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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

**PLAINTIFFS' UNOPPOSED
MOTION FOR ENTRY OF FINAL
APPROVAL AND DISTRIBUTION
ORDERS**

Hearing Date: December 7, 2020

**NO ORAL ARGUMENT UNLESS
REQUESTED BY THE COURT**

Judge: Hon. M. James Lorenz

Magistrate Judge Michael S. Berg

TO: THE COURT AND ALL COUNSEL OF RECORD

The Parties submitted a Joint Motion for Entry of Final Approval Order with a revised Proposed Final Judgment and Order of Dismissal with Prejudice on May 29, 2020 (ECF No. 111) (the "Final Judgment"). Since that time, Plaintiffs' Claims Administrator for the Settlement, JND Legal Administration, has completed its review and processing of the claims submitted in this action. Consequently, Plaintiffs seek permission to distribute the Net Settlement Fund as detailed in the accompanying Declaration of Declaration of Luiggy Segura (Exhibit 1) (the "Segura Decl."), contingent upon the Court's entry of the

1 Final Judgment. Defendants do not oppose this application and take no position on the
2 request to distribute funds, as follows:

3 WHEREAS, this class action lawsuit alleging securities fraud claims under the
4 Securities Exchange Act of 1934 was initially commenced on December 16, 2016;

5 WHEREAS, on June 11, 2019, Anton Agoshkov, individually and as the putative
6 assignee of Lead Plaintiff Natissisa Enterprises, Braden Van Der Wall, and Steven
7 Romanoff (hereinafter, collectively, “Plaintiffs”) reached a proposed settlement with the
8 Defendants (the “Settlement”) (ECF No. 95-2);

9 WHEREAS, on December 18, 2019, the Court conditionally granted preliminary
10 approval of the Settlement and ordered the Parties to modify certain terms of the
11 Settlement, including (i) identifying an appropriate *cy pres* award recipient; and (ii)
12 modifying the Notice of Pendency and Proposed Settlement of Class Action pursuant to
13 the Court’s instruction (the “Notice”) (ECF No. 102);

14 WHEREAS, on January 8, 2020, in response to the Parties modifying the Settlement
15 as directed, the Court granted preliminary approval of the Settlement (ECF No. 104);

16 WHEREAS, on March 2, 2020, Plaintiffs moved for: final approval of the
17 Settlement (ECF No. 105); and for an award of attorneys’ fees, reimbursement of expenses,
18 and incentive awards (ECF No. 106) (together, the “Final Approval and Fee Motions”);

19 WHEREAS, on April 8, 2020, the Court vacated the hearing scheduled for April 20,
20 2020 and deemed the Final Approval and Fee Motions submitted without oral argument
21 pursuant to Civil Local Rule 7.1(d)(1) (ECF No. 109);

22 WHEREAS, on May 29, 2020, the Parties submitted the Final Judgment listing
23 Robert Fisher as the only valid request for exclusion (ECF No. 111);

24 WHEREAS, since the Parties submitted the Final Judgment, JND Legal
25 Administration has completed its review of the claims submitted in response to the Notice,
26 processed these claims, and calculated each claimant’s loss pursuant to the Plan of
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1 Allocation in the Notice, as detailed in the accompanying Declaration of Luiggy Segura
2 (Exhibit 1);

3 WHEREAS, JND Legal Administration disseminated over 76,000 Notices to
4 potential members of the Settlement Class; received and processed 33,400 claims in
5 response; and, as of August 31, 2020, accepted in whole or in part 9,782 claims (including
6 claims that were initially deficient but subsequently cured and claims that were untimely
7 but otherwise valid) (*id.* at ¶¶4, 8, 34);

8 WHEREAS, the Claims Administrator calculated that the total recognized loss for
9 the provisionally-accepted claims in accordance with the Plan of Allocation in the Notice
10 is \$166,356,399.57 (*id.* at ¶36), which will be used to determine each claimant's *pro rata*
11 distribution of the Net Settlement Fund (*id.* at ¶38);

12 NOW, THEREFORE, provided the Court grants the Final Approval and Fee
13 Motions and enters the Final Judgment, Plaintiffs respectfully request that the Court enter
14 the accompanying Proposed Order Approving Distribution Plan, which will, among other
15 things: approve the Claims Administrator's administrative determinations concerning
16 the acceptance and rejection of the Claims submitted, including the rejection of the
17 Disputed Claims; direct payment of the Net Settlement Fund to Authorized Claimants
18 pursuant to the recommended plan for distribution; release and discharge all persons
19 associated with the Settlement and bar all Class members from making any further claims;
20 and provide for a date certain for the destruction of documents.
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Dated: November 3, 2020

Respectfully Submitted,
LEVI & KORSINSKY, LLP

By: /s/ Adam M. Apton
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