton@zlk.com
Email: amccall@zlk.com

*Counsel for Lead Plaintiff and
Lead Counsel for Class*

**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

**JOINT MOTION FOR
PRELIMINARY APPROVAL OF
SETTLEMENT MODIFICATIONS**

Judge: Hon. M. James Lorenz

Magistrate Judge Michael S. Berg

1 On June 11, 2019, Plaintiff filed an Unopposed Motion for an Order Granting
2 Preliminary Approval of Class Action Settlement and Directing Dissemination of Notice
3 to Class (the “Preliminary Approval Motion”).

4 On December 18, 2019, the Court entered an Order Conditionally Granting
5 Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Action Settlement (ECF
6 No. 102) (the “Conditional Preliminary Approval Order”).

7 In addition to setting certain conditions on the investment of the Settlement Fund,
8 the Conditional Preliminary Approval Order required the Parties to modify the settlement
9 terms by: (i) identifying an appropriate *cy pres* award recipient; and (ii) modifying the form
10 of Notice of Proposed Settlement and Settlement Agreement pursuant to the Court’s
11 instruction. *Id.* at 19-21.

12 In accordance with the Court’s instruction in the Conditional Preliminary Approval
13 Order, the parties have identified the Investor Protection Trust (the “IPT”) as an appropriate
14 recipient of any *cy pres* award. The IPT is a 501(c)(3) non-profit organization
15 headquartered in Washington, D.C. The IPT was founded in 1993 as part of a multi-state
16 settlement to resolve charges of misconduct, and serves to educate investors throughout the
17 United States. A brochure of recent and upcoming IPT events is attached as Exhibit A.

18 Plaintiffs and the Claims Administrator have also modified the Notice of Proposed
19 Settlement, in accordance with the Court’s instructions, and formatted it for publication. A
20 copy of the revised Notice of Proposed Settlement (redline) is attached as Exhibit B.

21 The parties have also modified the definition of “Escrow Account” in the Stipulation
22 of Settlement pursuant to the Court’s instruction. *See* Conditional Preliminary Approval
23 Order, at 19.

24 In light of the Court’s decision to enter its own form of order granting preliminary
25 approval to the settlement, in lieu of the form of preliminary approval order proposed in
26 the Stipulation of Settlement, the parties have also agreed to amend the definitions of
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“Effective Date” and “Preliminary Approval Order” set forth in the Stipulation of Settlement to refer to the Conditional Preliminary Approval Order entered by the Court.

An amendment of the Stipulation of Settlement reflecting these changes, and the other modifications described above, is attached as Exhibit C.

For the foregoing reasons, the Parties respectfully request that the Court preliminarily approve these modifications of the settlement by entering the proposed order included with this motion.

[Signatures on following page]

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Dated: December 24, 2019

Respectfully Submitted,
COVINGTON & BURLING LLP
By: /s/ Mark P. Gimbel
Mark P. Gimbel

Mark P. Gimbel (admitted *pro hac vice*)
C. William Phillips (admitted *pro hac vice*)
Jordan S. Joachim (admitted *pro hac vice*)
The New York Times Building
620 Eighth Avenue
New York, NY 10018-1405
Tel: (212) 841-1000
Email: mgimbel@cov.com

Mark Y. Chen (SBN 310450)
1999 Avenue of the Stars, Suite 3500
Los Angeles, California 90067
Tel: (424) 332-4800
Email: mychen@cov.com

Attorneys for Defendants

Dated: December 24, 2019

LEVI & KORSINSKY, LLP
By: /s/ Adam M. Apton
Adam M. Apton

Adam M. Apton (SBN 316506)
Adam C. McCall (SBN 302130)
445 South Figueroa St., 31st Floor
Los Angeles, CA 90071
Tel: 213/985-7290
Fax: 202/333-2121
Email: aapton@zlk.com
Email: amccall@zlk.com

LEVI & KORSINSKY LLP
Nicholas I. Porritt (admitted *pro hac vice*)
1101 30th Street NW, Suite 115
Washington, DC 20007
Tel: 202/524-4290
Fax: 202/333-2121
Email: nporritt@zlk.com

*Attorneys for Lead Plaintiff and Lead
Counsel for Class*

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SIGNATURE ATTESTATION

Under Section 2.f.4 of the Court’s CM/ECF Administrative Policies, I hereby certify that authorization for the filing of this document has been obtained from each of the other signatories shown above and that all signatories have authorized placement of their electronic signature on this document.

By: /s/ Adam M. Apton
Adam M. Apton