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THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANTONIO BACHAALANI NACIF and WIES
RAFI, individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

ATHIRA PHARMA, INC., et al.,

Defendants.

CASE NO.: 2:21-cv-00861-TSZ

**DECLARATION OF THOMAS G.
HOFFMAN, JR. IN SUPPORT OF LEAD
PLAINTIFFS' UNOPPOSED
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

1 I, Thomas G. Hoffman, Jr., declare as follows:

2 1. I am a member of the law firm of Labaton Sucharow LLP, one of the Court-appointed
3 Co-Lead Counsel in this proposed class action, and I am admitted to practice *pro hac vice* before this
4 Court. I respectfully submit this declaration in support of Lead Plaintiffs' Unopposed Motion for
5 Preliminary Approval of Proposed Class Action Settlement.

6 2. True and correct copies of the following documents are annexed hereto:

7 **Exhibit 1:** Stipulation and Agreement of Settlement, dated as of April 27, 2023, with
8 exhibits thereto.

9 **Exhibit 2:** Firm resume of Strategic Claims Services.

10 **Exhibit 3:** Firm resume of Labaton Sucharow LLP.

11 **Exhibit 4:** Firm resume of Glancy Prongay & Murray LLP.

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

14 Executed this 28th day of April, 2023, at New York, New York.

15

16

17

By: s/ Thomas G. Hoffman, Jr.
LABATON SUCHAROW LLP
Thomas G. Hoffman, Jr.
140 Broadway
New York, New York 10005
Phone: (212) 907-0700
Fax: (212) 818-0477
Email: thoffman@labaton.com

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*Co-Lead Counsel for Lead Plaintiffs and the Proposed
Settlement Class*

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Exhibit 1

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THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANTONIO BACHAALANI NACIF and
WIES RAFI, Individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

ATHIRA PHARMA, INC., et al.,

Defendants.

CASE NO.: 2:21-cv-00861-TSZ
(Consolidated with 21-cv-00862-TSZ and 21-
cv-00864-TSZ)

STIPULATION AND AGREEMENT OF SETTLEMENT

This Stipulation and Agreement of Settlement, dated as of April 27, 2023 (the “Stipulation”) is entered into by and among (a) Court-appointed lead plaintiffs Antonio Bachaalani Nacif and Wies Rafi (collectively, “Lead Plaintiffs”), on behalf of themselves and the Settlement Class (defined below); (b) Athira Pharma, Inc. (“Athira” or the “Company”); (c) Dr. Leen Kawas, Glenna Mileson, Dr. Tadataka Yamada, Joseph Edelman, James A. Johnson, and John M. Fluke, Jr. (the “Individual Defendants”); and (d) Goldman Sachs & Co. LLC, Jefferies LLC, Stifel, Nicolaus & Company, Inc., and JMP Securities LLC (the “Underwriter Defendants,” together with Athira and Individual Defendants, “Defendants” and, Defendants together with Lead Plaintiffs, the “Parties”), and

1 embodies the terms and conditions of the settlement of the above-captioned action (the “Action”).¹
2 Subject to the approval of the Court and the terms and conditions expressly provided herein, this
3 Stipulation is intended to fully, finally and forever compromise, settle, release, resolve, and dismiss
4 with prejudice the Action and all claims asserted or that could have been asserted therein against
5 Defendants.

6
7 WHEREAS:

8 A. A class action complaint was filed on June 25, 2021 in the United States District
9 Court for the Western District of Washington (the “Court”), styled *Fan Wang and Hang Gao v.*
10 *Athira Pharma, Inc. et al.*, Case No. 2:21-cv-00861. ECF No. 1. Thereafter, complaints in the
11 following actions were also filed: *Jawandha v. Athira Pharma, Inc., et al.*, Case No. 2:21-cv-00862-
12 JCC (W.D. Wash.) and *Slyne et al. v. Athira Pharma, Inc., et al.*, 2:21-cv-00864-JLR (W.D. Wash.).
13 The cases were consolidated by Order dated August 9, 2021, and assigned to the Honorable Thomas
14 S. Zilly. ECF No. 15.

15
16 B. By Order dated October 5, 2021, Nacif and Rafi were appointed Lead Plaintiffs,
17 Labaton Sucharow LLP and Glancy Prongay & Murray LLP were approved as Co-Lead Counsel,
18 and Breskin Johnson & Townsend, PLLC and Rossi Vucinovich, P.C. were approved as Liaison
19 Counsel. ECF No. 60.

20 C. On January 7, 2022, Lead Plaintiffs filed and served the operative consolidated
21 amended complaint in this Action asserting claims against Athira and the Individual Defendants
22 under Section 10(b) and Section 20(a) of the Securities Exchange Act of 1934 (the “Exchange Act”)
23 and Rule 10b-5 promulgated thereunder, claims against all Defendants under Sections 11 and
24 12(a)(2) of the Securities Act of 1933 (the “Securities Act”) with respect to the Company’s Initial
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26
27 ¹ All terms with initial capitalization not otherwise defined herein shall have the meanings ascribed
28 to them in ¶ 1 herein.

1 Public Offering (“IPO”) and Secondary Public Offering (“SPO”), and claims against the Individual
2 Defendants under Section 15 of the Securities Act with respect to the Company’s IPO and SPO (the
3 “Complaint”). ECF No. 74. Among other things, the Complaint alleged that Defendants made
4 materially false and misleading statements and/or failed to disclose that the Company’s president
5 and chief executive officer, Dr. Kawas, had improperly enhanced images in certain research papers
6 she co-authored that were published from 2011 to 2014, which were referenced in certain
7 applications by Washington State University (“WSU”) for patents that were then exclusively
8 licensed to Athira. The Complaint further alleged that when the information regarding the allegedly
9 enhanced images was disclosed, the Company’s stock price was negatively impacted.
10

11 D. Following briefing on the Defendants’ motions to dismiss, the Court granted in part
12 and denied in part Defendants’ motions to dismiss on July 29, 2022 (“MTD Order”). ECF No. 89.
13 The MTD Order denied Defendants’ motion with respect to Lead Plaintiffs’ claims under Sections
14 11 and 15 of the Securities Act against Dr. Kawas and Athira solely as to “Statement 3,” which was
15 contained in Athira’s IPO and SPO Registration Statements and discussed Athira’s exclusive patent
16 licensing agreement with WSU. MTD Order at 49. The MTD Order granted Defendants’ motions
17 to dismiss with respect to Lead Plaintiffs’ claims under Sections 11 and 15 of the Securities Act
18 against Athira and Dr. Kawas with regard to all statements in the IPO and SPO Registration
19 Statements other than “Statement 3.” In addition, the MTD Order dismissed all claims under Section
20 12(a)(2) of the Securities Act, all claims under the Exchange Act, all claims against the other
21 Individual Defendants, and all claims against the Underwriter Defendants.
22

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24 E. On August 12, 2022, Dr. Kawas moved for partial reconsideration of the MTD Order
25 (ECF No. 90), which Lead Plaintiffs opposed (ECF Nos. 92-93).
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1 F. Following the MTD Order and the denial of Dr. Kawas’s motion for partial
2 reconsideration of the MTD Order on October 4, 2022 (ECF No. 95), Athira and Dr. Kawas
3 separately filed answers to the Complaint. ECF Nos. 101-02.²

4 G. Thereafter, the Private Securities Litigation Reform Act of 1995 (“PSLRA”)
5 discovery stay was lifted, and the remaining Parties began discovery. Discovery included the filing
6 of a joint discovery plan, a protective order and ESI Protocol governing the production of electronic
7 discovery. Lead Plaintiffs and the remaining Defendants propounded requests for production of
8 documents and interrogatories. The remaining Defendants and Lead Plaintiffs responded to this
9 discovery, including providing verified interrogatory responses and producing documents. At the
10 time the Settlement was reached, Lead Plaintiffs were preparing for class certification and fact
11 depositions.
12

13 H. On February 16, 2023, Co-Lead Counsel and counsel for the remaining Defendants
14 participated in a full-day mediation session with Jed Melnick, Esq. of JAMS. In advance of the
15 session, the Lead Plaintiffs and the remaining Defendants exchanged, and provided to Mr. Melnick,
16 detailed mediation statements and exhibits, which addressed issues of both liability and damages.
17 The session culminated in an agreement in principle to settle the Action.
18

19 I. Over the course of the next several weeks, the Parties negotiated a term sheet (the
20 “Term Sheet”) containing the essential terms of the Settlement, which was executed on February
21 28, 2023.
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25 ² The Underwriter Defendants filed a Motion for Entry of Final Judgment under Rule 54(b) on
26 December 19, 2022. ECF No. 105. Following briefing on the motion, the Court entered an order
27 deferring and renoticing the motion for March 17, 2023. ECF No. 114. Based on the proposed
28 Settlement, the Underwriter Defendants entered a stipulation to withdraw that motion without
prejudice to refile it if the Settlement is not completed for any reason.

1 J. In connection with the agreement in principle to settle the Action set forth in the
2 Term Sheet, Athira also provided Co-Lead Counsel with additional document discovery, which
3 consisted of documents the Special Committee of Athira's Board of Directors considered and relied
4 on in its investigation into the conduct at issue. Review of the additional documents produced by
5 Athira, together with the previous discovery and Co-Lead Counsel's investigation to date, has
6 confirmed to Lead Plaintiffs and Co-Lead Counsel that the Settlement is fair, reasonable and
7 adequate to Lead Plaintiffs and the other members of the Settlement Class.
8

9 K. This Stipulation (together with the exhibits hereto) reflects the final and binding
10 agreement among all Parties.

11 L. Based upon their investigation, prosecution and mediation of the case, Lead Plaintiffs
12 and Co-Lead Counsel have concluded that the terms and conditions of this Stipulation and the
13 Settlement are fair, reasonable, and adequate to Lead Plaintiffs and the other members of the
14 Settlement Class, and in their best interests. Based on Lead Plaintiffs' direct oversight of the
15 prosecution of this Action and with the advice of their counsel, each of the Lead Plaintiffs has agreed
16 to settle and release the claims raised in the Action pursuant to the terms and provisions of this
17 Stipulation, after considering, among other things: (a) the substantial financial benefit that Lead
18 Plaintiffs and the other members of the Settlement Class will receive under the proposed Settlement;
19 and (b) the significant risks and costs of continued litigation and trial.
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22 M. This Stipulation constitutes a compromise of matters that are in dispute between the
23 Parties. Defendants are entering into this Stipulation solely to eliminate the uncertainty, burden,
24 and expense of further protracted litigation. Each of the Defendants denies any wrongdoing or
25 liability, and this Stipulation shall in no event be construed or deemed to be evidence of or an
26 admission or concession on the part of any of the Defendants or any other of the Released
27 Defendants' Parties with respect to any claim or allegation of any fault or liability or wrongdoing
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1 or damage whatsoever, or any infirmity in the defenses that the Defendants have, or could have,
2 asserted. The Defendants expressly deny that Lead Plaintiffs have asserted any valid claims as to
3 any of them, and expressly deny any and all allegations of fault, liability, wrongdoing or damages
4 whatsoever. Similarly, this Stipulation shall in no event be construed or deemed to be evidence of
5 or an admission or concession on the part of any Lead Plaintiff of any infirmity in any of the claims
6 asserted in the Action, or an admission or concession that any of the Defendants' defenses to liability
7 had any merit. Each of the Parties recognizes and acknowledges, however, that the Action has been
8 initiated, filed and prosecuted by Lead Plaintiffs in good faith and defended by Defendants in good
9 faith, that the Action is being voluntarily settled with the advice of counsel, and that the terms of the
10 Settlement are fair, adequate and reasonable.
11

12 NOW THEREFORE, it is hereby STIPULATED AND AGREED, by and among Lead
13 Plaintiffs (individually and on behalf of all other members of the Settlement Class) and Defendants,
14 by and through their respective undersigned attorneys and subject to the approval of the Court
15 pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, that, in consideration of the benefits
16 flowing to the Parties from the Settlement, all Released Plaintiffs' Claims as against the Released
17 Defendants' Parties and all Released Defendants' Claims as against the Released Plaintiffs' Parties
18 shall be settled and released, upon and subject to the terms and conditions set forth below.
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21 DEFINITIONS

22 1. As used in this Stipulation and any exhibits attached hereto and made a part hereof,
23 the following capitalized terms shall have the following meanings:

24 (a) "Action" means the consolidated securities class action in the matter styled
25 *Nacif et al., v. Athira Pharma, Inc. et al.*, Case No.: 2:21-cv-00861-TSZ (W.D. Wash.), and includes
26 all actions consolidated therein.
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1 (b) “Alternate Judgment” means a form of final judgment that may be entered by
2 the Court herein but in a form other than the form of Judgment provided for in this Stipulation.

3 (c) “Athira” or the “Company” means Athira Pharma, Inc.

4 (d) “Authorized Claimant” means a Settlement Class Member who submits a
5 Proof of Claim Form to the Claims Administrator that is approved for payment from the Net
6 Settlement Fund.

7 (e) “Claim” means a Proof of Claim Form submitted to the Claims
8 Administrator.

9 (f) “Claim Form” or “Proof of Claim Form” means the form, substantially in the
10 form attached hereto as Exhibit 2 to Exhibit A, that a Claimant must complete and submit should
11 that Claimant seek to share in a distribution of the Net Settlement Fund.

12 (g) “Claimant” means a person or entity who or which submits a Claim Form to
13 the Claims Administrator seeking to be eligible to share in the proceeds of the Net Settlement Fund.

14 (h) “Claims Administrator” means the firm retained by Lead Plaintiffs and Co-
15 Lead Counsel, subject to approval of the Court, to provide all notices approved by the Court to
16 potential Settlement Class Members and to administer the Settlement.

17 (i) “Class Period” means the period from September 17, 2020 through June 17,
18 2021, inclusive.

19 (j) “Co-Lead Counsel” means the law firms of Glancy Prongay & Murray, LLP
20 and Labaton Sucharow LLP.

21 (k) “Complaint” means the Consolidated Amended Complaint for Violations of
22 the Federal Securities Laws filed by Lead Plaintiffs in the Action on January 7, 2022.

23 (l) “Court” means the United States District Court for the Western District of
24 Washington.

1 (m) “Defendants” means Athira, the Individual Defendants, and the Underwriter
2 Defendants.

3 (n) “Defendants’ Counsel” means the law firms of Wilson Sonsini Goodrich &
4 Rosati, P.C., Perkins Coie LLP, and DLA Piper LLP (US).

5 (o) “Effective Date” with respect to the Settlement means the first date by which
6 all of the events and conditions specified in ¶ 31 of this Stipulation have been met and have occurred
7 or have been waived.

8 (p) “Escrow Account” means an account maintained at Citibank N.A. (Private
9 Bank) wherein the Settlement Amount shall be deposited and held in escrow under the control of
10 Co-Lead Counsel.

11 (q) “Escrow Agent” means Citibank N.A. (Private Bank).

12 (r) “Excluded Claim(s)” means (i) any claims relating to enforcement of the
13 Settlement; (ii) any claims of any person or entity who or which submits a request for exclusion
14 from the Settlement Class that is accepted by the Court; and (iii) any derivative claims asserted by
15 shareholders on behalf of Athira in the related consolidated shareholder derivative lawsuits,
16 captioned *Bushansky v. Kawas et al.*, No. 2:22-cv-497-TSZ (W.D. Wash.) and *Houlihan v. Kawas*
17 *et al.*, No. 2:22-cv-620-TSZ (W.D. Wash.).

18 (s) “Final,” with respect to the Judgment or, if applicable, the Alternate
19 Judgment, or any other court order, means: (i) if no appeal is filed, the expiration date of the time
20 provided for filing or noticing any appeal under the Federal Rules of Appellate Procedure, *i.e.*, thirty
21 (30) days after entry of the judgment or order; or (ii) if there is an appeal from the judgment or order,
22 (a) the date of final dismissal of all such appeals, or the final dismissal of any proceeding on
23 certiorari or otherwise, or (b) the date the judgment or order is finally affirmed on an appeal, the
24 expiration of the time to file a petition for a writ of certiorari or other form of review, or the denial
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1 of a writ of certiorari or other form of review, and, if certiorari or other form of review is granted,
2 the date of final affirmance following review pursuant to that grant. However, any appeal or
3 proceeding seeking subsequent judicial review pertaining solely to an order issued with respect to
4 (i) attorneys' fees, costs or expenses, or (ii) the plan of allocation of Settlement proceeds (as
5 submitted or subsequently modified), shall not in any way delay or preclude a judgment from
6 becoming Final.
7

8 (t) "Immediate Family" means any immediate family member as that term is
9 defined in 17 C.F.R. § 229.404, Instructions (1)(a)(iii) and (1)(b)(ii).

10 (u) "Individual Defendants" means Dr. Leen Kawas, Glenna Mileson, Dr.
11 Tadataka Yamada, Joseph Edelman, James A. Johnson, and John M. Fluke, Jr.

12 (v) "Investment Vehicle" means any investment company or pooled investment
13 fund, including, but not limited to, mutual funds, mutual fund families, exchange traded funds, fund
14 of funds, and hedge funds, in which any of the Underwriter Defendants have, has or may have a
15 direct or indirect interest, or as to which it or its affiliates may act as an investment advisor, but in
16 which any of the Underwriter Defendants alone or together with their respective affiliates is not a
17 majority owner or does not hold a majority beneficial interest.
18

19 (w) "IPO" means Athira's September 2020 initial public offering.

20 (x) "Judgment" means the final judgment, substantially in the form attached
21 hereto as Exhibit B, to be entered by the Court approving the Settlement.
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23 (y) "Lead Plaintiffs" means Antonio Bachaalani Nacif and Wies Rafi.

24 (z) "Litigation Expenses" means costs and expenses incurred in connection with
25 commencing, prosecuting and settling the Action (which may include the costs and expenses of
26 Lead Plaintiffs directly related to their representation of the Settlement Class), for which Co-Lead
27 Counsel intends to apply to the Court for reimbursement from the Settlement Fund.
28

1 (aa) "Net Settlement Fund" means the Settlement Fund less: (i) any Taxes;
2 (ii) any Notice and Administration Costs; (iii) any Litigation Expenses awarded by the Court;
3 (iv) any attorneys' fees awarded by the Court; and (v) any other costs and fees awarded by the Court.

4 (bb) "Notice" means the Notice of (I) Pendency of Class Action and Proposed
5 Settlement; (II) Settlement Hearing; and (III) Motion for an Award of Attorneys' Fees and Payment
6 of Litigation Expenses, substantially in the form attached hereto as Exhibit 1 to Exhibit A, which is
7 to be mailed to Settlement Class Members.

8 (cc) "Notice and Administration Costs" means the costs, fees and expenses that
9 are incurred by the Claims Administrator and/or Co-Lead Counsel in connection with: (i) providing
10 notices to the Settlement Class; and (ii) administering the Settlement, including but not limited to
11 the Claims process, as well as the costs, fees and expenses incurred in connection with the Escrow
12 Account.

13 (dd) "Parties" means Defendants and Lead Plaintiffs, on behalf of themselves and
14 the Settlement Class.

15 (ee) "Person" means any individual, corporation (including all divisions and
16 subsidiaries), general or limited partnership, association, joint stock company, joint venture, limited
17 liability company, professional corporation, estate, legal representative, trust, unincorporated
18 association, government or any political subdivision or agency thereof, and any other business or
19 legal entity.

20 (ff) "Plaintiffs' Counsel" means Labaton Sucharow LLP, Glancy Prongay &
21 Murray LLP, Rossi Vucinovich, P.C., and the Schall Law Firm.

22 (gg) "Plan of Allocation" means the proposed plan of allocation of the Net
23 Settlement Fund set forth in the Notice.

1 (hh) “Preliminary Approval Order” means the order, substantially in the form
2 attached hereto as Exhibit A, to be entered by the Court preliminarily approving the Settlement and
3 directing that notice of the Settlement be provided to the Settlement Class.

4 (ii) “PSLRA” means the Private Securities Litigation Reform Act of 1995, Public
5 Law No. 104-67, 109 Stat. 737 (codified as amended in scattered sections of 15 U.S.C.).

6 (jj) “Released Claims” means all Released Defendants’ Claims and all Released
7 Plaintiffs’ Claims.

8 (kk) “Released Defendants’ Claims” means all claims and causes of action of
9 every nature and description, whether known claims or Unknown Claims, whether arising under
10 federal, state, local, common, statutory, administrative, or foreign law, or any other law, rule, or
11 regulation, at law or in equity, whether fixed or contingent, whether foreseen or unforeseen, whether
12 accrued or unaccrued, whether liquidated or unliquidated, whether matured or unmatured, whether
13 direct, representative, class, or individual in nature that arise out of or relate in any way to the
14 institution, prosecution, or settlement of the claims against the Defendants. Released Defendants’
15 Claims do not include any claims relating to the enforcement of the Settlement or any claims against
16 any person or entity who or which submits a request for exclusion from the Settlement Class that is
17 accepted by the Court.

18 (ll) “Released Defendants’ Parties” means (a) each Defendant; (b) the Immediate
19 Family members (as defined above) of the Individual Defendants; (c) direct or indirect parent
20 entities, subsidiaries, related entities, and affiliates of Athira and the Underwriter Defendants; (d)
21 any trust of which any Individual Defendant is the settlor or which is for the benefit of any Individual
22 Defendant and/or his or her Immediate Family members; (e) for any of the entities listed in parts (a)
23 through (d), their respective past and present general partners, limited partners, principals,
24 shareholders, joint venturers, members, officers, directors, managers, managing directors,
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1 supervisors, employees, contractors, consultants, experts, auditors, accountants, financial advisors,
2 professional advisors, investment bankers, representatives, insurers, trustees, trustors, agents,
3 attorneys, professionals, predecessors, successors, assigns, legal representatives, heirs, executors,
4 administrators, and any controlling person thereof; and (f) any entity in which a Defendant has a
5 controlling interest; all in their capacities as such.

6
7 (mm) “Released Plaintiffs’ Claims” means any and all claims, demands, rights,
8 liabilities, and causes of action of every nature and description, whether known claims or Unknown
9 Claims, contingent or absolute, mature or not mature, liquidated or unliquidated, accrued or not
10 accrued, concealed or hidden, whether direct, representative, class, or individual in nature,
11 regardless of legal or equitable theory and whether arising under federal, state, common, or foreign
12 law, that Lead Plaintiffs or any other member of the Settlement Class: (a) asserted in the Action; or
13 (b) could have asserted in any court or forum, that arise out of or are based upon (i) the allegations,
14 transactions, facts, matters or occurrences, representations or omissions set forth or referred to in
15 the complaints filed in the Action, and (ii) the purchase, acquisition, sale, or holding of Athira
16 publicly traded common stock during the Class Period or pursuant and/or traceable to the
17 registration statements and prospectuses issued in connection with Athira’s IPO or SPO. Released
18 Plaintiffs’ Claims do not include: (a) any claims relating to enforcement of the Settlement; (b) any
19 claims of any person or entity who or which submits a request for exclusion from the Settlement
20 Class that is accepted by the Court; and (c) any derivative claims asserted by shareholders on behalf
21 of Athira in the related consolidated shareholder derivative lawsuits, captioned *Bushansky v. Kawas,*
22 *et al.*, No. 2:22-cv-497-TSZ (W.D. Wash.) and *Houlihan v. Kawas et al.*, No. 2:22-cv-620-TSZ
23 (W.D. Wash.).

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26 (nn) “Released Plaintiffs’ Parties” means (a) Lead Plaintiffs, all Settlement Class
27 members, Plaintiffs’ Counsel, and (b) each of their respective family members, and their respective
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1 general partners, limited partners, principals, shareholders, joint venturers, members, officers,
2 directors, managers, managing directors, supervisors, employees, contractors, consultants, experts,
3 auditors, accountants, financial advisors, professional advisors, investment bankers, representatives,
4 insurers, trustees, trustors, agents, attorneys, legal representatives, professionals, predecessors,
5 successors, assigns, heirs, executors, administrators, and any controlling person thereof, in their
6 capacities as such.

7
8 (oo) "Releasee(s)" means each and any of the Released Defendants' Parties and
9 each and any of the Released Plaintiffs' Parties.

10 (pp) "Releases" means the releases set forth in ¶¶ 5-6 of this Stipulation.

11 (qq) "Settlement" means the settlement between Lead Plaintiffs and Defendants
12 on the terms and conditions set forth in this Stipulation.

13 (rr) "Settlement Amount" means \$10,000,000 (ten million dollars) in cash.

14 (ss) "Settlement Class" means all persons and entities who or which purchased
15 or otherwise acquired Athira Pharma, Inc. publicly traded common stock: (a) during the period from
16 September 17, 2020 through June 17, 2021, inclusive; (b) pursuant and/or traceable to the
17 registration statement and prospectus issued in connection with the Company's September 2020
18 initial public offering; and/or (c) pursuant and/or traceable to the registration statement and
19 prospectus issued in connection with the Company's January 2021 secondary public offering, and
20 were damaged thereby. Excluded from the Settlement Class are: (a) Defendants; (b) any Person
21 who served as a partner, control person, executive officer and/or director of Athira or the
22 Underwriter Defendants during the Class Period, and members of their Immediate Family; (c)
23 present and former parents, subsidiaries, assigns, successors, affiliates, and predecessors of Athira
24 and the Underwriter Defendants; (d) any entity in which the Defendants have or had a controlling
25 interest; (e) any trust of which an Individual Defendant is the settlor or which is for the benefit of
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1 an Individual Defendant and/or member(s) of their Immediate Family; (f) liability insurance carriers
2 for Athira or the Individual Defendants; and (g) the legal representatives, heirs, successors, and
3 assigns of any person or entity excluded under provisions (a) through (f) hereof. Notwithstanding
4 any provision to the contrary, (a) any Investment Vehicle shall not be excluded from the Settlement
5 Class; and (b) “affiliates” are persons or entities that directly, or indirectly through one or more
6 intermediaries, control, are controlled by or are under common control with one of the Defendants,
7 including Athira’s employee retirement and/or benefit plan(s). Also excluded from the Settlement
8 Class are any persons and entities who or which submit a valid request for exclusion from the
9 Settlement Class that is accepted by the Court.

11 (tt) “Settlement Class Member” means each person and entity who or which is a
12 member of the Settlement Class.

14 (uu) “Settlement Fund” means the Settlement Amount plus any and all interest or
15 earnings thereon.

16 (vv) “Settlement Hearing” means the hearing set by the Court under Rule 23(e)(2)
17 of the Federal Rules of Civil Procedure to consider final approval of the Settlement and related
18 matters.

19 (ww) “SPO” means Athira’s January 2021 secondary public offering.

21 (xx) “Summary Notice” means the Summary Notice of (I) Pendency of Class
22 Action and Proposed Settlement; (II) Settlement Hearing; and (III) Motion for an Award of
23 Attorneys’ Fees and Payment of Litigation Expenses, substantially in the form attached hereto as
24 Exhibit 3 to Exhibit A, to be published as set forth in the Preliminary Approval Order.

25 (yy) “Taxes” means: (i) all federal, state and/or local taxes of any kind (including
26 any interest or penalties thereon) on any income earned by the Settlement Fund; and (ii) the expenses
27 and costs incurred by Co-Lead Counsel in connection with determining the amount of, and paying,
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1 any taxes owed by the Settlement Fund (including, without limitation, expenses of tax attorneys and
2 accountants).

3 (zz) “Underwriter Defendants” mean Goldman Sachs & Co. LLC, Jefferies LLC,
4 Stifel, Nicolaus & Company, Inc., and JMP Securities LLC.

5 (aaa) “Unknown Claims” means any Released Plaintiffs’ Claims which any Lead
6 Plaintiff or any other Settlement Class Member does not know or suspect to exist in his, her or its
7 favor at the time of the release of such claims, and any Released Defendants’ Claims which any
8 Defendant or any other Released Defendant Party does not know or suspect to exist in his, her, or
9 its favor at the time of the release of such claims, which, if known by him, her or it, might have
10 affected his, her or its decision(s) with respect to this Settlement. With respect to any and all
11 Released Claims, the Parties stipulate and agree that, upon the Effective Date of the Settlement,
12 Lead Plaintiffs and Defendants shall expressly waive, and each of the other Settlement Class
13 Members and each of the other Released Defendants’ Parties shall be deemed to have waived, and
14 by operation of the Judgment or the Alternate Judgment, if applicable, shall have expressly waived,
15 any and all provisions, rights, and benefits conferred by any law of any state or territory of the
16 United States, or principle of common law or foreign law, which is similar, comparable, or
17 equivalent to California Civil Code §1542, which provides:
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20 A general release does not extend to claims that the creditor or releasing party does
21 not know or suspect to exist in his or her favor at the time of executing the release
22 and that, if known by him or her, would have materially affected his or her settlement
23 with the debtor or released party.

24 Lead Plaintiffs and Defendants acknowledge, and each of the other Settlement Class Members and
25 each of the other Released Defendants’ Parties shall be deemed by operation of law to have
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28

1 acknowledged, that the foregoing waiver was separately bargained for and a key element of the
2 Settlement.

3 **CLASS CERTIFICATION**

4 2. Solely for purposes of the Settlement and for no other purpose, Defendants stipulate
5 and agree to: (a) certification of the Action as a class action pursuant to Rules 23(a) and 23(b)(3) of
6 the Federal Rules of Civil Procedure on behalf of the Settlement Class; (b) certification of Lead
7 Plaintiffs as Class Representatives for the Settlement Class; and (c) appointment of Co-Lead
8 Counsel as Class Counsel for the Settlement Class pursuant to Rule 23(g) of the Federal Rules of
9 Civil Procedure.
10

11 **PRELIMINARY APPROVAL OF SETTLEMENT**

12 3. Promptly upon execution of this Stipulation, Lead Plaintiffs will move for
13 preliminary approval of the Settlement, certification of the Settlement Class for settlement purposes
14 only, and the scheduling of a hearing for consideration of final approval of the Settlement, which
15 motion shall be unopposed by Defendants. Concurrently with the motion for preliminary approval,
16 Lead Plaintiffs shall apply to the Court for, and Defendants shall agree to, entry of the Preliminary
17 Approval Order, substantially in the form attached hereto as Exhibit A.
18

19 **RELEASE OF CLAIMS**

20 4. The obligations incurred pursuant to this Stipulation are in consideration of: (i) the
21 full and final disposition of the Action as against Defendants; and (ii) the Releases provided for
22 herein.
23

24 5. Pursuant to the Judgment, or the Alternate Judgment, if applicable, without further
25 action by anyone, upon the Effective Date of the Settlement, Lead Plaintiffs and each of the other
26 Settlement Class Members, on behalf of themselves, and their respective heirs, executors,
27 administrators, trustees, predecessors, successors, and assigns, in their capacities as such only, shall
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1 be deemed to have, and by operation of law and of the Judgment or Alternate Judgment shall have,
2 fully, finally and unconditionally released as against the Defendants and the other Released
3 Defendants' Parties each and every Released Plaintiffs' Claim, and shall forever be barred and
4 enjoined from prosecuting any or all of the Released Plaintiffs' Claims against any of the Defendants
5 and other Released Defendants' Parties. This release shall not apply to any Excluded Claim.
6

7 6. Pursuant to the Judgment, or the Alternate Judgment, if applicable, without further
8 action by anyone, upon the Effective Date of the Settlement, Defendants, on behalf of themselves
9 and their respective heirs, executors, administrators, trustees, predecessors, successors, and assigns,
10 in their capacities as such only, shall be deemed to have, and by operation of law and of the Judgment
11 or Alternate Judgment shall have, fully, finally and unconditionally released as against Lead
12 Plaintiffs and the other Released Plaintiffs' Parties each and every Released Defendants' Claim, and
13 shall forever be barred and enjoined from prosecuting any or all of the Released Defendants' Claims
14 against any of the Released Plaintiffs' Parties. This release shall not apply to any person or entity
15 who or which submits a request for exclusion from the Settlement Class that is accepted by the
16 Court.
17

18 7. Notwithstanding ¶¶ 5-6 above, nothing in the Judgment, or the Alternate Judgment,
19 if applicable, shall bar any action by any of the Parties to enforce or effectuate the terms of this
20 Stipulation or the Judgment, or Alternate Judgment, if applicable.
21

THE SETTLEMENT CONSIDERATION

22
23 8. In consideration of the settlement of the Released Plaintiffs' Claims against
24 Defendants and the other Released Defendants' Parties, Athira shall pay or cause to be paid the
25 Settlement Amount into the Escrow Account no later than thirty (30) calendar days after the later
26 of: (a) the Court having entered an order preliminarily approving the Settlement, or (b) Wilson
27 Sonsini Goodrich & Rosati having received the information necessary to effectuate a transfer of
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1 funds to the Escrow Account, including wiring instructions that include the bank name and ABA
2 routing number, account name and number, mailing instructions, and a signed W-9 reflecting a valid
3 taxpayer identification number for the qualified settlement fund in which the Settlement Amount is
4 to be deposited. The portion of the Settlement Amount to be funded by Athira's and the Individual
5 Defendants' insurance carriers (the "D&O Insurers") will be paid directly into the Escrow Account
6 by the D&O Insurers.
7

8 **USE OF SETTLEMENT FUND**

9 9. The Settlement Fund shall be used to pay: (a) any Taxes; (b) any Notice and
10 Administration Costs; (c) any Litigation Expenses awarded by the Court; and (d) any attorneys' fees
11 awarded by the Court. The balance remaining in the Settlement Fund, that is, the Net Settlement
12 Fund, shall be distributed to Authorized Claimants as provided in ¶¶ 18-29 below.
13

14 10. Except as provided herein or pursuant to orders of the Court, the Net Settlement Fund
15 shall remain in the Escrow Account prior to the Effective Date. All funds held by the Escrow Agent
16 shall be deemed to be in the custody of the Court and shall remain subject to the jurisdiction of the
17 Court until such time as the funds shall be distributed or returned pursuant to the terms of this
18 Stipulation and/or further order of the Court. The Escrow Agent shall invest any funds in the Escrow
19 Account exclusively in instruments or accounts backed by the full faith and credit of the United
20 States Government or fully insured by the United States Government or an agency thereof, including
21 U.S. Treasury bills, a U.S. Treasury Fund, or a bank account that is either: (a) fully insured by the
22 Federal Deposit Insurance Corporation; or (b) secured by instruments backed by the full faith and
23 credit of the United States Government. The Escrow Agent shall reinvest the proceeds of these
24 instruments or accounts as they mature in similar instruments or accounts at their then-current
25 market rates. Defendants shall not bear any responsibility for, or liability related to, the investment
26 of the Settlement Fund by the Escrow Agent.
27
28

1 11. The Parties agree that the Settlement Fund is intended to be a Qualified Settlement
2 Fund within the meaning of Treasury Regulation § 1.468B-1 and that Co-Lead Counsel, as
3 administrator of the Settlement Fund within the meaning of Treasury Regulation § 1.468B-2(k)(3),
4 shall be solely responsible for filing or causing to be filed all informational and other tax returns as
5 may be necessary or appropriate (including, without limitation, the returns described in Treasury
6 Regulation § 1.468B-2(k)) for the Settlement Fund. Co-Lead Counsel shall also be responsible for
7 causing payment to be made from the Settlement Fund of any Taxes owed with respect to the
8 Settlement Fund. The Released Defendants' Parties shall not have any liability or responsibility for
9 any such Taxes. Upon written request, the relevant Defendants will provide to Co-Lead Counsel
10 the statement described in Treasury Regulation § 1.468B-3(e). Co-Lead Counsel, as administrator
11 of the Settlement Fund within the meaning of Treasury Regulation § 1.468B-2(k)(3), shall timely
12 make such elections as are necessary or advisable to carry out this paragraph, including, as
13 necessary, making a "relation back election," as described in Treasury Regulation § 1.468B-1(j), to
14 cause the Qualified Settlement Fund to come into existence at the earliest allowable date, and shall
15 take or cause to be taken all actions as may be necessary or appropriate in connection therewith.
16

17
18 12. All Taxes shall be paid out of the Settlement Fund, and shall be timely paid as
19 directed by Co-Lead Counsel, and without further order of the Court. Any tax returns prepared for
20 the Settlement Fund (as well as the election set forth therein) shall be consistent with the previous
21 paragraph and in all events shall reflect that all Taxes on the income earned by the Settlement Fund
22 shall be paid out of the Settlement Fund as provided herein. The Released Defendants' Parties shall
23 have no responsibility or liability for the acts or omissions of Co-Lead Counsel or its agents with
24 respect to the payment of Taxes, as described herein.
25

26 13. The Settlement is not a claims-made settlement. Upon the occurrence of the
27 Effective Date, no Defendant, Released Defendants' Party, or any other person or entity who or
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1 which paid any portion of the Settlement Amount shall have any right to the return of the Settlement
2 Fund or any portion thereof for any reason whatsoever, including without limitation, the number of
3 Claim Forms submitted, the collective amount of Recognized Claims of Authorized Claimants, the
4 percentage of recovery of losses, or the amounts to be paid to Authorized Claimants from the Net
5 Settlement Fund.

6
7 14. Notwithstanding the fact that the Effective Date of the Settlement has not yet
8 occurred, Co-Lead Counsel may pay from the Settlement Fund, without further approval from
9 Defendants or further order of the Court, all Notice and Administration Costs actually incurred and
10 paid or payable. Such costs and expenses shall include, without limitation, the actual costs of
11 printing and mailing the Notice, publishing the Summary Notice, reimbursements to nominee
12 owners for forwarding the Notice to their beneficial owners, the administrative expenses incurred
13 and fees charged by the Claims Administrator in connection with providing notice, administering
14 the Settlement (including processing the submitted Claims), and the fees, if any, of the Escrow
15 Agent. In the event that the Settlement is terminated pursuant to the terms of this Stipulation, all
16 Notice and Administration Costs paid or incurred, including any related fees, shall not be returned
17 or repaid to Defendants, any of the other Released Defendants' Parties, or any other person or entity
18 who or which paid any portion of the Settlement Amount.

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20
21 **ATTORNEYS' FEES AND LITIGATION EXPENSES**

22 15. Co-Lead Counsel will apply to the Court for a collective award of attorneys' fees to
23 Plaintiffs' Counsel to be paid from (and out of) the Settlement Fund. Co-Lead Counsel also will
24 apply to the Court for payment of Litigation Expenses, which may include a request for
25 reimbursement of Lead Plaintiffs' costs and expenses directly related to their representation of the
26 Settlement Class, pursuant to the PSLRA, to be paid from (and out of) the Settlement Fund. Co-
27 Lead Counsel's application for an award of attorneys' fees and/or Litigation Expenses is not the
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1 subject of any agreement between Defendants and Lead Plaintiffs other than what is set forth in this
2 Stipulation.

3 16. Any attorneys' fees and Litigation Expenses that are awarded by the Court shall be
4 paid to Co-Lead Counsel from the Settlement Fund immediately upon award, notwithstanding the
5 existence of any timely filed objections thereto, or potential for appeal therefrom, or collateral attack
6 on the Settlement or any part thereof, subject to Co-Lead Counsel's obligation to make appropriate
7 refunds or repayments to the Settlement Fund, plus accrued interest at the same net rate as is earned
8 by the Settlement Fund, if the Settlement is terminated pursuant to the terms of this Stipulation or
9 if, as a result of any appeal or further proceedings on remand, or successful collateral attack, the
10 award of attorneys' fees and/or Litigation Expenses is reduced or reversed and such order reducing
11 or reversing the award has become Final. Co-Lead Counsel shall make the appropriate refund or
12 repayment in full no later than thirty (30) calendar days after: (a) receiving from counsel to Athira
13 and Dr. Kawas notice of the termination of the Settlement; or (b) any order reducing or reversing
14 the award of attorneys' fees and/or Litigation Expenses has become Final. An award of attorneys'
15 fees and/or Litigation Expenses is not a necessary term of this Stipulation and is not a condition of
16 the Settlement embodied herein. Neither Lead Plaintiffs nor Co-Lead Counsel may cancel or
17 terminate the Settlement based on this Court's or any appellate court's ruling with respect to
18 attorneys' fees and/or Litigation Expenses.

19 17. Co-Lead Counsel shall allocate the attorneys' fees awarded amongst Plaintiffs'
20 Counsel in a manner which they, in good faith, believe reflects the contributions of such counsel to
21 the institution, prosecution and settlement of the Action. Released Defendants' Parties shall have
22 no responsibility for or liability whatsoever with respect to the allocation or award of attorneys' fees
23 or Litigation Expenses. The attorneys' fees and Litigation Expenses that are awarded to Plaintiffs'
24 Counsel shall be payable solely from the Settlement Fund.

NOTICE AND SETTLEMENT ADMINISTRATION

1
2 18. As part of the Preliminary Approval Order, Lead Plaintiffs shall seek appointment of
3 a Claims Administrator. The Claims Administrator shall administer the Settlement, including but
4 not limited to the process of receiving, reviewing, and approving or denying Claims, under Co-Lead
5 Counsel’s supervision and subject to the jurisdiction of the Court. Other than Athira’s obligation to
6 provide its securities holders records as provided in ¶ 19 below, none of the Defendants, nor any
7 other Released Defendants’ Parties, shall have any involvement in or any responsibility, authority
8 or liability whatsoever for the selection of the Claims Administrator, the Plan of Allocation, the
9 administration of the Settlement, the Claims process, or disbursement of the Net Settlement Fund,
10 and shall have no liability whatsoever to any person or entity, including, but not limited to, Lead
11 Plaintiffs, any other Settlement Class Members or Co-Lead Counsel in connection with the
12 foregoing. Defendants’ Counsel shall cooperate in the administration of the Settlement to the extent
13 reasonably necessary to effectuate its terms.
14
15

16 19. In accordance with the terms of the Preliminary Approval Order to be entered by the
17 Court, Co-Lead Counsel shall cause the Claims Administrator to mail the Notice and Proof of Claim
18 Form to those members of the Settlement Class as may be identified through reasonable effort. Co-
19 Lead Counsel shall also cause the Claims Administrator to have the Summary Notice published in
20 accordance with the terms of the Preliminary Approval Order to be entered by the Court. For the
21 purposes of identifying and providing notice to the Settlement Class, within five (5) business days
22 of the date of entry of the Preliminary Approval Order, Athira shall provide or cause to be provided
23 to the Claims Administrator in electronic format such as Excel (at no cost to the Settlement Fund,
24 Co-Lead Counsel, Lead Plaintiffs, the Settlement Class or the Claims Administrator) lists of
25 shareholders of record of Athira publicly traded common stock during the Class Period, including
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1 purchasers in the IPO and SPO, to the extent such lists are reasonably available from Athira's stock
2 transfer agent.

