

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re AppHarvest Securities Litigation

Case No. 1:21-cv-07985-LJL

~~PROPOSED~~ ORDER APPROVING PLAN OF ALLOCATION OF THE NET
SETTLEMENT FUND

THIS CAUSE came before the Court on the Unopposed Motion for Final Approval of Class Action Settlement and Plan of Allocation of Settlement Proceeds. The Court having carefully reviewed the file, and being otherwise fully advised, ORDERS as follows:

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. This Order incorporates by reference the definitions in the Stipulation and Agreement of Settlement, (the “Stipulation”) filed with the Court on February 20, 2024 (ECF 117-1), and all capitalized terms not otherwise defined herein shall have the same meanings as set forth in the Stipulation.

2. Pursuant to and in compliance with Federal Rule of Civil Procedure 23, this Court hereby finds and concludes that due and adequate notice was directed to persons who are Settlement Class Members who could be identified with reasonable effort, advising them of the Plan of Allocation and of their right to object thereto, and a full and fair opportunity was afforded to Persons who are Settlement Class Members to be heard with respect to the Plan of Allocation. There were no objections to the Plan of Allocation.

3. The Court hereby finds and concludes that the Plan of Allocation for the calculation of the claims and claimants that is set forth in the Notice of Pendency of Class Action, Proposed Settlement, and Motion for Attorneys’ Fees and Expenses (the “Notice”) disseminated to

Settlement Class Members, provides a fair and reasonable basis upon which to allocate the Net Settlement Fund among Settlement Class Members.

4. The Court hereby finds and concludes that the Plan of Allocation, as set forth in the Notice, is, in all respects, fair, reasonable, and adequate and the Court hereby approves the Plan of Allocation.

DATED this 11th day of July, 2024

BY THE COURT:

A handwritten signature in cursive script, appearing to read "L. Liman", is written over a horizontal line.

Honorable Lewis J. Liman
UNITED STATES DISTRICT JUDGE