

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

SEB INVESTMENT MANAGEMENT AB,
Individually and on Behalf of All Others Similarly
Situated,

Plaintiff,

v.

ALIGN TECHNOLOGY, INC., JOSEPH M.
HOGAN, and JOHN F. MORICI,

Defendants.

Case No. 3:18-cv-06720-VC

CLASS ACTION

~~PROPOSED~~ ORDER AWARDING
ATTORNEYS' FEES AND LITIGATION
EXPENSES

This matter is before the Court on Lead Counsel's motion for an award of attorneys' fees and Litigation Expenses. The Court having considered all matters submitted to it; and it appearing that notice substantially in the form approved by the Court, which advised of Lead Counsel's request for an award of attorneys' fees and Litigation Expenses, was mailed to all Settlement Class Members who or which could be identified with reasonable effort, and that a summary notice substantially in the form approved by the Court was published in *The Wall Street Journal* and transmitted over *PR Newswire* pursuant to the specifications of the Court; and the Court having considered and determined the fairness and reasonableness of the attorneys' fees and Litigation Expenses requested,

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. This Order incorporates by reference the definitions in the Stipulation and Agreement of Settlement dated June 30, 2021 (ECF No. 189-2) (“Stipulation”) and all capitalized terms not otherwise defined herein shall have the same meanings as set forth in the Stipulation.

2. The Court has jurisdiction to enter this Order and over the subject matter of the Action and all Parties to the Action, including all Settlement Class Members.

3. Notice of Lead Counsel’s motion for an award of attorneys’ fees and Litigation Expenses was given to all Settlement Class Members who or which could be identified with reasonable effort. The form and method of notifying the Settlement Class of the motion for an award of attorneys’ fees and Litigation Expenses satisfied the requirements of Rule 23 of the Federal Rules of Civil Procedure, the United States Constitution (including the Due Process Clause), the Private Securities Litigation Reform Act of 1995, 15 U.S.C. §§ 77z-1, 78u-4, as amended, and all other applicable law and rules, constituted the best notice practicable under the circumstances, and constituted due and sufficient notice to all persons and entities entitled thereto.

4. Lead Counsel is hereby awarded attorneys’ fees in the amount of 20 % of the Settlement Fund and \$ 190,419.50 in reimbursement of Litigation Expenses (both amounts to be paid from the Settlement Fund), which sums the Court finds to be fair and reasonable. Upon entry of this Order, Lead Counsel shall be paid its full award of Litigation Expenses and, consistent with the Court’s established practice, Lead Counsel shall be paid all but 10% of its award of attorneys’ fees, which hold-back percentage the Court finds to be appropriate for this case. With its filing of the Post-Distribution Accounting, Lead Counsel will submit a proposed order to the Court requesting the release of the remainder of its fee award.

5. In making this award of attorneys’ fees and Litigation Expenses from the Settlement Fund, the Court has considered and found that:

(a) The Settlement has created a fund of \$16,000,000 in cash that has been funded into escrow pursuant to the terms of the Stipulation, and that numerous Settlement Class Members who submit acceptable Claims will benefit from the Settlement that occurred because of the efforts of Lead Counsel;

(b) The fee sought is made pursuant to an agreement entered into between Lead Plaintiff and Lead Counsel at the outset of the Action; and the requested fee has been reviewed and approved by Lead Plaintiff, who actively supervised the prosecution and resolution of the Action;

(c) More than 149,000 copies of the Notice were mailed to potential Settlement Class Members and nominees stating that Lead Counsel would apply for attorneys' fees in an amount not to exceed 20% of the Settlement Fund, and reimbursement of Litigation Expenses in an amount not to exceed \$250,000;

(d) Lead Counsel conducted the litigation and achieved the Settlement with skill, perseverance, and diligent advocacy;

(e) The Action raised a number of complex issues;

(f) Had Lead Counsel not achieved the Settlement there would remain a significant risk that Lead Plaintiff and the other members of the Settlement Class may have recovered less or nothing from Defendants after trial;

(g) Lead Counsel devoted over 4,675 hours, with a lodestar value of \$2,766,489.50, to achieve the Settlement;

(h) The amount of attorneys' fees awarded and Litigation Expenses to be paid from the Settlement Fund are fair and reasonable and consistent with awards in similar cases; and

(i) Not a single Settlement Class Member has objected to the requested award of attorneys' fees or Litigation Expenses.

6. Any appeal or any challenge affecting this Court's approval regarding any attorneys' fees and Litigation Expenses application shall in no way disturb or affect the finality of the Court's Order Approving Class Action Settlement and Judgment.

7. In the event that the Settlement is terminated or the Effective Date of the Settlement otherwise fails to occur, this Order shall be rendered null and void to the extent provided by the Stipulation.

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

SO ORDERED this 28th day of April, 2022.