3 20. The Claims Administrator shall receive Claims and determine first, whether the
4 Claim is a valid Claim, in whole or part, and second, each Authorized Claimant's *pro rata* share of
5 the Net Settlement Fund based upon each Authorized Claimant's Recognized Claim compared to
6 the total Recognized Claims of all Authorized Claimants (as set forth in the Plan of Allocation set
7 forth in the Notice attached hereto as Exhibit 1 to Exhibit A, or in such other plan of allocation as
8 the Court approves).

9
10 21. The Plan of Allocation proposed in the Notice is not a necessary term of the
11 Settlement or of this Stipulation and it is not a condition of the Settlement or of this Stipulation that
12 any particular plan of allocation be approved by the Court. Lead Plaintiffs and Co-Lead Counsel
13 may not cancel or terminate the Settlement (or this Stipulation) based on this Court's or any
14 appellate court's ruling with respect to the Plan of Allocation or any other plan of allocation in this
15 Action. Defendants and the other Released Defendants' Parties shall not object in any way to the
16 Plan of Allocation or any other plan of allocation in this Action. No Defendant, nor any other
17 Released Defendants' Parties, shall have any involvement with or liability, obligation, or
18 responsibility whatsoever for the application of the Court-approved plan of allocation.
19

20 22. Any Settlement Class Member who does not submit a valid Claim Form will not be
21 entitled to receive any distribution from the Net Settlement Fund, but will otherwise be bound by
22 all of the terms of this Stipulation and Settlement, including the terms of the Judgment or, the
23 Alternate Judgment, if applicable, to be entered in the Action and the releases provided for herein
24 and therein, and will be permanently barred and enjoined from bringing any action, claim, or other
25 proceeding of any kind against the Released Defendants' Parties with respect to the Released
26 Plaintiffs' Claims in the event that the Effective Date occurs with respect to the Settlement.
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1 23. Co-Lead Counsel shall be responsible for supervising the administration of the
2 Settlement and the disbursement of the Net Settlement Fund subject to the jurisdiction of the Court.
3 No Defendant, or any other Released Defendants' Party, shall be permitted to contest or object to
4 any Claim Form, or any decision of the Claims Administrator or Co-Lead Counsel with respect to
5 accepting or rejecting any Claim for payment by a Claimant. Co-Lead Counsel shall have the right,
6 but not the obligation, to waive what it deems to be formal or technical defects in any Claim Forms
7 submitted in the interests of achieving substantial justice.
8

9 24. For purposes of determining the extent, if any, to which a Claimant shall be entitled
10 to be treated as an Authorized Claimant, the following conditions shall apply:

11 (a) Each Claimant shall be required to submit a Claim Form, substantially in the
12 form attached hereto as Exhibit 2 to Exhibit A, supported by such documents as are designated
13 therein, including proof of the Claimant's loss, or such other documents or proof as the Claims
14 Administrator or Co-Lead Counsel, in their discretion, may deem acceptable;
15

16 (b) All Claim Forms must be submitted by the date set by the Court in the
17 Preliminary Approval Order and specified in the Notice. Any Settlement Class Member who fails
18 to submit a Claim Form by such date shall be forever barred from receiving any distribution from
19 the Net Settlement Fund or payment pursuant to this Stipulation (unless by Order of the Court such
20 Settlement Class Member's Claim Form is accepted), but shall in all other respects be bound by all
21 of the terms of this Stipulation and the Settlement, including the terms of the Judgment or Alternate
22 Judgment, if applicable, and the Releases provided for herein and therein, and will be permanently
23 barred and enjoined from bringing any action, claim or other proceeding of any kind against any
24 Released Defendants' Parties with respect to any Released Plaintiffs' Claim. Provided that it is
25 mailed by the claim-submission deadline, a Claim Form shall be deemed to be submitted when
26 postmarked, if received with a postmark indicated on the envelope and if mailed by first-class mail
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1 and addressed in accordance with the instructions thereon. In all other cases, the Claim Form shall
2 be deemed to have been submitted on the date when actually received by the Claims Administrator;

3 (c) Each Claim Form shall be submitted to and reviewed by the Claims
4 Administrator, which shall determine, in accordance with this Stipulation and the plan of allocation,
5 the extent, if any, to which each Claim shall be allowed, subject to review by the Court pursuant to
6 subparagraph (e) below as necessary;

7
8 (d) Claim Forms that do not meet the submission requirements may be rejected.
9 Prior to rejecting a Claim in whole or in part, the Claims Administrator shall communicate with the
10 Claimant in writing, to give the Claimant the chance to remedy any curable deficiencies in the Claim
11 Form submitted. The Claims Administrator shall notify, in a timely fashion and in writing, all
12 Claimants whose Claims the Claims Administrator proposes to reject in whole or in part, setting
13 forth the reasons therefor, and shall indicate in such notice that the Claimant whose Claim is to be
14 rejected has the right to a review by the Court if the Claimant so desires and complies with the
15 requirements of subparagraph (e) below; and

16
17 (e) If any Claimant whose Claim has been rejected in whole or in part desires to
18 contest such rejection, the Claimant must, within twenty (20) calendar days after the date of mailing
19 of the notice required in subparagraph (d) above, serve upon the Claims Administrator a notice and
20 statement of reasons indicating the Claimant's grounds for contesting the rejection along with any
21 supporting documentation, and requesting a review thereof by the Court. If a dispute concerning a
22 Claim cannot be otherwise resolved, Co-Lead Counsel shall thereafter present the request for review
23 to the Court.
24

25 25. Each Claimant shall be deemed to have submitted to the jurisdiction of the Court
26 with respect to the Claimant's Claim, and the Claim will be subject to investigation and discovery
27 under the Federal Rules of Civil Procedure, provided, however, that such investigation and
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1 discovery shall be limited to that Claimant's status as a Settlement Class Member and the validity
2 and amount of the Claimant's Claim. No discovery shall be allowed on the merits of this Action or
3 of the Settlement in connection with the processing of Claim Forms.

4 26. Upon the Effective Date and thereafter, and in accordance with the terms of this
5 Stipulation, the Plan of Allocation, or such further approval and further order(s) of the Court as may
6 be necessary or as circumstances may require, the Net Settlement Fund shall be distributed to
7 Authorized Claimants.

8 27. Payment pursuant to the Stipulation shall be final and conclusive against all
9 Claimants. All Settlement Class Members whose Claims are not approved by the Court for payment
10 shall be barred from participating in distributions from the Net Settlement Fund, but otherwise shall
11 be bound by all of the terms of this Stipulation and the Settlement, including the terms of the
12 Judgment or Alternate Judgment, if applicable, to be entered in this Action and the Releases
13 provided for herein and therein, and will be permanently barred and enjoined from bringing any
14 action against any and all Released Defendants' Parties with respect to any and all of the Released
15 Plaintiffs' Claims.

16 28. No person or entity shall have any claim against Lead Plaintiffs, Co-Lead Counsel,
17 Plaintiffs' Counsel, the Claims Administrator, or any other agent designated by Co-Lead Counsel,
18 or the Released Defendants' Parties and/or their respective counsel, arising from distributions made
19 substantially in accordance with the Stipulation, the plan of allocation approved by the Court, or any
20 order of the Court. Lead Plaintiffs and Defendants, and their respective counsel, and Lead Plaintiffs'
21 damages expert and all other Releasees shall have no liability whatsoever for the investment or
22 distribution of the Settlement Fund or the Net Settlement Fund, the plan of allocation, or the
23 determination, administration, calculation, or payment of any claim or nonperformance of the
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1 Claims Administrator, the payment or withholding of taxes (including interest and penalties) owed
2 by the Settlement Fund, or any losses incurred in connection therewith.

3 29. All proceedings with respect to the administration, processing and determination of
4 Claims and the determination of all controversies relating thereto, including disputed questions of
5 law and fact with respect to the validity of Claims, shall be subject to the jurisdiction of the Court.

6 All Claimants and Parties to this Settlement expressly waive trial by jury (to the extent any such
7 right may exist) and any right of appeal or review with respect to such determinations.
8

9 **TERMS OF THE JUDGMENT**

10 30. If the Settlement contemplated by this Stipulation is approved by the Court, Co-Lead
11 Counsel and Defendants' Counsel shall request that the Court enter a Judgment, substantially in the
12 form attached hereto as Exhibit B.

13 **CONDITIONS OF SETTLEMENT AND EFFECT OF**
14 **DISAPPROVAL, CANCELLATION OR TERMINATION**

15 31. The Effective Date of the Settlement shall be deemed to occur on the occurrence or
16 waiver of all of the following events:

17 (a) the Court has entered the Preliminary Approval Order, substantially in the
18 form set forth in Exhibit A attached hereto, as required by ¶ 3 above;

19 (b) the Settlement Amount has been deposited into the Escrow Account in
20 accordance with the provisions of ¶ 8 above;

21 (c) Athira and Dr. Kawas have not exercised their option to terminate the
22 Settlement pursuant to the provisions of this Stipulation (including the Supplemental Agreement
23 described in ¶ 35 below);

24 (d) Lead Plaintiffs have not exercised their option to terminate the Settlement
25 pursuant to the provisions of this Stipulation; and
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1 (e) the Court has approved the Settlement as described herein, following notice
2 to the Settlement Class and a hearing, as prescribed by Rule 23 of the Federal Rules of Civil
3 Procedure, and entered the Judgment and the Judgment has become Final, or the Court has entered
4 an Alternate Judgment and none of the Parties seek to terminate the Settlement and the Alternate
5 Judgment has become Final.

6
7 32. Upon the occurrence of all of the events referenced in ¶ 31 above, any and all
8 remaining interest or right of Defendants in or to the Settlement Fund, if any, shall be absolutely
9 and forever extinguished and the Releases herein shall be effective.

10 33. If (i) Athira and Dr. Kawas exercise their right to terminate the Settlement as
11 provided in this Stipulation; (ii) Lead Plaintiffs exercise their right to terminate the Settlement as
12 provided in this Stipulation; (iii) the Court disapproves the Settlement; or (iv) the Effective Date as
13 to the Settlement otherwise fails to occur, then:
14

15 (a) The Settlement and the relevant portions of this Stipulation shall be canceled
16 and terminated.

17 (b) Lead Plaintiffs and Defendants shall revert to their respective positions in the
18 Action as of February 28, 2023.

19 (c) The terms and provisions of this Stipulation, with the exception of this ¶ 33
20 and ¶¶ 14, 16, 37 and 57, shall have no further force and effect with respect to the Parties and shall
21 not be used in the Action or in any other proceeding for any purpose, and any Judgment, or Alternate
22 Judgment, if applicable, or order entered by the Court in accordance with the terms of this
23 Stipulation shall be treated as vacated, *nunc pro tunc*.

24
25 (d) Within thirty (30) calendar days after joint written notification of termination
26 is sent by Defendants' Counsel and Co-Lead Counsel to the Escrow Agent, the Settlement Fund
27 (including accrued interest thereon and any funds received by Co-Lead Counsel consistent with ¶ 16
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1 above), less any Notice and Administration Costs actually incurred, paid or payable and less any
2 Taxes paid, due or owing shall be refunded by the Escrow Agent to such persons or entities as
3 counsel for Athira may direct. In the event that the funds received by Co-Lead Counsel consistent
4 with ¶ 16 above have not been refunded to the Settlement Fund within the thirty (30) calendar days
5 specified in this paragraph, those funds shall be refunded by the Escrow Agent to such persons or
6 entities as counsel for Athira may direct immediately upon their deposit into the Settlement Fund
7 consistent with ¶ 16 above.

9 34. It is further stipulated and agreed that Lead Plaintiffs, provided they unanimously
10 agree, and Athira and Dr. Kawas, provided they unanimously agree, shall each have the right to
11 terminate the Settlement and this Stipulation, by providing written notice of their election to do so
12 (“Termination Notice”) to the other Parties to this Stipulation within thirty (30) calendar days of:
13 (a) the Court’s Final refusal to enter the Preliminary Approval Order in any material respect; (b) the
14 Court’s Final refusal to approve the Settlement or any material part thereof; (c) the Court’s Final
15 refusal to enter the Judgment in any material respect as to the Settlement; (d) the date upon which
16 the Judgment is modified or reversed in any material respect by a Final order of the United States
17 Court of Appeals for the Ninth Circuit or the United States Supreme Court; or (e) the date upon
18 which an Alternate Judgment is modified or reversed in any material respect by a Final order of the
19 United States Court of Appeals for the Ninth Circuit or the United States Supreme Court, and the
20 provisions of ¶ 33 above shall apply. However, any decision or proceeding, whether in this Court
21 or any appellate court, with respect to an application for attorneys’ fees or payment of Litigation
22 Expenses or with respect to any plan of allocation shall not be considered material to the Settlement,
23 shall not affect the finality of any Judgment or Alternate Judgment, if applicable, and shall not be
24 grounds for termination of the Settlement.
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1 35. In addition to the grounds set forth in ¶ 34 above, Athira shall have the unilateral
2 right to terminate the Settlement in the event that Settlement Class Members timely and validly
3 requesting exclusion from the Settlement Class meet the conditions set forth in Athira’s confidential
4 supplemental agreement with Lead Plaintiffs (the “Supplemental Agreement”), in accordance with
5 the terms of that agreement. The Supplemental Agreement, which is being executed concurrently
6 herewith, shall not be filed with the Court and its terms shall not be disclosed in any other manner
7 (other than the statements herein and in the Notice, to the extent necessary, or as otherwise provided
8 in the Supplemental Agreement) unless and until the Court otherwise directs or a dispute arises
9 between Lead Plaintiffs and Athira concerning its interpretation or application, in which event the
10 Parties shall submit the Supplemental Agreement to the Court *in camera* and request that the Court
11 afford it confidential treatment.
12

13 36. In addition to the grounds set forth in ¶ 34 above, Lead Plaintiffs shall also have the
14 right to terminate the Settlement in the event that the Settlement Amount has not been paid as
15 provided for in ¶ 8 above, but only if (a) Co-Lead Counsel has first notified Defendants’ Counsel in
16 writing of Lead Plaintiffs’ intent to terminate pursuant to this paragraph, and (b) the entire
17 Settlement Amount is not deposited in the Escrow Account within five (5) business days after Co-
18 Lead Counsel has provided such written notice.
19

20 **NO ADMISSION OF WRONGDOING OR LIABILITY**

21 37. Neither the Term Sheet, this Stipulation (whether or not consummated), including
22 the exhibits hereto and the Plan of Allocation contained therein (or any other plan of allocation that
23 may be approved by the Court), the negotiations leading to the execution of the Term Sheet and this
24 Stipulation, nor any proceedings taken pursuant to or in connection with the Term Sheet, this
25 Stipulation and/or approval of the Settlement (including any arguments proffered in connection
26 therewith):
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1 (a) shall be offered against any of the Defendants or other Released Defendants’
2 Parties as evidence of, or construed as, or deemed to be evidence of or otherwise constitute any
3 presumption, concession, or admission by any of the Defendants or other Released Defendants’
4 Parties with respect to the truth of any fact alleged by Lead Plaintiffs or the validity of any claim
5 that was or could have been asserted or the deficiency of any defense that has been or could have
6 been asserted in this Action or in any other litigation, or of any liability, negligence, fault, or other
7 wrongdoing of any kind of any of the Defendants or other Released Defendants’ Parties or in any
8 way referred to for any other reason as against any of the Defendants or other Released Defendants’
9 Parties, in any civil, criminal or administrative action or other proceeding;

11 (b) shall be offered against Lead Plaintiffs or any of the other Released Plaintiffs’
12 Parties, as evidence of, or construed as, or deemed to be evidence of or otherwise constitute any
13 presumption, concession or admission by Lead Plaintiffs or any of the Released Plaintiffs’ Parties
14 that any of their claims are without merit, that any of the Defendants or other Released Defendants’
15 Parties had meritorious defenses, or that damages recoverable under the Complaint would not have
16 exceeded the Settlement Amount or with respect to any liability, negligence, fault or wrongdoing of
17 any kind, or in any way referred to for any other reason as against Lead Plaintiffs or any of the other
18 Released Plaintiffs’ Parties, in any civil, criminal or administrative action or other proceeding; or

20 (c) shall be construed against any of the Releasees as an admission, concession,
21 or presumption that the consideration to be given hereunder represents the amount which could be
22 or would have been recovered after trial;

24 *provided, however*, that if this Stipulation is approved by the Court, the Parties and the Releasees
25 and their respective counsel may refer to it to effectuate the protections from liability granted
26 hereunder or otherwise to enforce the terms of the Settlement.

MISCELLANEOUS PROVISIONS

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2 38. All of the exhibits attached hereto are hereby incorporated by reference as though
3 fully set forth herein. Notwithstanding the foregoing, in the event that there exists a conflict or
4 inconsistency between the terms of this Stipulation and the terms of any exhibit attached hereto, the
5 terms of the Stipulation shall prevail.
6

7 39. Athira and the Individual Defendants warrant that, as to the payments made or to be
8 made by or on behalf of them, at the time of entering into this Stipulation and at the time of such
9 payment they, or to their knowledge any entities contributing to the payment of the Settlement
10 Amount, were not insolvent, nor will the payment required to be made by or on behalf of them
11 render them insolvent, within the meaning of and/or for the purposes of the United States
12 Bankruptcy Code, including §§ 101 and 547 thereof. This representation is made by each of Athira
13 and the Individual Defendants and not by their counsel.
14

15 40. In the event of the entry of a Final order of a court of competent jurisdiction
16 determining the transfer of money to the Settlement Fund or any portion thereof by or on behalf of
17 Athira and the Individual Defendants to be a preference, voidable transfer, fraudulent transfer or
18 similar transaction and any portion thereof is required to be returned, and such amount is not
19 promptly deposited into the Settlement Fund by others, then, at the election of Lead Plaintiffs, Lead
20 Plaintiffs and Defendants shall jointly move the Court to vacate and set aside the Releases given
21 and the Judgment or Alternate Judgment, if applicable, entered in favor of Defendants and the other
22 Releasees pursuant to this Stipulation, in which event the Releases and Judgment, or Alternate
23 Judgment, if applicable, shall be null and void, and the Parties shall be restored to their respective
24 positions in the litigation as provided in ¶ 33 above and any cash amounts in the Settlement Fund
25 (less any Taxes paid, due or owing with respect to the Settlement Fund and less any Notice and
26 Administration Costs actually incurred, paid or payable) shall be returned as provided in ¶ 33.
27
28

1 41. The Parties intend this Stipulation and the Settlement to be a final and complete
2 resolution of all disputes asserted or which could be asserted by Lead Plaintiffs and any other
3 Settlement Class Members against the Defendants and other Released Defendants' Parties with
4 respect to the Released Plaintiffs' Claims. Accordingly, Lead Plaintiffs and their counsel and
5 Defendants and their counsel agree not to assert in any forum that this Action was brought by Lead
6 Plaintiffs or defended by Defendants in bad faith or without a reasonable basis. No Party shall assert
7 any claims of any violation of Rule 11 of the Federal Rules of Civil Procedure relating to the
8 institution, prosecution, defense, or settlement of this Action. The Parties agree that the amounts
9 paid and the other terms of the Settlement were negotiated at arm's-length and in good faith by the
10 Parties, including through a mediation process supervised and conducted by Jed Melnick, Esq., and
11 reflect the Settlement that was reached voluntarily after extensive negotiations and consultation with
12 experienced legal counsel, who were fully competent to assess the strengths and weaknesses of their
13 respective clients' claims or defenses.
14
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16 42. While retaining their right to deny that the claims asserted in the Action were
17 meritorious, Defendants and their counsel, in any statement made to any media representative
18 (whether or not for attribution) will not assert that the Action was commenced or prosecuted in bad
19 faith, nor will they deny that the Action was commenced and prosecuted in good faith and is being
20 settled voluntarily after consultation with competent legal counsel. In all events, Lead Plaintiffs and
21 their counsel and Defendants and their counsel shall not make any accusations of wrongful or
22 actionable conduct by either Party concerning the prosecution, defense, and resolution of the Action,
23 and shall not otherwise suggest that the Settlement constitutes an admission of any claim or defense
24 alleged.
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1 43. The terms of the Settlement, as reflected in this Stipulation, may not be modified or
2 amended, nor may any of its provisions be waived except by a writing signed on behalf of both Lead
3 Plaintiffs and Defendants (or their successors-in-interest).

4 44. The headings herein are used for the purpose of convenience only and are not meant
5 to have legal effect.

6 45. The administration and consummation of the Settlement as embodied in this
7 Stipulation shall be under the authority of the Court, and the Court shall retain jurisdiction for the
8 purpose of entering orders providing for awards of attorneys' fees and Litigation Expenses to
9 Plaintiffs' Counsel and enforcing the terms of this Stipulation, including the Plan of Allocation (or
10 such other plan of allocation as may be approved by the Court) and the distribution of the Net
11 Settlement Fund.
12

13 46. The waiver by one Party of any breach of this Stipulation by any other Party shall
14 not be deemed a waiver of any other prior or subsequent breach of this Stipulation.
15

16 47. This Stipulation and its exhibits and the Supplemental Agreement constitute the
17 entire agreement among Lead Plaintiffs and Defendants concerning the Settlement and this
18 Stipulation and its exhibits. All Parties acknowledge that no other agreements, representations,
19 warranties, or inducements have been made by any Party hereto concerning this Stipulation, its
20 exhibits or the Supplemental Agreement other than those contained and memorialized in such
21 documents.
22

23 48. This Stipulation may be executed in one or more counterparts, including by a .pdf/.tif
24 image of the signature transmitted via email. All executed counterparts and each of them shall be
25 deemed to be one and the same instrument.
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1 49. This Stipulation shall be binding upon and inure to the benefit of the successors and
2 assigns of the Parties, including any and all Releasees and any corporation, partnership, or other
3 entity into or with which any Party hereto may merge, consolidate or reorganize.

4 50. The construction, interpretation, operation, effect and validity of this Stipulation, the
5 Supplemental Agreement and all documents necessary to effectuate it shall be governed by the
6 internal laws of the State of Washington without regard to conflicts of laws, except to the extent that
7 federal law requires that federal law govern.

8 51. Any action arising under or to enforce this Stipulation or any portion thereof, shall
9 be commenced and maintained only in the Court.

10 52. This Stipulation shall not be construed more strictly against one Party than another
11 merely by virtue of the fact that it, or any part of it, may have been prepared by counsel for one of
12 the Parties, it being recognized that it is the result of arm's-length negotiations between the Parties
13 and all Parties have contributed substantially and materially to the preparation of this Stipulation.

14 53. All counsel and any other person executing this Stipulation and any of the exhibits
15 hereto, or any related Settlement documents, warrant and represent that they have the full authority
16 to do so and that they have the authority to take appropriate action required or permitted to be taken
17 pursuant to the Stipulation to effectuate its terms.

18 54. Co-Lead Counsel and Defendants' Counsel agree to cooperate fully with one another
19 in seeking Court approval of the Preliminary Approval Order and the Settlement, as embodied in
20 this Stipulation, and to use best efforts to promptly agree upon and execute all such other
21 documentation as may be reasonably required to obtain final approval by the Court of the
22 Settlement.
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1 55. If any Party is required to give notice to another Party under this Stipulation, such
2 notice shall be in writing and shall be deemed to have been duly given upon receipt of hand delivery
3 or email transmission, with confirmation of receipt. Notice shall be provided as follows:

4 If to Lead Plaintiffs or Co-Lead Counsel: Glancy Prongay & Murray LLP
5 Attn: Casey E. Sadler
6 1925 Century Park East, Suite 2100
7 Los Angeles, California 90067
8 Telephone: (310) 201-9150
9 Email: csadler@glancylaw.com

10 -and-

11 Labaton Sucharow LLP
12 Attn: Michael P. Canty
13 140 Broadway
14 New York, New York 10005
15 Telephone: (212) 907-0700
16 Email: mcanty@labaton.com

17 If to Athira and the Individual Defendants Other than Dr. Kawas: Wilson Sonsini Goodrich & Rosati, P.C.
18 Attn: Gregory L. Watts
19 701 Fifth Avenue, Suite 5100
20 Seattle, WA 98104-7036
21 Telephone: (206) 883-2500
22 Email: gwatts@wsgr.com

23 -and-

24 If to Dr. Kawas: Perkins Coie LLP
25 Attn: Sean C. Knowles
26 1201 Third Avenue, Suite 4900
27 Seattle, WA 98101-3099
28 Telephone: (206) 359-8000
Email: sknowles@perkinscoie.com

-and-

If to the Underwriter Defendants: DLA Piper LLP (US)
Anthony Todaro, Esq.
701 Fifth Avenue, Suite 6900
Seattle, WA 98104-7029
Telephone: (206) 839-4800
Email: Anthony.todaro@us.dlapiper.com

56. Except as otherwise provided herein, each Party shall bear its own costs.

57. Whether or not the Stipulation is approved by the Court and whether or not the Stipulation is consummated, or the Effective Date occurs, the Parties and their counsel shall use

1 their best efforts to keep all negotiations, discussions, acts performed, agreements, drafts, documents
2 signed and proceedings in connection with the Stipulation confidential.

3 58. All agreements made and orders entered during the course of this Action relating to
4 the confidentiality of information shall survive this Settlement.

5 59. Defendants shall be responsible for timely service of any notices that might be
6 required pursuant to the Class Action Fairness Act, 28 U.S.C. § 1715 (“CAFA”). Defendants shall
7 notify Co-Lead Counsel as to the completion of any CAFA notice. Athira shall bear all cost and
8 expenses associated with providing CAFA notice.

9 60. No opinion or advice concerning the tax consequences of the proposed Settlement to
10 individual Claimants is being given or will be given by the Parties or their counsel; nor is any
11 representation or warranty in this regard made by virtue of this Stipulation. Each Claimants’ tax
12 obligations, and the determination thereof, are the sole responsibility of the Claimant, and it is
13 understood that the tax consequences may vary depending on the particular circumstances of each
14 Claimant.

15
16
17 **IN WITNESS WHEREOF**, the Parties hereto have caused this Stipulation to be executed,
18 by their duly authorized attorneys, as of April 27, 2023.

19
20 

21 Kara M. Wolke
22 Casey E. Sadler
23 Natalie S. Pang
24 **GLANCY PRONGAY & MURRAY LLP**
25 1925 Century Park East, Suite 2100
26 Los Angeles, CA 90067
27 Telephone: (310) 201-9150
28 Email: kwolke@glancylaw.com
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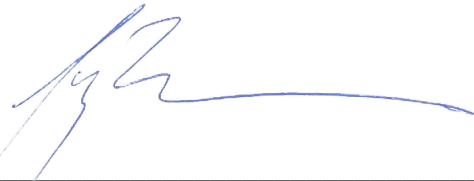
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*Attorneys for Defendants Goldman Sachs & Co. LLC,
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JMP Securities LLC*

Exhibit A

Exhibit A

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANTONIO BACHAALANI NACIF and
WIES RAFI, Individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

ATHIRA PHARMA, INC., et al.,

Defendants.

CASE NO.: 2:21-cv-00861-TSZ
(Consolidated with 21-cv-00862-TSZ and
21-cv-00864-TSZ)

**[PROPOSED] ORDER PRELIMINARILY APPROVING
SETTLEMENT AND PROVIDING FOR NOTICE**

WHEREAS, a consolidated class action is pending in this Court entitled *Nacif, et al., v. Athira Pharma, Inc., et al.*, Case No.: 2:21-cv-00861-TSZ (the “Action”);

WHEREAS, (a) Court-appointed lead plaintiffs Antonio Bachaalani Nacif and Wies Rafi (collectively, “Lead Plaintiffs”), on behalf of themselves and the Settlement Class (defined below); (b) Athira Pharma, Inc. (“Athira” or the “Company”); (c) Dr. Leen Kawas Glenna Mileson, Dr. Tadataka Yamada, Joseph Edelman, James A. Johnson, and John M. Fluke, Jr. (the “Individual Defendants”); and (d) Goldman Sachs & Co. LLC, Jefferies LLC, Stifel, Nicolaus & Company, Inc., and JMP Securities LLC (the “Underwriter Defendants,” together with Athira and the Individual Defendants, “Defendants” and, together with Lead Plaintiffs, the “Parties”) have determined to settle all claims asserted against Defendants in this Action and related claims with prejudice on the terms

1 and conditions set forth in the Stipulation and Agreement of Settlement dated April 27, 2023 (the
2 “Stipulation”) subject to approval of this Court (the “Settlement”);

3 WHEREAS, Lead Plaintiffs have made an application, pursuant to Rule 23 of the Federal
4 Rules of Civil Procedure, for an order preliminarily approving the Settlement in accordance with
5 the Stipulation, certifying the Settlement Class for purposes of the Settlement only, and allowing
6 notice to Settlement Class Members as more fully described herein;

7 WHEREAS, the Court has read and considered: (a) Lead Plaintiffs’ motion for preliminary
8 approval of the Settlement, and the papers filed and arguments made in connection therewith; and
9 (b) the Stipulation and the exhibits attached thereto; and

10 WHEREAS, unless otherwise defined herein, all capitalized words contained herein shall
11 have the same meanings as they have in the Stipulation;

12 NOW THEREFORE, IT IS HEREBY ORDERED:

13 1. **Class Certification for Settlement Purposes** – Pursuant to Rule 23(a) and (b)(3) of
14 the Federal Rules of Civil Procedure, the Court certifies, solely for purposes of effectuating the
15 proposed Settlement, a Settlement Class consisting of all persons and entities who or which
16 purchased or otherwise acquired Athira publicly traded common stock: (a) during the period from
17 September 17, 2020 through June 17, 2021, inclusive (the “Class Period”); (b) pursuant and/or
18 traceable to the registration statement and prospectus issued in connection with the Company’s
19 September 2020 initial public offering; and/or (c) pursuant and/or traceable to the registration
20 statement and prospectus issued in connection with the Company’s January 2021 secondary public
21 offering, and were damaged thereby. Excluded from the Settlement Class are: (a) Defendants; (b)
22 any person who served as a partner, control person, executive officer and/or director of Athira or
23 the Underwriter Defendants during the Class Period, and members of their Immediate Family; (c)
24 present and former parents, subsidiaries, assigns, successors, affiliates, and predecessors of Athira
25 and the Underwriter Defendants; (d) any entity in which the Defendants have or had a controlling
26 interest; (e) any trust of which an Individual Defendant is the settlor or which is for the benefit of
27 an Individual Defendant and/or member(s) of their Immediate Family; (f) liability insurance carriers
28 for Athira or the Individual Defendants; and (g) the legal representatives, heirs, successors, and

1 assigns of any person or entity excluded under provisions (a) through (f) hereof. Notwithstanding
2 any provision to the contrary, (a) any Investment Vehicle shall not be excluded from the Settlement
3 Class; and (b) “affiliates” are persons or entities that directly, or indirectly through one or more
4 intermediaries, control, are controlled by or are under common control with one of the Defendants,
5 including Athira’s employee retirement and/or benefit plan(s). Also excluded from the Settlement
6 Class are any persons and entities who or which submit a valid request for exclusion from the
7 Settlement Class that is accepted by the Court.

8 2. **Class Findings** – Solely for purposes of the proposed Settlement of this Action, the
9 Court finds that each element required for certification of the Settlement Class pursuant to Rule 23
10 of the Federal Rules of Civil Procedure has been met: (a) the members of the Settlement Class are
11 so numerous that their joinder in the Action would be impracticable; (b) there are questions of law
12 and fact common to the Settlement Class which predominate over any individual questions; (c) the
13 claims of Lead Plaintiffs in the Action are typical of the claims of the Settlement Class; (d) Lead
14 Plaintiffs and Co-Lead Counsel have and will fairly and adequately represent and protect the
15 interests of the Settlement Class; and (e) a class action is superior to other available methods for the
16 fair and efficient adjudication of the Action.

17 3. The Court hereby finds and concludes that pursuant to Rule 23 of the Federal Rules
18 of Civil Procedure, and for the purposes of the Settlement only, Lead Plaintiffs Antonio Bachaalani
19 Nacif and Wies Rafi are adequate class representatives and certifies them as Class Representatives
20 for the Settlement Class. The Court also appoints Co-Lead Counsel Glancy Prongay & Murray,
21 LLP and Labaton Sucharow LLP as Class Counsel for the Settlement Class, pursuant to Rule 23(g)
22 of the Federal Rules of Civil Procedure.

23 4. **Preliminary Approval of the Settlement** – The Court hereby preliminarily
24 approves the Settlement, as embodied in the Stipulation, and finds that the Court will likely be able
25 to approve the proposed Settlement as fair, reasonable, and adequate under Federal Rule of Civil
26 Procedure 23(e)(2), subject to further consideration at the Settlement Hearing to be conducted, as
27 described below.

28

1 5. **Settlement Hearing** – The Court will hold a settlement hearing (the “Settlement
2 Hearing”) on _____, 2023 at __:__ .m. in Courtroom 15206 of the United States
3 Courthouse, 700 Stewart Street, Seattle, WA 98101, for the following purposes: (a) to determine
4 whether the proposed Settlement on the terms and conditions provided for in the Stipulation is fair,
5 reasonable and adequate to the Settlement Class, and should be approved by the Court; (b) to
6 determine whether a Judgment substantially in the form attached as Exhibit B to the Stipulation
7 should be entered dismissing the Action with prejudice against Defendants; (c) to determine whether
8 the proposed Plan of Allocation for the proceeds of the Settlement is fair and reasonable and should
9 be approved; (d) to determine whether the motion by Co-Lead Counsel for an award of attorneys’
10 fees and payment of Litigation Expenses should be approved; and (e) to consider any other matters
11 that may properly be brought before the Court in connection with the Settlement. Notice of the
12 Settlement and the Settlement Hearing shall be given to Settlement Class Members as set forth in
13 paragraph 7 of this Order.

14 6. The Court may adjourn the Settlement Hearing without further notice to the
15 Settlement Class, and may approve the proposed Settlement with such modifications as the Parties
16 may agree to, if appropriate, without further notice to the Settlement Class.

17 7. **Retention of Claims Administrator and Manner of Giving Notice** – Co-Lead
18 Counsel are hereby authorized to retain Strategic Claims Services (the “Claims Administrator”) to
19 supervise and administer the notice procedure in connection with the proposed Settlement as well
20 as the processing of Claims as more fully set forth below. Notice of the Settlement and the
21 Settlement Hearing shall be given by Co-Lead Counsel as follows:

22 (a) within five (5) business days of the date of entry of this Order, Athira shall
23 provide or cause to be provided to the Claims Administrator in electronic format (at no cost to the
24 Settlement Fund, Co-Lead Counsel, Lead Plaintiffs, the Settlement Class or the Claims
25 Administrator) lists of purchasers of record of Athira publicly traded common stock during the Class
26 Period, including in the IPO and SPO, to the extent such lists are reasonably available from Athira’s
27 stock transfer agent;

28

1 (b) not later than ten (10) business days after the date of entry of this Order (the
2 “Notice Date”), the Claims Administrator shall cause a copy of the Notice and the Claim Form,
3 substantially in the forms attached hereto as Exhibits 1 and 2, respectively (the “Notice Packet”), to
4 be mailed by first-class mail to potential Settlement Class Members at the addresses set forth in the
5 records provided by Athira or in the records which Athira caused to be provided, or who otherwise
6 may be identified through further reasonable effort;

7 (c) contemporaneously with the mailing of the Notice Packet, the Claims
8 Administrator shall cause copies of the Notice and the Claim Form to be posted on a website to be
9 developed for the Settlement, from which copies of the Notice and Claim Form can be downloaded;

10 (d) not later than ten (10) business days after the Notice Date, the Claims
11 Administrator shall cause the Summary Notice, substantially in the form attached hereto as Exhibit
12 3, to be published once in *Investor’s Business Daily* and to be transmitted once over the *PR*
13 *NewsWire*; and

14 (e) not later than seven (7) calendar days prior to the Settlement Hearing, Co-
15 Lead Counsel shall serve on Defendants’ Counsel and file with the Court proof, by affidavit or
16 declaration, of such mailing and publication.

17 8. **Approval of Form and Content of Notice** – The Court (a) approves, as to form and
18 content, the Notice, the Claim Form, and the Summary Notice, attached hereto as Exhibits 1, 2, and
19 3, respectively, and (b) finds that the mailing and distribution of the Notice and Claim Form and the
20 publication of the Summary Notice in the manner and form set forth in paragraph 7 of this Order (i)
21 is the best notice practicable under the circumstances; (ii) constitutes notice that is reasonably
22 calculated, under the circumstances, to apprise Settlement Class Members of the pendency of the
23 Action, of the effect of the proposed Settlement (including the Releases to be provided thereunder),
24 of Co-Lead Counsel’s motion for an award of attorneys’ fees and payment of Litigation Expenses,
25 of their right to object to the Settlement, the Plan of Allocation and/or Co-Lead Counsel’s motion
26 for attorneys’ fees and payment of Litigation Expenses, of their right to exclude themselves from
27 the Settlement Class, and of their right to appear at the Settlement Hearing; (iii) constitutes due,
28 adequate and sufficient notice to all persons and entities entitled to receive notice of the proposed

1 Settlement; and (iv) satisfies the requirements of Rule 23 of the Federal Rules of Civil Procedure,
2 the United States Constitution (including the Due Process Clause), the Private Securities Litigation
3 Reform Act of 1995, Public Law No. 104-67, 109 Stat. 737 (codified as amended in scattered
4 sections of 15 U.S.C.), and all other applicable law and rules. The date and time of the Settlement
5 Hearing shall be included in the Notice and Summary Notice before they are mailed and published,
6 respectively.

7 9. **Nominee Procedures** – Brokers and other nominees who purchased or otherwise
8 acquired Athira publicly traded common stock during the Class Period, including in the IPO and the
9 SPO, for the benefit of another person or entity shall, within seven (7) calendar days of receipt of
10 the Notice either: (a) request from the Claims Administrator sufficient copies of the Notice Packet
11 to forward to all such beneficial owners and within seven (7) calendar days of receipt of those Notice
12 Packets forward them to all such beneficial owners; or (b) send a list of the names and addresses of
13 all such beneficial owners to the Claims Administrator, in which event the Claims Administrator
14 shall promptly mail the Notice Packet to such beneficial owners. Nominees shall also provide email
15 addresses for all such beneficial owners to the Claims Administrator, to the extent they are available.
16 Nominees that choose to follow procedure (a) shall also send a statement to the Claims
17 Administrator confirming that the mailing was made as directed. Upon full and timely compliance
18 with this Order, nominees may seek reimbursement of their reasonable expenses actually incurred,
19 not to exceed \$0.05 plus postage at the current pre-sort rate used by the Claims Administrator per
20 Notice Packet mailed; \$0.05 per name, address, and email address (to the extent available) provided
21 to the Claims Administrator, by providing the Claims Administrator with proper documentation
22 supporting the expenses for which reimbursement is sought. Such properly documented expenses
23 incurred by nominees in compliance with the terms of this Order shall be paid from the Settlement
24 Fund, with any disputes as to the reasonableness or documentation of expenses incurred subject to
25 review by the Court. Nominees are not authorized to print the Notice Packet themselves for mailing.
26 Notice Packets may only be printed by the Claims Administrator.

27 10. **Participation in the Settlement** – Settlement Class Members who wish to
28 participate in the Settlement and to be eligible to receive a distribution from the Net Settlement Fund

1 must complete and submit a Claim Form in accordance with the instructions contained therein.
2 Unless the Court orders otherwise, all Claim Forms must be postmarked no later than seven (7)
3 calendar days before the Settlement Hearing. Notwithstanding the foregoing, Co-Lead Counsel
4 may, at their discretion, accept for processing late Claims provided such acceptance does not delay
5 the distribution of the Net Settlement Fund to the Settlement Class. By submitting a Claim, a person
6 or entity shall be deemed to have submitted to the jurisdiction of the Court with respect to his, her
7 or its Claim and the subject matter of the Settlement.

8 11. Each Claim Form submitted must satisfy the following conditions: (a) it must be
9 properly completed, signed and submitted in a timely manner in accordance with the provisions of
10 the preceding paragraph; (b) it must be accompanied by adequate supporting documentation for the
11 transactions and holdings reported therein, in the form of broker confirmation slips, broker account
12 statements, an authorized statement from the broker containing the transactional and holding
13 information found in a broker confirmation slip or account statement, or such other documentation
14 as is deemed adequate by Co-Lead Counsel or the Claims Administrator; (c) if the person executing
15 the Claim Form is acting in a representative capacity, a certification of his, her or its current authority
16 to act on behalf of the Claimant must be included in the Claim Form to the satisfaction of Co-Lead
17 Counsel or the Claims Administrator; and (d) the Claim Form must be complete and contain no
18 material deletions or modifications of any of the printed matter contained therein and must be signed
19 under penalty of perjury.

20 12. Any Settlement Class Member that does not timely and validly submit a Claim Form
21 or whose Claim is not otherwise approved by the Court: (a) shall be deemed to have waived his, her
22 or its right to share in the Net Settlement Fund; (b) shall be forever barred from participating in any
23 distributions therefrom; (c) shall be bound by the provisions of the Stipulation and the Settlement
24 and all proceedings, determinations, orders and judgments in the Action relating thereto, including,
25 without limitation, the Judgment or Alternate Judgment, if applicable, and the Releases provided
26 for therein, whether favorable or unfavorable to the Settlement Class; and (d) will be barred from
27 commencing, maintaining or prosecuting any of the Released Plaintiffs' Claims against each and all
28 of the Defendants and other Released Defendants' Parties, as more fully described in the Stipulation

1 and Notice. Notwithstanding the foregoing, late Claim Forms may be accepted for processing as
2 set forth in paragraph 10 above.

3 13. **Exclusion From the Settlement Class** – Any member of the Settlement Class who
4 wishes to exclude himself, herself or itself from the Settlement Class must request exclusion in
5 writing within the time and in the manner set forth in the Notice, which shall provide that: (a) any
6 such request for exclusion from the Settlement Class must be mailed or delivered such that it is
7 received no later than twenty-one (21) calendar days prior to the Settlement Hearing, to: *Athira*
8 *Pharma Securities Litigation*, EXCLUSIONS, c/o Strategic Claims Services, P.O. Box 230, 600 N.
9 Jackson Street, Suite 205, Media, PA 19063, and (b) each request for exclusion must (i) state the
10 name, address, and telephone number of the person or entity requesting exclusion, and in the case
11 of entities, the name and telephone number of the appropriate contact person; (ii) state that such
12 person or entity “requests exclusion from the Settlement Class in the *Athira Pharma Securities*
13 *Litigation*, Case No. 2:21-cv-00861-TSZ”; (iii) state the number of shares of Athira common stock
14 that the person or entity requesting exclusion purchased/acquired and sold during the Class Period,
15 as well as the dates and prices of each such purchase/acquisition and sale; and (iv) be signed by the
16 person or entity requesting exclusion or an authorized representative. A request for exclusion shall
17 not be effective unless it provides all the required information and is received within the time stated
18 above, or is otherwise accepted by the Court.

19 14. Any person or entity who or which timely and validly requests exclusion in
20 compliance with the terms stated in this Order and is excluded from the Settlement Class shall not
21 be a Settlement Class Member, shall not be bound by the terms of the Settlement or any orders or
22 judgments in the Action and shall not receive any payment out of the Net Settlement Fund.

23 15. Any Settlement Class Member who or which does not timely and validly request
24 exclusion from the Settlement Class in the manner stated in this Order: (a) shall be deemed to have
25 waived his, her or its right to be excluded from the Settlement Class; (b) shall be forever barred from
26 requesting exclusion from the Settlement Class in this or any other proceeding; (c) shall be bound
27 by the provisions of the Stipulation and Settlement and all proceedings, determinations, orders and
28 judgments in the Action, including, but not limited to, the Judgment or Alternate Judgment, if

1 applicable, and the Releases provided for therein, whether favorable or unfavorable to the Settlement
2 Class; and (d) will be barred from commencing, maintaining or prosecuting any of the Released
3 Plaintiffs' Claims against any of the Defendants or other Released Defendants' Parties, as more
4 fully described in the Stipulation and Notice.

5 16. **Appearance and Objections at Settlement Hearing** – Any Settlement Class
6 Member who does not request exclusion from the Settlement Class may enter an appearance in the
7 Action, at his, her or its own expense, individually or through counsel of his, her or its own choice,
8 by filing with the Clerk of Court and delivering a notice of appearance to both Co-Lead Counsel
9 and Defendants' Counsel, at the addresses set forth in paragraph 17 below, such that it is received
10 no later than twenty-one (21) calendar days prior to the Settlement Hearing, or as the Court may
11 otherwise direct. Any Settlement Class Member who does not enter an appearance will be
12 represented by Co-Lead Counsel.

13 17. Any Settlement Class Member who does not request exclusion from the Settlement
14 Class may file a written objection to the proposed Settlement, the proposed Plan of Allocation,
15 and/or Co-Lead Counsel's motion for an award of attorneys' fees and payment of Litigation
16 Expenses and appear and show cause, if he, she or it has any cause, why the proposed Settlement,
17 the proposed Plan of Allocation and/or Co-Lead Counsel's motion for attorneys' fees and payment
18 of Litigation Expenses should not be approved; *provided, however*, that no Settlement Class
19 Member shall be heard or entitled to contest the approval of the terms and conditions of the proposed
20 Settlement, the proposed Plan of Allocation and/or the motion for attorneys' fees and payment of
21 Litigation Expenses unless that person or entity has filed a written objection with the Court and
22 served copies of such objection on Co-Lead Counsel and Defendants' Counsel at the addresses set
23 forth below such that they are received no later than twenty-one (21) calendar days prior to the
24 Settlement Hearing.

25 **Co-Lead Counsel**

26 Glancy Prongay & Murray LLP
27 Casey E. Sadler, Esq.
1925 Century Park East, Suite 2100
28 Los Angeles, CA 90067

Defendants' Counsel

Wilson Sonsini Goodrich & Rosati, P.C.
Gregory L. Watts, Esq.
701 Fifth Avenue, Suite 5100
Seattle, WA 98104-7036

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-and-

Labaton Sucharow LLP
Michael P. Canty, Esq.
140 Broadway
New York, New York 10005

-and-

Perkins Coie LLP
Sean C. Knowles, Esq.
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099

-and-

DLA Piper LLP (US)
Anthony Todaro, Esq.
701 Fifth Avenue, Suite 6900
Seattle, WA 98104-7029

18. Any objections, filings and other submissions by the objecting Settlement Class Member: (a) must state the name, address, and telephone number of the person or entity objecting and must be signed by the objector; (b) must contain a statement of the Settlement Class Member’s objection or objections, and the specific reasons for each objection, including whether it applies only to the objector, to a specific subset of the Settlement Class, or to the entire Settlement Class, and any legal and evidentiary support the Settlement Class Member wishes to bring to the Court’s attention; and (c) must include documents sufficient to prove membership in the Settlement Class, including the number of shares of Athira common stock that the objecting Settlement Class Member purchased/acquired and sold during the Class Period, as well as the dates and prices of each such purchase/acquisition and sale. Objectors who enter an appearance and desire to present evidence at the Settlement Hearing in support of their objection must include in their written objection or notice of appearance the identity of any witnesses they may call to testify and any exhibits they intend to introduce into evidence at the hearing.

19. Any Settlement Class Member who or which does not make his, her or its objection in the manner provided herein shall be deemed to have waived his, her or its right to object to any aspect of the proposed Settlement, the proposed Plan of Allocation, and Co-Lead Counsel’s motion for an award of attorneys’ fees and payment of Litigation Expenses and shall be forever barred and foreclosed from objecting to the fairness, reasonableness or adequacy of the Settlement, the Plan of Allocation or the requested attorneys’ fees and Litigation Expenses, or from otherwise being heard concerning the Settlement, the Plan of Allocation or the requested attorneys’ fees and Litigation Expenses in this or any other proceeding.

1 20. **Stay and Temporary Injunction** – Until otherwise ordered by the Court, the Court
2 stays all proceedings in the Action other than proceedings necessary to carry out or enforce the terms
3 and conditions of the Stipulation. Pending final determination of whether the Settlement should be
4 approved, the Court bars and enjoins Lead Plaintiffs, and all other members of the Settlement Class,
5 from commencing or prosecuting any and all of the Released Plaintiffs’ Claims against each and all
6 of the Defendants and other Released Defendants’ Parties.

7 21. **Settlement Administration Fees and Expenses** – All reasonable costs incurred in
8 identifying Settlement Class Members and notifying them of the Settlement, as well as in
9 administering the Settlement, shall be paid as set forth in the Stipulation without further order of the
10 Court.

11 22. **Settlement Fund** – The contents of the Settlement Fund held by Citibank N.A.
12 (Private Bank), as Escrow Agent, shall be deemed and considered to be *in custodia legis* of the
13 Court, and shall remain subject to the jurisdiction of the Court, until such time as they shall be
14 distributed pursuant to the Stipulation and/or further order(s) of the Court.

15 23. **Taxes** – Co-Lead Counsel are authorized and directed to prepare any tax returns and
16 any other tax reporting forms for or in respect to the Settlement Fund, to pay from the Settlement
17 Fund any Taxes owed with respect to the Settlement Fund, and to otherwise perform all obligations
18 with respect to Taxes and any reporting or filings in respect thereof without further order of the
19 Court and in a manner consistent with the provisions of the Stipulation.

20 24. **Termination of Settlement** – If the Settlement is terminated as provided in the
21 Stipulation, the Settlement is not approved, or the Effective Date of the Settlement otherwise fails
22 to occur, this Order shall be vacated, rendered null and void and be of no further force and effect,
23 except as otherwise provided by the Stipulation, and this Order shall be without prejudice to the
24 rights of Lead Plaintiffs, the other Settlement Class Members and Defendants, and the Parties shall
25 revert to their respective positions in the Action as of February 28, 2023, as provided in the
26 Stipulation.

27 25. **Use of this Order** – Neither this Order, the Term Sheet, the Stipulation (whether or
28 not consummated), including the exhibits thereto and the Plan of Allocation contained therein (or

1 any other plan of allocation that may be approved by the Court), the negotiations leading to the
2 execution of the Term Sheet and the Stipulation, nor any proceedings taken pursuant to or in
3 connection with the Term Sheet, the Stipulation and/or approval of the Settlement (including any
4 arguments proffered in connection therewith): (a) shall be offered against Defendants or any of the
5 other Released Defendants' Parties as evidence of, or construed as, or deemed to be evidence of any
6 presumption, concession, or admission by any of the Defendants or other Released Defendants'
7 Parties with respect to the truth of any fact alleged by Lead Plaintiffs or the validity of any claim
8 that was or could have been asserted or the deficiency of any defense that has been or could have
9 been asserted in this Action or in any other litigation, or of any liability, negligence, fault, or other
10 wrongdoing of any kind of any of the Defendants or other Released Defendants' Parties or in any
11 way referred to for any other reason as against any of the Defendants or other Released Defendants'
12 Parties, in any civil, criminal or administrative action or other proceeding; (b) shall be offered
13 against Lead Plaintiffs or any of the other Released Plaintiffs' Parties, as evidence of, or construed
14 as, or deemed to be evidence of any presumption, concession or admission by any of the Lead
15 Plaintiffs or other Released Plaintiffs' Parties that any of their claims are without merit, that any of
16 the Defendants or the other Released Defendants' Parties had meritorious defenses, or that damages
17 recoverable under the Complaint would not have exceeded the Settlement Amount or with respect
18 to any liability, negligence, fault or wrongdoing of any kind, or in any way referred to for any other
19 reason as against Lead Plaintiffs and any of the Released Plaintiffs' Parties, in any civil, criminal or
20 administrative action or other proceeding; or (c) shall be construed against any of the Releasees as
21 an admission, concession, or presumption that the consideration to be given under the Settlement
22 represents the amount which could be or would have been recovered after trial; *provided, however,*
23 that if the Stipulation is approved by the Court, the Parties and the Releasees and their respective
24 counsel may refer to it to effectuate the protections from liability granted thereunder or otherwise to
25 enforce the terms of the Settlement.

26 26. **Supporting Papers** – Co-Lead Counsel shall file and serve the opening papers in
27 support of approval of the proposed Settlement, the Plan of Allocation, and Co-Lead Counsel's
28 motion for an award of attorneys' fees and payment of Litigation Expenses no later than thirty-five

1 (35) calendar days prior to the Settlement Hearing; and reply papers, if any, shall be filed and served
2 no later than seven (7) calendar days prior to the Settlement Hearing.

3 27. The Court retains jurisdiction to consider all further applications arising out of or
4 connected with the proposed Settlement.

5 SO ORDERED this _____ day of _____, 2023.

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The Honorable Thomas S. Zilly
United States District Judge

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Exhibit A-1

Exhibit 1

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANTONIO BACHAALANI NACIF and
WIES RAFI, Individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

ATHIRA PHARMA, INC., et al.,

Defendants.

CASE NO.: 2:21-cv-00861-TSZ
(Consolidated with 21-cv-00862-TSZ and
21-cv-00864-TSZ)

**NOTICE OF (I) PENDENCY OF CLASS ACTION AND PROPOSED SETTLEMENT;
(II) SETTLEMENT HEARING; AND (III) MOTION FOR AN AWARD OF
ATTORNEYS' FEES AND PAYMENT OF LITIGATION EXPENSES**

A Federal Court authorized this Notice. This is not a solicitation from a lawyer.

NOTICE OF PENDENCY OF CLASS ACTION: Please be advised that your rights may be affected by the above-captioned securities class action (the "Action") pending in the United States District Court for the Western District of Washington (the "Court"), if you purchased or otherwise acquired Athira Pharma, Inc. ("Athira" or the "Company") publicly traded common stock: (a) during the period from September 17, 2020 through June 17, 2021, inclusive (the "Class Period"); (b) pursuant and/or traceable to the registration statement and prospectus issued in connection with Athira's September 2020 initial public offering ("IPO"); and/or (c) pursuant and/or traceable to

the registration statement and prospectus issued in connection with Athira's January 2021 secondary public offering ("SPO"), and were damaged thereby.¹

NOTICE OF SETTLEMENT: Please also be advised that the Court-appointed lead plaintiffs, Antonio Bachaalani Nacif and Wies Rafi (collectively, "Lead Plaintiffs"), on behalf of themselves and the Settlement Class (as defined in ¶ 22 below), have reached a proposed settlement of the Action for \$10,000,000 in cash that, if approved, will resolve all claims in the Action and related claims (the "Settlement").

PLEASE READ THIS NOTICE CAREFULLY. This Notice explains important rights you may have, including the possible receipt of cash from the Settlement. If you are a member of the Settlement Class, your legal rights will be affected whether or not you act.

If you have any questions about this Notice, the proposed Settlement, or your eligibility to participate in the Settlement, please DO NOT contact Athira, any other Defendants in the Action, or their counsel. All questions should be directed to Co-Lead Counsel or the Claims Administrator (see ¶¶ 6 and 82 below).

1. **Description of the Action and the Settlement Class:** This Notice relates to a proposed Settlement of claims in a pending securities class action brought by investors alleging, among other things, that Defendants² violated the federal securities laws by making false and misleading statements related to allegedly altered images in certain research papers co-authored by Dr. Kawas. A more detailed description of the Action is set forth in paragraphs 11-21 below. The proposed Settlement, if approved by the Court, will settle claims of the Settlement Class, as defined in paragraph 22 below.

2. **Statement of the Settlement Class's Recovery:** Subject to Court approval, Lead Plaintiffs, on behalf of themselves and the Settlement Class, have agreed to settle the Action in exchange for a settlement payment of \$10,000,000 in cash (the "Settlement Amount") which Athira shall pay or cause to be paid into an escrow account. The Net Settlement Fund (*i.e.*, the Settlement Amount plus any and all interest earned thereon (the "Settlement Fund") less (a) any Taxes, (b) any Notice and Administration Costs, (c) any Litigation Expenses awarded by the Court, and (d) any attorneys' fees awarded by the Court) will be distributed in accordance with a plan of allocation that is approved by the Court, which will determine how the Net Settlement Fund shall be allocated among members of the Settlement Class. The proposed plan of allocation (the "Plan of Allocation") is set forth on pages ___ - ___ below.

¹ All capitalized terms used in this Notice that are not otherwise defined herein shall have the meanings ascribed to them in the Stipulation and Agreement of Settlement dated April 27, 2023 (the "Stipulation"), which is available at www.AthiraSecuritiesSettlement.com.

² Dr. Kawas, Glenna Mileson, Dr. Tadataka Yamada, Joseph Edelman, James A. Johnson, and John M. Fluke, Jr. are collectively referred to herein as the "Individual Defendants." Claims were also brought against Goldman Sachs & Co. LLC, Jefferies LLC, Stifel, Nicolaus & Company, Inc., and JMP Securities LLC (collectively, the "Underwriter Defendants," and together with Athira and the Individual Defendants, the "Defendants"). With the exception of Dr. Kawas and Athira, the Court dismissed all claims against the Individual Defendants and Underwriter Defendants in a July 29, 2022 order that granted in part and denied in part the Defendants' motions to dismiss.

3. **Estimate of Average Amount of Recovery Per Share:** Based on Lead Plaintiffs' consulting damages expert's estimates of the number of shares of Athira publicly traded common stock purchased during the Class Period that may have been affected by the conduct at issue in the Action and assuming that all Settlement Class Members elect to participate in the Settlement, the estimated average recovery (before the deduction of any Court-approved fees, expenses and costs as described herein) per eligible share is \$0.47. Settlement Class Members should note, however, that the foregoing average recovery per share is only an estimate. Some Settlement Class Members may recover more or less than this estimated amount depending on, among other factors, the number of shares of Athira common stock they purchased, when and at what prices they purchased/acquired or sold their Athira common stock, and the total number of valid Claims submitted. Distributions from the Net Settlement Fund to Settlement Class Members will be made based on the Plan of Allocation set forth herein (*see* pages ___ - ___ below) or such other plan of allocation as may be approved by the Court.

4. **Average Amount of Damages Per Share:** The Parties do not agree on the average amount of damages per share that would be recoverable if Lead Plaintiffs were to prevail in the Action. Among other things, Defendants disagree with the assertion that they violated the federal securities laws or that any damages were suffered by any members of the Settlement Class as a result of their conduct.

5. **Attorneys' Fees and Expenses Sought:** Plaintiffs' Counsel, who have been prosecuting the Action on a wholly contingent basis since its inception in 2021, have not received any payment of attorneys' fees for their work on behalf of the Settlement Class and have advanced the funds to pay expenses necessarily incurred to prosecute this Action. Court-appointed lead counsel, Glancy Prongay & Murray, LLP and Labaton Sucharow LLP (collectively, "Co-Lead Counsel"), will apply to the Court for an award of attorneys' fees for all Plaintiffs' Counsel in an amount not to exceed 33 $\frac{1}{3}$ % of the Settlement Fund. In addition, Co-Lead Counsel will apply for payment of Litigation Expenses in an amount not to exceed \$125,000, which may include an application for reimbursement of the reasonable costs and expenses incurred by Lead Plaintiffs related to their representation of the Settlement Class. Any fees and expenses awarded by the Court will be paid from the Settlement Fund. Settlement Class Members are not personally liable for any such fees or expenses. Estimates of the average cost per affected share of Athira common stock, if the Court approves Co-Lead Counsel's fee and expense application, is \$0.16 per eligible share.

6. **Identification of Attorneys' Representatives:** Lead Plaintiffs and the Settlement Class are represented by Casey E. Sadler, Esq. of Glancy Prongay & Murray, LLP, 1925 Century Park East, Suite 2100, Los Angeles, CA 90067, (888) 773-9224, settlements@glancylaw.com; and Michael P. Canty, Esq., of Labaton Sucharow LLP, 140 Broadway, New York, New York 10005, (888) 219-6877, settlementquestions@labaton.com.

7. **Reasons for the Settlement:** The Court did not finally decide in favor of Lead Plaintiffs or Defendants. Instead, the Parties have agreed to settle. Lead Plaintiffs' principal reason for entering into the Settlement is the substantial certain cash benefit for the Settlement Class without the risk or the delays inherent in further litigation. The substantial cash benefit must be considered against the significant risk that a smaller recovery—or no recovery at all—might be achieved after contested motions, a trial and the likely appeals that would follow a trial. This process could last several years. The Defendants deny the allegations that they made any material misstatements or omissions; that any member of the Settlement Class has suffered any damages; or that the price of

Athira stock was artificially inflated by reason of any alleged misstatements or omissions. Defendants, who deny all allegations of wrongdoing or liability whatsoever, are entering into the Settlement solely to eliminate the uncertainty, burden and expense of further protracted litigation.

| YOUR LEGAL RIGHTS AND OPTIONS IN THE SETTLEMENT: | |
|---|--|
| SUBMIT A CLAIM FORM POSTMARKED NO LATER THAN _____, 2023. | This is the only way to be eligible to receive a payment from the Settlement Fund. If you are a Settlement Class Member, you will be bound by the Settlement and you will give up any Released Plaintiffs' Claims (defined in ¶ 27 below) that you have against Defendants and the other Released Defendants' Parties (defined in ¶ 28 below), so it is in your interest to submit a Claim Form. |
| EXCLUDE YOURSELF FROM THE SETTLEMENT CLASS BY SUBMITTING A WRITTEN REQUEST THAT IS RECEIVED NO LATER THAN _____, 2023. | If you exclude yourself from the Settlement Class, you will not be eligible to receive any payment from the Settlement Fund. This is the only option that allows you to ever be part of any other lawsuit against the Defendants or the other Released Defendants' Parties concerning the Released Plaintiffs' Claims. |
| SUBMIT A WRITTEN OBJECTION SO THAT IT IS RECEIVED NO LATER THAN _____, 2023. | If you do not like the proposed Settlement, the proposed Plan of Allocation, or the request for attorneys' fees and Litigation Expenses, you may write to the Court and explain why you do not like them. You cannot object unless you are a Settlement Class Member and do not exclude yourself from the Settlement Class. |
| GO TO A HEARING ON _____, 2023 AT ____:____.M., AND FILE A NOTICE OF INTENTION TO APPEAR SO THAT IT IS RECEIVED NO LATER THAN _____, 2023. | Filing an objection and notice of intention to appear by _____, 2023 allows you to speak in Court, at the discretion of the Court, about your objection. |
| DO NOTHING. | If you are a member of the Settlement Class and you do nothing, you will not receive a payment. You will, however, remain in the Settlement Class and give up your right to sue about the claims that are resolved by the Settlement and you will be bound by any judgments or orders entered by the Court in the Action. |

WHAT THIS NOTICE CONTAINS

| | |
|---|----------|
| What Is This Case About? | Page ___ |
| How Do I Know If I Am Affected By The Settlement? | |
| Who Is Included In The Settlement Class? | Page ___ |
| What Might Happen If There Were No Settlement? | Page ___ |
| How Are Settlement Class Members Affected By The Action And The Settlement? | Page ___ |
| How Do I Participate In The Settlement? What Do I Need To Do? | Page ___ |
| How Much Will My Payment Be? | Page ___ |
| What Payment Are The Attorneys For The Settlement Class Seeking? How Will The Lawyers Be Paid? | Page ___ |
| What If I Do Not Want To Be A Member Of The Settlement Class? How Do I Exclude Myself? | Page ___ |
| When And Where Will The Court Decide Whether To Approve The Settlement? How Do I Object? May I Speak At The Hearing If I Don't Like The Settlement? | Page ___ |
| What If I Bought Shares On Someone Else's Behalf? | Page ___ |
| Can I See The Court File? Whom Should I Contact If I Have Questions? | Page ___ |

WHY DID I GET THIS NOTICE?

8. The Court directed that this Notice be mailed to you because you or someone in your family or an investment account for which you serve as a custodian may have purchased or otherwise acquired Athira common stock during the Class Period. The Court has directed us to send you this Notice because, as a potential Settlement Class Member, you have a right to know about your options before the Court rules on the proposed Settlement.

9. The purpose of this Notice is to inform you of the existence of this class action, how you might be affected, and how to exclude yourself from the Settlement Class if you wish to do so. It also informs you of the terms of the proposed Settlement, and of a hearing to be held by the Court to consider the fairness, reasonableness, and adequacy of the Settlement, the proposed Plan of Allocation and the motion by Co-Lead Counsel for an award of attorneys' fees and Litigation Expenses (the "Settlement Hearing"). See paragraph 71 below for details about the Settlement Hearing, including the date and location of the hearing.

10. The issuance of this Notice is not an expression of any opinion by the Court concerning the merits of any claim or defense in the Action, and the Court still has to decide whether to approve the Settlement. If the Court approves the Settlement and a plan of allocation, then payments to Authorized Claimants will be made after any appeals are resolved and after the completion of all claims processing. Please be patient, as this process can take some time to complete.

WHAT IS THIS CASE ABOUT?

11. The Action was commenced by the filing of a class action complaint on June 25, 2021 in the United States District Court for the Western District of Washington (the "Court"), styled *Fan Wang and Hang Gao v. Athira Pharma, Inc. et al.*, Case No. 2:21-cv-00861. Two other class action complaints—styled *Jawandha v. Athira Pharma, Inc. et al.*, Case No. 2:21-cv-00862, and

Slyne v. Athira Pharma, Inc., et al., Case No. 2:21-cv-00864—were also filed in the Court. The Court subsequently consolidated these three cases.

12. By Order dated October 5, 2021, Antonio Bachaalani Nacif and Wies Rafi were appointed Lead Plaintiffs, Labaton Sucharow LLP and Glancy Prongay & Murray, LLP were approved as Co-Lead Counsel, and Rossi Vucinovich, P.C. were approved as Liaison Counsel.

13. On January 7, 2022, Lead Plaintiffs filed and served the operative consolidated amended complaint in the Action. It asserted claims against Athira and the Individual Defendants under Section 10(b) and Section 20(a) of the Securities Exchange Act of 1934 (the “Exchange Act”) and Rule 10b-5 promulgated thereunder, claims against all Defendants under Sections 11 and 12(a)(2) of the Securities Act of 1933 (the “Securities Act”) with respect to the Company’s IPO and SPO, and claims against the Individual Defendants under Section 15 of the Securities Act with respect to the Company’s IPO and SPO (the “Complaint”). Among other things, the Complaint alleged that Defendants made materially false and misleading statements and/or failed to disclose that the Company’s president and chief executive officer, Dr. Kawas, had improperly enhanced images in certain research papers she co-authored that were published from 2011 to 2014, which were referenced in certain applications by Washington State University (“WSU”) for patents that were then exclusively licensed to Athira. The Complaint further alleged that, when information regarding the allegedly enhanced images was publicly disclosed, the Company’s stock price was negatively impacted.

14. Following briefing on Defendants’ motions to dismiss the Complaint, the Court granted in part and denied in part those motions on July 29, 2022 (the “MTD Order”). The MTD Order denied Defendants’ motions with respect to Lead Plaintiffs’ claims under Sections 11 and 15 of the Securities Act against Dr. Kawas and Athira solely as to “Statement 3,” which was contained in Athira’s IPO and SPO Registration Statements and discussed Athira’s exclusive patent licensing agreement with WSU. The MTD Order granted Defendants motions to dismiss with respect to Lead Plaintiffs’ claims under Sections 11 and 15 of the Securities Act against Dr. Kawas and Athira with regard to all statements in the IPO and SPO Registration Statements other than “Statement 3.” In addition, the MTD Order dismissed all claims under Section 12(a)(2) of the Securities Act, all claims under the Exchange Act, all claims against the other Individual Defendants, and all claims against the Underwriter Defendants.

15. Following the MTD Order and the denial of Dr. Kawas’s subsequent motion for partial reconsideration of the order, Athira and Dr. Kawas separately filed answers to the Complaint.

16. Thereafter, the Private Securities Litigation Reform Act of 1995 (“PSLRA”) discovery stay was lifted and the remaining Parties began discovery. Lead Plaintiffs and the remaining Defendants propounded requests for production of documents and interrogatories. The remaining Defendants and Lead Plaintiffs responded to this discovery, including providing verified interrogatory responses and producing documents. At the time the Settlement was reached, Lead Plaintiffs were preparing for class certification and fact depositions.

17. On February 16, 2023, Lead Plaintiffs and the remaining Defendants participated in a full-day mediation session with Jed Melnick, Esq. of JAMS. In advance of the session, Lead Plaintiffs and the remaining Defendants exchanged and provided to the mediator detailed mediation

statements and exhibits, which addressed issues of both liability and damages. The session culminated in an agreement in principle to settle the Action.

18. Over the course of the next several weeks, the Parties negotiated a term sheet (the “Term Sheet”) containing the essential terms of the Settlement, which was fully executed on February 28, 2023.

19. In connection with the agreement in principle to settle the Action set forth in the Term Sheet, Athira also provided Co-Lead Counsel with additional document discovery, which consisted of documents that the Special Committee of Athira’s Board of Directors considered and relied on in its investigation into the conduct at issue. Review of the additional documents produced by Athira, together with the previous discovery and Co-Lead Counsel’s investigation to date, has confirmed for Lead Plaintiffs and Co-Lead Counsel that the Settlement is fair, reasonable and adequate to Lead Plaintiffs and the other members of the Settlement Class.

20. Defendants are entering into the Settlement solely to eliminate the uncertainty, burden and expense of further protracted litigation. Each of the Defendants denies any wrongdoing or liability, and the Stipulation shall in no event be construed or deemed to be evidence of or an admission or concession on the part of any of the Defendants, or any other of the Released Defendants’ Parties (defined in ¶ 28 below), with respect to any claim or allegation of any fault or liability or wrongdoing or damage whatsoever, or any infirmity in the defenses that the Defendants have, or could have, asserted. Similarly, the Stipulation shall in no event be construed or deemed to be evidence of or an admission or concession on the part of any Lead Plaintiff of any infirmity in any of the claims asserted in the Action, or an admission or concession that any of the Defendants’ defenses to liability had any merit.

21. On _____, 2023, the Court preliminarily approved the Settlement, authorized this Notice to be disseminated to potential Settlement Class Members, and scheduled the Settlement Hearing to consider whether to grant final approval to the Settlement.

**HOW DO I KNOW IF I AM AFFECTED BY THE SETTLEMENT?
WHO IS INCLUDED IN THE SETTLEMENT CLASS?**

22. If you are a member of the Settlement Class, you are subject to the Settlement, unless you timely request to be excluded. The Settlement Class consists of:

all persons and entities who or which purchased or otherwise acquired Athira Pharma, Inc. publicly traded common stock: (a) during the period from September 17, 2020 through June 17, 2021, inclusive (the “Class Period”); (b) pursuant and/or traceable to the registration statement and prospectus issued in connection with the Company’s September 2020 IPO; and/or (c) pursuant and/or traceable to the registration statement and prospectus issued in connection with the Company’s January 2021 SPO, and were damaged thereby.

Excluded from the Settlement Class are: (a) Defendants; (b) any person who served as a partner, control person, executive officer and/or director of Athira or the Underwriter Defendants during the Class Period, and members of their Immediate Family; (c) present and former parents, subsidiaries, assigns, successors, affiliates, and predecessors of Athira and the Underwriter

Defendants; (d) any entity in which the Defendants have or had a controlling interest; © any trust of which an Individual Defendant is the settlor or which is for the benefit of an Individual Defendant and/or member(s) of their Immediate Family; (f) liability insurance carriers for Athira or the Individual Defendants; and (g) the legal representatives, heirs, successors, and assigns of any person or entity excluded under provisions (a) through (f) hereof. Notwithstanding any provision to the contrary, (a) any Investment Vehicle shall not be excluded from the Settlement Class; and (b) “affiliates” are persons or entities that directly, or indirectly through one or more intermediaries, control, are controlled by or are under common control with one of the Defendants, including Athira’s employee retirement and/or benefit plan(s). Also excluded from the Settlement Class are any persons or entities who or which exclude themselves by submitting a request for exclusion in accordance with the requirements set forth in this Notice. *See* “What If I Do Not Want To Be A Member Of The Settlement Class? How Do I Exclude Myself,” on page [] below.

PLEASE NOTE: RECEIPT OF THIS NOTICE DOES NOT MEAN THAT YOU ARE A SETTLEMENT CLASS MEMBER OR THAT YOU WILL BE ENTITLED TO RECEIVE A PAYMENT. IF YOU WISH TO BE ELIGIBLE FOR A PAYMENT, YOU MUST SUBMIT THE CLAIM FORM THAT IS BEING DISTRIBUTED WITH THIS NOTICE AND THE REQUIRED SUPPORTING DOCUMENTATION POSTMARKED NO LATER THAN _____, 2023.

WHAT MIGHT HAPPEN IF THERE WERE NO SETTLEMENT?

23. If there were no Settlement, the expense and length of continued proceedings necessary to pursue Lead Plaintiffs’ claims against the remaining Defendants through trial and appeals would be substantial. Additionally, the Court’s MTD Order left only one actionable allegedly false and misleading statement from Athira’s IPO materials and SPO materials, which was related to Athira’s exclusive patent licensing agreement with WSU. Defendants had numerous avenues of attack that could preclude a recovery as to this statement. For example, they would likely assert that the statement was not materially false and misleading. Even if the hurdles to establishing liability were overcome, the amount of damages that could be attributed to the allegedly false statement would be hotly contested. Lead Plaintiffs would also have to prevail at several stages before any money could be recovered—motions for class certification and summary judgment, trial, and if they prevailed on those, in the appeals that were likely to follow. If Defendants were successful in proving any of their defenses, either at summary judgment, at trial or on appeal, the Settlement Class could recover substantially less than the amount provided in the Settlement, or nothing at all. Thus, there were very significant risks to the continued prosecution of the Action.

HOW ARE SETTLEMENT CLASS MEMBERS AFFECTED BY THE ACTION AND THE SETTLEMENT?

24. As a Settlement Class Member, you are represented by Lead Plaintiffs and Co-Lead Counsel, unless you enter an appearance through counsel of your own choice at your own expense. You are not required to retain your own counsel, but if you choose to do so, such counsel must file a notice of appearance on your behalf and must serve copies of his or her appearance on the attorneys listed in the section entitled, “When And Where Will The Court Decide Whether To Approve The Settlement?” below.

25. If you are a Settlement Class Member and you do not exclude yourself from the Settlement Class, you will be bound by any orders issued by the Court. If the Settlement is approved, the Court will enter a judgment (the “Judgment”). The Judgment will dismiss with prejudice the claims against Defendants and related claims and will provide that, upon the Effective Date of the Settlement, Lead Plaintiffs and each of the other Settlement Class Members, on behalf of themselves, and their respective heirs, executors, administrators, trustees, predecessors, successors, and assigns, in their capacities as such only, shall be deemed to have, and by operation of law and of the judgment shall have, fully, finally and unconditionally released as against the Released Defendants’ Parties (as defined in ¶ 28 below) each and every Released Plaintiffs’ Claim (as defined in ¶ 27 below), and shall forever be barred and enjoined from prosecuting any or all of the Released Plaintiffs’ Claims against any of the Released Defendants’ Parties.

26. If you are a Settlement Class Member and do not wish to remain a Settlement Class Member, you may exclude yourself from the Settlement Class by following the instructions in the section entitled, “What If I Do Not Want To Be A Member Of The Settlement Class? How Do I Exclude Myself?,” below.

27. “Released Plaintiffs’ Claims” means any and all claims, demands, rights, liabilities, and causes of action of every nature and description, whether known claims or Unknown Claims, contingent or absolute, mature or not mature, liquidated or unliquidated, accrued or not accrued, concealed or hidden, whether direct, representative, class, or individual in nature, regardless of legal or equitable theory and whether arising under federal, state, common, or foreign law, that Lead Plaintiffs or any other member of the Settlement Class: (a) asserted in the Action; or (b) could have asserted in any court or forum, that arise out of or are based upon (i) the allegations, transactions, facts, matters or occurrences, representations or omissions set forth or referred to in the complaints filed in the Action, and (ii) the purchase, acquisition, sale, or holding of Athira publicly traded common stock during the Class Period or pursuant and/or traceable to the registration statements and prospectuses issued in connection with Athira’s IPO or SPO. Released Plaintiffs’ Claims do not include: (a) any claims relating to enforcement of the Settlement; (b) any claims of any person or entity who or which submits a request for exclusion from the Settlement Class that is accepted by the Court; and (c) any derivative claims asserted by shareholders on behalf of Athira in the related consolidated shareholder derivative lawsuits, captioned *Bushansky v. Kawas et al.*, Case No. 2:22-cv-497-TSZ (W.D. Wash.) and *Houlihan v. Kawas et al.*, Case No. 2:22-cv-620-TSZ (W.D. Wash.).

28. “Released Defendants’ Parties” means (a) each Defendant; (b) the Immediate Family members of the Individual Defendants; (c) direct or indirect parent entities, subsidiaries, related entities, and affiliates of Athira and the Underwriter Defendants; (d) any trust of which any Individual Defendant is the settlor or which is for the benefit of any Individual Defendant and/or his or her Immediate Family members; (e) for any of the entities listed in parts (a) through (d), their respective past and present general partners, limited partners, principals, shareholders, joint venturers, members, officers, directors, managers, managing directors, supervisors, employees, contractors, consultants, experts, auditors, accountants, financial advisors, professional advisors, investment bankers, representatives, insurers, trustees, trustors, agents, attorneys, professionals, predecessors, successors, assigns, legal representatives, heirs, executors, administrators, and any controlling person thereof; and (f) any entity in which a Defendant has a controlling interest; all in their capacities as such.

29. “Unknown Claims” means any Released Plaintiffs’ Claims which any Lead Plaintiff or any other Settlement Class Member does not know or suspect to exist in his, her or its favor at the time of the release of such claims, and any Released Defendants’ Claims which any Defendant or any other Released Defendant Party does not know or suspect to exist in his, her, or its favor at the time of the release of such claims, which, if known by him, her or it, might have affected his, her or its decision(s) with respect to this Settlement. With respect to any and all Released Claims, the Parties stipulate and agree that, upon the Effective Date of the Settlement, Lead Plaintiffs and Defendants shall expressly waive, and each of the other Settlement Class Members and each of the other Released Defendants’ Parties shall be deemed to have waived, and by operation of the Judgment or the Alternate Judgment, if applicable, 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 or foreign law, which is similar, comparable, or equivalent to California Civil 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.

Lead Plaintiffs and Defendants acknowledge, and each of the other Settlement Class Members and each of the other Released Defendants’ Parties shall be deemed by operation of law to have acknowledged, that the foregoing waiver was separately bargained for and a key element of the Settlement.

30. The Judgment will also provide that, upon the Effective Date of the Settlement, Defendants and the other Released Defendants’ Parties, on behalf of themselves and their respective heirs, executors, administrators, trustees, predecessors, successors, and assigns, in their capacities as such only, shall be deemed to have, and by operation of law and of the judgment shall have, fully, finally and unconditionally released as against Lead Plaintiffs and the other Released Plaintiffs’ Parties (as defined in ¶ 32 below) each and every Released Defendants’ Claim (as defined in ¶ 31 below), and shall forever be barred and enjoined from prosecuting any or all of the Released Defendants’ Claims against any of the Released Plaintiffs’ Parties.

31. “Released Defendants’ Claims” means all claims and causes of action of every nature and description, whether known claims or Unknown Claims, whether arising under federal, state, local, common, statutory, administrative, or foreign law, or any other law, rule, or regulation, at law or in equity, whether fixed or contingent, whether foreseen or unforeseen, whether accrued or unaccrued, whether liquidated or unliquidated, whether matured or unmatured, whether direct, representative, class, or individual in nature that arise out of or relate in any way to the institution, prosecution, or settlement of the claims against the Defendants. Released Defendants’ Claims do not include any claims relating to the enforcement of the Settlement or any claims against any person or entity who or which submits a request for exclusion from the Settlement Class that is accepted by the Court.

32. “Released Plaintiffs’ Parties” means (a) Lead Plaintiffs, all Settlement Class members, Plaintiffs’ Counsel, and (b) each of their respective family members, and their respective general partners, limited partners, principals, shareholders, joint venturers, members, officers, directors, managers, managing directors, supervisors, employees, contractors, consultants, experts, auditors, accountants, financial advisors, professional advisors, investment bankers, representatives,

insurers, trustees, trustors, agents, attorneys, legal representatives, professionals, predecessors, successors, assigns, heirs, executors, administrators, and any controlling person thereof, in their capacities as such.

HOW DO I PARTICIPATE IN THE SETTLEMENT? WHAT DO I NEED TO DO?

33. To be eligible for a payment from the proceeds of the Settlement, you must be a member of the Settlement Class and you must timely complete and return the Claim Form with adequate supporting documentation to the Claims Administrator **postmarked or submitted online using the Settlement website no later than _____, 2023**. A Claim Form is included with this Notice, or you may obtain one from the website for the Settlement, www.AthiraSecuritiesSettlement.com. You may also request that a Claim Form be mailed to you by calling the Claims Administrator toll free at 1-866-274-4004. Please retain all records of your ownership of and transactions in Athira common stock, as they may be needed to document your Claim. If you request exclusion from the Settlement Class or do not submit a timely and valid Claim Form, you will not be eligible to share in the Net Settlement Fund.

HOW MUCH WILL MY PAYMENT BE?

34. At this time, it is not possible to make any determination as to how much any individual Settlement Class Member may receive from the Settlement.

35. Pursuant to the Settlement, Athira has agreed to pay or cause the payment of ten million dollars (\$10,000,000) in cash. The Settlement Amount plus any interest or earnings thereon is referred to as the "Settlement Fund." If the Settlement is approved by the Court and the Effective Date occurs, the "Net Settlement Fund" (that is, the Settlement Fund less (a) all federal, state and/or local taxes on any income earned by the Settlement Fund and the reasonable costs incurred in connection with determining the amount of and paying taxes owed by the Settlement Fund (including reasonable expenses of tax attorneys and accountants); (b) the costs and expenses incurred in connection with providing notice to Settlement Class Members and administering the Settlement on behalf of Settlement Class Members; and (c) any attorneys' fees and Litigation Expenses awarded by the Court) will be distributed to Settlement Class Members who submit valid Claim Forms, in accordance with the proposed Plan of Allocation set forth below or such other plan of allocation as the Court may approve.

36. The Net Settlement Fund will not be distributed unless and until the Court has approved the Settlement and a plan of allocation, and the time for any petition for rehearing, appeal or review, whether by certiorari or otherwise, has expired.

37. Neither Athira, the Individual Defendants, nor any other entity that paid any portion of the Settlement Amount on their behalf is entitled to get back any portion of the Settlement Fund once the Court's order or judgment approving the Settlement becomes Final. Defendants shall not have any liability, obligation or responsibility for the administration of the Settlement, the disbursement of the Net Settlement Fund or the plan of allocation.

38. Approval of the Settlement is independent from approval of a plan of allocation. Any determination with respect to a plan of allocation will not affect the Settlement, if approved.

39. Unless the Court otherwise orders, any Settlement Class Member who fails to submit a Claim Form postmarked on or before _____, 2023 shall be fully and forever barred from receiving payments pursuant to the Settlement but will in all other respects remain a Settlement Class Member and be subject to the provisions of the Stipulation, including the terms of any judgment entered and the releases given. *See* ¶¶ 25 - 32 above.

40. Participants in and beneficiaries of a plan covered by ERISA (“ERISA Plan”) should NOT include any information relating to their transactions in Athira common stock held through the ERISA Plan in any Claim Form that they submit. They should include ONLY those shares that they purchased or acquired outside of the ERISA Plan. Athira’s employee retirement and/or benefit plan(s) are excluded from the Settlement Class.

41. The Court has reserved jurisdiction to allow, disallow, or adjust on equitable grounds any Claim. Each Claimant shall be deemed to have submitted to the jurisdiction of the Court with respect to his, her or its Claim.

42. Only Settlement Class Members will be eligible to share in the distribution of the Net Settlement Fund. Persons and entities that are excluded from the Settlement Class by definition, or that exclude themselves from the Settlement Class pursuant to request, will not be eligible to receive a distribution from the Net Settlement Fund and should not submit Claim Forms. Athira common stock is the only security included in the Settlement.

PROPOSED PLAN OF ALLOCATION

43. The Plan of Allocation (the “Plan of Allocation” or “Plan”) set forth below is the plan for the distribution of the Settlement proceeds that is being proposed by Lead Plaintiffs and Co-Lead Counsel to the Court for approval. The Court may approve this Plan of Allocation or modify it without additional notice to the Settlement Class. Any order modifying the Plan of Allocation will be posted on the Settlement website at: www.AthiraSecuritiesSettlement.com.

44. The objective of the Plan of Allocation is to equitably distribute the Settlement proceeds to those Settlement Class Members who suffered economic losses as a proximate result of the alleged wrongdoing. The calculations made pursuant to the Plan of Allocation are not intended to be estimates of, nor indicative of, the amounts that Settlement Class Members might have been able to recover after a trial. Nor are the calculations pursuant to the Plan of Allocation intended to be estimates of the amounts that will be paid to Authorized Claimants pursuant to the Settlement. The computations under the Plan of Allocation are only a method to weigh the claims of Authorized Claimants against one another for the purposes of making *pro rata* allocations of the Net Settlement Fund.

45. Based on the formulas set forth below, a “Recognized Loss Amount” shall be calculated by the Claims Administrator for each purchase or acquisition of Athira common stock during the Class Period that is listed in the Claim Form and for which adequate documentation is provided.

46. Recognized Loss Amounts are based primarily on the price declines quantified by Lead Plaintiffs’ consulting damages expert over the period which Lead Plaintiffs allege corrective information was entering the market place. In the Action, Lead Plaintiffs allege that Defendants made false statements and omitted material facts in the IPO materials and SPO materials, as well as during the Class Period (*i.e.*, September 17, 2020 through June 17, 2021, inclusive), which had the effect of allegedly artificially inflating the price of Athira common stock. The estimated alleged

artificial inflation in the price of Athira common stock during the Class Period is reflected in Table 1 below.

47. In order to have recoverable damages in the Action, disclosures correcting the alleged misrepresentations must be the cause of the decline in the price of the Athira common stock. In this matter, Lead Plaintiffs allege that corrective disclosures removed the artificial inflation from the price of Athira common stock on June 18, 2021 (the “Corrective Disclosure Date”). Accordingly, in order to have a Recognized Loss Amount, Athira common stock must have been purchased or acquired during the Class Period and held until the close of the U.S. financial markets on June 17, 2021. To the extent a Claimant does not satisfy the conditions set forth in the preceding sentence, his, her or its Recognized Loss Amount for those transactions will be zero.

| Table 1 | | |
|--|---------------|----------------------------------|
| Alleged Artificial Inflation in Athira Common Stock | | |
| From | To | Per-Share Price Inflation |
| September 17, 2020 | June 17, 2021 | \$7.14 |
| June 18, 2021 | Thereafter | \$0.00 |

48. The Action alleges claims under the Securities Act with respect to Athira common stock purchased pursuant or traceable to the Company’s IPO materials³ or SPO materials.⁴ It alleges claims under the Exchange Act with respect to all purchases/acquisitions of Athira common stock during the Class Period.

49. For shares of Athira common stock eligible for a recovery under both the Exchange Act and the Securities Act, a Recognized Loss Amount will be calculated in the manner set forth in this Plan using an Exchange Act measure of loss, and any Recognized Loss Amount greater than zero will be increased by 25%. Although the Exchange Act claims and the Securities Act claims in the Action generally relate to similar alleged misconduct, this approach to calculating Recognized Loss Amounts is intended to reflect the Court’s rulings on the motions to dismiss the Complaint, which dismissed the Exchange Act claims without prejudice.

50. The “90-day look back” provision of the “PSLRA is incorporated into the calculation of Recognized Loss Amounts. This limitation provides that the Recognized Loss Amount on Athira common stock purchased during the Class Period and held as of the close of the 90-day period subsequent to the Class Period (the “90-Day Lookback Period”) cannot exceed the difference between the purchase price paid for such stock and its average price during the 90-Day Lookback Period. The Recognized Loss Amount on Athira common stock purchased during the Class Period

³ Athira common stock purchased or otherwise acquired directly in the IPO, or in the open market during the period from September 17, 2020 through January 20, 2021, inclusive, shall be considered a purchase pursuant or traceable to the IPO materials.

⁴ Athira common stock purchased or otherwise acquired directly in the SPO, or in the open market during the period from January 21, 2021 through February 10, 2021, inclusive, at a price of \$22.50 per share (excluding commissions and other charges), shall be considered a purchase pursuant or traceable to the SPO materials.

and sold during the 90-Day Lookback Period cannot exceed the difference between the purchase price paid for such stock and its rolling average price during the portion of the 90-Day Lookback Period elapsed as of the date of sale.

51. In the calculations below, all purchase and sale prices shall exclude any fees, taxes and commissions. If a Recognized Loss Amount is calculated to be a negative number, that Recognized Loss Amount shall be set to zero. Any transactions in Athira common stock executed outside of regular trading hours for the U.S. financial markets shall be deemed to have occurred during the next regular trading session.

CALCULATION OF RECOGNIZED LOSS AMOUNTS UNDER THE EXCHANGE ACT

52. Based on the provisions set forth in this Plan, a “Recognized Loss Amount” shall be calculated for each purchase or acquisition of Athira common stock during the Class Period that is listed in the Claim Form and for which adequate documentation is provided.

- I. For each share purchased or otherwise acquired during the Class Period that was sold prior to the close of the U.S. financial markets on June 17, 2021, the Recognized Loss Amount is \$0.00 per share.
- II. For each share purchased or otherwise acquired during the Class Period that was subsequently sold during the period from June 18, 2021 through September 15, 2021, inclusive (*i.e.*, sold during the 90-Day Lookback Period), the Recognized Loss Amount is *the least of*:
 - a. \$7.14 per share; or
 - b. the purchase price *minus* the sale price; or
 - c. the purchase price *minus* the “90-Day Lookback Value” on the date of sale as appears in Table 2 below.
- III. For each share purchased or otherwise acquired during the Class Period and still held as of the close of trading on September 15, 2021, the Recognized Loss Amount is *the lesser of*:
 - a. \$7.14 per share; or
 - b. the purchase price *minus* the average closing price for Athira common stock during the 90-Day Lookback Period, which is \$10.33 per share.
- IV. For each share purchased or otherwise acquired on or after June 18, 2021, the Recognized Loss Amount is \$0.00 per share.

| |
|----------------|
| Table 2 |
|----------------|

| Sale/ Disposition Date | 90-Day Lookback Value | Sale/ Disposition Date | 90-Day Lookback Value | Sale/ Disposition Date | 90-Day Lookback Value |
|------------------------------|-----------------------------|------------------------------|-----------------------------|------------------------------|-----------------------------|
| 6/18/2021 | \$11.15 | 7/20/2021 | \$10.51 | 8/18/2021 | \$10.25 |
| 6/21/2021 | \$10.95 | 7/21/2021 | \$10.52 | 8/19/2021 | \$10.23 |
| 6/22/2021 | \$10.75 | 7/22/2021 | \$10.52 | 8/20/2021 | \$10.22 |
| 6/23/2021 | \$10.71 | 7/23/2021 | \$10.51 | 8/23/2021 | \$10.22 |
| 6/24/2021 | \$10.77 | 7/26/2021 | \$10.49 | 8/24/2021 | \$10.22 |
| 6/25/2021 | \$10.78 | 7/27/2021 | \$10.47 | 8/25/2021 | \$10.22 |
| 6/28/2021 | \$10.76 | 7/28/2021 | \$10.46 | 8/26/2021 | \$10.22 |
| 6/29/2021 | \$10.72 | 7/29/2021 | \$10.44 | 8/27/2021 | \$10.23 |
| 6/30/2021 | \$10.66 | 7/30/2021 | \$10.41 | 8/30/2021 | \$10.24 |
| 7/1/2021 | \$10.66 | 8/2/2021 | \$10.39 | 8/31/2021 | \$10.25 |
| 7/2/2021 | \$10.65 | 8/3/2021 | \$10.38 | 9/1/2021 | \$10.26 |
| 7/6/2021 | \$10.68 | 8/4/2021 | \$10.37 | 9/2/2021 | \$10.27 |
| 7/7/2021 | \$10.67 | 8/5/2021 | \$10.38 | 9/3/2021 | \$10.28 |
| 7/8/2021 | \$10.66 | 8/6/2021 | \$10.36 | 9/7/2021 | \$10.29 |
| 7/9/2021 | \$10.68 | 8/9/2021 | \$10.36 | 9/8/2021 | \$10.30 |
| 7/12/2021 | \$10.67 | 8/10/2021 | \$10.35 | 9/9/2021 | \$10.31 |
| 7/13/2021 | \$10.67 | 8/11/2021 | \$10.34 | 9/10/2021 | \$10.33 |
| 7/14/2021 | \$10.63 | 8/12/2021 | \$10.33 | 9/13/2021 | \$10.33 |
| 7/15/2021 | \$10.60 | 8/13/2021 | \$10.32 | 9/14/2021 | \$10.33 |
| 7/16/2021 | \$10.54 | 8/16/2021 | \$10.29 | 9/15/2021 | \$10.33 |
| 7/19/2021 | \$10.51 | 8/17/2021 | \$10.27 | N/A | N/A |

ADDITIONAL PROVISIONS

53. The Net Settlement Fund will be allocated among all Authorized Claimants whose Distribution Amount (defined in paragraph 61 below) is \$10.00 or greater.

54. **FIFO Matching:** If a Settlement Class Member has more than one purchase/acquisition or sale of Athira common stock, all purchases/acquisitions and sales shall be matched on a First In, First Out (“FIFO”) basis. Under FIFO, Class Period sales will be matched against Class Period purchases/acquisitions in chronological order, beginning with the earliest purchase/acquisition made during the Class Period.

55. **Calculation of Claimant’s “Recognized Claim”:** A Claimant’s “Recognized Claim” under the Plan of Allocation shall be the sum of his, her, or its Recognized Loss Amounts for all shares of the Athira common stock.

56. **“Purchase/Sale” Dates:** Purchases or acquisitions and sales of Athira common stock shall be deemed to have occurred on the “contract” or “trade” date as opposed to the “settlement” or “payment” date. The receipt or grant by gift, inheritance, or operation of law of Athira common stock during the Class Period shall not be deemed a purchase, acquisition, or sale of Athira common stock for the calculation of an Authorized Claimant’s Recognized Loss Amount, nor shall the receipt or grant be deemed an assignment of any claim relating to the purchase/acquisition of any Athira common stock unless (i) the donor or decedent purchased or otherwise acquired such Athira common stock during the Class Period; (ii) no Claim Form was submitted by or on behalf

of the donor, on behalf of the decedent, or by anyone else with respect to such Athira common stock; and (iii) it is specifically so provided in the instrument of gift or assignment.

57. **Short Sales:** The date of covering a “short sale” is deemed to be the date of purchase or acquisition of the Athira common stock. The date of a “short sale” is deemed to be the date of sale of Athira common stock. Under the Plan of Allocation, however, the Recognized Loss Amount on “short sales” is zero. In the event that a Claimant has an opening short position in Athira common stock, the earliest Class Period purchases or acquisitions shall be matched against such opening short position, and not be entitled to a recovery, until that short position is fully covered.

58. **Option Contracts:** Option contracts are not securities eligible to participate in the Settlement. With respect to Athira common stock purchased through the exercise of an option, the purchase date of the Athira common stock shall be the exercise date of the option and the purchase price of the Athira common stock shall be the closing price of Athira common stock on date of exercise. Any Recognized Loss Amount arising from purchases of Athira common stock acquired during the Class Period through the exercise of an option on Athira common stock shall be computed as provided for other purchases of Athira common stock in the Plan of Allocation.

59. **Market Gains and Losses:** To the extent a Claimant had a market gain with respect to his, her, or its overall transactions in Athira common stock during the Class Period, the value of the Claimant’s Recognized Claim shall be zero. To the extent that a Claimant suffered an overall market loss with respect to his, her, or its overall transactions in Athira common stock during the Class Period, but that market loss was less than the total Recognized Claim calculated above, then the Claimant’s Recognized Claim shall be limited to the amount of the actual market loss.

60. For purposes of determining whether a Claimant had a market gain with respect to his, her, or its overall transactions in Athira common stock during the Class Period or suffered a market loss, the Claims Administrator shall determine the difference between (i) the Total Purchase Amount⁵ and (ii) the sum of the Total Sales Proceeds⁶ and the Holding Value.⁷ If the Claimant’s Total Purchase Amount *minus* the sum of the Total Sales Proceeds and the Holding Value is a positive number, that number will be the Claimant’s market loss on such securities; if the number is a negative number or zero, that number will be the Claimant’s market gain on such securities.

61. **Determination of Distribution Amount:** The Net Settlement Fund will be distributed to Authorized Claimants on a *pro rata* basis based on the relative size of their Recognized Claims. Specifically, a “Distribution Amount” will be calculated for each Authorized Claimant, which shall be the Authorized Claimant’s Recognized Claim divided by the total Recognized Claims of all Authorized Claimants, multiplied by the total amount in the Net Settlement Fund. If any

⁵ The “Total Purchase Amount” is the total amount the Claimant paid (excluding commissions and other charges) for all Athira common stock purchased or acquired during the Class Period.

⁶ “Total Sales Proceeds” is the total amount received (excluding commissions and other charges) for sales of Athira common stock during the Class Period.

⁷ The Claims Administrator shall ascribe a “Holding Value” to shares of Athira common stock purchased or acquired during the Class Period and still held as of the close of trading on June 17, 2021, which shall be \$11.15 per share (*i.e.*, the closing price of Athira common stock on the Corrective Disclosure Date). The total calculated holding values for all Athira common stock shall be the Claimant’s “Total Holding Value.”

Authorized Claimant's Distribution Amount calculates to less than \$10.00, it will not be included in the calculation and no distribution will be made to such Authorized Claimant. Any Distribution Amounts of less than \$10.00 will be included in the pool distributed to those Settlement Class Members whose Distribution Amounts are \$10.00 or greater.

62. After the initial distribution of the Net Settlement Fund, the Claims Administrator shall make reasonable and diligent efforts to have Authorized Claimants cash their distribution checks. To the extent any monies remain in the fund at least nine (9) months after the initial distribution, if Co-Lead Counsel, in consultation with the Claims Administrator, determine that it is cost-effective to do so, the Claims Administrator shall conduct a re-distribution of the funds remaining, after payment of any unpaid fees and expenses incurred in administering the Settlement, including for such re-distribution, and Taxes to Authorized Claimants who have cashed their initial distributions and who would receive at least \$10.00 from such re-distribution. Additional re-distributions to Authorized Claimants who have cashed their prior checks and who would receive at least \$10.00 in such additional re-distributions may occur thereafter if Co-Lead Counsel, in consultation with the Claims Administrator, determine that additional re-distributions, after the deduction of any additional fees and expenses incurred in administering the Settlement, including for such re-distributions, and Taxes would be cost-effective. At such time as it is determined that the re-distribution of funds remaining in the Net Settlement Fund is not cost-effective, the remaining balance shall be contributed to the Public Justice Foundation, or such other non-sectarian, not-for-profit organization(s) approved by the Court.

63. Payment pursuant to the Plan of Allocation, or such other plan of allocation as may be approved by the Court, shall be conclusive against all Claimants. No person shall have any claim against Lead Plaintiffs, Plaintiffs' Counsel, Lead Plaintiffs' consulting damages expert, Defendants, Defendants' Counsel, or any of the other Releasees, or the Claims Administrator or other agent designated by Co-Lead Counsel arising from distributions made substantially in accordance with the Stipulation, the plan of allocation approved by the Court, or further Orders of the Court. Lead Plaintiffs, Defendants and their respective counsel, and all other Defendants' Releasees, shall have no responsibility or liability whatsoever for the investment or distribution of the Settlement Fund, the Net Settlement Fund, the plan of allocation, or the determination, administration, calculation, or payment of any Claim Form or nonperformance of the Claims Administrator, the payment or withholding of Taxes owed by the Settlement Fund, or any losses incurred in connection therewith.

**WHAT PAYMENT ARE THE ATTORNEYS FOR THE SETTLEMENT CLASS SEEKING?
HOW WILL THE LAWYERS BE PAID?**

64. Plaintiffs' Counsel have not received any payment for their services in pursuing claims in the Action on behalf of the Settlement Class, nor have Plaintiffs' Counsel been paid for their Litigation Expenses.⁸ In connection with final approval of the Settlement, Co-Lead Counsel will apply to the Court for an award of attorneys' fees on behalf of all Plaintiffs' Counsel in an amount not to exceed 33⅓% of the Settlement Fund. At the same time, Co-Lead Counsel also intend to apply for payment of Litigation Expenses in an amount not to exceed \$125,000, which may include

⁸ Plaintiffs' Counsel are Labaton Sucharow LLP, Glancy Prongay & Murray LLP, Rossi Vucinovich, P.C., and the Schall Law Firm.

an application for reimbursement of the reasonable costs and expenses incurred by Lead Plaintiffs related to their representation of the Settlement Class in an aggregate amount not to exceed \$30,000. The Court will determine the amount of any award of attorneys' fees or Litigation Expenses. 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.

**WHAT IF I DO NOT WANT TO BE A MEMBER OF THE SETTLEMENT CLASS?
HOW DO I EXCLUDE MYSELF?**

65. Each Settlement Class Member will be bound by all determinations and judgments in this lawsuit, whether favorable or unfavorable, unless such person or entity mails or delivers a written request for exclusion from the Settlement Class, addressed to *Athira Pharma Securities Litigation, EXCLUSIONS*, c/o Strategic Claims Services, P.O. Box 230, 600 N. Jackson Street, Suite 205, Media, PA 19063. The exclusion request must be **received no later than _____, 2023**. You will not be able to exclude yourself from the Settlement Class after that date.

66. Each request for exclusion must: (a) state the name, address and telephone number of the person or entity requesting exclusion, and in the case of entities the name and telephone number of the appropriate contact person; (b) state that such person or entity "requests exclusion from the Settlement Class in *Athira Pharma Securities Litigation*, Case No. 2:21-cv-00861-TSZ"; (c) state the number of shares of Athira common stock that the person or entity requesting exclusion purchased/acquired and sold during the Class Period (*i.e.*, from September 17, 2020 through June 17, 2021, inclusive), as well as the dates and prices of each such purchase/acquisition and sale; and (d) be signed by the person or entity requesting exclusion or an authorized representative. A request for exclusion shall not be valid and effective unless it provides all the information called for in this paragraph and is received within the time stated above, or is otherwise accepted by the Court.

67. If you do not want to be part of the Settlement Class, you must follow these instructions for exclusion even if you have a pending lawsuit, arbitration, or other proceeding, or later file one, relating to any Released Plaintiffs' Claim against any of the Released Defendants' Parties.

68. If you ask to be excluded from the Settlement Class, you will not be eligible to receive any payment from the Net Settlement Fund so do not file a Claim Form.

69. Athira has the right to terminate the Settlement if valid requests for exclusion are received from members of the Settlement Class that exceed an amount agreed to by Lead Plaintiffs and Defendants.

**WHEN AND WHERE WILL THE COURT DECIDE WHETHER TO APPROVE THE
SETTLEMENT? HOW DO I OBJECT?
MAY I SPEAK AT THE HEARING IF I DON'T LIKE THE SETTLEMENT?**

70. Settlement Class Members do not need to attend the Settlement Hearing. The Court will consider any objection made in accordance with the provisions below even if a Settlement Class Member does not attend the hearing. You can participate in the Settlement without attending the Settlement Hearing.

71. The Settlement Hearing will be held on _____, 2023 at __: __ .m., before the Honorable Thomas S. Zilly at the United States District Court for the Western District of Washington, United States Courthouse, Courtroom 15206, 700 Stewart Street, Seattle, WA 98101. The Court reserves the right to approve the Settlement, the Plan of Allocation, Co-Lead Counsel’s motion for an award of attorneys’ fees and payment of Litigation Expenses and/or any other matter related to the Settlement at or after the Settlement Hearing without further individual notice to the members of the Settlement Class.

72. Any Settlement Class Member who or which does not request exclusion may object to the Settlement, the proposed Plan of Allocation and/or Co-Lead Counsel’s motion for an award of attorneys’ fees and payment of Litigation Expenses. Objections must be in writing. You must file any written objection, together with copies of all other papers supporting the objection, with the Clerk’s Office at the United States District Court for the Western District of Washington at the address set forth below **on or before** _____, **2023**. You must also serve the papers on Co-Lead Counsel and on Defendants’ Counsel at the addresses set forth below so that the papers are *received on or before* _____, **2023**.

| <u>Clerk’s Office</u> | <u>Co-Lead Counsel</u> | <u>Defendants’ Counsel</u> |
|--|---|---|
| United States District Court for the Western District of Washington Clerk of the Court United States Courthouse 700 Stewart Street Suite 2310 Seattle, WA 98101 | Glancy Prongay & Murray LLP Casey E. Sadler, Esq. 1925 Century Park East Suite 2100 Los Angeles, CA 90067 -and- Labaton Sucharow LLP Michael P. Canty, Esq. 140 Broadway New York, New York 10005 | Wilson Sonsini Goodrich & Rosati, P.C. Gregory L. Watts, Esq. 701 Fifth Avenue Suite 5100 Seattle, WA 98104-7036 -and- Perkins Coie LLP Sean C. Knowles, Esq. 1201 Third Avenue Suite 4900 Seattle, WA 98101-3099 -and- DLA Piper LLP (US) Anthony Todaro, Esq. 701 Fifth Avenue, Suite 6900 Seattle, WA 98104-7029 |

73. Any objection: (a) must state the name, address and telephone number of the person or entity objecting and must be signed by the objector; (b) must contain a statement of the Settlement Class Member’s objection or objections, the specific reasons for each objection, including whether it applies only to the objector, to a specific subset of the Settlement Class, or to the entire Settlement Class, and any legal and evidentiary support the Settlement Class Member wishes to

bring to the Court's attention; and (c) must include documents sufficient to prove membership in the Settlement Class, including the number of shares of Athira common stock that the objecting Settlement Class Member purchased/acquired and sold during the Class Period (*i.e.*, from September 17, 2020 through June 17, 2021, inclusive), as well as the dates and prices of each such purchase/acquisition and sale. You may not object to the Settlement, the Plan of Allocation or Co-Lead Counsel's motion for attorneys' fees and payment of Litigation Expenses if you exclude yourself from the Settlement Class or if you are not a member of the Settlement Class.

74. If you wish to be heard orally at the hearing in opposition to the approval of the Settlement, the Plan of Allocation or Co-Lead Counsel's motion for an award of attorneys' fees and payment of Litigation Expenses, in addition to submitting a written objection as described above, you must also file a notice of appearance with the Clerk's Office and serve it on Co-Lead Counsel and Defendants' Counsel at the addresses above so that it is **received on or before** _____, **2023**. Persons who intend to object and desire to present evidence at the Settlement Hearing must include in their written objection or notice of appearance the identity of any witnesses they may call to testify and exhibits they intend to introduce into evidence at the hearing. Such persons may be heard orally at the discretion of the Court.

75. You may file a written objection without appearing at the Settlement Hearing. You may not, however, appear at the Settlement Hearing unless you first file and serve a written objection and notice of appearance in accordance with the procedures described above, unless the Court orders otherwise.

76. You are not required to hire an attorney to represent you in connection with objecting or appearing at the Settlement Hearing. However, if you decide to hire an attorney, it will be at your own expense, and that attorney must file a notice of appearance with the Court and serve it on Co-Lead Counsel and Defendants' Counsel at the addresses set forth in ¶ 72 above so that the notice is **received on or** _____, **2023**.

77. The Settlement Hearing may be adjourned by the Court, or held remotely, without further individual notice to the Settlement Class. If you intend to attend the Settlement Hearing, you should confirm the date and time with Co-Lead Counsel.

78. Unless the Court orders otherwise, any Settlement Class Member who does not object in the manner described above will be deemed to have waived any objection and shall be forever foreclosed from making any objection to the proposed Settlement, the proposed Plan of Allocation or Co-Lead Counsel's motion for an award of attorneys' fees and payment of Litigation Expenses. Settlement Class Members do not need to appear at the Settlement Hearing or take any other action to indicate their approval.

WHAT IF I BOUGHT SHARES ON SOMEONE ELSE'S BEHALF?

79. If you purchased or otherwise acquired Athira publicly traded common stock from September 17, 2020 through June 17, 2021, inclusive, including in the IPO and the SPO, for the beneficial interest of persons or entities other than yourself as a nominee, you must within SEVEN (7) CALENDAR DAYS of receipt of this Notice either: (a) request from the Claims Administrator sufficient copies of the Notice and Claim Form (the "Notice Packet") to forward to all such beneficial owners and within SEVEN (7) CALENDAR DAYS of receipt of those Notice Packets forward them to all such beneficial owners; or (b) send a list of the names and addresses of all such

beneficial owners to the Claims Administrator at *Athira Pharma Securities Litigation*, c/o Strategic Claims Services, P.O. Box 230, 600 N. Jackson Street, Suite 205, Media, PA 19063, in which event the Claims Administrator shall promptly mail the Notice Packet to such beneficial owners. Nominees shall also provide email addresses for all such beneficial owners to the Claims Administrator, to the extent they are available. If you choose to follow procedure (a), the Court has directed that, upon such mailing, you send a statement to the Claims Administrator confirming that the mailing was made as directed.

80. Upon full and timely compliance with these directions, nominees may seek reimbursement of their reasonable expenses actually incurred, not to exceed \$0.05 plus postage at the current pre-sort rate used by the Claims Administrator per Notice Packet mailed; or \$0.05 per name, address, and email address (to the extent available) provided to the Claims Administrator, by providing the Claims Administrator with proper documentation supporting the expenses for which reimbursement is sought. **YOU ARE NOT AUTHORIZED TO PRINT THE NOTICE PACKET YOURSELF. NOTICE PACKETS MAY ONLY BE PRINTED BY THE COURT-APPOINTED CLAIMS ADMINISTRATOR.**

CAN I SEE THE COURT FILE? WHOM SHOULD I CONTACT IF I HAVE QUESTIONS?

81. This Notice contains only a summary of the terms of the proposed Settlement. For more detailed information about the matters involved in this Action, you are referred to the papers on file in the Action, including the Stipulation, which may be inspected during regular office hours at the Office of the Clerk, United States District Court for the Western District of Washington, United States Courthouse, 700 Stewart Street, Suite 2310 Seattle, WA 98101. Additionally, copies of the Stipulation and any related orders entered by the Court will be posted on the website maintained by the Claims Administrator, www.AthiraSecuritiesSettlement.com.

82. Questions about this Notice or the Settlement should be directed to Co-Lead Counsel using the contact information provided in ¶ 6, above. All inquiries concerning the Claim Form should be directed to:

Athira Pharma Securities Litigation
c/o Strategic Claims Services
P.O. Box 230
600 N. Jackson Street, Suite 205
Media, PA 19063
866-274-4004
www.AthiraSecuritiesSettlement.com

DO NOT CALL OR WRITE THE COURT, THE CLERK OF THE COURT, DEFENDANTS OR THEIR COUNSEL REGARDING THIS NOTICE.

Dated: _____, 2023

By Order of the Court
United States District Court
Western District of Washington

Exhibit A-2

Exhibit 2

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANTONIO BACHAALANI NACIF and
WIES RAFI, Individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

ATHIRA PHARMA, INC., et al.,

Defendants.

CASE NO.: 2:21-cv-00861-TSZ
(Consolidated with 21-cv-00862-TSZ and
21-cv-00864-TSZ)

PROOF OF CLAIM FORM

I. GENERAL INSTRUCTIONS

1. To recover as a member of the Settlement Class based on your claims in the action entitled *Nacif et al., v. Athira Pharma, Inc. et al.*, Case No.: 2:21-cv-00861-TSZ (the “Action”), you must complete and, on page ___ below, sign this Proof of Claim Form (“Claim Form”). If you fail to submit a timely and properly addressed (as set forth in paragraph 3 below) Claim Form, your Claim may be rejected and you may not receive any recovery from the Net Settlement Fund

created in connection with the proposed Settlement.¹

2. Submission of this Proof of Claim, however, does not assure that you will share in the proceeds of the Settlement of the Action.

3. **YOU MUST MAIL BY FIRST FIRST-CLASS MAIL OR SUBMIT ONLINE YOUR COMPLETED AND SIGNED CLAIM FORM, ACCOMPANIED BY COPIES OF THE DOCUMENTS REQUESTED BELOW, NO LATER THAN _____, 2023, ADDRESSED AS FOLLOWS:**

Athira Pharma Securities Litigation
c/o Strategic Claims Services
P.O. Box 230
600 N. Jackson Street, Suite 205
Media, PA 19063
Online Submissions: www.AthiraSecuritiesSettlement.com

If you are NOT a member of the Settlement Class, as defined in the accompanying Notice and below, DO NOT submit a Claim Form.

4. If you did not timely request exclusion and are a Class Member, you will be bound by the terms of any judgment entered in the Action, including the releases provided therein, **WHETHER OR NOT YOU SUBMIT A CLAIM FORM.**

II. CLAIMANT IDENTIFICATION

5. You are a member of the Settlement Class if you purchased or otherwise acquired Athira Pharma, Inc. publicly traded common stock: (a) during the period from September 17, 2020 through June 17, 2021, inclusive (the “Class Period”); (b) pursuant and/or traceable to the registration statement and prospectus issued in connection with the Company’s September 2020 Initial Public Offering (“IPO”); and/or (c) pursuant and/or traceable to the registration statement

¹ All capitalized terms used in this Claim Form that are not otherwise defined shall have the meanings ascribed to them in the Stipulation and Agreement of Settlement dated April 27, 2023 (the “Stipulation”), which is available at www.AthiraSecuritiesSettlement.com.

and prospectus issued in connection with the Company's January 2021 Secondary Public Offering ("SPO"), and were damaged thereby. If you purchased or acquired Athira publicly traded common stock 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, you purchased or acquired Athira publicly traded common stock and the certificate(s) were registered in the name of a third party, such as a nominee or brokerage firm ("nominee"), you are the beneficial purchaser or acquirer and the third party is the record purchaser or acquirer.

6. Use Part I of this form entitled "Claimant Identification" to identify each beneficial purchaser/acquirer and purchaser/acquirer of record, if different from the beneficial purchaser/acquirer of the Athira shares that form the basis of this Claim. THIS CLAIM MUST BE FILED BY THE ACTUAL BENEFICIAL PURCHASER(S) OR ACQUIRER(S) OR THE LEGAL REPRESENTATIVE OF SUCH PURCHASER(S) OR ACQUIRER(S) OF THE ATHIRA PUBLICLY TRADED COMMON STOCK UPON WHICH THIS CLAIM IS BASED.

7. All joint purchasers or acquirers must sign this Claim Form. Executors, administrators, guardians, conservators, and trustees or others acting in a representative capacity on behalf of a Class Member must complete and sign this Claim Form on behalf of persons represented by them, and submit evidence of their current authority to act on behalf of that Class Member, including titles or capacities. 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 the Claim.

III. IDENTIFICATION OF TRANSACTIONS

8. Use Part II of this form entitled "Schedule of Transactions in Athira Publicly Traded Common Stock" to supply all required details of your transaction(s) in Athira publicly

traded 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. **THE PARTIES DO NOT HAVE INFORMATION ABOUT YOUR TRANSACTIONS IN ATHIRA COMMON STOCK.**

9. On the schedules, provide all of the requested information with respect to *all* of your purchases or acquisitions and *all* of your sales of Athira publicly traded common stock which took place during the time periods requested below, 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 Athira publicly traded common stock you held at the close of trading on January 20, 2021, and September 15, 2021. Failure to report all such transactions may result in the rejection of your Claim.

10. Shares will be deemed to have been purchased pursuant or traceable to Athira's IPO, which occurred on or about September 17, 2020, if they were purchased or acquired during the period from September 17, 2020 through January 20, 2021, both dates inclusive. Shares will be deemed to have been purchased pursuant or traceable to Athira's SPO, which occurred on or about January 21, 2021, if they were purchased or acquired during the period from January 21, 2021 through February 10, 2021, both dates inclusive, at the SPO price of \$22.50 per share (excluding commissions and other charges). If you believe you purchased shares pursuant to Athira's SPO, you must produce affirmative documentation showing that you purchased pursuant to the offering. For example, offering trade confirmations should indicate no brokerage fees or commissions associated with that purchase and/or that the purchase was from one of the offering underwriters. Such documentation will be deemed to satisfy this requirement only for the purposes of this Settlement.

11. List each transaction 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.

12. The date of covering a "short sale" is deemed to be the date of purchase of Athira publicly traded common stock. The date of a "short sale" is deemed to be the date of sale of Athira publicly traded common stock.

13. For each transaction, copies of broker confirmations or other documentation of your transactions should be attached to your Claim Form. Failure to provide this documentation could delay verification of your Claim or result in rejection of your Claim.

14. NOTICE REGARDING ELECTRONIC FILES: Certain Claimants with large numbers of transactions may request, or may be asked, to submit information regarding their transactions in electronic files. This is different from the online submission process that is available at www.AthiraSecuritiesSettlement.com. If you have a large number of transactions and wish to file your Claim electronically, you must contact the Claims Administrator at efile@strategicclaims.net or go to www.AthiraSecuritiesSettlement.com to obtain the required file layout. All Claimants *must* submit a manually signed paper Claim Form whether or not they also submit electronic files.

PART I: CLAIMANT IDENTIFICATION

The Claims Administrator will use this information for all communications regarding this Claim Form. If this information changes, you **MUST** notify the Claims Administrator in writing at the address above. Complete names of all persons and entities must be provided.

Beneficial Owner's First Name

MI Beneficial Owner's Last Name

Co-Beneficial Owner's First Name

MI

Co-Beneficial Owner's Last Name

[Grid for Co-Beneficial Owner's First Name]

[Grid for MI]

[Grid for Co-Beneficial Owner's Last Name]

Entity Name (if Claimant is not an individual)

[Grid for Entity Name]

Record Owner Name (if different from Beneficial Owner(s) listed above)

[Grid for Record Owner Name]

Representative Name (if different from Beneficial Owner(s) listed above)

[Grid for Representative Name]

Address1 (street name and number)

[Grid for Address1]

Address2 (apartment, unit, or box number)

[Grid for Address2]

City

State ZIP/Postal Code

[Grid for City]

[Grid for State]

[Grid for ZIP/Postal Code]

Foreign Country (only if not USA)

Foreign County (only if not USA)

[Grid for Foreign Country and Foreign County]

Social Security Number (last four digits only)

Taxpayer Identification Number (last four digits only)

[Grid for Social Security and Taxpayer Identification Numbers]

Telephone Number (day)

Telephone Number (evening)

[Grid for Telephone Number (day)]

[Grid for Telephone Number (evening)]

Email address: _____

Account Number (if filing for multiple accounts, file a separate Claim Form for each account)

[Grid for Account Number]

Claimant Account Type (check appropriate box):

- | | | |
|---|---|--------------------------------|
| <input type="checkbox"/> Individual (includes joint owner accounts) | <input type="checkbox"/> Pension Plan | <input type="checkbox"/> Trust |
| <input type="checkbox"/> Corporation | <input type="checkbox"/> Estate | |
| <input type="checkbox"/> IRA/401K | <input type="checkbox"/> Other _____ (please specify) | |

PART II: SCHEDULE OF TRANSACTIONS IN ATHIRA PUBLICLY TRADED COMMON STOCK

A. Purchases or acquisitions of Athira publicly traded common stock from September 17, 2020 through June 17, 2021, inclusive (must be documented):

| Purchase Date MM/DD/YY (List Chronologically) | Number of Shares Purchased | Total Purchase Price (excluding taxes, commissions, and fees, if any) | In an Offering Y/N |
|---|-------------------------------|---|-----------------------|
| 1. _____ | 1. _____ | 1. _____ | 1. _____ |
| 2. _____ | 2. _____ | 2. _____ | 2. _____ |
| 3. _____ | 3. _____ | 3. _____ | 3. _____ |
| 4. _____ | 4. _____ | 4. _____ | 4. _____ |
| 5. _____ | 5. _____ | 5. _____ | 5. _____ |
| 6. _____ | 6. _____ | 6. _____ | 6. _____ |

IMPORTANT: If any purchase listed covered a “short sale,” please mark Yes. Yes

B. Purchases during the 90-Day Lookback Period – State the total number of shares of Athira publicly traded common stock purchased from June 18, 2021 through September 15, 2021.² (must be documented): _____

C. Sales of Athira publicly traded common stock from September 17, 2020 through September 15, 2021, inclusive (must be documented):

| Sale Date MM/DD/YY (List Chronologically) | Number of Shares Sold | Sale Price Per Share | Total Sale Price (excluding taxes, commissions, and fees, if any) |
|---|--------------------------|----------------------|---|
| | | | |

² Information requested in this Claim Form with respect to your transactions from June 18, 2021 through September 15, 2021 is needed only in order for the Claims Administrator to confirm that you have reported all relevant transactions. Purchases during this period, however, are not eligible for a recovery because these purchases are outside the Class Period.

| | | | |
|----------|----------|----------|----------|
| 1. _____ | 1. _____ | 1. _____ | 1. _____ |
| 2. _____ | 2. _____ | 2. _____ | 2. _____ |
| 3. _____ | 3. _____ | 3. _____ | 3. _____ |
| 4. _____ | 4. _____ | 4. _____ | 4. _____ |
| 5. _____ | 5. _____ | 5. _____ | 5. _____ |
| 6. _____ | 6. _____ | 6. _____ | 6. _____ |

D. Number of shares of Athira publicly traded common stock held at the close of trading on January 20, 2021 (must be documented):

E. Number of shares of Athira publicly traded common stock held at the close of trading on September 15, 2021 (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 THIS FORM ON PAGE __ BELOW. FAILURE TO SIGN THIS FORM MAY RESULT IN A DELAY IN PROCESSING OR THE REJECTION OF YOUR CLAIM.

IV. SUBMISSION TO JURISDICTION OF COURT AND ACKNOWLEDGMENTS

By signing and submitting this Claim Form, the Claimant(s) or the person(s) acting on behalf of the Claimant(s) certify(ies) that: I (We) submit this Claim Form under the terms of the Plan of Allocation described in the accompanying Notice. I (We) also submit to the jurisdiction of the United States District Court for the Western District of Washington (the “Court”) with respect to my (our) Claim as a member of the Settlement Class and for purposes of enforcing the releases set forth herein. I (We) further acknowledge that I (we) will be bound by and subject to the terms of any judgment entered in connection with the Settlement in the Action, including the releases set forth therein. I (We) agree to furnish additional information to the Claims

Administrator to support this Claim, such as additional documentation for transactions in Athira common stock, if required to do so. I (We) have not submitted any other claim covering the same transactions in Athira common stock during the Class Period and know of no other person having done so on my (our) behalf.

V. RELEASES, WARRANTIES, AND CERTIFICATION

I (We) hereby warrant and represent that I am (we are) a member of the Settlement Class as defined in the Notice, and that I am (we are) not excluded from the Settlement Class as set forth in the Notice.

As a member of the Settlement Class, I (we) hereby acknowledge full and complete satisfaction of, and do hereby fully, finally, and forever compromise, settle, release, resolve, relinquish, waive, and discharge with prejudice the Released Plaintiffs' Claims as to each and all of the Defendants and the other Released Defendants' Parties (as these terms are defined in the accompanying Notice). This release shall be of no force or effect unless and until the Court approves the Settlement and it becomes effective on the Effective Date.

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.

I (We) hereby warrant and represent that I (we) have included information about all of my (our) purchases and sales of Athira publicly traded common stock that occurred during the time periods requested and the number of shares held by me (us), to the extent requested.

I (We) certify that I am (we are) NOT subject to backup tax withholding. (If you have been notified by the Internal Revenue Service that you are subject to backup withholding, please strike out the prior sentence.)

I (We) declare under penalty of perjury under the laws of the United States of America that all of the foregoing information supplied by the undersigned is true and correct.

I (We) declare under penalty of perjury under the laws of the United States of America that all of the foregoing information supplied on this Claim Form by the undersigned is true and correct.

Executed this _____ day of _____, 2023 in _____,
(Month/Year) (City)

_____.

(Sign your name here)

(Type or print your name here)

(Capacity of person(s) signing, e.g., Beneficial Purchaser or Acquirer, 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 acknowledgment.
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 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 or highlighter** on the Claim Form or supporting documentation.

**THIS CLAIM FORM MUST BE SUBMITTED ONLINE OR MAILED NO LATER
THAN _____, 2023, ADDRESSED AS FOLLOWS:**

Athira Pharma Securities Litigation
c/o Strategic Claims Services
P.O. Box 230
600 N. Jackson Street, Suite 205
Media, PA 19063
Tel: (866) 274-4004
Fax: (610) 565-7985
www.AthiraSecuritiesSettlement.com

Exhibit A-3

Exhibit 3

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANTONIO BACHAALANI NACIF and
WIES RAFI, Individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

ATHIRA PHARMA, INC., et al.,

Defendants.

CASE NO.: 2:21-cv-00861-TSZ
(Consolidated with 21-cv-00862-TSZ and 21-
cv-00864-TSZ)

**SUMMARY NOTICE OF (I) PENDENCY OF CLASS ACTION AND
PROPOSED SETTLEMENT; (II) SETTLEMENT HEARING;
AND (III) MOTION FOR AN AWARD OF ATTORNEYS' FEES
AND PAYMENT OF LITIGATION EXPENSES**

TO: All persons and entities who or which purchased or otherwise acquired Athira Pharma, Inc. ("Athira") publicly traded common stock: (a) during the period from September 17, 2020 through June 17, 2021, inclusive; (b) pursuant and/or traceable to the registration statement and prospectus issued in connection with Athira's September 2020 initial public offering; and/or (c) pursuant and/or traceable to the registration statement and prospectus issued in connection with Athira's January 2021 secondary public offering, and were damaged thereby (the "Settlement Class"):

**PLEASE READ THIS NOTICE CAREFULLY, YOUR RIGHTS WILL BE AFFECTED
BY A CLASS ACTION LAWSUIT PENDING IN THIS COURT.**

YOU ARE HEREBY NOTIFIED, pursuant to Rule 23 of the Federal Rules of Civil Procedure and an Order of the United States District Court for the Western District of Washington, that the above-captioned litigation (the “Action”) has been certified as a class action on behalf of the Settlement Class, except for certain persons and entities who are excluded from the Settlement Class by definition as set forth in the full printed Notice of (I) Pendency of Class Action and Proposed Settlement; (II) Settlement Hearing; and (III) Motion for an Award of Attorneys’ Fees and Payment of Litigation Expenses (the “Notice”).

YOU ARE ALSO NOTIFIED that Lead Plaintiffs in the Action have reached a proposed settlement of the Action for \$10,000,000 in cash (the “Settlement”), which, if approved, will resolve all claims in the Action and related claims.

A hearing will be held on _____, 2023 at __:__.m., before the Honorable Thomas S. Zilly at the United States District Court for the Western District of Washington, United States Courthouse, Courtroom 15206, 700 Stewart Street, Seattle, WA 98101, to determine: (i) whether the proposed Settlement should be approved as fair, reasonable, and adequate; (ii) whether the Action should be dismissed with prejudice against Defendants, and the Releases specified and described in the Stipulation and Agreement of Settlement dated April 27, 2023 (and in the Notice) should be granted; (iii) whether the proposed Plan of Allocation should be approved as fair and reasonable; and (iv) whether Co-Lead Counsel’s application for an award of attorneys’ fees and payment of expenses should be approved.

If you are a member of the Settlement Class, your rights will be affected by the pending Action and the Settlement, and you may be entitled to share in the Settlement Fund. If you have not yet received the Notice and Proof of Claim Form (“Claim Form”), you may obtain copies of these documents by contacting the Claims Administrator at *Athira Pharma Securities Litigation*, c/o Strategic Claims Services, P.O. Box 230, 600 N. Jackson Street, Suite 205, Media, PA 19063, 1-866-274-4004. Copies of the Notice and Claim Form can also be downloaded from the website maintained by the Claims Administrator, www.AthiraSecuritiesSettlement.com.

If you are a member of the Settlement Class, in order to be eligible to receive a payment under the proposed Settlement, you must submit a Claim Form to the Claims Administrator *postmarked* no later than _____, 2023, if sent by mail, or *submitted online* using the Settlement website no later than _____, 2023. If you are a Settlement Class Member and do not submit a proper Claim Form, you will not be eligible to share in the distribution of the net proceeds of the Settlement but you will nevertheless be bound by any judgments or orders entered by the Court in the Action.

If you are a member of the Settlement Class and wish to exclude yourself from the Settlement Class, you must submit a request for exclusion to the Claims Administrator such that it is ***received no later than*** _____, 2023, in accordance with the instructions set forth in the Notice. If you properly exclude yourself from the Settlement Class, you will not be bound by any judgments or orders entered by the Court in the Action and you will not be eligible to share in the proceeds of the Settlement.

Any objections to the proposed Settlement, the proposed Plan of Allocation, or Co-Lead Counsel’s motion for attorneys’ fees and payment of expenses, must be filed with the Court and delivered to Co-Lead Counsel and Defendants’ Counsel such that they are ***received no later than*** _____, 2023, in accordance with the instructions set forth in the Notice.

Please do not contact the Court, the Clerk's office, Athira, Defendants, or their counsel regarding this notice. All questions about this notice, the proposed Settlement, or your eligibility to participate in the Settlement should be directed to Co-Lead Counsel or the Claims Administrator.

Inquiries, other than requests for the Notice and Claim Form, should be made to Co-Lead Counsel:

| | |
|--|---|
| GLANCY PRONGAY & MURRAY LLP Casey E. Sadler, Esq. 1925 Century Park East, Suite 2100 Los Angeles, CA 90067 Telephone: (888) 773-9224 Email: settlements@glancylaw.com | LABATON SUCHAROW LLP Michael P. Canty, Esq. 140 Broadway New York, New York 10005 Telephone: (888) 219-6877 Email: settlementquestions@labaton.com |
|--|---|

Requests for the Notice and Claim Form should be made to:

Athira Pharma Securities Litigation
c/o Strategic Claims Services
P.O. Box 230
600 N. Jackson Street, Suite 205
Media, PA 19063
1-866-274-4004
www.AthiraSecuritiesSettlement.com

By Order of the Court

Exhibit B

Exhibit B

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANTONIO BACHAALANI NACIF and
WIES RAFI, Individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

ATHIRA PHARMA, INC., et al.,

Defendants.

CASE NO.: 2:21-cv-00861-TSZ
(Consolidated with 21-cv-00862-TSZ and
21-cv-00864-TSZ)

JUDGMENT APPROVING CLASS ACTION SETTLEMENT

WHEREAS, a consolidated class action is pending in this Court entitled *Nacif, et al., v. Athira Pharma, Inc., et al.*, Case No.: 2:21-cv-00861-TSZ (the “Action”);

WHEREAS, (a) Court-appointed lead plaintiffs Antonio Bachaalani Nacif and Wies Rafi (collectively, “Lead Plaintiffs”), on behalf of themselves and the Settlement Class (defined below); (b) Athira Pharma, Inc. (“Athira” or the “Company”); (c) Dr. Leen Kawas, Glenna Mileson, Dr. Tadataka Yamada, Joseph Edelman, James A. Johnson, and John M. Fluke, Jr. (the “Individual Defendants”); and (d) Goldman Sachs & Co. LLC, Jefferies LLC, Stifel, Nicolaus & Company, Inc., and JMP Securities LLC (the “Underwriter Defendants,” and together with Athira and the Individual Defendants, “Defendants, and together with Lead Plaintiffs, the “Parties”) have entered into a Stipulation and Agreement of Settlement dated April 27, 2023 (the “Stipulation”), which provides for a complete dismissal with prejudice of the claims asserted against Defendants in the Action and

1 related claims on the terms and conditions set forth in the Stipulation, subject to the approval of this
2 Court (the “Settlement”);

3 WHEREAS, unless otherwise defined in this Judgment, the capitalized terms herein shall
4 have the same meaning as they have in the Stipulation;

5 WHEREAS, by Order dated _____, 2023 (the “Preliminary Approval Order”), this
6 Court: (a) preliminarily approved the Settlement; (b) certified the Settlement Class solely for
7 purposes of effectuating the Settlement; (c) ordered that notice of the proposed Settlement be
8 provided to potential Settlement Class Members; (d) provided Settlement Class Members with the
9 opportunity either to exclude themselves from the Settlement Class or to object to the proposed
10 Settlement; and (e) scheduled a hearing regarding final approval of the Settlement;

11 WHEREAS, due and adequate notice has been given to the Settlement Class;

12 WHEREAS, the Court conducted a hearing on _____, 2023 (the “Settlement
13 Hearing”) to consider, among other things, (a) whether the terms and conditions of the Settlement
14 are fair, reasonable and adequate to the Settlement Class, and should therefore be approved; and (b)
15 whether a judgment should be entered dismissing the Action with prejudice as against the
16 Defendants; and

17 WHEREAS, the Court having reviewed and considered the Stipulation, all papers filed and
18 proceedings held in connection with the Settlement, all oral and written comments received
19 regarding the Settlement, and the record in the Action, and good cause appearing therefor;

20 IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

21 1. **Jurisdiction** – The Court has jurisdiction over the subject matter of the Action, and
22 all matters relating to the Settlement, as well as personal jurisdiction over all of the Parties and each
23 of the Settlement Class Members.

24 2. **Incorporation of Settlement Documents** – This Judgment incorporates and makes
25 a part hereof: (a) the Stipulation filed with the Court on _____, 2023; and (b) the Notice
26 and the Summary Notice, both of which were filed with the Court on _____, 2023.

27 3. **Class Certification for Settlement Purposes** – The Court hereby affirms its
28 determinations in the Preliminary Approval Order certifying, for the purposes of the Settlement

1 only, the Action as a class action pursuant to Rules 23(a) and (b)(3) of the Federal Rules of Civil
2 Procedure on behalf of the Settlement Class consisting of all persons and entities who or which
3 purchased or otherwise acquired Athira publicly traded common stock: (a) during the period from
4 September 17, 2020 through June 17, 2021, inclusive (the “Class Period”); (b) pursuant and/or
5 traceable to the registration statement and prospectus issued in connection with the Company’s
6 September 2020 initial public offering; and/or (c) pursuant and/or traceable to the registration
7 statement and prospectus issued in connection with the Company’s January 2021 secondary public
8 offering, and were damaged thereby. Excluded from the Settlement Class are: (a) Defendants; (b)
9 any person who served as a partner, control person, executive officer and/or director of Athira or
10 the Underwriter Defendants during the Class Period, and members of their Immediate Family; (c)
11 present and former parents, subsidiaries, assigns, successors, affiliates, and predecessors of Athira
12 and the Underwriter Defendants; (d) any entity in which the Defendants have or had a controlling
13 interest; (e) any trust of which an Individual Defendant is the settlor or which is for the benefit of
14 an Individual Defendant and/or member(s) of their Immediate Family; (f) liability insurance carriers
15 for Athira or the Individual Defendants; and (g) the legal representatives, heirs, successors, and
16 assigns of any person or entity excluded under provisions (a) through (f) hereof. Notwithstanding
17 any provision to the contrary, (a) any Investment Vehicle shall not be excluded from the Settlement
18 Class; and (b) “affiliates” are persons or entities that directly, or indirectly through one or more
19 intermediaries, control, are controlled by or are under common control with one of the Defendants,
20 including Athira’s employee retirement and/or benefit plan(s). [Also excluded from the Settlement
21 Class are the persons and entities listed on Exhibit 1 hereto who or which are excluded from the
22 Settlement Class pursuant to request.]

23 4. **Adequacy of Representation** – Pursuant to Rule 23 of the Federal Rules of Civil
24 Procedure, and for the purposes of the Settlement only, the Court hereby affirms its determinations
25 in the Preliminary Approval Order certifying Lead Plaintiffs as Class Representatives for the
26 Settlement Class and appointing Co-Lead Counsel Glancy Prongay & Murray, LLP and Labaton
27 Sucharow LLP as Class Counsel for the Settlement Class. Lead Plaintiffs and Co-Lead Counsel
28 have fairly and adequately represented the Settlement Class both in terms of litigating the Action

1 and for purposes of entering into and implementing the Settlement and have satisfied the
2 requirements of Federal Rules of Civil Procedure 23(a)(4) and 23(g), respectively.

3 5. Notice – The Court finds that the dissemination of the Notice and the publication of
4 the Summary Notice: (a) were implemented in accordance with the Preliminary Approval Order;
5 (b) constituted the best notice practicable under the circumstances; (c) constituted notice that was
6 reasonably calculated, under the circumstances, to apprise Settlement Class Members of (i) the
7 pendency of the Action; (ii) the effect of the proposed Settlement (including the Releases to be
8 provided thereunder); (iii) Co-Lead Counsel’s motion for an award of attorneys’ fees and payment
9 of Litigation Expenses; (iv) their right to object to any aspect of the Settlement, the Plan of
10 Allocation and/or Co-Lead Counsel’s motion for attorneys’ fees and payment of Litigation
11 Expenses; (v) their right to exclude themselves from the Settlement Class; and (vi) their right to
12 appear at the Settlement Hearing; (d) constituted due, adequate, and sufficient notice to all persons
13 and entities entitled to receive notice of the proposed Settlement; and (e) satisfied the requirements
14 of Rule 23 of the Federal Rules of Civil Procedure, the United States Constitution (including the
15 Due Process Clause), the Private Securities Litigation Reform Act of 1995, Public Law No. 104-67,
16 109 Stat. 737 (codified as amended in scattered sections of 15 U.S.C.), and all other applicable law
17 and rules.

18 6. Final Settlement Approval and Dismissal of Claims – Pursuant to, and in
19 accordance with, Rule 23 of the Federal Rules of Civil Procedure, this Court hereby fully and finally
20 approves the Settlement set forth in the Stipulation in all respects (including, without limitation: (a)
21 the amount of the Settlement; (b) the Releases provided for therein; and (c) the dismissal with
22 prejudice of the claims asserted against Defendants in the Action), and finds that the Settlement is,
23 in all respects, fair, reasonable and adequate to the Settlement Class. The Parties are directed to
24 implement, perform and consummate the Settlement in accordance with the terms and provisions
25 contained in the Stipulation.

26 7. The Action and all of the claims asserted against Defendants in the Action by Lead
27 Plaintiffs and the other Settlement Class Members are hereby dismissed with prejudice. The Parties
28 shall bear their own costs and expenses, except as otherwise expressly provided in the Stipulation.

1 8. **Binding Effect** – The terms of the Stipulation and of this Judgment shall be forever
2 binding on Defendants, Lead Plaintiffs and all other Settlement Class Members (regardless of
3 whether or not any individual Settlement Class Member submits a Claim Form or seeks or obtains
4 a distribution from the Net Settlement Fund), as well as their respective successors and assigns.
5 [The persons and entities listed on Exhibit 1 hereto are excluded from the Settlement Class pursuant
6 to request and are not bound by the terms of the Stipulation or this Judgment.]

7 9. **Releases** – The Releases set forth in paragraphs 5 and 6 of the Stipulation, together
8 with the definitions contained in paragraph 1 of the Stipulation relating thereto, are expressly
9 incorporated herein in all respects. The Releases are effective as of the Effective Date. Accordingly,
10 this Court orders that:

11 (a) Without further action by anyone, and subject to paragraph 10 below, upon
12 the Effective Date of the Settlement, Lead Plaintiffs and each of the other Settlement Class
13 Members, on behalf of themselves, and their respective heirs, executors, administrators, trustees,
14 predecessors, successors, and assigns, in their capacities as such only, shall be deemed to have, and
15 by operation of law and of the Judgment shall have, fully, finally and unconditionally released as
16 against Defendants and the other Released Defendants’ Parties each and every Released Plaintiffs’
17 Claim, and shall forever be barred and enjoined from prosecuting any or all of the Released
18 Plaintiffs’ Claims against any of the Defendants and other Released Defendants’ Parties. This
19 Release shall not apply to any of the Excluded Claims (as that term is defined in paragraph 1(r) of
20 the Stipulation).

21 (b) Without further action by anyone, and subject to paragraph 10 below, upon
22 the Effective Date of the Settlement, Defendants and the other Released Defendants’ Parties, on
23 behalf of themselves and their respective heirs, executors, administrators, trustees, predecessors,
24 successors, and assigns, in their capacities as such only, shall be deemed to have, and by operation
25 of law and of the judgment shall have, fully, finally and unconditionally released as against Lead
26 Plaintiffs and the other Released Plaintiffs’ Parties each and every Released Defendants’ Claim, and
27 shall forever be barred and enjoined from prosecuting any or all of the Released Defendants’ Claims
28

1 against Lead Plaintiffs and the other Released Plaintiffs' Parties. [This Release shall not apply to
2 any person or entity listed on Exhibit 1 hereto.]

3 10. Notwithstanding paragraphs 9(a) – (b) above, nothing in this Judgment shall bar any
4 action by any of the Parties to enforce or effectuate the terms of the Stipulation or this Judgment.

5 11. **Rule 11 Findings** – The Court finds and concludes that the Parties and their
6 respective counsel have complied in all respects with the requirements of Rule 11 of the Federal
7 Rules of Civil Procedure in connection with the institution, prosecution, defense, and settlement of
8 the Action.

9 12. **No Admissions** – Neither this Judgment, the Term Sheet, the Stipulation (whether
10 or not consummated), including the exhibits thereto and the Plan of Allocation contained in the
11 Notice (or any other plan of allocation that may be approved by the Court), the negotiations leading
12 to the execution of the Term Sheet and the Stipulation, nor any proceedings taken pursuant to or in
13 connection with the Term Sheet, the Stipulation and/or approval of the Settlement (including any
14 arguments proffered in connection therewith):

15 (a) shall be offered against any of the Defendants or any of the other Released
16 Defendants' Parties as evidence of, or construed as, or deemed to be evidence of or otherwise
17 constitute any presumption, concession, or admission by any of the Defendants or the other Released
18 Defendants' Parties with respect to the truth of any fact alleged by Lead Plaintiffs or the validity of
19 any claim that was or could have been asserted or the deficiency of any defense that has been or
20 could have been asserted in this Action or in any other litigation, or of any liability, negligence,
21 fault, or other wrongdoing of any kind of any of the Defendants or any of the other Released
22 Defendants' Parties or in any way referred to for any other reason as against any of the Defendants
23 or other Released Defendants' Parties, in any civil, criminal or administrative action or other
24 proceeding;

25 (b) shall be offered against Lead Plaintiffs or any of the other Released Plaintiffs'
26 Parties, as evidence of, or construed as, or deemed to be evidence of or otherwise constitute any
27 presumption, concession or admission by any of the Lead Plaintiffs or the other Released Plaintiffs'
28 Parties that any of their claims are without merit, that any of the Defendants or other Released

1 Defendants' Parties had meritorious defenses, or that damages recoverable under the Complaint
2 would not have exceeded the Settlement Amount or with respect to any liability, negligence, fault
3 or wrongdoing of any kind, or in any way referred to for any other reason as against Lead Plaintiffs
4 or any of the other Released Plaintiffs' Parties, in any civil, criminal or administrative action or
5 other proceeding; or

6 (c) shall be construed against any of the Releasees as an admission, concession,
7 or presumption that the consideration to be given under the Settlement represents the amount which
8 could be or would have been recovered after trial; *provided, however*, that the Parties and the
9 Releasees and their respective counsel may refer to this Judgment and the Stipulation to effectuate
10 the protections from liability granted hereunder and thereunder or otherwise to enforce the terms of
11 the Settlement.

12 13. **Retention of Jurisdiction** – Without affecting the finality of this Judgment in any
13 way, this Court retains continuing and exclusive jurisdiction over: (a) the Parties for purposes of
14 the administration, interpretation, implementation and enforcement of the Settlement; (b) the
15 disposition of the Settlement Fund; (c) any motion for an award of attorneys' fees and/or Litigation
16 Expenses by Co-Lead Counsel in the Action that will be paid from the Settlement Fund; (d) any
17 motion to approve the Plan of Allocation; (e) any motion to approve the Class Distribution Order;
18 and (f) the Settlement Class Members for all matters relating to the Action.

19 14. Separate orders shall be entered regarding approval of a plan of allocation and the
20 motion of Co-Lead Counsel for an award of attorneys' fees and payment of Litigation Expenses.
21 Such orders shall in no way affect or delay the finality of this Judgment and shall not affect or delay
22 the Effective Date of the Settlement.

23 15. **Modification of the Agreement of Settlement** – Without further approval from the
24 Court, Lead Plaintiffs and Defendants are hereby authorized to agree to and adopt such amendments
25 or modifications of the Stipulation or any exhibits attached thereto to effectuate the Settlement that:
26 (a) are not materially inconsistent with this Judgment; and (b) do not materially limit the rights of
27 Settlement Class Members in connection with the Settlement. Without further order of the Court,
28

1 Lead Plaintiffs and Defendants may agree to reasonable extensions of time to carry out any
2 provisions of the Settlement.

3 16. **Termination of Settlement** – If the Settlement is terminated as provided in the
4 Stipulation or the Effective Date of the Settlement otherwise fails to occur, this Judgment shall be
5 vacated, rendered null and void and be of no further force and effect, except as otherwise provided
6 by the Stipulation, and this Judgment shall be without prejudice to the rights of Lead Plaintiffs, the
7 other Settlement Class Members and Defendants, and the Parties shall revert to their respective
8 positions in the Action as of February 28, 2023, as provided in the Stipulation.
9

10 17. **Entry of Final Judgment** – There is no just reason to delay the entry of this
11 Judgment as a final judgment in this Action. Accordingly, the Clerk of the Court is expressly
12 directed to immediately enter this final judgment in this Action.

13 SO ORDERED this _____ day of _____, 2023.

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15 _____
16 The Honorable Thomas S. Zilly
17 United States District Judge
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Exhibit 1

List of Persons and Entities Excluded from the Settlement Class Pursuant to Request

Exhibit 2

CLAIMANT COMMUNICATION

Phone Calls

We tailor our Call Center to the needs of each settlement, we can provide an automated approach using the latest IVR technology or, if counsel prefers, we offer a more personal approach and have one of our highly trained staff answer the phone and help the Class member with any issue they may have. We also offer Call tracking for each case, detailing the claimants question, and reporting on the total number of calls received.

Email

If a client requests it, we can provide a dedicated email address for each settlement where Class members can correspond and receive prompt answers from one of our highly trained staff.

Website

On request, we can provide a dedicated website for a settlement where all pertinent data and forms can be easily accessed by class members. Using these websites class counsel can quickly and easily communicate the class with ongoing updates and status changes in the Settlement.

DISTRIBUTION

Checks

We have handled distributions of all sizes and values, ranging from a few hundred checks, to hundreds of thousands of checks worth millions of dollars. We monitor all our bank accounts on a daily basis using a Postive Pay system to ensure our clients that only checks we issued will be cashed

Taxation

SCS can handle all taxation needs for a settlement. From calculating and paying taxes on the interest earned in the Settlement Fund, to withholding Federal and State taxes on wage cases, our staff of Certified Public Accounts ensure that all filing requirements are met

KEY INDIVIDUALS

Paul Mulholland, CPA, CVA President

As the founder, Mr. Mulholland is the key liaison with counsel on all administrative cases. He holds a BS degree in Accounting from Wheeling Jesuit University and is a Certified Public Accountant and a Certified Valuation Analyst. He is a member of the AICPA and NACVA.

Matthew Shillady Operations Manager

Mr. Shillady overlooks all areas of operations and systems management. Matthew is an expert in database management and computer systems. Matthew Shillady is a graduate of Penn State University. He holds a BS degree in Information Sciences and Technology Integration with substantial experience in data integration and database systems. Mr. Shillady has been with Strategic Claims since June of 2003.

Josephine Bravata Quality Assurance Manager

Ms. Bravata is involved with all areas of claims administration. She supervises the claims processing, database management, notification, bank reconciliations, check distributions and preparation of reports. Ms. Bravata joined the Company in 2001 after graduating from Neumann College. She has a BS degree in Accounting and a Minor in Computer and Information Management.

"I want to express my appreciation for the excellent work that Strategic Claims Services has provided to-date in administering the Blue Cross settlement. You and your staff have been timely, responsive and have made the claims administration process efficient and effective. Thank you for all your hard work."

**Mike Karnuth, Esq.
Krislov & Associates, Ltd.**

STRATEGIC CLAIMS SERVICES

Strategic Claims Services
600 North Jackson Street
Suite 3
Media, PA 19063

PHONE
866.274.4004
610.891.9852

FAX
610.565.7985

EMAIL
pmulholland@strategicclaims.net

"Your able and conscientious handling of this matter is much appreciated."

**Honorable William C. Connor
United States District Judge
Southern District of New York
Administration of the Texaco ERISA
Litigation Settlement**

OUR MISSION

Strategic Claims Services strives to offer high quality claims administration and unmatched solutions to its clients while maintaining exceptional client relationships.

» *We supply customized reports and detailed reviews of the Administration process so clients can stay well informed and up-to-date on any aspect of the administration process.*

» *We provide unsurpassed customer relations through our fully trained claims administrators who answer each call personally and assist our clients with their knowledge and expertise.*

» *We tailor a solution to each class action to ensure compliance with all the court and settlement documents.*

» *We strive to be proactive to alert our clients of any shortfalls or hang-ups in the administration process*

OUR HISTORY

Strategic Claims Services (SCS) was established in 1999 to provide support in managing, planning, implementing and administering class action litigations. The highly skilled staff consists of Certified Public Accountants, Information Technology professionals, experienced managers, bookkeepers and support staff.

With over a decade of experience in hundreds of cases involving notification, claims processing and distribution. SCS develops a custom solution for each and every client to ensure the highest quality service at a competitive price. SCS is devoted to offering paramount quality control throughout all dimensions of the claims administration process.

As an innovator in claims administration services, SCS is a technology driven organization with a proven track record to handle cases of all sizes in a cost-effective and efficient manner. The firm also provides tailored proposals, data management, and consultation.

CLASS NOTIFICATION

Strategic Claims Services offers many different options for both notices and claim forms. Based on the Client's requirements, SCS can compare the notice documents to ensure compliance with the settlement documents and the Court's requirements. SCS can also design Claim Forms to ensure Class Members fully understand and comply with the requirements of each settlement.

We can also provide assistance with publishing Legal Notice through newspapers, press releases, and websites. Using our contacts in the publishing industry we can negotiate favorable rates in most major newspapers, allowing the class to benefit from reduced publication costs.

Our Services Include:
» *Direct Mailed Notice*

» *Email Campaigns*

» *Notice Design and Proofing*

» *Claim Form Design*

» *Custom Websites for each settlement*

» *Customize Class Data*

» *Updating Out-of-Date Class Data (National Change of Address, Skip-tracing methods)*

» *Providing compliance affidavits for publications and direct mailin*

"Strategic Claims Services (SCS) provides excellent customer service, and the best price in the business. SCS's attention to detail, high quality work, quick and accurate turn around are the hallmarks of its true professionalism. Ready access to SCS's president, Paul Mulholland, and his personal involvement assures me everything is done right. You can't beat SCS – they're simply the best in the industry."

*John F. Innelli
Innelli & Robertson*

DATA MANAGEMENT

One of the most important steps in class action administration is creating and maintaining accurate class lists. Based on the client's needs we develop a custom database to hold all the class member's pertinent data.

Our Information Technology Specialists can:
» *Convert most data formats for use in the class database*

» *Database Management and Design*

» *Website Design and Updates*

» *Design custom reports for clients based on class data*

» *Removal of duplicate records*

» *Class-wide loss calculations*

CLAIMS PROCESSING

Our staff is well trained in all aspects of claims processing, with a focus on quality control and customer service. Each claim is reviewed in detail to ensure compliance with all settlement requirements. Using our custom built software, we ensure each claim is calculated accurately and quickly. The scope of our work includes, but is not limited to the following:

» *Determining the validity of each claim filed*

» *Calculation of losses for each claim*

» *Communication with claimants to cure invalid claims*

» *Quality assurance for all high value claims*

» *Final reporting to Counsel and the Court*

» *Electronic Claim Processing*

During the administration process we are in constant communication with counsel concerning all matters. We provide regular status reports from the initial mailing through the final disposition of funds.

PAUL MULHOLLAND
(CURRICULUM VITAE)

Mr. Mulholland is the President and founder of Strategic Claims Services (SCS) in April of 1999. SCS is a litigation support firm specializing in the administration of class action cases. SCS has administered over 600 class action settlements involving the distribution of over \$3 billion in settlement/judgment funds, and the management of more than 3.5 million claims with mailings of notices to over 33 million potential class members. For more information on SCS visit its website at www.strategicclaims.net.

From 1992 to 1999, Mr. Mulholland was Senior Vice President of Valley Forge Administrative Services, Inc. Mr. Mulholland was responsible for overseeing all aspects preparation of damage/expert reports in class action matters and for claims processing and administration of class action settlements. He also was responsible for areas of federal and state income taxes for settlement funds and for compliance with all treasury regulations.

From 1986 to 1992, Mr. Mulholland was Chief Financial Officer of Terramics Property Company, a Philadelphia-based regional commercial real estate company with a \$150 million real estate portfolio. He was responsible for asset management, financial reporting, budgets, bank and investor liaison, debt restructurings, refinancings, contract negotiations, tax matters, treasury functions and cash management.

From 1984 to 1986, Mr. Mulholland was Chief Financial Officer of American Health Systems, Inc., a \$40 million (revenue) nursing home management company, and was responsible for financial reporting, taxation, budgeting, cash management, cost containment, risk management and regulatory reporting.

From 1980 to 1984, Mr. Mulholland was employed at Coopers & Lybrand. He planned and directed audit engagements in a variety of industries, including preparation of financial statements, SEC reporting, and evaluation of internal accounting systems and supervision of staff accountants.

Mr. Mulholland holds a BS in Accounting from Wheeling University and is a Certified Public Accountant (inactive). He was an adjunct professor of accounting and finance at Neumann University and currently serves on its business advisory board.

PAUL MULHOLLAND
EXPERT TESTIMONY AND DEPOSITIONS

Expert Testimony:

Celia L. Hale., et al., v. Wal-Mart Stores, Inc
Jackson County, Missouri
Case No. 01-CV-218710 (Division 1)

June 2008

Jitendra V. Singh v. vCustomer Corporation, et al.
Eastern District of Pennsylvania
Civil Action No. 03-4439

June 2004

Barter v. Southmoore Golf Associates
(Common Pleas of Northhampton County (No. 199-C-1815)

March 21, 2000 and
March 22, 2000

Pearl and Hoffman v. Geriatric & Medical Center, Inc (Eastern
District of Pennsylvania (No.92-CV-5113 and No.93-CV-2129)

March 1995

Depositions:

Fosamax Products
Liability Litigation No. 1:06-MD-1789 (JFK)
(MDL No. 1789)
USDC for the Southern District of New York

June 14, 2007

Aredia and Zometa Products
Liability Litigation No. 3:06-MD-1760
(MDL No. 1760)
USDC for the Middle District of Tennessee
at Nashville

May 31, 2007

Jitendra V. Singh v. vCustomer Corporation, et al.
Eastern District of Pennsylvania
Civil Action No. 03-4439

June 2004

In Re: Curative Health Services, Inc. Securities Litigation
(Master File No. CV99-2074) United States District Court
Eastern District of New York

February 2002

Pearl and Hoffman v. Geriatric & Medical Center, Inc (Eastern
District of Pennsylvania (No.92-CV-5113 and No.93-CV-2129)

January 1995

Mediation Presentation:

Alibaba Group Holding Limited Securities Litigation
Civil Action 1:15-md-02361 (CN)
USDC Southern District of New York
Mediation Presentation to Honorable Layne R Phillips

March 2019

Exhibit 3

**Labaton
Sucharow**

Labaton Sucharow Credentials

2023



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ABOUT THE FIRM

Labaton Sucharow has recovered billions of dollars for investors, businesses, and consumers

Founded in 1963, Labaton Sucharow LLP has earned a reputation as one of the leading plaintiffs' firms in the United States. For more than half a century, Labaton Sucharow has successfully exposed corporate misconduct and recovered billions of dollars in the United States and around the globe on behalf of investors and consumers. Our mission is to continue this legacy and to continue to advance market fairness and transparency in the areas of securities, corporate governance and shareholder rights, and data privacy and cybersecurity litigation, as well as whistleblower representation. Our Firm has recovered significant losses for investors and secured corporate governance reforms on behalf of the nation's largest institutional investors, including public pension, Taft-Hartley, and hedge funds, investment banks, and other financial institutions.

Along with securing newsworthy recoveries, the Firm has a track record for successfully prosecuting complex cases from discovery to trial to verdict. As *Chambers and Partners* has noted, the Firm is "*considered one of the greatest plaintiffs' firms,*" and *The National Law Journal* "Elite Trial Lawyers" recently recognized our attorneys for their "*cutting-edge work on behalf of plaintiffs.*" Our appellate experience includes winning appeals that increased settlement values for clients and securing a landmark U.S. Supreme Court victory in 2013 that benefited all investors by reducing barriers to the certification of securities class action cases.

Our Firm provides global securities portfolio monitoring and advisory services to more than 225 institutional investors, including public pension funds, asset managers, hedge funds, mutual funds, banks, sovereign wealth funds, and multi-employer plans—with collective assets under management (AUM) in excess of \$2.5 trillion. We are equipped to deliver results due to our robust infrastructure of more than 70 full-time attorneys, a dynamic professional staff, and innovative technological resources. Labaton Sucharow attorneys are skilled in every stage of business litigation and have challenged corporations from every sector of the financial market. Our professional staff includes financial analysts, paralegals, e-discovery specialists, certified public accountants, certified fraud examiners, and a forensic accountant. We have one of the largest in-house investigative teams in the securities bar.



WITH OFFICES IN **NEW YORK,**
DELAWARE, AND **WASHINGTON, D.C.,**
 LABATON SUCHAROW IS ON THE
 GROUND IN KEY JURISDICTIONS FOR
 PROTECTING INVESTORS



SECURITIES LITIGATION: As a leader in the securities litigation field, the Firm is a trusted advisor to more than 225 institutional investors with collective assets under management in excess of \$2.5 trillion. Our practice focuses on portfolio monitoring and domestic and international securities litigation for sophisticated institutional investors. Since the passage of the Private Securities Litigation Reform Act of 1995, we have recovered more than \$19 billion in the aggregate. Our success is driven by the Firm’s robust infrastructure, which includes one of the largest in-house investigative teams in the plaintiffs’ bar.

CORPORATE GOVERNANCE AND SHAREHOLDER RIGHTS LITIGATION: Our breadth of experience in shareholder advocacy has also taken us to Delaware, where we press for corporate reform through our Wilmington office. These efforts have already earned us a string of enviable successes, including one of the largest derivative settlements ever achieved in the Court of Chancery, a \$153.75 million settlement on behalf of shareholders in *In re Freeport-McMoRan Copper & Gold Inc. Derivative Litigation*.

CONSUMER, CYBERSECURITY, AND DATA PRIVACY PRACTICE: Labaton Sucharow is dedicated to putting our expertise to work on behalf of consumers who have been wronged by fraud in the marketplace. Built on our world-class litigation skills, deep understanding of federal and state rules and regulations, and an unwavering commitment to fairness, our Consumer, Cybersecurity, and Data Privacy Practice focuses on protecting consumers and improving the standards of business conduct through litigation and reform. Our team achieved a historic \$650 million settlement in the *In re Facebook Biometric Information Privacy Litigation* matter—the largest consumer data privacy settlement ever, and one of the first cases asserting biometric privacy rights of consumers under Illinois’ Biometric Information Privacy Act (BIPA).

WHISTLEBLOWER LITIGATION: Our Whistleblower Representation Practice leverages the Firm’s securities litigation expertise to protect and advocate for individuals who report violations of the federal securities laws. We secured an award of \$83 million—the largest award granted to date by the SEC’s Whistleblower Program—for three whistleblowers who tipped the SEC off to long-running misconduct at Merrill Lynch.

“Labaton Sucharow is ‘superb’ and ‘at the top of its game.’ The Firm’s team of ‘hard-working lawyers...push themselves to thoroughly investigate the facts’ and conduct ‘very diligent research.’”

– The Legal 500



SECURITIES CLASS ACTION LITIGATION

Labaton Sucharow is a leader in securities litigation and a trusted advisor to more than 225 institutional investors. Since the passage of the Private Securities Litigation Reform Act of 1995 (PSLRA), the Firm has recovered more than \$19 billion in the aggregate for injured investors through securities class actions prosecuted throughout the United States and against numerous public corporations and other corporate wrongdoers.

These notable recoveries would not be possible without our exhaustive case evaluation process. The Firm has developed a proprietary system for portfolio monitoring and reporting on domestic and international securities litigation, and currently provides these services to more than 225 institutional investors, which manage collective assets of more than \$2.5 trillion. The Firm's in-house investigators also gather crucial details to support our cases, whereas other firms rely on outside vendors or fail to conduct any confidential investigation at all.

As a result of our thorough case evaluation process, our securities litigators can focus solely on cases with strong merits. The benefits of our selective approach are reflected in the low dismissal rate of the securities cases we pursue, a rate well below the industry average. Over the past decade, we have successfully prosecuted headline-making class actions against AIG, Bear Stearns, Massey Energy, Schering-Plough, Fannie Mae, Amgen, Facebook, and SCANA, among others.

NOTABLE SUCCESSES

Labaton Sucharow has achieved notable successes in financial and securities class actions on behalf of investors, including the following:

In re American International Group, Inc. Securities Litigation, No. 04-cv- 8141 (S.D.N.Y.)

In one of the most complex and challenging securities cases in history, Labaton Sucharow secured more than **\$1 billion** in recoveries on behalf of co-lead plaintiffs Ohio Public Employees Retirement System, State Teachers Retirement System of Ohio, and Ohio Police and Fire Pension Fund in a case arising from allegations of bid rigging and accounting fraud. To achieve this remarkable recovery, the Firm took over 100 depositions and briefed 22 motions to dismiss. The full settlement entailed a \$725 million settlement with American International Group (AIG), \$97.5 million settlement with AIG's auditors, \$115 million settlement with former AIG officers and related defendants, and an additional \$72 million settlement with General Reinsurance Corporation, which was approved by the Second Circuit on September 11, 2013.

In re Countrywide Financial Corp. Securities Litigation, No. 07-cv-05295 (C.D. Cal.)

Labaton Sucharow, as lead counsel for the New York State Common Retirement Fund and the five New York City public pension funds, sued one of the nation's largest issuers of mortgage loans for credit risk misrepresentations. The Firm's focused investigation and discovery efforts uncovered incriminating evidence that led to a \$624 million settlement for investors. On February 25, 2011,



the court granted final approval to the settlement, which is one of the top 20 securities class action settlements in the history of the PSLRA.

In re HealthSouth Corp. Securities Litigation, No. 03-cv-01500 (N.D. Ala.)

Labaton Sucharow served as co-lead counsel to New Mexico State Investment Council in a case stemming from one of the largest frauds ever perpetrated in the healthcare industry. Recovering \$671 million for the class, the settlement is one of the top 15 securities class action settlements of all time. In early 2006, lead plaintiffs negotiated a settlement of \$445 million with defendant HealthSouth. On June 12, 2009, the court also granted final approval to a \$109 million settlement with defendant Ernst & Young LLP. In addition, on July 26, 2010, the court granted final approval to a \$117 million partial settlement with the remaining principal defendants in the case—UBS AG, UBS Warburg LLC, Howard Capek, Benjamin Lorello, and William McGahan.

In re Schering-Plough/ENHANCE Securities Litigation, No. 08-cv-00397 (D. N.J.)

As co-lead counsel, Labaton Sucharow obtained a \$473 million settlement on behalf of co-lead plaintiff Massachusetts Pension Reserves Investment Management Board. After five years of litigation, and three weeks before trial, the settlement was approved on October 1, 2013. This recovery is one of the largest securities fraud class action settlements against a pharmaceutical company. The Special Masters' Report noted, "The outstanding result achieved for the class is the direct product of outstanding skill and perseverance by Co-Lead Counsel . . . no one else . . . could have produced the result here—no government agency or corporate litigant to lead the charge and the Settlement Fund is the product solely of the efforts of Plaintiffs' Counsel."

In re Waste Management, Inc. Securities Litigation, No. H-99-2183 (S.D. Tex.)

In 2002, the court approved an extraordinary settlement that provided for the recovery of \$457 million in cash, plus an array of far-reaching corporate governance measures. Labaton Sucharow represented lead plaintiff Connecticut Retirement Plans and Trust Funds. At that time, this settlement was the largest common fund settlement of a securities action achieved in any court within the Fifth Circuit and the third largest achieved in any federal court in the nation. Judge Harmon noted, among other things, that Labaton Sucharow "obtained an outstanding result by virtue of the quality of the work and vigorous representation of the class."

In re General Motors Corp. Securities Litigation, No. 06-cv-1749 (E.D. Mich.)

As co-lead counsel in a case against automotive giant General Motors (GM) and its auditor Deloitte & Touche LLP (Deloitte), Labaton Sucharow obtained a settlement of \$303 million—one of the largest settlements ever secured in the early stages of a securities fraud case. Lead plaintiff Deka Investment GmbH alleged that GM, its officers, and its outside auditor overstated GM's income by billions of dollars and GM's operating cash flows by tens of billions of dollars, through a series of accounting manipulations. The final settlement, approved on July 21, 2008, consisted of a cash payment of \$277 million by GM and \$26 million in cash from Deloitte.

Wyatt v. El Paso Corp., No. H-02-2717 (S.D. Tex.)

Labaton Sucharow secured a \$285 million class action settlement against the El Paso Corporation on behalf of the co-lead plaintiff, an individual. The case involved a securities fraud stemming from the company's inflated earnings statements, which cost shareholders hundreds of millions of dollars during a four-year span. On March 6, 2007, the court approved the settlement and also commended the efficiency with which the case had been prosecuted, particularly in light of the complexity of the allegations and the legal issues.

In re Bear Stearns Cos., Inc. Securities, Derivative & ERISA Litigation, No. 08-cv-2793 (S.D.N.Y.)

Labaton Sucharow served as co-lead counsel, representing lead plaintiff State of Michigan Retirement Systems and the class. The action alleged that Bear Stearns and certain officers and directors made misstatements and omissions in connection with Bear Stearns' financial condition, including losses in the value of its mortgage-backed assets and Bear Stearns' risk profile and liquidity. The action further claimed that Bear Stearns' outside auditor, Deloitte & Touche LLP, made misstatements and omissions in connection with its audits of Bear Stearns' financial statements for fiscal years 2006 and 2007. Our prosecution of this action required us to develop a detailed understanding of the arcane world of packaging and selling subprime mortgages. Our complaint has been called a "tutorial" for plaintiffs and defendants alike in this fast-evolving area. After surviving motions to dismiss, on November 9, 2012, the court granted final approval to settlements with the defendant Bear Stearns for \$275 million and with Deloitte for \$19.9 million.

In re Massey Energy Co. Securities Litigation, No. 10-CV-00689 (S.D. W.Va.)

As co-lead counsel representing the Commonwealth of Massachusetts Pension Reserves Investment Trust, Labaton Sucharow achieved a \$265 million all-cash settlement in a case arising from one of the most notorious mining disasters in US history. On June 4, 2014, the settlement was reached with Alpha Natural Resources, Massey's parent company. Investors alleged that Massey falsely told investors it had embarked on safety improvement initiatives and presented a new corporate image following a deadly fire at one of its coalmines in 2006. After another devastating explosion, which killed 29 miners in 2010, Massey's market capitalization dropped by more than \$3 billion. Judge Irene C. Berger noted, "Class counsel has done an expert job of representing all of the class members to reach an excellent resolution and maximize recovery for the class."

Eastwood Enterprises, LLC v. Farha (WellCare Securities Litigation), No. 07-cv-1940 (M.D. Fla.)

On behalf of the New Mexico State Investment Council and the Public Employees Retirement Association of New Mexico, Labaton Sucharow served as co-lead counsel and negotiated a \$200 million settlement over allegations that WellCare Health Plans, Inc., a Florida-based healthcare service provider, disguised its profitability by overcharging state Medicaid programs. Further, under the terms of the settlement approved by the court on May 4, 2011, WellCare agreed to pay an additional \$25 million in cash if, at any time in the next three years, WellCare was acquired or otherwise experienced a change in control at a share price of \$30 or more after adjustments for dilution or stock splits.



In re SCANA Corporation Securities Litigation, No. 17-cv-2616 (D.S.C.)

Labaton Sucharow served as co-lead counsel in this matter against a regulated electric and natural gas public utility, representing the class and co-lead plaintiff West Virginia Investment Management Board. The action alleges that for a period of two years, the company and certain of its executives made a series of misstatements and omissions regarding the progress, schedule, costs, and oversight of a key nuclear reactor project in South Carolina. Labaton Sucharow conducted an extensive investigation into the alleged fraud, including by interviewing 69 former SCANA employees and other individuals who worked on the nuclear project. In addition, Labaton Sucharow obtained more than 1,500 documents from South Carolina regulatory agencies, SCANA's state-owned junior partner on the nuclear project, and a South Carolina newspaper, among others, pursuant to the South Carolina Freedom of Information Act (FOIA). This information ultimately provided the foundation for our amended complaint and was relied upon by the Court extensively in its opinion denying defendants' motion dismiss. In late 2019, we secured a \$192.5 million recovery for investors—the largest securities fraud settlement in the history of the District of South Carolina.

In re Bristol-Myers Squibb Securities Litigation, No. 00-cv-1990 (D.N.J.)

Labaton Sucharow served as lead counsel representing the lead plaintiff, union-owned LongView Collective Investment Fund of the Amalgamated Bank (LongView), against drug company Bristol-Myers Squibb (BMS). LongView claimed that the company's press release touting its new blood pressure medication, Vanlev, left out critical information— that undisclosed results from the clinical trials indicated that Vanlev appeared to have life-threatening side effects. The FDA expressed serious concerns about these side effects and BMS released a statement that it was withdrawing the drug's FDA application, resulting in the company's stock price falling and losing nearly 30 percent of its value in a single day. After a five-year battle, we won relief on two critical fronts. First, we secured a \$185 million recovery for shareholders, and second, we negotiated major reforms to the company's drug development process that will have a significant impact on consumers and medical professionals across the globe. Due to our advocacy, BMS must now disclose the results of clinical studies on all of its drugs marketed in any country.

In re Fannie Mae 2008 Securities Litigation, No. 08-cv-7831 (S.D.N.Y.)

As co-lead counsel representing co-lead plaintiff Boston Retirement System, Labaton Sucharow secured a \$170 million settlement on March 3, 2015, with Fannie Mae. The lead plaintiffs alleged that Fannie Mae and certain of its current and former senior officers violated federal securities laws, by making false and misleading statements concerning the company's internal controls and risk management with respect to Alt-A and subprime mortgages. The lead plaintiffs also alleged that defendants made misstatements with respect to Fannie Mae's core capital, deferred tax assets, other-than-temporary losses, and loss reserves. Labaton Sucharow successfully argued that investors' losses were caused by Fannie Mae's misrepresentations and poor risk management, rather than by the financial crisis. This settlement is a significant feat, particularly following the unfavorable result in a similar case involving investors in Fannie Mae's sibling company, Freddie Mac.

In re Broadcom Corp. Class Action Litigation, No. 06-cv-05036 (C.D. Cal.)

Labaton Sucharow served as lead counsel on behalf of lead plaintiff New Mexico State Investment Council in a case stemming from Broadcom Corp.'s \$2.2 billion restatement of its historic financial



statements for 1998-2005. In August 2010, the court granted final approval of a \$160.5 million settlement with Broadcom and two individual defendants to resolve this matter. It is the second largest up-front cash settlement ever recovered from a company accused of options backdating. Following a Ninth Circuit ruling confirming that outside auditors are subject to the same pleading standards as all other defendants, the district court denied the motion by Broadcom's auditor, Ernst & Young, to dismiss on the ground of loss causation. This ruling is a major victory for the class and a landmark decision by the court—the first of its kind in a case arising from stock-options backdating. In October 2012, the court approved a \$13 million settlement with Ernst & Young.

In re Satyam Computer Services Ltd. Securities Litigation, No. 09-md-2027 (S.D.N.Y.)

Satyam Computer Services Ltd. (Satyam), referred to as “India’s Enron,” engaged in one of the most egregious frauds on record. In a case that rivals the Enron and Bernie Madoff scandals, the Firm represented lead plaintiff UK-based Mineworkers’ Pension Scheme, which alleged that Satyam, related entities, Satyam’s auditors, and certain directors and officers made materially false and misleading statements to the investing public about the company’s earnings and assets, artificially inflating the price of Satyam securities. On September 13, 2011, the court granted final approval to a settlement with Satyam of \$125 million and a settlement with the company’s auditor, PricewaterhouseCoopers, in the amount of \$25.5 million. Judge Barbara S. Jones commended lead counsel during the final approval hearing, noting the “quality of representation[,] which I found to be very high.”

In re Mercury Interactive Corp. Securities Litigation, No. 05-cv-3395 (N.D. Cal.)

Labaton Sucharow served as co-lead counsel on behalf of co-lead plaintiff Steamship Trade Association/International Longshoremen’s Association Pension Fund, which alleged that Mercury Interactive Corp. (Mercury) backdated option grants used to compensate employees and officers of the company. Mercury’s former CEO, CFO, and General Counsel actively participated in and benefited from the options backdating scheme, which came at the expense of the company’s shareholders and the investing public. On September 25, 2008, the court granted final approval of the \$117.5 million settlement.

In Re: CannTrust Holdings Inc. Securities Litigation, No. 1:19-cv-06396-JPO (S.D.N.Y.)

As U.S. lead counsel, Labaton Sucharow represents lead plaintiffs Granite Point Master Fund, LP; Granite Point Capital; and Scorpion Focused Ideas Fund in this action against CannTrust Holdings Inc., a cannabis company primarily traded on the Toronto Stock Exchange and the New York Stock Exchange. Class actions against the company were commenced in both the U.S. and Canada. The U.S. class action asserts CannTrust made materially false and misleading statements and omissions concerning its compliance with relevant cannabis regulations and an alleged scheme to increase its cannabis production. The parties reached a landmark settlement totaling CA\$129.5 million to resolve claims in both countries. The U.S. settlement was approved on December 2, 2021.



In re Oppenheimer Champion Fund Securities Fraud Class Actions, No. 09- cv-525 (D. Colo.) and In re Core Bond Fund, No. 09-cv-1186 (D. Colo.)

Labaton Sucharow served as lead counsel and represented individuals and the proposed class in two related securities class actions brought against Oppenheimer Funds, Inc., among others, and certain officers and trustees of two funds—Oppenheimer Core Bond Fund and Oppenheimer Champion Income Fund. The lawsuits alleged that the investment policies followed by the funds resulted in investor losses when the funds suffered drops in net asset value although they were presented as safe and conservative investments to consumers. In May 2011, the Firm achieved settlements amounting to \$100 million: \$52.5 million in *In re Oppenheimer Champion Fund Securities Fraud Class Actions* and a \$47.5 million settlement in *In re Core Bond Fund*.

In re Computer Sciences Corporation Securities Litigation, No. 11-cv-610 (E.D. Va.)

As lead counsel representing Ontario Teachers' Pension Plan Board, Labaton Sucharow secured a \$97.5 million settlement in this "rocket docket" case involving accounting fraud. The settlement was the third largest all-cash recovery in a securities class action in the Fourth Circuit and the second largest all-cash recovery in such a case in the Eastern District of Virginia. The plaintiffs alleged that IT consulting and outsourcing company, Computer Sciences Corporation (CSC), fraudulently inflated its stock price by misrepresenting and omitting the truth about the state of its most visible contract and the state of its internal controls. In particular, the plaintiffs alleged that CSC assured the market that it was performing on a \$5.4 billion contract with the UK National Health Service when CSC internally knew that it could not deliver on the contract, departed from the terms of the contract, and as a result, was not properly accounting for the contract. Judge T.S. Ellis III stated, "I have no doubt—that the work product I saw was always of the highest quality for both sides."

In re Nielsen Holdings PLC Securities Litigation, No. 18-7143 (S.D.N.Y.)

As lead counsel representing Public Employees' Retirement System of Mississippi, Labaton Sucharow achieved a \$73 million settlement (pending court approval) in a securities class action against the data analytics company Nielsen Holdings PLC over allegations the company misrepresented the strength and resiliency of its business and the impact of the European Union's General Data Protection Regulation (GDPR). On January 4, 2021, the Firm overcame defendants' motion to dismiss, and the case advanced into discovery. We mediated and ultimately reached an agreement to settle the matter for \$73 million in February 2022. The settlement was preliminarily approved by the court on April 4, 2022.

In re Resideo Technologies Inc. Securities Litigation, No. 19-cv-2863 (D. Minn.)

The Firm serves as co-lead counsel representing Naya Capital Management in an action alleging Resideo failed to disclose the negative effects of a spin-off on the company's product sales, supply chain, and gross margins, and misrepresented the strength of its financial forecasts. On March 30, 2021, the Firm overcame defendants' motion to dismiss in its entirety, and discovery in the action commenced promptly. Discussion of resolving the claims began in January 2021, resulting in an agreement in principle to settle the action for \$55 million July 2021. The \$55 million settlement was granted final approval on March 24, 2022.



Public Employees' Retirement System of Mississippi v. Endo Int'l plc, et al., No. 2017-02081-MJ (Pa. Ct. of C.P. Montgomery Cty.)

Labaton Sucharow served as lead counsel in a securities class action against Endo Pharmaceuticals. The case settled for \$50 million, the largest class settlement obtained in any court pursuant to the Securities Act of 1933 in connection with a secondary public offering. The action alleged that Endo failed to disclose adverse trends facing its generic drugs division in advance of a secondary public offering that raised \$2 billion to finance the acquisition of Par Pharmaceuticals in 2015. The Firm overcame several procedural hurdles to reach this historic settlement, including successfully opposing defendants' attempts to remove the case to federal court and to dismiss the class complaint in state court. The court approved the settlement on December 5, 2019.

In re JELD-WEN Holding, Inc. Securities Litigation, No. 3:20-cv-00112-JAG (E.D. Va.)

Representing Public Employees' Retirement System of Mississippi, Labaton Sucharow is court-appointed co-lead counsel in a securities class action lawsuit against JELD-WEN Holding, Inc. and certain of its executives related to allegedly false and misleading statements and omissions concerning JELD-WEN's allegedly anticompetitive conduct and financial results in the doorskins and interior molded door markets and the merit of a lawsuit filed against JELD-WEN by an interior door manufacturer. The parties reached an agreement to settle the action for \$40 million in April 2021. The court granted final approval of the settlement on November 22, 2021.

City of Warren Police and Fire Retirement System v. World Wrestling Entertainment, Inc. et al., No. 20-cv-02031 (S.D.N.Y.)

Labaton Sucharow served as court-appointed lead counsel in a securities class action against World Wrestling Entertainment, Inc. (WWE). The Firm represented Firefighters Pension System of the City of Kansas City Missouri Trust in the action alleging WWE defrauded investors by making false and misleading statements in connection with certain of its key overseas businesses in the Middle East North Africa region (MENA) from February 7, 2019, through February 5, 2020. The lead plaintiff further alleged that the price of WWE publicly traded common stock was artificially inflated as a result of the company's allegedly false and misleading statements and omissions, and that the price declined when the truth was allegedly revealed through a series of partial revelations. The parties reached an agreement to settle the action for in November 2020, and on June 30, 2021, the court granted final approval of the \$39 million settlement.

In re Uniti Group Inc. Securities Litigation, No. 4:19-cv-00756 (E.D Ark.)

Labaton Sucharow served as co-lead counsel in a securities class action against Uniti Group Inc. in an action alleging misstatements and omissions concerning the validity and propriety of the April 24, 2015 REIT Spin-Off, through which Uniti was formed, and the Master Lease Uniti entered into with Windstream Services with respect to telecommunications equipment. On March 31, 2021, the Court issued an Order denying Defendants' motion to dismiss in its entirety and denied Defendants' motion for reconsideration of that ruling on December 22, 2021. In discovery, the parties participated in dozens of depositions and produced and reviewed millions of pages of documents. The parties held a private mediation on March 24, 2022 and on March 25, 2022 the parties settled the action for \$38, 875, 000, which was approved by the Court on November 7, 2022.



Pension Trust Fund for Operating Engineers v. DeVry Education Group, Inc., No. 16-cv-05198 (N.D. Ill.)

In a case that underscores the skill of our in-house investigative team, Labaton Sucharow secured a \$27.5 million recovery in an action alleging that DeVry Education Group, Inc. issued false statements to investors about employment and salary statistics for DeVry University graduates. The Firm took over as lead counsel after a consolidated class action complaint and an amended complaint were both dismissed. Labaton Sucharow filed a third amended complaint on January 29, 2018, which included additional allegations based on internal documents obtained from government entities through the Freedom of Information Act and allegations from 13 new confidential witnesses who worked for DeVry. In denying defendants' motion to dismiss, the court concluded that the "additional allegations . . . alter[ed] the alleged picture with respect to scienter" and showed "with a degree of particularity . . . that the problems with DeVry's [representations] . . . were broad in scope and magnitude."

Vancouver Alumni Asset Holdings Inc. v. Daimler A.G., et al., No. 16-cv-2942 (C.D. Cal)

Serving as lead counsel on behalf of Public School Retirement System of Kansas City, Missouri, Labaton Sucharow secured a \$19 million settlement in a class action against automaker Daimler AG. The action arose out of Daimler's misstatements and omissions touting its Mercedes-Benz diesel vehicles as "green" when independent tests showed that under normal driving conditions the vehicles exceeded the nitrous oxide emissions levels set by U.S. and E.U. regulators. Defendants lodged two motions to dismiss the case. However, the *Daimler* litigation team was able to overcome both challenges, and on May 31, 2017, the court granted in part and denied in part Defendants' motions and allowed the case to proceed to discovery. The court then stayed the action after the U.S. Department of Justice intervened. The *Daimler* litigation team worked with the DOJ and defendants to partially lift the stay in order to allow lead plaintiffs to seek limited discovery. Thereafter, in December 2019, the parties agreed to settle the action for \$19 million.

Avila v. LifeLock, Inc., No. 15-cv-1398 (D. Ariz.)

As co-lead counsel representing Oklahoma Police Pension and Retirement System and Oklahoma Firefighters Pension and Retirement System, the Firm secured a \$20 million settlement in a securities class action against LifeLock. The action alleged that LifeLock misrepresented the capabilities of its identity theft alerts to investors. While LifeLock repeatedly touted the "proactive," "near real-time" nature of its alerts, in reality the timeliness of such alerts to customers did not resemble a near real-time basis. The LifeLock litigation team played a critical role in securing the \$20 million settlement. After being dismissed by the District Court twice, the LifeLock team was able to successfully appeal the case to the Ninth Circuit and secured a reversal of the District Court's dismissals. The case settled shortly after being remanded to the District Court. On July 22, 2020, the court issued an order granting final approval of the settlement.

Pierrelouis v. Gogo Inc., et al., No. 18-C-4473 (N.D. Ill.)

Serving as co-counsel, we secured a \$17.3 million settlement in class action against inflight entertainment company Gogo, Inc. The suit alleged that Gogo made false and misleading public statements about its "2Ku" in-flight antenna-and-satellite Wi-Fi system, which it installed on partner



airplanes although executives had knowledge that the systems would not work following the application of de-icing fluid to those planes. The case had been dismissed the suit without prejudice in 2019, prior to our involvement. In April 2021, we survived motion to dismiss following the inclusion of additional allegations and details gained from interviews from anonymous former employees. In October 2021, the parties agreed to settle the matter for \$17.3 million. Final Judgment and order was entered on October 13, 2022.

In re Prothena Corporation PLC Securities Litigation, No. 18-cv-6425 (S.D.N.Y)

Labaton Sucharow, as co-lead counsel, secured a \$15.75 million recovery in a securities class action against development-stage biotechnology company, Prothena Corp. The action alleged that Prothena and certain of its senior executives misleadingly cited the results of an ongoing clinical study of NEOD001—a drug designed to treat amyloid light chain amyloidosis and one of Prothena’s principal assets. Despite telling investors that early phases of testing were successful, Defendants later revealed that the drug was “substantially less effective than a placebo.” Upon this news, Prothena’s stock price dropped nearly 70 percent. On August 26, 2019, the parties executed a Stipulation and Agreement of Settlement for \$15.75 million. Final Judgment was entered on December 4, 2019.

In re Acuity Brands, Inc. Securities Litigation, No. 18-cv-02140 (N.D. Ga.)

Labaton Sucharow serves as co-lead counsel representing Public Employees’ Retirement System of Mississippi in a securities class action lawsuit against Acuity Brands, Inc., a leading provider of lighting solutions for commercial, institutional industrial, infrastructure, and residential applications throughout North America and select international markets. The suit alleges that Acuity misled investors about the impact of increased competition on its business, including its relationship with its largest retail customer, Home Depot. Despite defendants’ efforts, the court denied their motion to dismiss in significant part in August 2019 and granted class certification in August 2020, rejecting their arguments in full. Defendants appealed the class certification order to the Eleventh Circuit Court of Appeals, which the Firm vigorously opposed. Subsequently, the parties mediated and agreed on a \$15.75 million settlement-in-principle in October 2021. In light of the settlement-in-principle, the Eleventh Circuit stayed the appeal and removed the case from the docket. The court preliminarily approved the settlement on December 23, 2021.

LEAD COUNSEL APPOINTMENTS IN ONGOING LITIGATION

Labaton Sucharow’s institutional investor clients are regularly chosen by federal judges to serve as lead plaintiffs in prominent securities litigations brought under the PSLRA. Dozens of public pension funds and union funds have selected Labaton Sucharow to represent them in federal securities class actions and advise them as securities litigation/investigation counsel.

In re PG&E Corporation Securities Litigation, No. 18-cv-03509 (N.D. Cal.)

Labaton Sucharow represents the Public Employees Retirement Association of New Mexico in a securities class action lawsuit against PG&E related to wildfires that devastated Northern California in 2017.



In re Goldman Sachs Group, Inc. Securities Litigation, No. 10-cv-03461 (S.D.N.Y.)

Labaton Sucharow represents Arkansas Teacher Retirement System in a high-profile litigation based on the scandals involving Goldman Sachs' sales of the Abacus CDO.

Boston Retirement System v. Uber Technologies, Inc., et al., No. 19-cv-6361-RS (N.D. Cal.)

Labaton Sucharow serves as lead counsel in a securities class action against Uber Technologies, Inc., arising in connection with the company's more than \$8 billion IPO. The action alleges that Uber's IPO registration statement and prospectus made material misstatements and omissions in violation of Sections 11, 12(a)(2), and 15 of the Securities Act of 1933.

Hill v. Silver Lake Group, L.L.C. (Intelsat S.A.), No. 20-CV-2341 (N.D. Cal.)

The court appointed Labaton Sucharow as lead counsel in the *Intelsat* securities litigation, noting that the Firm "has strong experience prosecuting securities class actions and has served as lead counsel in many high-profile securities actions.

In re Allstate Corporation Securities Litigation, No. 16-cv-10510 (N.D. Ill.)

Labaton Sucharow serves as lead counsel representing the Carpenters Pension Trust Fund for Northern California, the Carpenters Annuity Trust Fund for Northern California, and the City of Providence Employee Retirement System in a securities case against The Allstate Corporation, the company's CEO Thomas J. Wilson, and its former President of Allstate Protection Lines Matthew E. Winter.

Nyy v. Telefonaktiebolaget LM Ericsson et al No. 1:22-cv-1167 (E.D.N.Y.)

Labaton Sucharow was appointed lead counsel in a securities class action against Telefonaktiebolaget LM Ericsson ("Ericsson") representing Boston Retirement System. The action alleges Ericsson make false and misleading statements by failing to disclose that it paid bribes to the Islamic State group, also known as ISIS, to gain access to certain transport routes in Iraq.

Defined Benefit Plan of Mid-Jersey Trucking Industry and Teamsters Local 701 Pension and Annuity Fund v. PayPal Holdings, Inc., et al, No. 3:22-cv-05864

On February 15, 2023, Labaton Sucharow was appointed co-lead counsel in a securities class action against PayPal Holdings, Inc. ("PayPal"). The action alleges that during the class period PayPal touted the massive growth in new active accounts as one of the most important indicators of the company's performance while failing to disclose that many of the additional users acquired through its cash account creation incentive campaigns were illusory, because those incentive campaigns were easily susceptible to fraud and ultimately generated no future revenue for the company.

Weston v. DocuSign, Inc., No. 22-824 (N.D. Cal.)

Labaton Sucharow was appointed lead counsel in a securities class action against DocuSign, which offers software that helps people send and sign agreements and other documents electronically. The firm represents Deka International S.A. Luxembourg and Public Employee Retirement System of



Idaho, two entities with the greatest financial interest in the case—more than \$45 million net losses. At issue is whether the company misled investors about the strength of its business “falsely assuring investors it would continue experiencing growth and demand for its product after COVID-19 restrictions were lifted.”

Allison v. Oak Street Health Inc., No. 22- cv-0149 (N.D. Ill.)

Labaton Sucharow represents Boston Retirement System in a securities class action against Oak Street Health alleging the Company was engaged in overly-aggressive patient acquisition and recruitment strategies that placed the Company at heightened and significant risk of government scrutiny and prosecution.



AWARDS AND ACCOLADES

CONSISTENTLY RANKED AS A LEADING FIRM:



The *National Law Journal* “2022 Elite Trial Lawyers” recognized Labaton Sucharow as the **2022 Securities Law Firm of the Year** and **2022 Shareholder Rights Litigation Firm of the Year**. The Firm was also recognized as a finalist for **2022 Class Action Litigation Firm of the Year**. Over the last three years, Labaton Sucharow has received five Elite Trial Lawyers Law Firm of the Year recognitions, including Class Action, Securities, Shareholder Rights Litigation, and Immigration.



Benchmark Litigation recognized Labaton Sucharow both nationally and regionally, in **New York** and **Delaware**, in its 2023 edition and named 8 Partners as **Litigation Stars** and **Future Stars** across the U.S. The Firm received top rankings in the **Securities** and **Dispute Resolution** categories. The publication also named the Firm a “**Top Plaintiffs Firm**” in the nation and was shortlisted for Plaintiff Firm of the Year.



Labaton Sucharow is recognized by *Chambers USA 2022* among the leading plaintiffs' firms in the nation, receiving a total of three practice group rankings and eight partners ranked or recognized. *Chambers* notes that the Firm is “**top flight all-round,**” a “**very high-quality practice,**” with “**good, sensible lawyers.**” Labaton Sucharow was also recognized as a finalist for **Chambers' D&I Awards: North America 2022** in the category of Outstanding Firm.



Labaton Sucharow has been recognized as one of the **Nation's Best Plaintiffs' Firms** by *The Legal 500*. In 2022, the Firm earned a **Tier 1 ranking in Securities Litigation** and was also ranked for its excellence in **M&A Litigation**. 8 Labaton Sucharow attorneys were ranked or recommended in the guide noting the Firm's “**very deep bench of strong litigators.**”



Lawdragon recognized 16 Labaton Sucharow attorneys among the **500 Leading Plaintiff Financial Lawyers** in the country in their 2022 guide. The guide recognizes attorneys that are “the best in the nation – many would say the world – at representing plaintiffs.” *Lawdragon* also included one of our Partners in their **Hall of Fame**.



Labaton Sucharow was named a **2021 Securities Group of the Year** by *Law360*. The award recognizes the attorneys behind significant litigation wins and major deals that resonated throughout the legal industry.



Labaton Sucharow was named **Diverse Women Lawyers – North America Firm of the Year** by *Euromoney's* 2022 Women in Business Law Americas Awards. The Firm was also named a finalist in the Americas Firm of the Year, Women in Business Law, Career Development, Gender Diversity, and United States – North East categories. *Euromoney's* WIBL Awards recognizes firms advancing diversity in the profession.



PRO BONO AND COMMUNITY INVOLVEMENT

It is not enough to achieve the highest accolades from the bench and bar, and demand the very best of our people. At Labaton Sucharow, we believe that community service is a crucial aspect of practicing law and that pursuing justice is at the heart of our commitment to our profession and the community at large. As a result, we shine in pro bono legal representation and as public and community volunteers.

Our Firm has devoted significant resources to pro bono legal work and public and community service. In fact, our Pro Bono practice is recognized by *The National Law Journal* as winner of the “**Law Firm of the Year**” in Immigration for 2019 and 2020. We support and encourage individual attorneys to volunteer and take on leadership positions in charitable organizations, which have resulted in such honors as the Alliance for Justice’s “**Champion of Justice**” award, a tenant advocacy organization’s “**Volunteer and Leadership Award,**” and board participation for the Ovarian Cancer Research Fund.

Our continued support of charitable and nonprofit organizations, such as the Legal Aid Society, City Bar Justice Center, Public Justice Foundation, Change for Kids, Sidney Hillman Foundation, and various food banks and other organizations, embodies our longstanding commitment to fairness, equality, and opportunity for everyone in our community, which is manifest in the many programs in which we participate.

Immigration Justice Campaign

Our attorneys have scored numerous victories on behalf of asylum seekers around the world, particularly from Cuba and Uganda, as well as in reuniting children separated at the border. Our Firm also helped by providing housing, clothing, and financial assistance to those who literally came to the U.S. with only the clothes on their back.

Advocacy for the Mentally Ill

Our attorneys have provided pro bono representation to mentally ill tenants facing eviction and worked with a tenants’ advocacy organization defending the rights of city residents.

Federal Pro Se Legal Assistance Project

We represented pro se litigants who could not afford legal counsel through an Eastern District of New York clinic. We assisted those pursuing claims for racial and religious discrimination, helped navigate complex procedural issues involving allegations of a defamatory accusation made to undermine our client’s disability benefits, and assisted a small business owner allegedly sued for unpaid wages by a stranger.

New York City Bar Association Thurgood Marshall Scholar

We are involved in the Thurgood Marshall Summer Law Internship Program, which places diverse New York City public high school students with legal employers for the summer. This program runs



annually, from April through August, and is part of the City Bar's continuing efforts to enhance the diversity of the legal profession.

Diversity Fellowship Program

We provide a fellowship as a key component of the Firm's objective to recruit, retain, and advance diverse law students. Positions are offered to exceptional law students who can contribute to the diversity of our organization and the broader legal community.

Brooklyn Law School Securities Arbitration Clinic

Our Firm partnered with Brooklyn Law School to establish a securities arbitration clinic. The program, which ran for five years, assisted defrauded individual investors who could not otherwise afford to pay for legal counsel and provided students with real-world experience in securities arbitration and litigation.

Change for Kids

We support Change for Kids (CFK) as a strategic partner of P.S. 182 in East Harlem. One school at a time, CFK rallies communities to provide a broad range of essential educational opportunities at under-resourced public elementary schools, as well as enables students to discover their unique strengths and develop the requisite confidence to achieve.

Lawyers' Committee for Civil Rights Under Law

We are long-time supporters of the Lawyers' Committee for Civil Rights Under Law, a nonpartisan, nonprofit organization formed in 1963 at the request of President John F. Kennedy. The Lawyers' Committee involves the private bar in providing legal services to address racial discrimination. We have been involved at the federal level on U.S. Supreme Court nominee analyses and national voters' rights initiatives. Edward Labaton is a member of the Board of Directors.

Sidney Hillman Foundation

Our Firm supports the Sidney Hillman Foundation. Created in honor of the first president of the Amalgamated Clothing Workers of America, Sidney Hillman, the foundation supports investigative and progressive journalism by awarding monthly and yearly prizes.



COMMITMENT TO DIVERSITY, EQUITY, AND INCLUSION

Labaton Sucharow

DEI
DIVERSITY
EQUITY &
INCLUSION

“Now, more than ever, it is important to focus on our diverse talent and create opportunities for young lawyers to become our future leaders. We are proud that our DEI Committee provides a place for our diverse lawyers to expand their networks and spheres of influence, develop their skills, and find the sponsorship and mentorship necessary to rise and realize their full potential.” – *Carol C. Villegas, Partner*

Over half a century, Labaton Sucharow has earned global recognition for its success in securing historic recoveries and reforms for investors and consumers. We strive to attain the same level of achievement in promoting fairness and equality within our practice and throughout the legal profession and believe this can be realized by building and maintaining a team of professionals with a broad range of backgrounds, orientations, and interests. Partner Christine M. Fox serves as Chair of the Committee.

As a national law firm serving a global clientele, diversity is vital to reaching the right result and provides us with distinct points of view from which to address each client’s most pressing needs and complex legal challenges. Problem solving is at the core of what we do...and equity and inclusion serve as a catalyst for understanding and leveraging the myriad strengths of our diverse workforce.

Research demonstrates that diversity in background, gender, and ethnicity leads to smarter and more informed decision-making, as well as positive social impact that addresses the imbalance in business today—leading to generations of greater returns for all. We remain committed to developing initiatives that focus on tangible diversity, equity, and inclusion goals involving recruiting, professional development, retention, and advancement of diverse and minority candidates, while also raising awareness and supporting real change inside and outside our Firm.

In recognition of our efforts, we have been named Diverse Women Lawyers – North America Firm of the Year by *Euromoney* and have been consistently shortlisted for their Women in Business Law Awards, including in the Americas Firm of the Year, Gender Diversity Initiative, Women in Business Law, United States – North East, Career Development, and Talent Management categories. In addition, the Firm is the recipient of *The National Law Journal* “Elite Trial Lawyers” inaugural Diversity Initiative Award and has been selected as a finalist for *Chambers & Partners’* Diversity and Inclusion Awards in the Outstanding Firm and Inclusive Firm of the Year categories. Our Firm understands the importance of extending leadership positions to diverse lawyers and is committed to investing time and resources to develop the next generation of leaders and counselors. We actively recruit, mentor, and promote to partnership minority and female lawyers.





Labaton Sucharow

WOMEN'S INITIATIVE



Women's Networking and Mentoring Initiative

Labaton Sucharow is the first securities litigation firm with a dedicated program to foster growth, leadership, and advancement of female attorneys. Established more than a decade ago, our Women's Initiative has hosted seminars, workshops, and networking events that encourage the advancement of female lawyers and staff, and bolster their participation as industry collaborators and celebrated thought innovators. We engage important women who inspire us by sharing their experience, wisdom, and lessons learned. We offer workshops on subject matter that ranges from professional development, negotiation, and public speaking, to business development and gender inequality in the law today.

Institutional Investing in Women and Minority-Led Investment Firms

Our Women's Initiative hosts an annual event on institutional investing in women and minority-led investment firms that was shortlisted for a *Chambers & Partners' Diversity & Inclusion* award. By bringing pension funds, diverse managers, hedge funds, investment consultants, and legal counsel together and elevating the voices of diverse women, we address the importance and advancement of diversity investing. Our 2018 inaugural event was shortlisted among *Euromoney's Best Gender Diversity Initiative*.

MINORITY SCHOLARSHIP AND INTERNSHIP

To take an active stance in introducing minority students to our practice and the legal profession, we established the Labaton Sucharow Minority Scholarship and Internship years ago. Annually, we present a grant and Summer Associate position to a first-year minority student from a metropolitan New York law school who has demonstrated academic excellence, community commitment, and unwavering personal integrity. Several past recipients are now full-time attorneys at the Firm. We also offer two annual summer internships to Hunter College students.

WHAT THE BENCH SAYS ABOUT US

The Honorable Judge Lewis Liman of the Southern District of New York, upon appointing Labaton Sucharow as co-lead counsel, noted the following:

"Historically, there has been a dearth of diversity within the legal profession. Although progress has been made...still just one tenth of lawyers are people of color and just over a third are women. A firm's commitment to diversity...demonstrate[s] that it shares with the courts a commitment to the values of equal justice under law...[and] is one that is able to attract, train, and retain lawyers with the most latent talent and commitment regardless of race, ethnicity, gender, or sexual orientation."



PROFESSIONAL PROFILES

Labaton
Sucharow



Christopher J. Keller Chairman

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Christopher J. Keller is Chairman of Labaton Sucharow LLP and head of the Firm's Executive Committee. He is based in the Firm's New York office. Chris focuses on complex securities litigation cases and works with institutional investor clients, including some of the world's largest public and private pension funds with tens of billions of dollars under management.

In his role as Chairman, Chris is responsible for establishing and executing upon Labaton Sucharow's strategic priorities, including advancing business initiatives and promoting a culture of performance, collaboration, and collegiality. Commitment to these priorities has helped the Firm deepen its practice area expertise, extend its worldwide reach and earn industry recognition for workplace culture.

Chris's distinction in the plaintiffs' bar has earned him recognition from *Lawdragon* as an "Elite Lawyer in the Legal Profession," one of the "500 Leading Lawyers in America," and one of the country's top "Plaintiff Financial Lawyers." *Chambers & Partners USA* has recognized him as a "Noted Practitioner," and he has received recommendations from *The Legal 500* for excellence in the field of securities litigation.

Described by *The Legal 500* as a "sharp and tenacious advocate" who "has his pulse on the trends," Chris has been instrumental in the Firm's appointments as lead counsel in some of the largest securities matters arising out of the financial crisis, such as actions against Countrywide (\$624 million settlement), Bear Stearns (\$275 million settlement with Bear Stearns Companies and \$19.9 million settlement with Deloitte & Touche LLP, Bear Stearns' outside auditor), and Goldman Sachs.

Chris is a frequent commentator on legal issues and has been featured in the *Wall Street Journal*, *Financial Times*, *Law360*, and *National Law Journal*, among others. Educating institutional investors is a significant element of Chris's advocacy efforts for shareholder rights. He is regularly called upon for presentations on developing trends in the law and new case theories at annual meetings and seminars for institutional investors.

Chris has been integral in the prosecution of traditional fraud cases such as *In re Schering-Plough Corporation/ENHANCE Securities Litigation*; *In re Massey Energy Co. Securities Litigation*, where the Firm obtained a \$265 million all-cash settlement with Alpha Natural Resources, Massey's parent company; as well as *In re Satyam Computer Services, Ltd. Securities Litigation*, where the Firm obtained a settlement of more than \$150 million. Chris was also a principal litigator on the trial team of *In re Real Estate Associates Limited Partnership Litigation*. The six-week jury trial resulted in a \$185 million plaintiffs' verdict, one of the largest jury verdicts since the passage of the Private Securities Litigation Reform Act.

The logo for Labaton Sucharow, consisting of a dark blue square with the firm's name in white text.

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Educating institutional investors is a significant element of Chris's advocacy efforts for shareholder rights. He is regularly called upon for presentations on developing trends in the law and new case theories at annual meetings and seminars for institutional investors.

Chris is a member of several professional groups, including the New York State Bar Association and the New York County Lawyers' Association. He is a prior member of the Board of Directors of the City Bar Fund, the nonprofit 501(c)(3) arm of the New York City Bar Association aimed at engaging and supporting the legal profession in advancing social justice.


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Eric J. Belfi is a Partner in the New York office of Labaton Sucharow LLP and a member of the Firm's Executive Committee. An accomplished litigator with a broad range of experience in commercial matters, Eric represents many of the world's leading pension funds and other institutional investors. Eric actively focuses on domestic and international securities and shareholder litigation, as well as direct actions on behalf of governmental entities. As an integral member of the Firm's Case Development Group, Eric has brought numerous high-profile domestic securities cases that resulted from the credit crisis, including the prosecution against Goldman Sachs. Along with his domestic securities litigation practice, Eric leads the Firm's Non-U.S. Securities Litigation Practice, which is dedicated exclusively to analyzing potential claims in non-U.S. jurisdictions and advising on the risks and benefits of litigation in those forums. Overseeing the Financial Products and Services Litigation Practice, Eric focuses on bringing individual actions against malfeasant investment bankers, including cases against custodial banks that allegedly committed deceptive practices relating to certain foreign currency transactions. Additionally, Eric advises his domestic and international clients on complex ESG issues.

Eric is recognized by *Chambers & Partners USA* and *Lawdragon* has recognized him as one of the country's "500 Leading Plaintiff Financial Lawyers" as the result of their research into top verdicts and settlements, and input from "lawyers nationwide about whom they admire and would hire to seek justice for a claim that strikes a loved one."

In his work with the Case Development Group, Eric was actively involved in securing a combined settlement of \$18.4 million in *In re Colonial BancGroup, Inc. Securities Litigation*, regarding material misstatements and omissions in SEC filings by Colonial BancGroup and certain underwriters. Eric's experience includes noteworthy M&A and derivative cases such as *In re Medco Health Solutions Inc. Shareholders Litigation* in which he was integrally involved in the negotiation of the settlement that included a significant reduction in the termination fee.

Under Eric's direction, the Firm's Non-U.S. Securities Litigation Practice—one of the first of its kind—also serves as liaison counsel to institutional investors in such cases, where appropriate. Eric represents nearly 30 institutional investors in over a dozen non-U.S. cases against companies including SNC-Lavalin Group Inc. in Canada, Vivendi Universal, S.A. in France, OZ Minerals Ltd. in Australia, Lloyds Banking Group in the U.K., and Olympus Corporation in Japan. Eric's international experience also includes securing settlements on behalf of non-U.S. clients including the U.K.-based Mineworkers' Pension Scheme in *In re Satyam Computer Securities Services Ltd. Securities Litigation*, an action related to one of the largest securities frauds in India, which resulted in \$150.5 million in collective settlements. While representing two of Europe's leading pension funds, Deka Investment GmbH and Deka International S.A., Luxembourg, in *In re General Motors Corp. Securities*



Litigation, Eric was integral in securing a \$303 million settlement in relation to multiple accounting manipulations and overstatements by General Motors.

As head of the Financial Products and Services Litigation Practice, Eric represented the Commonwealth of Virginia in its False Claims Act case against Bank of New York Mellon, Inc, among other matters.

Prior to joining Labaton Sucharow, Eric served as an Assistant Attorney General for the State of New York and as an Assistant District Attorney for the County of Westchester. As a prosecutor, Eric investigated and prosecuted white-collar criminal cases, including many securities law violations. He presented hundreds of cases to the grand jury and obtained numerous felony convictions after jury trials.

Eric is a member of the National Association of Public Pension Attorneys (NAPPA) Securities Litigation Working Group and the Cold Spring Harbor Laboratory Corporate Advisory Board. He has spoken publicly on the topics of shareholder litigation and U.S.-style class actions in European countries and has also discussed socially responsible investments for public pension funds.

Eric earned his Juris Doctor from St. John's University School of Law and received his bachelor's degree from Georgetown University.

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Jake Bissell-Linsk Partner

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Jake Bissell-Linsk is a Partner in the New York office of Labaton Sucharow LLP. Jake focuses his practice on securities fraud class actions.

Jake has litigated federal securities cases in jurisdictions across the country at both the District Court and Appellate Court level. He is currently litigating cases against Lucid Motors and Lordstown Motors involving de-SPAC mergers in the automotive industry; against Intelsat alleging insiders sold \$246 million in stock shortly after learning the FTC would reject a bet-the-company deal; against AT&T, citing 58 former AT&T employees, regarding misleading reports of the success of its video streaming service DirecTV Now; and against Cronos alleging it improperly booked revenue from round-trip transactions for cannabis processing.

In addition to these varied securities fraud cases, Jake has litigated a number of cases involving take-private mergers, including several cases involving Chinese-based and Cayman-incorporated firms that were delisted from U.S. exchanges.

Jake has played a pivotal role in securing favorable settlements for investors in a variety of securities class actions, including recent cases against Nielsen (\$73 million settlement), in a suit that involved allegations of inflated goodwill and the effect of the EU's GDPR on the company, and Mindbody (\$9.75 million settlement), in a suit alleging false guidance and inadequate disclosures prior to a private equity buyout.

Jake's pro bono experience includes assisting pro se parties through the Federal Pro Se Legal Assistance Project.

Jake was previously a Litigation Associate at Davis Polk & Wardwell LLP, where he worked on complex commercial litigation including contract disputes, bankruptcies, derivative suits, and securities claims. He also assisted defendants in government investigations and provided litigation advice on M&A transactions.

Jake earned his Juris Doctor, *magna cum laude*, from the University of Pennsylvania Law School. He served as Senior Editor of the University of Pennsylvania Law Review and Associate Editor of the East Asia Law Review. While in law school, Jake interned for Judge Melvin L. Schweitzer at the New York Supreme Court (Commercial Division). He received his bachelor's degree, *magna cum laude*, from Hamline University.



Michael P. Canty Partner

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Michael P. Canty is a Partner in the New York office of Labaton Sucharow LLP, where he serves on the Firm's Executive Committee and as its General Counsel. In addition, he leads one of the Firm's Securities Litigation Teams and serves as head of the Firm's Consumer Cybersecurity and Data Privacy Group.

Highly regarded as one of the country's elite litigators, Michael has been recognized by *The Legal 500* and *Benchmark Litigation* as a "litigation star." In addition, he has been named a Plaintiffs' Trailblazer and a NY Trailblazer by *The National Law Journal* and the *New York Law Journal*, respectively, for his impact on the practice and business of law, as well as one of the "500 Leading Plaintiff Financial Lawyers in America" and one of the country's "Leading Plaintiff Consumer Lawyers" by *Lawdragon*.

Michael has successfully prosecuted a number of high-profile securities matters on behalf of institutional investors. Recent notable settlements include *Hatamian v. Advanced Micro Devices, Inc.* (\$29.5 million settlement), *Ronge v. Camping World Holdings* (\$12.5 million settlement), and *Palm Tran, Inc. Amalgamated Transit Union Loc. 1577 Pension Plan v. Credit Acceptance Corp.* (\$12 million settlement).

In addition to his securities practice, Michael has extensive experience representing consumers in high-profile data privacy litigation. Most notably, one of Michael's most recent successes was the historic \$650 million settlement in the *In re Facebook Biometric Information Privacy Litigation* matter—the largest consumer data privacy settlement ever and one of the first cases asserting consumers' biometric privacy rights under Illinois' Biometric Information Privacy Act (BIPA). Michael currently serves as co-lead counsel in *Garner v. Amazon.com, Inc.* alleging Amazon's illegal wiretapping and surreptitious recording through its Alexa-enabled devices.

Prior to joining Labaton Sucharow, Michael served as an Assistant U.S. Attorney in the U.S. Attorney's Office for the Eastern District of New York, where he was the Deputy Chief of the Office's General Crimes Section. During his time as a federal prosecutor, Michael also served in the Office's National Security and Cybercrimes Section. Prior to this, he served as an Assistant District Attorney for the Nassau County District Attorney's Office, where he handled complex state criminal offenses and served in the Office's Homicide Unit.

Michael has extensive trial experience both from his days as a prosecutor in New York City for the U.S. Department of Justice and as a Nassau County Assistant District Attorney. Michael served as trial counsel in more than 35 matters, many of which related to violent crime, white-collar, and terrorism-related offenses. He played a pivotal role in *United States v. Abid Naseer*, where he prosecuted and convicted an al-Qaeda operative who conspired to carry out attacks in the United



States and Europe. Michael also led the investigation in *United States v. Marcos Alonso Zea*, a case in which he successfully prosecuted a citizen for attempting to join a terrorist organization in the Arabian Peninsula and for providing material support for planned attacks.

Before becoming a prosecutor, Michael worked as a Congressional Staff Member for the U.S. House of Representatives. He primarily served as a liaison between the Majority Leader's Office and the Government Reform and Oversight Committee. During his time with the House of Representatives, Michael managed congressional oversight of the United States Postal Service and reviewed and analyzed counter-narcotics legislation as it related to national security matters.

Michael is a frequent commentator on legal issues and has been featured in *The Washington Post*, *Law360*, and *The National Law Journal*, among others and has appeared on CBS and NPR.

He is a member of the Federal Bar Council American Inn of Court, which endeavors to create a community of lawyers and jurists and promotes the ideals of professionalism, mentoring, ethics, and legal skills. He is also a member of the National Association of Public Pension Attorneys.

Michael earned his Juris Doctor, *cum laude*, from St. John's University's School of Law. He received his Bachelor of Arts, *cum laude*, from Mary Washington College.

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James Christie is a Partner in the New York office of Labaton Sucharow LLP. James focuses on prosecuting complex securities fraud cases on behalf of institutional investors. He is currently involved in litigating cases against major U.S. and non-U.S. corporations, such as Alexion Pharmaceuticals, GoGo, 2U, Precision Castparts, Flex, CannTrust Holdings, iQIYI, and Weatherford International. James also serves as Assistant General Counsel of the Firm and Co-Chairs the Firm's Technology Committee.

James has been recognized as a "Rising Star of the Plaintiffs Bar" by *The National Law Journal* Elite Trial Lawyers and *Benchmark Litigation* named him to their "40 & Under List."

James was an integral part of the Firm team that helped recover \$192.5 million for investors in a settlement for *In re SCANA Corporation Securities Litigation*. James also assisted in recovering \$20 million on behalf of investors in a securities class action against LifeLock Inc., where he played a significant role in obtaining a key appellate victory in the Ninth Circuit Court of Appeals reversing the district court's order dismissing the case with prejudice. In addition, James assisted in the \$14.75 million recovery secured for investors against PTC Therapeutics Inc., a pharmaceutical manufacturer of orphan drugs, in *In re PTC Therapeutics, Inc. Securities Litigation*. He was also part of the team that represented the lead plaintiff, the Public Employees' Retirement System of Mississippi, in *Public Employees' Retirement System of Mississippi v. Sprouts Farmers Market Inc.*, which resulted in a \$9.5 million settlement against Sprouts Farmers Market and several of its senior officers and directors.

James previously served as a Judicial Intern in the U.S. District Court for the Eastern District of New York under the Honorable Sandra J. Feuerstein.

He is a member of the American Bar Association and the Federal Bar Council.

James earned his Juris Doctor from St. John's University School of Law, where he was the Senior Articles Editor of the St. John's Law Review, and his Bachelor of Science, *cum laude*, from St. John's University Tobin College of Business.



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Thomas A. Dubbs is a Partner in the New York office of Labaton Sucharow LLP. Tom focuses on the representation of institutional investors in domestic and multinational securities cases. Tom serves or has served as lead or co-lead counsel in some of the most important federal securities class actions in recent years, including those against American International Group, Goldman Sachs, the Bear Stearns Companies, Facebook, Fannie Mae, Broadcom, and WellCare.

Tom is highly-regarded in his practice. He has been named a top litigator by *Chambers & Partners USA* for more than 10 consecutive years and has been consistently ranked as a Leading Lawyer in Securities Litigation by *The Legal 500*. *Law360* named him an MVP of the Year for distinction in class action litigation and he has been recognized by *The National Law Journal* and *Benchmark Litigation* for excellence in securities litigation. *Lawdragon* has recognized Tom as one of the country's "500 Leading Plaintiff Financial Lawyers" and named him to their Hall of Fame. Tom has also received a rating of AV Preeminent from the publishers of the Martindale-Hubbell directory. In addition, *The Legal 500* has inducted Tom into its Hall of Fame—an honor presented to only four plaintiffs' securities litigators "who have received constant praise by their clients for continued excellence."

Tom has played an integral role in securing significant settlements in several high-profile cases, including *In re American International Group, Inc. Securities Litigation* (settlements totaling more than \$1 billion); *In re Bear Stearns Companies, Inc. Securities Litigation* (\$275 million settlement with Bear Stearns Companies plus a \$19.9 million settlement with Deloitte & Touche LLP, Bear Stearns' outside auditor); *In re HealthSouth Securities Litigation* (\$671 million settlement); *Eastwood Enterprises LLC v. Farha et al. (WellCare Securities Litigation)* (over \$200 million settlement); *In re Fannie Mae 2008 Securities Litigation* (\$170 million settlement); *In re Broadcom Corp. Securities Litigation* (\$160.5 million settlement with Broadcom, plus \$13 million settlement with Ernst & Young LLP, Broadcom's outside auditor); *In re St. Paul Travelers Securities Litigation* (\$144.5 million settlement); *In re Amgen Inc. Securities Litigation* (\$95 million settlement); and *In re Vesta Insurance Group, Inc. Securities Litigation* (\$78 million settlement).

Representing an affiliate of the Amalgamated Bank, Tom successfully led a team that litigated a class action against Bristol-Myers Squibb, which resulted in a settlement of \$185 million as well as major corporate governance reforms. He has argued before the U.S. Supreme Court and has argued 10 appeals dealing with securities or commodities issues before the U.S. Courts of Appeals.

Due to his reputation in securities law, Tom frequently lectures to institutional investors and other groups, such as the Government Finance Officers Association, the National Conference on Public Employee Retirement Systems, and the Council of Institutional Investors. He is a prolific author of articles related to his field, including "Textualism and Transnational Securities Law: A Reappraisal of



Justice Scalia's Analysis in *Morrison v. National Australia Bank*," which he penned for the *Southwestern Journal of International Law*. He has also written several columns in U.K. publications regarding securities class actions and corporate governance.

Prior to joining Labaton Sucharow, Tom was Senior Vice President & Senior Litigation Counsel for Kidder, Peabody & Co. Incorporated, where he represented the company in many class actions, including the *First Executive* and *Orange County* litigation and was first chair in many securities trials. Before joining Kidder, Tom was head of the litigation department at Hall, McNicol, Hamilton & Clark, where he was the principal partner representing Thomson McKinnon Securities Inc. in many matters, including the *Petro Lewis* and *Baldwin-United* class actions.

Tom serves as a FINRA Arbitrator and is an Advisory Board Member for the Institute for Transnational Arbitration. He is a member of the New York State Bar Association and the Association of the Bar of the City of New York, as well as a patron of the American Society of International Law. Tom is an active member of the American Law Institute and is currently an adviser on the proposed Restatement of the Law Third, Conflict of Laws; he was also a member of the Consultative Groups for the Restatement of the Law Fourth, U.S. Foreign Relations Law, and the Principles of Law, Aggregate Litigation. Tom also serves on the Board of Directors for The Sidney Hillman Foundation.

Tom earned his Juris Doctor and his bachelor's degree from the University of Wisconsin-Madison. He received his master's degree from the Fletcher School of Law and Diplomacy, Tufts University.



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Alfred L. Fatale III is a Partner in the New York office of Labaton Sucharow LLP and currently leads a team of attorneys focused on litigating securities claims arising from initial public offerings, secondary offerings, and stock-for-stock mergers.

Alfred's success in moving the needle in the legal industry has earned him recognition from *Chambers & Partners USA*, the *National Law Journal* as a "Plaintiffs' Lawyer Trailblazer," and *The American Lawyer* as a "Northeast Trailblazer." *Lawdragon* has recognized him as one of the country's "500 Leading Plaintiff Financial Lawyers" and *Benchmark Litigation* also named him to their "40 & Under List."

Alfred represents individual and institutional investors in cases related to the protection of the financial markets and public securities offerings in trial and appellate courts throughout the country. In particular, he is leading the Firm's efforts to litigate securities claims against several companies in state courts following the U.S. Supreme Court's decision in *Cyan, Inc. v. Beaver County Employees Retirement Fund*.

Alfred is also overseeing the firm's efforts in litigating several cases in federal courts. This includes a securities class action against Uber Technologies Inc. arising from the company's \$8 billion IPO.

Since joining the Firm in 2016, Alfred has lead the investigation and prosecution of several successful cases, including *In re ADT Inc. Securities Litigation*, resulting in a \$30 million recovery; *In re CPI Card Group Inc. Securities Litigation*, resulting in a \$11 million recovery; *In re BrightView Holdings, Inc. Securities Litigation*, resulting in a \$11.5 million recovery; *Plymouth County Retirement Association v. Spectrum Brands Holdings Inc.*, resulting in a \$9 million recovery, *In re SciPlay Corp. Securities Litigation*, resulting in an \$8.275 million recovery; and *In re Livent Corp. Securities Litigation*, resulting in a \$7.4 million recovery.

Prior to joining Labaton Sucharow, Alfred was an Associate at Fried, Frank, Harris, Shriver & Jacobson LLP, where he advised and represented financial institutions, investors, officers, and directors in a broad range of complex disputes and litigations including cases involving violations of federal securities law and business torts.

Alfred is an active member of the American Bar Association and the New York City Bar Association.

Alfred earned his Juris Doctor from Cornell Law School, where he was a member of the *Cornell Law Review* as well as the Moot Court Board. He also served as a Judicial Extern under the Honorable Robert C. Mulvey. He received his bachelor's degree, *summa cum laude*, from Montclair State University.

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Christine M. Fox is a Partner in the New York office of Labaton Sucharow LLP. With more than 25 years of securities litigation experience, Christine prosecutes complex securities fraud cases on behalf of institutional investors. In addition to her litigation responsibilities, Christine serves as the Chair of the Firm's DEI Committee.

Christine is recognized by *Lawdragon* as one of the "500 Leading Plaintiff Financial Lawyers in America."

Christine is actively involved in litigating matters against FirstCash Holdings, Hain Celestial, Oak Street Health, Conduent, Barclays, and Unity Software. She has played a pivotal role in securing favorable settlements for investors in class actions against Barrick Gold Corporation, one of the largest gold mining companies in the world (\$140 million recovery); Nielsen, a data analytics company that provides clients with information about consumer preferences (\$73 million recovery); CVS Caremark, the nation's largest pharmacy retail chain (\$48 million recovery); Nu Skin Enterprises, a multilevel marketing company (\$47 million recovery); and Intuitive Surgical, a manufacturer of robotic-assisted technologies for surgery (\$42.5 million recovery); and World Wrestling Entertainment, a media and entertainment company (\$39 million recovery).

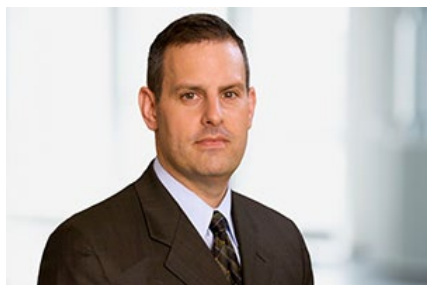
Christine is actively involved in the Firm's pro bono immigration program and reunited a father and child separated at the border. She is currently working on their asylum application.

Prior to joining the Firm, Christine worked at a national litigation firm focusing on securities, antitrust, and consumer litigation in state and federal courts. She played a significant role in securing class action recoveries in a number of high-profile securities cases, including *In re Merrill Lynch Co., Inc. Research Reports Securities Litigation* (\$475 million recovery); *In re Informix Corp. Securities Litigation* (\$136.5 million recovery); *In re Alcatel Alsthom Securities Litigation* (\$75 million recovery); and *In re Ambac Financial Group, Inc. Securities Litigation* (\$33 million recovery).

She is a member of the American Bar Association, New York State Bar Association, and Puerto Rican Bar Association.

Christine earned her Juris Doctor from the University of Michigan Law School and received her bachelor's degree from Cornell University.

Christine is conversant in Spanish.



Jonathan Gardner Partner

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Jonathan Gardner serves as the Managing Partner of Labaton Sucharow LLP and as a member of its Executive Committee. He is based in the Firm's New York office. Jonathan helps direct the growth and management of the Firm.

With more than 30 years of experience, Jonathan oversees all of the Firm's litigation matters, including prosecuting complex securities fraud cases on behalf of institutional investors. Jonathan has played an integral role in developing the Firm's groundbreaking ADR Practice in response to the use of mandatory arbitration clauses by companies in consumer contracts.

A *Benchmark Litigation* "Star" acknowledged by his peers as "engaged and strategic," Jonathan has also been named an MVP by *Law360* for securing hard-earned successes in high-stakes litigation and complex global matters. He is ranked by *Chambers & Partners USA* describing him as "an outstanding lawyer who knows how to get results" and recommended by *The Legal 500*, whose sources remarked on Jonathan's ability to "understand the unique nature of complex securities litigation and strive for practical yet results-driven outcomes" and his "considerable expertise and litigation skill and practical experience that helps achieve terrific results for clients." Jonathan is also recognized by *Lawdragon* as one of the "500 Leading Lawyers in America" and one of the country's top "Plaintiff Financial Lawyers."

Jonathan has played an integral role in securing some of the largest class action recoveries against corporate offenders since the global financial crisis. He led the Firm's team in the investigation and prosecution of *In re Barrick Gold Securities Litigation*, which resulted in a \$140 million recovery. He has also served as the lead attorney in several cases resulting in significant recoveries for injured class members, including *In re Hewlett-Packard Company Securities Litigation* (\$57 million recovery); *Public Employees' Retirement System of Mississippi v. Endo International PLC* (\$50 million recovery); *Medoff v. CVS Caremark Corporation* (\$48 million recovery); *In re Nu Skin Enterprises, Inc., Securities Litigation*, (\$47 million recovery); *In re Intuitive Surgical Securities Litigation* (\$42.5 million recovery); *In re Carter's Inc. Securities Litigation* (\$23.3 million recovery against Carter's and certain officers, as well as its auditing firm PricewaterhouseCoopers); *In re Aeropostale Inc. Securities Litigation* (\$15 million recovery); *In re Lender Processing Services Inc.* (\$13.1 million recovery); and *In re K-12, Inc. Securities Litigation* (\$6.75 million recovery).

Jonathan has led the Firm's representation of investors in many high-profile cases including *Rubin v. MF Global Ltd.*, which involved allegations of material misstatements and omissions in a Registration Statement and Prospectus issued in connection with MF Global's IPO. The case resulted in a recovery of \$90 million for investors. Jonathan also represented lead plaintiff City of Edinburgh Council as Administering Authority of the Lothian Pension Fund in *In re Lehman Brothers Equity/Debt Securities Litigation*, which resulted in settlements exceeding \$600 million against



Lehman Brothers' former officers and directors, Lehman's former public accounting firm, as well the banks that underwrote Lehman Brothers' offerings. In representing lead plaintiff Massachusetts Bricklayers and Masons Trust Funds in an action against Deutsche Bank, Jonathan secured a \$32.5 million recovery for a class of investors injured by the bank's conduct in connection with certain residential mortgage-backed securities.

Jonathan has also been responsible for prosecuting several of the Firm's options backdating cases, including *In re Monster Worldwide, Inc. Securities Litigation* (\$47.5 million settlement); *In re SafeNet, Inc. Securities Litigation* (\$25 million settlement); *In re Semtech Securities Litigation* (\$20 million settlement); and *In re MRV Communications, Inc. Securities Litigation* (\$10 million settlement). He also was instrumental in *In re Mercury Interactive Corp. Securities Litigation*, which settled for \$117.5 million, one of the largest settlements or judgments in a securities fraud litigation based on options backdating. Jonathan also represented the Successor Liquidating Trustee of Lipper Convertibles, a convertible bond hedge fund, in actions against the fund's former independent auditor and a member of the fund's general partner as well as numerous former limited partners who received excess distributions. He successfully recovered over \$5.2 million for the Successor Liquidating Trustee from the limited partners and \$29.9 million from the former auditor.

Jonathan is a member of the Federal Bar Council, New York State Bar Association, and the Association of the Bar of the City of New York.

Jonathan earned his Juris Doctor from St. John's University School of Law. He received his bachelor's degree from American University.

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Thomas G. Hoffman, Jr. is a Partner in the New York office of Labaton Sucharow LLP. Thomas focuses on representing institutional investors in complex securities actions. He is currently prosecuting cases against BP and Allstate.

Thomas was instrumental in securing a \$1 billion recovery in the eight-year litigation against AIG and related defendants. He also was a key member of the Labaton Sucharow team that recovered \$170 million for investors in *In re 2008 Fannie Mae Securities Litigation*.

Thomas earned his Juris Doctor from UCLA School of Law, where he was Editor-in-Chief of the *UCLA Entertainment Law Review* and served as a Moot Court Executive Board Member. In addition, he served as a judicial extern to the Honorable William J. Rea, United States District Court for the Central District of California. Thomas received his bachelor's degree, with honors, from New York University.



James W. Johnson Partner

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James W. Johnson is a Partner in the New York office of Labaton Sucharow LLP. Jim focuses on litigating complex securities fraud cases. In addition to his active caseload, Jim holds a variety of leadership positions within the Firm, including serving on the Firm's Executive Committee.

Jim is "well respected in the field," earning him recognition from *Chambers & Partners USA*, *The Legal 500*, *Benchmark Litigation*, and *Lawdragon*, who named him as one of the "500 Leading Lawyers in America" and one of the country's top "Plaintiff Financial Lawyers." He has also received a rating of AV Preeminent from the publishers of the *Martindale-Hubbell* directory.

In representing investors who have been victimized by securities fraud and breaches of fiduciary responsibility, Jim's advocacy has resulted in record recoveries for wronged investors. Currently, he is prosecuting the high-profile case against financial industry leader Goldman Sachs—*In re Goldman Sachs Group, Inc. Securities Litigation*.

A recognized leader in his field, Jim has successfully litigated a number of complex securities and RICO class actions. These include *In re HealthSouth Corp. Securities Litigation* (\$671 million settlement); *Eastwood Enterprises LLC v. Farha et al. (WellCare Securities Litigation)* (\$200 million settlement); *In re Amgen Inc. Securities Litigation* (\$95 million settlement); *In re Vesta Insurance Group, Inc. Securities Litigation* (\$79 million settlement); and *In re SCANA Securities Litigation* (\$192.5 million settlement). Other notably successes include *In re National Health Laboratories, Inc. Securities Litigation*, which resulted in a recovery of \$80 million in the federal action and a related state court derivative action, and *In re Bristol Myers Squibb Co. Securities Litigation*, in which the court approved a \$185 million settlement including significant corporate governance reforms and recognized plaintiff's counsel as "extremely skilled and efficient."

Jim also represented lead plaintiffs in *In re Bear Stearns Companies, Inc. Securities Litigation*, securing a \$275 million settlement with Bear Stearns Companies, plus a \$19.9 million settlement with Deloitte & Touche LLP, Bear Stearns' outside auditor. In *County of Suffolk v. Long Island Lighting Co.*, Jim represented the plaintiff in a RICO class action, securing a jury verdict after a two-month trial that resulted in a \$400 million settlement. The Second Circuit quoted the trial judge, the Honorable Jack B. Weinstein, as stating, "Counsel [has] done a superb job [and] tried this case as well as I have ever seen any case tried." On behalf of the Chugach Native Americans, he also assisted in prosecuting environmental damage claims resulting from the Exxon Valdez oil spill.

Jim is a Member of the American Bar Association and the Association of the Bar of the City of New York, where he served on the Federal Courts Committee. He is also a Fellow in the Litigation Council of America and a Member of the Advisory Board of the Institute for Law and Economic Policy.

The logo for Labaton Sucharow, consisting of a dark blue square with the firm's name in white text.

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Jim earned his Juris Doctor from New York University School of Law and his bachelor's degree from Fairfield University.



Francis P. McConville Partner

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Francis P. McConville is a Partner in the New York office of Labaton Sucharow LLP. Francis focuses on prosecuting complex securities fraud cases on behalf of institutional investor clients. As a lead member of the Firm's Case Development Group, he focuses on the identification, investigation, and development of potential actions to recover investment losses resulting from violations of the federal securities laws and various actions to vindicate shareholder rights in response to corporate and fiduciary misconduct.

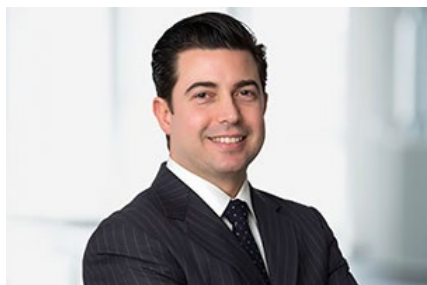
Francis has been named a "Rising Star" of securities litigation in *Law360's* list of attorneys under 40 whose legal accomplishments transcend their age. *Lawdragon* has recognized him as one of the country's "500 Leading Plaintiff Financial Lawyers" and *Benchmark Litigation* also named him to their "40 & Under List."

Francis has played a key role in filing several matters on behalf of the Firm, including *In re PG&E Corporation Securities Litigation*; *In re SCANA Securities Litigation* (\$192.5 million settlement); *Steamfitters Local 449 Pension Plan v. Skechers U.S.A., Inc.*; and *In re Nielsen Holdings PLC Securities Litigation*.

Prior to joining Labaton Sucharow, Francis was a Litigation Associate at a national law firm primarily focused on securities and consumer class action litigation. Francis has represented institutional and individual clients in federal and state court across the country in class action securities litigation and shareholder disputes, along with a variety of commercial litigation matters. He assisted in the prosecution of several matters, including *Kiken v. Lumber Liquidators Holdings, Inc.* (\$42 million recovery); *Hayes v. MagnaChip Semiconductor Corp.* (\$23.5 million recovery); and *In re Galena Biopharma, Inc. Securities Litigation* (\$20 million recovery).

Francis currently serves on *Law360's* Securities Editorial Advisory Board.

Francis received his Juris Doctor, *magna cum laude*, from New York Law School, where he was named a John Marshall Harlan Scholar, and received a Public Service Certificate. Francis served as Associate Managing Editor of the *New York Law School Law Review* and worked in the Urban Law Clinic. He earned his Bachelor of Arts degree from the University of Notre Dame.



Domenico Minerva Partner

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Domenico “Nico” Minerva is a Partner in the New York office of Labaton Sucharow LLP. A former financial advisor, his work focuses on securities, antitrust, and consumer class actions and shareholder derivative litigation, representing Taft-Hartley and public pension funds across the country. Nico advises leading pension funds and other institutional investors on issues related to corporate fraud in the U.S. securities markets.

Nico is described by clients as “always there for us” and known to provide “an honest answer and describe all the parameters and/or pitfalls of each and every case.” As a result of his work, the Firm has received a Tier 2 ranking in Antitrust Civil Litigation and Class Actions from *Legal 500*. *Lawdragon* has recognized Nico as one of the country’s “500 Leading Plaintiff Financial Lawyers.”

Nico’s extensive securities litigation experience includes the case against global security systems company Tyco and co-defendant PricewaterhouseCoopers (*In re Tyco International Ltd., Securities Litigation*), which resulted in a \$3.2 billion settlement—the largest single-defendant settlement in post-PSLRA history. He also has counseled companies and institutional investors on corporate governance reform.

Nico has also done substantial work in antitrust class actions. These include pay-for-delay or “product hopping” cases in which pharmaceutical companies allegedly obstructed generic competitors in order to preserve monopoly profits on patented drugs, such as *Mylan Pharmaceuticals Inc. v. Warner Chilcott Public Limited Co.*, *In re Lidoderm Antitrust Litigation*, *In re Solodyn (MinocyclineHydrochloride) Antitrust Litigation*, *In re Niaspan Antitrust Litigation*, *In re Aggrenox Antitrust Litigation*, and *Sergeants Benevolent Association Health & Welfare Fund et al. v. Actavis PLC et al.* In the anticompetitive matter *The Infirmary LLC vs. National Football League Inc et al.*, Nico played an instrumental part in challenging an exclusivity agreement between the NFL and DirectTV over the service’s “NFL Sunday Ticket” package. He also litigated on behalf of indirect purchasers in a case alleging that growers conspired to control and suppress the nation’s potato supply, *In re Fresh and Process Potatoes Antitrust Litigation*.

On behalf of consumers, Nico represented a plaintiff in *In Re ConAgra Foods Inc.*, over misleading claims that Wesson-brand vegetable oils are 100% natural.

An accomplished speaker, Nico has given numerous presentations to investors on topics related to corporate fraud, wrongdoing, and waste. He is also an active member of the National Association of Public Pension Plan Attorneys.



Nico earned his Juris Doctor from Tulane University Law School, where he completed a two-year externship with the Honorable Kurt D. Engelhardt of the United States District Court for the Eastern District of Louisiana. He received his bachelor's degree from the University of Florida.

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Michael H. Rogers is a Partner in the New York office of Labaton Sucharow LLP. An experienced litigator, Mike focuses on prosecuting complex securities fraud cases on behalf of institutional investors.

He is actively involved in prosecuting *In re Goldman Sachs, Inc. Securities Litigation* and *Murphy v. Precision Castparts Corp.*, among other cases.

Mike has been a member of the lead counsel teams in many successful class actions, including those against Countrywide Financial (\$624 million settlement), HealthSouth (\$671 million settlement), State Street (\$300 million settlement), SCANA (\$192.5 million settlement), CannTrust (CA \$129.5 million settlement), Mercury Interactive (\$117.5 million settlement), Computer Sciences Corp. (\$97.5 million settlement), Jeld-Weld Holding (\$40 million recovery), Virtus Investment Partners (\$20 million settlement), and Acuity Brands (\$15.75 million settlement).

Prior to joining Labaton Sucharow, Mike was an attorney at Kasowitz, Benson, Torres & Friedman LLP, where he practiced securities and antitrust litigation, representing international banking institutions bringing federal securities and other claims against major banks, auditing firms, ratings agencies and individuals in complex multidistrict litigation. He also represented an international chemical shipping firm in arbitration of antitrust and other claims against conspirator ship owners. Mike began his career as an attorney at Sullivan & Cromwell, where he was part of Microsoft's defense team in the remedies phase of the Department of Justice antitrust action against the company.

Mike earned his Juris Doctor, *magna cum laude*, from the Benjamin N. Cardozo School of Law, Yeshiva University, where he was a member of the *Cardozo Law Review*. He earned his bachelor's degree, *magna cum laude*, from Columbia University.

Mike is proficient in Spanish.



Ira A. Schochet Partner

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Ira A. Schochet is a Partner in the New York office of Labaton Sucharow LLP. A seasoned litigator with three decades of experience, Ira focuses on class actions involving securities fraud. Ira has played a lead role in securing multimillion dollar recoveries in high-profile cases such as those against Countrywide Financial Corporation (\$624 million), Weatherford International Ltd (\$120 million), Massey Energy Company (\$265 million), Caterpillar Inc. (\$23 million), Autoliv Inc. (\$22.5 million), and Fifth Street Financial Corp. (\$14 million).

A highly regarded industry veteran, Ira has been recommended in securities litigation by *The Legal 500*, named a “Leading Plaintiff Financial Lawyer” by *Lawdragon* and been awarded an AV Preeminent rating, the highest distinction, from Martindale-Hubbell.

Ira is a longtime leader in the securities class action bar and represented one of the first institutional investors acting as a lead plaintiff in a post-Private Securities Litigation Reform Act case and ultimately obtained one of the first rulings interpreting the statute’s intent provision in a manner favorable to investors in *STI Classic Funds, et al. v. Bollinger Industries, Inc.* His efforts are regularly recognized by the courts, including in *Kamarasy v. Coopers & Lybrand*, where the court remarked on “the superior quality of the representation provided to the class.” In approving the settlement he achieved in *In re InterMune Securities Litigation*, the court complimented Ira’s ability to secure a significant recovery for the class in a very efficient manner, shielding the class from prolonged litigation and substantial risk.

Ira has also played a key role in groundbreaking cases in the field of merger and derivative litigation. In *In re Freeport-McMoRan Copper & Gold Inc. Derivative Litigation*, he achieved the second largest derivative settlement in the Delaware Court of Chancery history, a \$153.75 million settlement with an unprecedented provision of direct payments to stockholders by means of a special dividend. In another first-of-its-kind case, Ira was featured in *The AmLaw Litigation Daily* as Litigator of the Week for his work in *In re El Paso Corporation Shareholder Litigation*. The action alleged breach of fiduciary duties in connection with a merger transaction, including specific reference to wrongdoing by a conflicted financial advisory consultant, and resulted in a \$110 million recovery for a class of shareholders and a waiver by the consultant of its fee.

From 2009-2011, Ira served as President of the National Association of Shareholder and Consumer Attorneys (NASCAT), a membership organization of approximately 100 law firms that practice class action and complex civil litigation. During this time, he represented the plaintiffs’ securities bar in meetings with members of Congress, the Administration, and the SEC.

From 1996 through 2012, Ira served as Chairman of the Class Action Committee of the Commercial and Federal Litigation Section of the New York State Bar Association. During his tenure, he served

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on the Executive Committee of the Section and authored important papers on issues relating to class action procedure including revisions proposed by both houses of Congress and the Advisory Committee on Civil Procedure of the United States Judicial Conference. Examples include “Proposed Changes in Federal Class Action Procedure,” “Opting Out on Opting In,” and “The Interstate Class Action Jurisdiction Act of 1999.” Ira has also lectured extensively on securities litigation at seminars throughout the country.

Ira earned his Juris Doctor from Duke University School of Law and his bachelor’s degree, *summa cum laude*, from the State University of New York at Binghamton.

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Brendan W. Sullivan Partner

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Brendan W. Sullivan is a Partner in the Delaware office of Labaton Sucharow LLP. He focuses on representing investors in corporate governance and transactional matters, including class action litigation.

Prior to joining Labaton Sucharow, Brendan was an Associate at Paul, Weiss, Rifkind, Wharton & Garrison LLP where he gained substantial experience in class and derivative matters relating to mergers and acquisitions and corporate governance. During law school, he was a Summer Associate at Morris, Nichols and a Law Clerk for Honorable Judge Leonard P. Stark, U.S. District Court for the District of Delaware.

Brendan's pro bono experience includes representing a Delaware charter school in a mediation concerning a malpractice claim against its former auditor.

Brendan earned his Juris Doctor from Georgetown University Law Center where he was the Notes Editor on the *Georgetown Law Journal* and his Bachelor of Arts in English from the University of Delaware.

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Irina Vasilchenko Partner

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Irina Vasilchenko is a Partner in the New York office of Labaton Sucharow LLP and head of the Firm's Associate Training Program. Irina focuses on prosecuting complex securities fraud cases on behalf of institutional investors and has over a decade of experience in such litigation.

Irina is recognized as an up-and-coming litigator whose legal accomplishments transcend her age. She has been named repeatedly to *Benchmark Litigation's* "40 & Under List" and also has been recognized as a "Future Star" by *Benchmark Litigation* and a "Rising Star" by *Law360*, one of only six securities attorneys in its 2020 list. Additionally, *Lawdragon* has named her one of the "500 Leading Plaintiff Financial Lawyers in America."

Currently, Irina is involved in prosecuting the high-profile case against financial industry leader Goldman Sachs, *In re Goldman Sachs Group, Inc. Securities Litigation*, arising from its Abacus and other subprime mortgage-backed CDOs during the Financial Crisis, including defending against an appeal of the class certification order to the U.S. Supreme Court and to the Second Circuit. She is also actively prosecuting *Weston v. DocuSign, Inc.*; *In re Teladoc Health, Inc. Securities Litigation*; and *Meitav Dash Provident Funds and Pension Ltd. v. Spirit AeroSystems Holdings, Inc.*

Recently, Irina played a pivotal role in securing a historic \$192.5 million settlement for investors in energy company SCANA Corp. over a failed nuclear reactor project in South Carolina, as well as a \$19 million settlement in a shareholders' suit against Daimler AG over its Mercedes Benz diesel emissions scandal. Since joining Labaton Sucharow, she also has been a key member of the Firm's teams that have obtained favorable settlements for investors in numerous securities cases, including *In re Massey Energy Co. Securities Litigation* (\$265 million settlement); *In re Fannie Mae 2008 Securities Litigation* (\$170 million settlement); *In re Amgen Inc. Securities Litigation* (\$95 million settlement); *In re Hewlett-Packard Company Securities Litigation* (\$57 million settlement); *Vancouver Alumni Asset Holdings Inc. v. Daimler A.G.* (\$19 million settlement); *Perrelouis v. Gogo Inc.* (\$17.3 million); *In re Acuity Brands, Inc. Securities Litigation* (\$15.75 million settlement); and *In re Extreme Networks, Inc. Securities Litigation* (\$7 million settlement).

Irina maintains a commitment to pro bono legal service, including representing an indigent defendant in a criminal appeal case before the New York First Appellate Division, in association with the Office of the Appellate Defender. As part of this representation, she argued the appeal before the First Department panel. Prior to joining Labaton Sucharow, Irina was an Associate in the general litigation practice group at Ropes & Gray LLP, where she focused on securities litigation.

She is a member of the New York State Bar Association and New York City Bar Association.

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Irina received her Juris Doctor, *magna cum laude*, from Boston University School of Law, where she was an editor of the *Boston University Law Review* and was the G. Joseph Tauro Distinguished Scholar, the Paul L. Liacos Distinguished Scholar, and the Edward F. Hennessey Scholar. Irina earned a Bachelor of Arts in Comparative Literature, *summa cum laude* and Phi Beta Kappa, from Yale University.

Irina is fluent in Russian and proficient in Spanish.



Carol C. Villegas Partner

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Carol C. Villegas is a Partner in the New York office of Labaton Sucharow LLP. Carol focuses on prosecuting complex securities fraud and consumer cases on behalf of institutional investors and individuals. Leading one of the Firm's litigation teams, she is actively overseeing litigation against Lordstown, Paypal, Oak Street Health, Docusign, Flo Health, Amazon, and Hain, among others. In addition to her litigation responsibilities, Carol holds a variety of leadership positions within the Firm, including serving on the Firm's Executive Committee, as Chair of the Firm's Women's Networking and Mentoring Initiative, and as the Chief of Compliance.

Carol's development of innovative case theories in complex cases, her skillful handling of discovery work, and her adept ability during oral arguments has earned her accolades from *Chambers & Partners USA*, *The National Law Journal* as a Plaintiffs' Trailblazer, and the *New York Law Journal* as a Top Woman in Law and a New York Trailblazer. *The National Law Journal* "Elite Trial Lawyers" has repeatedly recognized Carol's superb ability to excel in high-stakes matters on behalf of plaintiffs and selected her to its class of Elite Women of the Plaintiffs Bar. She has also been recognized as a Future Star by *Benchmark Litigation* and a Next Generation Partner by *The Legal 500*, where clients praised her for helping them "better understand the process and how to value a case." *Lawdragon* has named her one of the 500 Leading Lawyers in America, one of the country's top Plaintiff Financial Lawyers, and Leading Plaintiff Consumer Lawyers and Crain's New York Business selected Carol to its list of Notable Women in Law. *Euromoney's* Women in Business Law Awards has also shortlisted Carol as Securities Litigator of the Year and *Chambers and Partners* named Carol a finalist for Diversity & Inclusion: Outstanding Contribution. She has also been named a Distinguished Leader honoree by the *New York Law Journal*.

Notable recent successes include *In re Nielsen Holdings PLC Securities Litigation* (\$73 million settlement) and *City of Warren Police and Fire Retirement System v. World Wrestling Entertainment, Inc.* (\$39 million settlement). Carol has also played a pivotal role in securing favorable settlements for investors, including in cases against DeVry, a for-profit university; AMD, a multi-national semiconductor company; Liquidity Services, an online auction marketplace; Aeropostale, a leader in the international retail apparel industry; Vocera, a healthcare communications provider; and Prothena, a biopharmaceutical company, among others. Carol has also helped revive a securities class action against LifeLock after arguing an appeal before the Ninth Circuit. The case settled shortly thereafter.

Prior to joining Labaton Sucharow, Carol served as the Assistant District Attorney in the Supreme Court Bureau for the Richmond County District Attorney's office, where she took several cases to trial. She began her career as an Associate at King & Spalding LLP, where she worked as a federal litigator.



Carol is an active member of the New York State Bar Association's Women in the Law Section and Chair of the Board of Directors of the City Bar Fund, the nonprofit 501(c)(3) arm of the New York City Bar Association. She is also a member of the National Association of Public Pension Attorneys, the National Association of Women Lawyers, and the Hispanic National Bar Association. In addition, Carol previously served on *Law360's* Securities Editorial Board.

Carol earned her Juris Doctor from New York University School of Law, where she was the recipient of The Irving H. Jurow Achievement Award for the Study of Law and received the Association of the Bar of the City of New York Diversity Fellowship. She received her bachelor's degree, with honors, from New York University.

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Michael C. Wagner is a Partner in the Delaware office of Labaton Sucharow LLP. Michael focuses on representing shareholders in corporate governance and transactional matters, including class action and derivative litigation.

He has successfully prosecuted cases against Dole, Versum Materials, Arthrocare, and Genetech, among others.

Michael is recognized by *Lawdragon* as one of the "500 Leading Plaintiff Financial Lawyers in America."

Previously, Michael was a Partner at Smith, Katzenstein & Jenkins, LLP and at Kessler Topaz Meltzer & Check, LLP. As a litigator for more than 25 years, he has prosecuted a wide variety of matters for investors, in Delaware and in other jurisdictions across the country, at both the trial and appellate levels. He has previously represented investment banks, venture capital funds, and hedge fund managers as well as Fortune 500 companies.

His pro bono work includes guardianship and PFA matters.

Michael earned his Juris Doctor from the University of Pittsburgh School of Law. He served as Associate Editor before becoming Lead Executive Editor for the *Journal of Law and Commerce*. Michael received his bachelor's degree from Franklin and Marshall College.

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Mark S. Willis is a Partner in the D.C. office of Labaton Sucharow LLP. With more than three decades of experience, his practice focuses on domestic and international securities litigation. Mark advises leading pension funds, investment managers, and other institutional investors from around the world on their legal remedies when impacted by securities fraud and corporate governance breaches.

Mark is recommended by *The Legal 500* for excellence in securities litigation and has been named one of *Lawdragon's* "500 Leading Plaintiff Financial Lawyer in America." Under his leadership, the Firm has been awarded *Law360* Practice Group of the Year Awards for Class Actions and Securities.

In U.S. matters, Mark currently represents Caisse de dépôt et placement du Québec, one of Canada's largest institutional investors, against PayPal in one of the largest ongoing U.S. shareholder class actions, as well as the Utah Retirement Systems in several pending shareholder actions. He represented institutions from the UK, Spain, the Netherlands, Denmark, Germany, Belgium, Canada, Japan and the U.S. in a novel lawsuit in Texas against BP plc that salvaged claims dismissed from the parallel U.S. class action. In the *Converium* class action, Mark represented a Greek institution in a nearly four-year battle that eventually became the first U.S. class action settled on two continents (i.e., New York and Amsterdam). The Dutch portion of this \$145 million trans-Atlantic recovery involved a landmark decision that substantially broadened that court's jurisdictional reach to a scenario where the claims were not brought under Dutch law, the wrongdoing occurred outside the Netherlands, and none of the parties were domiciled there. In the *Parmalat* case, known as the "Enron of Europe" due to the size and scope of the fraud, Mark represented a group of European institutions and eventually recovered nearly \$100 million and negotiated governance reforms with two large European banks, making this the first time in a shareholder class action that such reforms were secured from non-issuer defendants.

Mark also heads the firm's Non-U.S. practice, advising clients in over 100 cases in jurisdictions such as Australia, Japan, Brazil, Canada, the UK, Germany, the Netherlands, Italy, Denmark, and elsewhere. This practice is wholly unique in that it is genuinely global, independent, and fully comprehensive.

Mark has written on corporate, securities, and investor protection issues—often with an international focus—in industry publications such as *International Law News*, *Professional Investor*, *European Lawyer*, and *Investment & Pensions Europe*. He has also authored several chapters in international law treatises on European corporate law and on the listing and subsequent disclosure obligations for issuers listing on European stock exchanges. He also speaks at conferences and at client forums on investor protection through the U.S. federal securities laws, corporate governance measures, and the impact on shareholders of non-U.S. investor remedies.

The logo for Labaton Sucharow, consisting of a dark blue square with the firm's name in white text.

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Mark earned his Juris Doctor from the Pepperdine University School of Law and his master's degree from Georgetown University Law Center.

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Nicole M. Zeiss Partner

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Nicole M. Zeiss is a Partner in the New York office of Labaton Sucharow. A litigator with two decades of experience, Nicole leads the Firm's Settlement Group, which analyzes the fairness and adequacy of the procedures used in class action settlements. Her practice focuses on negotiating and documenting complex class action settlements and obtaining the required court approval of the settlements, notice procedures, and payments of attorneys' fees.

Nicole was part of the Labaton Sucharow team that successfully litigated the \$185 million settlement in *In re Bristol-Myers Squibb Securities Litigation*. She played a significant role in *In re Monster Worldwide, Inc. Securities Litigation* (\$47.5 million settlement). Nicole also litigated on behalf of investors who have been damaged by fraud in the telecommunications, hedge fund, and banking industries. Over the past decade, Nicole has been actively involved in finalizing the Firm's securities class action settlements, including in cases against Massey Energy Company (\$265 million), SCANA (\$192.5 million), Fannie Mae (\$170 million), and Schering-Plough (\$473 million), among many others.

Prior to joining Labaton Sucharow, Nicole practiced poverty law at MFY Legal Services. She also worked at Gaynor & Bass practicing general complex civil litigation, particularly representing the rights of freelance writers seeking copyright enforcement.

Nicole is a member of the New York City Bar Association and the New York State Bar Association. Nicole also maintains a commitment to pro bono legal services.

She received a Juris Doctor from the Benjamin N. Cardozo School of Law, Yeshiva University, and earned a Bachelor of Arts in Philosophy from Barnard College.

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Garrett J. Bradley is Of Counsel to Labaton Sucharow LLP. Garrett has decades of experience helping institutional investors, public pension funds, and individual investors recover losses attributable to corporate fraud. A former state prosecutor, Garrett has been involved in hundreds of securities fraud class action lawsuits that have, in aggregate, recouped hundreds of millions of dollars for investors. Garrett's past and present clients include some of the country's largest public pension funds and institutional investors.

Garrett has been consistently named a "Super Lawyer" in securities litigation by *Super Lawyers*, a Thomson Reuters publication, and was previously named a "Rising Star." He was selected as one of "New England's 2020 Top Rated Lawyers" by *ALM Media* and *Martindale-Hubbell*. *The American Trial Lawyers Association* has named him one of the "Top 100 Trial Lawyers in Massachusetts." *The Massachusetts Academy of Trial Attorneys* gave him their "Legislator of the Year Award," and the *Massachusetts Bar Association* named him "Legislator of the Year."

Prior to joining the firm, Garrett worked as an Assistant District Attorney in the Plymouth County District Attorney's office. He also served in the Massachusetts House of Representatives, representing the Third Plymouth District, for sixteen years.

Garrett is a Fellow of the Litigation Counsel of America, an invitation-only society of trial lawyers comprised of less than 1/2 of 1% of American lawyers. He is also a member of the Public Justice Foundation and the Million Dollar Advocates Forum.

Garrett earned his Juris Doctor from Boston College Law School and his Bachelor of Arts from Boston College.



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Guillaume Buell is Of Counsel to Labaton Sucharow LLP. With over a decade of experience in securities law, Guillaume represents investors based in the United States and abroad in connection with domestic and international securities litigation, corporate governance matters, and shareholder rights disputes. His clients include public pension and Taft-Hartley funds, asset managers, high net worth individuals, and other sophisticated investors. As part of the Firm's Non-U.S. Securities Litigation Practice, which is one of the first of its kind, Guillaume serves as liaison counsel to institutional investors in select overseas matters. He also advises clients in connection with complex consumer matters.

Guillaume has represented investors and obtained significant recoveries in cases against CVS Caremark, Rent-A-Center, Castlight Health, Nu Skin Enterprises, and Genworth Financial, among others.

Prior to joining Labaton Sucharow, Guillaume was an attorney with Cahill Gordon & Reindel LLP in New York and Hicks Davis Wynn, P.C. in Houston, where he provided legal counsel to a wide range of Fortune 500 and other corporate clients in the aviation, construction, energy, financial, consumer, pharmaceutical, and insurance sectors in state and federal litigations, government investigations, and internal investigations.

Guillaume is an active member of the National Association of Public Pension Attorneys (NAPPA), where he serves as an appointed member of its Fiduciary & Governance Committee and Securities Litigation Committee. In addition, he is actively involved with the National Conference on Public Employee Retirement Systems, the Canadian Pension & Benefits Institute, the Michigan Association of Public Employee Retirement Systems, the National Association of Shareholder and Consumer Attorneys, the International Foundation of Employee Benefit Plans, and the Georgia Association of Public Pension Trustees.

Guillaume received his Juris Doctor from Boston College Law School and was the recipient of the Boston College Law School Award for outstanding contributions to the law school community. He was also a member of the National Environmental Law Moot Court Team, which advanced to the national quarterfinals and received best oralists recognition. While in law school, Guillaume was a Judicial Intern with the Honorable Loretta A. Preska, United States District Court for the Southern District of New York, and an Intern with the Government Bureau of the Attorney General of Massachusetts. He received his Bachelor of Arts, *cum laude* with departmental honors, from Brandeis University.

Guillaume is fluent in French and conversant in German. He is an Eagle Scout and actively involved in his hometown's local civic organizations.

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Hui Chang is Of Counsel in the New York office of Labaton Sucharow LLP and concentrates her practice in the area of shareholder litigation and client relations. As a co-manager of the Firm's Non-U.S. Securities Litigation Practice, Hui focuses on advising institutional investor clients regarding fraud-related losses on securities, and on the investigation and development of securities fraud class, group, and individual actions outside of the United States.

Hui previously served as a member of the Firm's Case Development Group, where she was involved in the identification, investigation, and development of potential actions to recover investment losses resulting from violations of the federal securities laws, and corporate and fiduciary misconduct, and assisted the Firm in securing a number of lead counsel appointments in several class actions.

Prior to joining Labaton Sucharow, Hui was a Litigation Associate at a national firm primarily focused on securities class action litigation, where she played a key role in prosecuting a number of high-profile securities fraud class actions, including *In re Petrobras Sec. Litigation* (\$3 billion recovery).

Hui earned her Juris Doctor from the University of California, Hastings College of Law, where she worked as a Graduate Research Assistant and a Moot Court Teaching Assistant. She received her bachelor's degree from the University of California, Berkeley.

Hui is fluent in Portuguese and proficient in Taiwanese.

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Derick I. Cividini is Of Counsel in the New York office of Labaton Sucharow LLP and serves as the Firm's Director of E-Discovery. Derick focuses on prosecuting complex securities fraud cases on behalf of institutional investors, including class actions, corporate governance matters, and derivative litigation. As the Director of E-discovery, he is responsible for managing the Firm's discovery efforts, particularly with regard to the implementation of e-discovery best practices for ESI (electronically stored information) and other relevant sources.

Derick was part of the team that represented lead plaintiff City of Edinburgh Council as Administering Authority of the Lothian Pension Fund in *In re Lehman Brothers Equity/Debt Securities Litigation*, which resulted in settlements totaling \$516 million against Lehman Brothers' former officers and directors as well as most of the banks that underwrote Lehman Brothers' offerings.

Prior to joining Labaton Sucharow, Derick was a litigation attorney at Kirkland & Ellis LLP, where he practiced complex civil litigation. Earlier in his litigation career, he worked on product liability class actions with Hughes Hubbard & Reed LLP.

Derick earned his Juris Doctor and Master of Business Administration from Rutgers University and received his bachelor's degree in Finance from Boston College.

He is admitted to practice in New York.

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Joseph H. Einstein is Of Counsel in the New York office of Labaton Sucharow LLP. A seasoned litigator, Joe represents clients in complex corporate disputes, employment matters, and general commercial litigation. He has litigated major cases in state and federal courts and has argued many appeals, including appearing before the U.S. Supreme Court.

Joe has an AV Preeminent rating, the highest distinction, from the publishers of the Martindale-Hubbell directory.

His experience encompasses extensive work in the computer software field including licensing and consulting agreements. Joe also counsels and advises business entities in a broad variety of transactions.

Joe serves as a Mediator for the U.S. District Court for the Southern District of New York. He has served as a Commercial Arbitrator for the American Arbitration Association and currently is a FINRA Arbitrator and Mediator. Joe is a former member of the New York State Bar Association Committee on Civil Practice Law and Rules, and the Council on Judicial Administration of the Association of the Bar of the City of New York. He also is a former member of the Arbitration Committee of the Association of the Bar of the City of New York.

Joe received his Bachelor of Laws and Master of Laws from New York University School of Law. During his time at NYU, Joe was a Pomeroy and Hirschman Foundation Scholar and served as an Associate Editor of the *New York University Law Review*.

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Lara Goldstone is Of Counsel in the New York office of Labaton Sucharow LLP. Lara advises leading pension funds and other institutional investors in the United States and Canada on issues related to corporate fraud in the U.S. securities markets. Her work focuses on monitoring the well-being of institutional investments and counseling clients on best practices in securities, antitrust, corporate governance and shareholder rights and consumer class action litigation.

Lara has achieved significant settlements on behalf of clients. She represented investors in high-profile cases against LifeLock, KBR, Fifth Street Finance Corp., NII Holdings, Rent-A-Center, and Castlight Health. Lara has also served as legal adviser to clients who have pursued claims in state court, derivative actions in the form of serving books and records demands, non-U.S. actions and antitrust class actions including pay-for-delay or “product hopping” cases in which pharmaceutical companies allegedly obstructed generic competitors in order to preserve monopoly profits on patented drugs, such as *In re Generic Pharmaceuticals Pricing Antitrust Litigation*.

Before joining Labaton Sucharow, Lara worked as a Legal Intern in the Larimer County District Attorney’s Office and the Jefferson County District Attorney’s Office. She also volunteered at Crossroads Safehouse, which provided legal representation to victims of domestic violence. Prior to her legal career, Lara worked at Industrial Labs where she worked closely with Federal Drug Administration standards and regulations. In addition, she was a teacher in Irvine, California.

She is a member of the Firm’s Women’s Initiative.

Lara earned her Juris Doctor from the University of Denver Sturm College of Law, where she was a judge of the Providence Foundation of Law & Leadership Mock Trial and a competitor of the Daniel S. Hoffman Trial Advocacy Competition. She received her bachelor’s degree from George Washington University, where she was a recipient of a Presidential Scholarship for academic excellence.

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Elizabeth Rosenberg Of Counsel

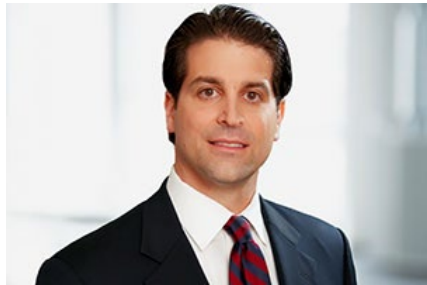
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Elizabeth Rosenberg is Of Counsel in the New York office of Labaton Sucharow LLP. Elizabeth focuses on litigating complex securities fraud cases on behalf of institutional investors, with a focus on obtaining court approval of class action settlements, notice procedures and payment of attorneys' fees.

Prior to joining Labaton Sucharow, Elizabeth was an Associate at Whatley Drake & Kallas LLP, where she litigated securities and consumer fraud class actions. Elizabeth began her career as an Associate at Milberg LLP where she practiced securities litigation and was also involved in the pro bono representation of individuals seeking to obtain relief from the World Trade Center Victims' Compensation Fund.

Elizabeth earned her Juris Doctor from Brooklyn Law School. She received her bachelor's degree from the University of Michigan.

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William “Bill” Schervish is Of Counsel in the New York office of Labaton Sucharow LLP and serves as the Firm's Director of Financial Research. As a key member of the Firm's Case Development Group, Bill identifies, analyzes, and develops cases alleging securities fraud and other forms of corporate misconduct that expose the Firm's institutional clients to legally recoverable losses. Bill also evaluates and develops cases on behalf of confidential whistleblowers for the Securities and Exchange Commission.

Bill has been practicing securities law for more than 15 years. As a complement to his legal experience, Bill is a Certified Public Accountant (CPA), a CFA® Charterholder, and a Certified Fraud Examiner (CFE) with extensive work experience in accounting and finance.

Prior to joining the Firm, Bill worked as a finance attorney at Mayer Brown LLP, where he drafted and analyzed credit default swaps, indentures, and securities offering documents on behalf of large banking institutions. Bill's professional background also includes positions in controllership, securities analysis, and commodity trading. He began his career as an auditor at PricewaterhouseCoopers.

Bill earned a Juris Doctor, cum laude, from Loyola University and received a Bachelor of Science, cum laude, in Business Administration from Miami University, where he was a member of the Business and Accounting Honor Societies.

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John Vielandi is Of Counsel in the New York office of Labaton Sucharow LLP. John researches, analyzes and assesses potential new shareholder litigations with a focus on breaches of fiduciary duty and mergers and acquisitions.

John has successfully prosecuted cases against Versum Materials, Inc.; Stamps.com Inc.; and Expedia Group, Inc.

John joined the Firm from Bernstein Litowitz Berger & Grossmann, where he was a key member of the teams that litigated numerous high profile actions, including *City of Monroe Employees' Retirement System v. Rupert Murdoch et al.* and *In re Vaalco Energy, Inc. Consolidated Stockholder Litigation*. While in law school, John was a legal intern at the New York City Office of Administrative Trials and Hearings and a judicial intern for the Honorable Carolyn E. Demarest of the New York State Supreme Court.

John earned his Juris Doctor from Brooklyn Law School, where he was the Notes and Comments Editor for the *Journal of Corporate, Financial and Commercial Law*, and was awarded the CALI Excellence for the Future Award. He received his bachelor's degree from Georgetown University.

Multiple Documents

| Part | Description |
|------|----------------------------------|
| 1 | 32 pages |
| 2 | Declaration of Thomas G. Hoffman |
| 3 | Exhibit 1 |
| 4 | Exhibit 2 |
| 5 | Exhibit 3 |
| 6 | Exhibit 4 |
| 7 | Proposed Order |

Exhibit 4



FIRM RESUME

Glancy Prongay & Murray LLP (the “Firm”) has represented investors, consumers and employees for over 25 years. Based in Los Angeles, with offices in New York City and Berkeley, the Firm has successfully prosecuted class action cases and complex litigation in federal and state courts throughout the country. As Lead Counsel, Co-Lead Counsel, or as a member of Plaintiffs’ Counsel Executive Committees, the Firm’s attorneys have recovered billions of dollars for parties wronged by corporate fraud, antitrust violations and malfeasance. Indeed, the Institutional Shareholder Services unit of RiskMetrics Group has recognized the Firm as one of the top plaintiffs’ law firms in the United States in its Securities Class Action Services report for every year since the inception of the report in 2003. The Firm’s efforts have been publicized in major newspapers such as the *Wall Street Journal*, the *New York Times*, and the *Los Angeles Times*.

Glancy Prongay & Murray’s commitment to high quality and excellent personalized services has boosted its national reputation, and we are now recognized as one of the premier plaintiffs’ firms in the country. The Firm works tenaciously on behalf of clients to produce significant results and generate lasting corporate reform.

The Firm’s integrity and success originate from our attorneys, who are among the brightest and most experienced in the field. Our distinguished litigators have an unparalleled track record of investigating and prosecuting corporate wrongdoing. The Firm is respected for both the zealous advocacy with which we represent our clients’ interests as well as the highly professional and ethical manner by which we achieve results. We are ideally positioned to pursue securities, antitrust, consumer, and derivative litigation on behalf of our clients. The Firm’s outstanding accomplishments are the direct result of the exceptional talents of our attorneys and employees.

SECURITIES CLASS ACTION SETTLEMENTS

Appointed as Lead or Co-Lead Counsel by judges throughout the United States, Glancy Prongay & Murray has achieved significant recoveries for class members in numerous securities class actions, including:

In re Mercury Interactive Corporation Securities Litigation, USDC Northern District of California, Case No. 05-3395-JF, in which the Firm served as Co-Lead Counsel and achieved a settlement valued at over \$117 million.

In re Real Estate Associates Limited Partnership Litigation, USDC Central District of California, Case No. 98-7035-DDP, in which the Firm served as local counsel and plaintiffs achieved a \$184 million jury verdict after a complex six week trial in Los Angeles, California and later settled the case for \$83 million.

In Re Yahoo! Inc. Securities Litigation, USDC Northern District of California, Case No. 5:17-cv-00373-LHK, in which the Firm served as Co-Lead Counsel and achieved an \$80 million settlement.

The City of Farmington Hills Employees Retirement System v. Wells Fargo Bank, N.A., USDC District of Minnesota, Case No. 10-cv-04372-DWF/JJG, in which the Firm served as Co-Lead Counsel and achieved a settlement valued at \$62.5 million.

Shah v. Zimmer Biomet Holdings, Inc., USDC Northern District of Indiana, Case No. 3:16-cv-815-PPS-MGG, a securities fraud class action in which the Firm served as Lead Counsel for the Class and achieved a settlement of \$50 million.

Schleicher v. Wendt, (Conseco Securities Litigation), USDC Southern District of Indiana, Case No. 02-1332-SEB, a securities fraud class action in which the Firm served as Lead Counsel for the Class and achieved a settlement of over \$41 million.

Robb v. Fitbit, Inc., USDC Northern District of California, Case No. 3:16-cv-00151, a securities fraud class action in which the Firm served as Lead Counsel for the Class and achieved a settlement of \$33 million.

Yaldo v. Airtouch Communications, State of Michigan, Wayne County, Case No. 99-909694-CP, in which the Firm served as Co-Lead Counsel and achieved a settlement valued at over \$32 million for defrauded consumers.

Lapin v. Goldman Sachs, USDC Southern District of New York, Case No. 03-0850-KJD, a securities fraud class action in which the Firm served as Co-Lead Counsel for the Class and achieved a settlement of \$29 million.

In re Heritage Bond Litigation, USDC Central District of California, Case No. 02-ML-1475-DT, where as Co-Lead Counsel, the Firm recovered in excess of \$28 million for defrauded investors and continues to pursue additional defendants.

In re Livent, Inc. Noteholders Litigation, USDC Southern District of New York, Case No. 99 Civ 9425-VM, a securities fraud class action in which the Firm served as Co-Lead Counsel for the Class and achieved a settlement of over \$27 million.

Mild v. PPG Industries, Inc., USDC Central District of California, Case No. 18-cv-04231, a securities fraud class action in which the Firm served as Lead Counsel for the Class and achieved a settlement of \$25 million.

Davis v. Yelp, Inc., USDC Northern District of California, Case No. 18-cv-0400, a securities fraud class action in which the Firm served as Co-Lead Counsel for the Class and achieved a settlement of \$22.5 million.

In re ECI Telecom Ltd. Securities Litigation, USDC Eastern District of Virginia, Case No. 01-913-A, in which the Firm served as sole Lead Counsel and recovered almost \$22 million for defrauded ECI investors.

In re Sesen Bio, Inc. Securities Litigation, USDC Southern District of New York, Case No. 21-cv-07025, a securities fraud class action, in which the Firm served as Lead Counsel for the Class and achieved a settlement of \$21 million.

Senn v. Sealed Air Corporation, USDC New Jersey, Case No. 03-cv-4372-DMC, a securities fraud class action, in which the Firm acted as Co-Lead Counsel for the Class and achieved a settlement of \$20 million.

In re Gilat Satellite Networks, Ltd. Securities Litigation, USDC Eastern District of New York, Case No. 02-1510-CPS, a securities fraud class action in which the Firm served as Co-Lead Counsel for the Class and achieved a settlement of \$20 million.

In re Lumenis, Ltd. Securities Litigation, USDC Southern District of New York, Case No. 02-CV-1989-DAB, in which the Firm served as Co-Lead Counsel and achieved a settlement valued at over \$20 million.

Wilson v. LSB Industries, Inc., USDC Southern District of New York, Case No. 15-cv-07614, a securities fraud class action in which the Firm served as Lead Counsel for the Class and achieved a settlement of \$18.45 million.

In re Infonet Services Corporation Securities Litigation, USDC Central District of California, Case No. CV 01-10456-NM, in which as Co-Lead Counsel, the Firm achieved a settlement of \$18 million.

Pierrelouis v. Gogo Inc., USDC Northern District of Illinois, Case No. 18-cv-04473, a securities fraud class action in which the Firm served as Co-Lead Counsel for the Class and achieved a settlement of \$17.3 million.

In re ESC Medical Systems, Ltd. Securities Litigation, USDC Southern District of New York, Case No. 98 Civ. 7530-NRB, a securities fraud class action in which the Firm served as sole Lead Counsel for the Class and achieved a settlement valued in excess of \$17 million.

Macovski v. Groupon, Inc., USDC Northern District of Illinois, Case No. 20-cv-02581, a securities fraud class action in which the Firm served as Co-Lead Counsel for the Class and achieved a settlement of \$13.5 million.

In re Musicmaker.com Securities Litigation, USDC Central District of California, Case No. 00-02018-CAS, a securities fraud class action in which the Firm was sole Lead Counsel for the Class and recovered in excess of \$13 million.

In re Lason, Inc. Securities Litigation, USDC Eastern District of Michigan, Case No. 99 76079-AJT, in which the Firm was Co-Lead Counsel and recovered almost \$13 million for defrauded Lason stockholders.

In re Inso Corp. Securities Litigation, USDC District of Massachusetts, Case No. 99 10193-WGY, a securities fraud class action in which the Firm served as Co-Lead Counsel for the Class and achieved a settlement valued in excess of \$12 million.

In re National TechTeam Securities Litigation, USDC Eastern District of Michigan, Case No. 97-74587-AC, a securities fraud class action in which the Firm served as Co-Lead Counsel for the Class and achieved a settlement valued in excess of \$11 million.

Taft v. Ackermans (KPNQwest Securities Litigation), USDC Southern District of New York, Case No. 02-CV-07951-PKL, a securities fraud class action in which the Firm served as Co-Lead Counsel for the Class and achieved a settlement worth \$11 million.

Derr v. RA Medical Systems, Inc., USDC Southern District of California, Case No. 19-cv-01079, a securities fraud class action in which the Firm served as Lead Counsel for the Class and achieved a settlement of \$10 million.

Jenson v. First Trust Corporation, USDC Central District of California, Case No. 05-cv-3124-ABC, in which the Firm was appointed sole lead counsel and achieved an \$8.5 million settlement in a very difficult case involving a trustee's potential liability for losses incurred by investors in a Ponzi scheme. Kevin Ruf of the Firm also successfully defended in the 9th Circuit Court of Appeals the trial court's granting of class certification in this case.

ANTITRUST PRACTICE GROUP AND ACHIEVEMENTS

Glancy Prongay & Murray's Antitrust Practice Group focuses on representing individuals and entities that have been victimized by unlawful monopolization, price-fixing, market allocation, and other anti-competitive conduct. The Firm has prosecuted significant antitrust cases and has helped individuals and businesses recover billions of dollars. Prosecuting civil antitrust cases under federal and state laws throughout the country, the Firm's Antitrust Practice Group represents consumers, businesses, and Health and Welfare Funds and seeks injunctive relief and damages for violations of antitrust and commodities laws. The Firm has served, or is currently serving, as Lead Counsel, Co-Lead Counsel or Class Counsel in a substantial number of antitrust class actions, including:

In re Nasdaq Market-Makers Antitrust Litigation, USDC Southern District of New York, Case No. 94 C 3996-RWS, MDL Docket No. 1023, a landmark antitrust lawsuit in which the Firm filed the first complaint against all of the major NASDAQ market makers and served on Plaintiffs' Counsel's Executive Committee in a case that recovered \$900 million for investors.

Sullivan v. DB Investments, USDC District of New Jersey, Case No. No. 04-cv-2819, where the Firm served as Co-Lead Settlement Counsel in an antitrust case against DeBeers relate to the pricing of diamonds that settled for \$295 million.

In re Korean Air Lines Antitrust Litig., USDC Central District of California, Master File No. CV 07-05107 SJO(AGRx), MDL No. 07-0189, where the Firm served as Co-Lead Counsel in a case related to fixing of prices for airline tickets to Korea that settled for \$86 million.

In re Urethane Chemical Antitrust Litig., USDC District of Kansas, Case No. MDL 1616, where the Firm served as Co-Lead counsel in an antitrust price fixing case that settled \$33 million.

In re Western States Wholesale Natural Gas Litig., USDC District of Nevada, Case No. MDL 1566, where the Firm served as Class Counsel in an antitrust price fixing case that settled \$25 million.

In re Aggrenox Antitrust Litig., USDC District of Connecticut, Case No. 14-cv-2516, where the Firm played a major role in achieving a settlement of \$54,000,000.

In re Solodyn Antitrust Litig., USDC District of Massachusetts, Case No. MDL 2503, where the Firm played a major role in achieving a settlement of \$43,000,000.

In re Generic Pharmaceuticals Pricing Antitrust Litig., USDC Eastern District of Pennsylvania, Case No. 16-md-2427, where the Firm is representing a major Health and Welfare Fund in a case against a number of generic drug manufacturers for price fixing generic drugs.

In re Actos End Payor Antitrust Litig., USDC Southern District of New York, Case No. 13-cv-9244, where the Firm is serving on Plaintiffs' Executive Committee.

In re Heating Control Panel Direct Purchaser Action, USDC Eastern District of Michigan, Case No. 12-md-02311, representing a recreational vehicle manufacturer in a price-fixing class action involving direct purchasers of heating control panels.

In re Instrument Panel Clusters Direct Purchaser Action, USDC Eastern District of Michigan, Case No. 12-md-02311, representing a recreational vehicle manufacturer in a price-fixing class action involving direct purchasers of instrument panel clusters.

In addition, the Firm is currently involved in the prosecution of many market manipulation cases relating to violations of antitrust and commodities laws, including *Sullivan v. Barclays PLC* (manipulation of Euribor rate), *In re Foreign Exchange Benchmark Rates Antitrust Litig.*, *In re LIBOR-Based Financial Instruments Antitrust Litig.*, *In re Gold Futures & Options Trading Litig.*, *In re Platinum & Palladium Antitrust Litig.*, *Sonterra Cap. Master Fund v. Credit Suisse Group AG* (Swiss Libor rate manipulation), *Twin City Iron Pension Fund v. Bank of Nova Scotia* (manipulation of treasury securities), and *Ploss v. Kraft Foods Group* (manipulation of wheat prices).

Glancy Prongay & Murray has been responsible for obtaining favorable appellate opinions which have broken new ground in the class action or securities fields, or which have promoted shareholder rights in prosecuting these actions. The Firm successfully argued the appeals in a number of cases:

In *Smith v. L'Oreal*, 39 Cal.4th 77 (2006), Firm partner Kevin Ruf established ground-breaking law when the California Supreme Court agreed with the Firm's position that waiting penalties under the California Labor Code are available to *any* employee after termination of employment, regardless of the reason for that termination.

OTHER NOTABLE ACHIEVEMENTS

Spearheaded by Firm attorney Kevin Ruf, the Firm served as Co-Lead Counsel for a class of drivers misclassified as independent contractors in the landmark case *Lee v. Dynamex*, Case No. BC332016 (Super. Ct. of Cal), which made new law for workers' rights in the California Supreme Court. The *Dynamex* decision altered 30 years of California law and established a new definition of employment that brings more workers within the protections of California's Labor Code. The California legislature, in response to the *Dynamex* decision, promulgated AB5, a statute that codifies the law of the *Dynamex* case and expands its reach.

Headed by Firm attorney Kara Wolke, the Firm served as additional plaintiffs' counsel in *Christine Asia Co. Ltd., et al. v. Jack Yun Ma et al. ("Alibaba")*, 1:15-md-02631 (SDNY), a securities class action on behalf of investors alleging violations of the Securities Exchange Act of 1934 in connection with Alibaba's historic \$25 billion IPO, the then-largest IPO in history. After hard-fought litigation, including a successful appeal to the Second Circuit and obtaining class certification, the case settled for \$250 million.

Other notable Firm cases include: *Silber v. Mabon I*, 957 F.2d 697 (9th Cir. 1992) and *Silber v. Mabon II*, 18 F.3d 1449 (9th Cir. 1994), which are the leading decisions in the Ninth Circuit regarding the rights of opt-outs in class action settlements. In *Rothman v. Gregor*, 220 F.3d 81 (2d Cir. 2000), the Firm won a seminal victory for investors before the Second Circuit Court of Appeals, which adopted a more favorable pleading standard for investors in reversing the District Court's dismissal of the investors' complaint. After this successful appeal, the Firm then recovered millions of dollars for defrauded investors of the GT Interactive Corporation. The Firm also argued *Falkowski v. Imation Corp.*, 309 F.3d 1123 (9th Cir. 2002), *as amended*, 320 F.3d 905 (9th Cir. 2003), and favorably obtained the substantial reversal of a lower court's dismissal of a cutting edge, complex class action initiated to seek redress for a group of employees whose stock options were improperly forfeited by a giant corporation in the course of its sale of the subsidiary at which they worked.

The Firm also has been involved in the representation of individual investors in court proceedings throughout the United States and in arbitrations before the American Arbitration Association, National Association of Securities Dealers, New York Stock Exchange, and Pacific Stock Exchange. Mr. Glancy has successfully represented litigants in proceedings against such major securities firms and insurance companies as

A.G. Edwards & Sons, Bear Stearns, Merrill Lynch & Co., Morgan Stanley, PaineWebber, Prudential, and Shearson Lehman Brothers.

One of the Firm's unique skills is the use of "group litigation" - the representation of groups of individuals who have been collectively victimized or defrauded by large institutions. This type of litigation brought on behalf of individuals who have been similarly damaged often provides an efficient and effective economic remedy that frequently has advantages over the class action or individual action devices. The Firm has successfully achieved results for groups of individuals in cases against major corporations such as Metropolitan Life Insurance Company, and Occidental Petroleum Corporation.

Glancy Prongay & Murray LLP currently consists of the following attorneys:

PARTNERS

LEE ALBERT, a partner, was admitted to the bars of the Commonwealth of Pennsylvania, the State of New Jersey, and the United States District Courts for the Eastern District of Pennsylvania and the District of New Jersey in 1986. He received his B.S. and M.S. degrees from Temple University and Arcadia University in 1975 and 1980, respectively, and received his J.D. degree from Widener University School of Law in 1986. Upon graduation from law school, Mr. Albert spent several years working as a civil litigator in Philadelphia, PA. Mr. Albert has extensive litigation and appellate practice experience having argued before the Supreme and Superior Courts of Pennsylvania and has over fifteen years of trial experience in both jury and non-jury cases and arbitrations. Mr. Albert has represented a national health care provider at trial obtaining injunctive relief in federal court to enforce a five-year contract not to compete on behalf of a national health care provider and injunctive relief on behalf of an undergraduate university.

Currently, Mr. Albert represents clients in all types of complex litigation including matters concerning violations of federal and state antitrust and securities laws, mass tort/product liability and unfair and deceptive trade practices. Some of Mr. Albert's current major cases include *In Re Automotive Wire Harness Systems Antitrust Litigation* (E.D. Mich.); *In Re Heater Control Panels Antitrust Litigation* (E.D. Mich.); *Kleen Products, et al. v. Packaging Corp. of America* (N.D. Ill.); and *In re Class 8 Transmission Indirect Purchaser Antitrust Litigation* (D. Del.). Previously, Mr. Albert had a significant role in *Marine Products Antitrust Litigation* (C.D. Cal.); *Baby Products Antitrust Litigation* (E.D. Pa.); *In re ATM Fee Litigation* (N.D. Cal.); *In re Canadian Car Antitrust Litigation* (D. Me.); *In re Broadcom Securities Litigation* (C.D. Cal.); and has worked on *In re Avandia Marketing, Sales Practices and Products Liability Litigation* (E.D. Pa.); *In re Ortho Evra Birth Control Patch Litigation* (N.J. Super. Ct.); *In re AOL Time Warner, Inc. Securities Litigation* (S.D.N.Y.); *In re WorldCom, Inc. Securities Litigation* (S.D.N.Y.); and *In re Microsoft Corporation Massachusetts Consumer Protection Litigation* (Mass. Super. Ct.).

BRIAN D. BROOKS joined the New York office of Glancy Prongay & Murray LLP in 2019, specializing in antitrust, consumer, and securities litigation. His current cases include *In re Zetia Antitrust Litigation*, No. 18-md-2836 (E.D. Va.); *Staley, et al. v. Gilead Sciences*,

Inc., et al., No. 3:19-cv-02573-EMC (N.D. Cal.); and *In re: Seroquel XR (Extended Release Quetiapine Fumarate) Litigation*, No. 1:19-cv-08296-CM (S.D.N.Y.).

Prior to joining the firm, Mr. Brooks was an associate at Murray, Frank & Sailer, LLP in New York, where his practice was focused on antitrust, consumer, and securities matters, and later a partner at Smith, Segura & Raphael, LLP, in New York and Louisiana. During his tenure at Smith Segura & Raphael, LLP, Mr. Brooks represented direct purchasers in numerous antitrust matters, including *In re: Suboxone (Buprenorphine Hydrochloride and Naloxone) Antitrust Litigation*, No. 2:13-md-02445 (E.D. Pa.), *In re: Niaspan Antitrust Litigation*, No. 2:13-md-02460 (E.D. Pa.), and *In re: Novartis & Par Antitrust Litigation (Exforge)*, No. 18-cv-4361 (S.D.N.Y.), and was an active member of the trial team for the class in *In re: Nexium (Esomeprazole) Antitrust Litigation*, No. 12-md-2409 (D. Mass.), the first post-Actavis reverse-payment case to be tried to verdict. He was also an active member of the litigation teams in the *King Drug Company of Florence, Inc. et al. v. Cephalon, Inc., et al. (Provigil)*, No. 2:06-cv-1797 (E.D. Pa.); *In re: Prograf Antitrust Litigation*, No. 1:11-md-2242 (D. Mass.) and *In re: Miralax* antitrust matters, which collectively settled for more than \$600 million, and a member of the litigation teams in *In re: Relafen Antitrust Litigation*, No. 01-cv-12239 (D. Mass.); *In re: Buspirone Antitrust Litigation*, MDL Dkt. No. 1410 (S.D.N.Y.); *In re: Remeron Antitrust Litigation*, No. 02-2007 (D.N.J.); *In re: Terazosin Hydrochloride Antitrust Litigation*, No. 99-MDL-1317 (S.D. Fla.); and *In re K-Dur Antitrust Litigation*, No. 10-cv-1652 (D.N.J.).

Mr. Brooks received his B.A. from Northwestern State University of Louisiana in 1998 and his J.D. from Washington and Lee School of Law in 2002, where he was a staff writer for the Environmental Law Digest and clerked for the Alderson Legal Assistance Program, handling legal matters for inmates of the Federal Detention Center in Alderson, West Virginia. He is admitted to practice in all state courts in New York and Louisiana, as well as the United States District Courts for the Southern and Eastern Districts of New York and the Eastern and Western Districts of Louisiana.

JOSEPH D. COHEN has extensive complex civil litigation experience, and currently oversees the firm's settlement department, negotiating, documenting and obtaining court approval of the firm's securities, merger and derivative settlements.

Prior to joining the firm, Mr. Cohen successfully prosecuted numerous securities fraud, consumer fraud, antitrust and constitutional law cases in federal and state courts throughout the country. Cases in which Mr. Cohen took a lead role include: *Jordan v. California Dep't of Motor Vehicles*, 100 Cal. App. 4th 431 (2002) (complex action in which the California Court of Appeal held that California's Non-Resident Vehicle \$300 Smog Impact Fee violated the Commerce Clause of the United States Constitution, paving the way for the creation of a \$665 million fund and full refunds, with interest, to 1.7 million motorists); *In re Geodyne Res., Inc. Sec. Litig.* (Harris Cty. Tex.) (settlement of securities fraud class action, including related litigation, totaling over \$200 million); *In re Cmty. Psychiatric Centers Sec. Litig.* (C.D. Cal.) (settlement of \$55.5 million was obtained from the company and its auditors, Ernst & Young, LLP); *In re McLeodUSA Inc., Sec. Litig.* (N.D. Iowa) (\$30 million settlement); *In re Arakis Energy Corp. Sec. Litig.* (E.D.N.Y.) (\$24 million settlement); *In re Metris Cos., Inc., Sec. Litig.* (D. Minn.) (\$7.5 million settlement);

In re Landry's Seafood Rest., Inc. Sec. Litig. (S.D. Tex.) (\$6 million settlement); and *Freedman v. Maspeth Fed. Loan and Savings Ass'n*, (E.D.N.Y) (favorable resolution of issue of first impression under RESPA resulting in full recovery of improperly assessed late fees).

Mr. Cohen was also a member of the teams that obtained substantial recoveries in the following cases: *In re: Foreign Exchange Benchmark Rates Antitrust Litig.* (S.D.N.Y.) (partial settlements of approximately \$2 billion); *In re Washington Mutual Mortgage-Backed Sec. Litig.* (W.D. Wash.) (settlement of \$26 million); *Mylan Pharm., Inc. v. Warner Chilcott Public Ltd. Co.* (E.D. Pa.) (\$8 million recovery in antitrust action on behalf of class of indirect purchasers of the prescription drug Doryx); *City of Omaha Police and Fire Ret. Sys. v. LHC Group, Inc.* (W.D. La.) (securities class action settlement of \$7.85 million); and *In re Pacific Biosciences of Cal., Inc. Sec. Litig.* (Cal. Super. Ct.) (\$7.6 million recovery).

In addition, Mr. Cohen was previously the head of the settlement department at Bernstein Litowitz Berger & Grossmann LLP. While at BLB&G, Mr. Cohen had primary responsibility for overseeing the team working on the following settlements, among others: *In Re Merck & Co., Inc. Sec., Deriv. & "ERISA" Litig.* (D.N.J.) (\$1.062 billion securities class action settlement); *New York State Teachers' Ret. Sys. v. General Motors Co.* (E.D. Mich.) (\$300 million securities class action settlement); *In re JPMorgan Chase & Co. Sec. Litig.* (S.D.N.Y.) (\$150 million settlement); *Dep't of the Treasury of the State of New Jersey and its Division of Inv. v. Cliffs Natural Res. Inc., et al.* (N.D. Ohio) (\$84 million securities class action settlement); *In re Penn West Petroleum Ltd. Sec. Litig.* (S.D.N.Y.) (\$19.76 million settlement); and *In re BioScrip, Inc. Sec. Litig.* (\$10.9 million settlement).

LIONEL Z. GLANCY, a graduate of University of Michigan Law School, is the founding partner of the Firm. After serving as a law clerk for United States District Judge Howard McKibben, he began his career as an associate at a New York law firm concentrating in securities litigation. Thereafter, he started a boutique law firm specializing in securities litigation, and other complex litigation, from the Plaintiff's perspective. Mr. Glancy has established a distinguished career in the field of securities litigation over the last thirty years, having appeared and been appointed lead counsel on behalf of aggrieved investors in securities class action cases throughout the country. He has appeared and argued before dozens of district courts and a number of appellate courts. His efforts have resulted in the recovery of hundreds of millions of dollars in settlement proceeds for huge classes of shareholders. Well known in securities law, he has lectured on its developments and practice, including having lectured before Continuing Legal Education seminars and law schools.

Mr. Glancy was born in Windsor, Canada, on April 4, 1962. Mr. Glancy earned his undergraduate degree in political science in 1984 and his Juris Doctor degree in 1986, both from the University of Michigan. He was admitted to practice in California in 1988, and in Nevada and before the U.S. Court of Appeals, Ninth Circuit, in 1989.

MARC L. GODINO has extensive experience successfully litigating complex, class action lawsuits as a plaintiffs' lawyer. Since joining the firm in 2005, Mr. Godino has played a primary role in cases resulting in settlements of more than \$100 million. He has prosecuted securities, derivative, merger & acquisition, and consumer cases throughout the country in both state and federal court, as well as represented defrauded investors at FINRA arbitrations. Mr. Godino manages the Firm's consumer class action department.

While a senior associate with Stull Stull & Brody, Mr. Godino was one of the two primary attorneys involved in *Small v. Fritz Co.*, 30 Cal. 4th 167 (April 7, 2003), in which the California Supreme Court created new law in the State of California for shareholders that held shares in detrimental reliance on false statements made by corporate officers. The decision was widely covered by national media including *The National Law Journal*, the *Los Angeles Times*, the *New York Times*, and the *New York Law Journal*, among others, and was heralded as a significant victory for shareholders.

Mr. Godino's successes with Glancy Prongay & Murray LLP include: *Good Morning To You Productions Corp., et al., v. Warner/Chappell Music, Inc., et al.*, Case No. 13-04460 (C.D. Cal.) (In this highly publicized case that attracted world-wide attention, Plaintiffs prevailed on their claim that the song "Happy Birthday" should be in the public domain and achieved a \$14,000,000 settlement to class members who paid a licensing fee for the song); *Ord v. First National Bank of Pennsylvania*, Case No. 12-766 (W. D. Pa.) (\$3,000,000 settlement plus injunctive relief); *Pappas v. Naked Juice Co. of Glendora, Inc.*, Case No. 11-08276 (C.D. Cal.) (\$9,000,000 settlement plus injunctive relief); *Astiana v. Kashi Company*, Case No. 11-1967 (S.D. Cal.) (\$5,000,000 settlement); *In re Magma Design Automation, Inc. Securities Litigation*, Case No. 05-2394 (N.D. Cal.) (\$13,500,000 settlement); *In re Hovnanian Enterprises, Inc. Securities Litigation*, Case No. 08-cv-0099 (D.N.J.) (\$4,000,000 settlement); *In re Skilled Healthcare Group, Inc. Securities Litigation*, Case No. 09-5416 (C.D. Cal.) (\$3,000,000 settlement); *Kelly v. Phiten USA, Inc.*, Case No. 11-67 (S.D. Iowa) (\$3,200,000 settlement plus injunctive relief); (*Shin et al., v. BMW of North America*, 2009 WL 2163509 (C.D. Cal. July 16, 2009) (after defeating a motion to dismiss, the case settled on very favorable terms for class members including free replacement of cracked wheels); *Payday Advance Plus, Inc. v. MIVA, Inc.*, Case No. 06-1923 (S.D.N.Y.) (\$3,936,812 settlement); *Esslinger, et al. v. HSBC Bank Nevada, N.A.*, Case No. 10-03213 (E.D. Pa.) (\$23,500,000 settlement); *In re Discover Payment Protection Plan Marketing and Sales Practices Litigation*, Case No. 10-06994 (\$10,500,000 settlement); *In Re: Bank of America Credit Protection Marketing and Sales Practices Litigation*, Case No. 11-md-02269 (N.D. Cal.) (\$20,000,000 settlement).

Mr. Godino was also the principal attorney in the following published decisions: *In re Zappos.com, Inc., Customer Data Sec. Breach Litigation*, 714 Fed Appx. 761 (9th Cir. 2018) (reversing order dismissing class action complaint); *Small et al., v. University Medical Center of Southern Nevada, et al.*, 2017 WL 3461364 (D. Nev. Aug. 10, 2017) (denying motion to dismiss); *Sciortino v. Pepsico, Inc.*, 108 F.Supp. 3d 780 (N.D. Cal.. June 5, 2015) (motion to dismiss denied); *Peterson v. CJ America, Inc.*, 2015 WL 11582832 (S.D. Cal. May 15, 2015) (motion to dismiss denied); *Lilly v. Jamba Juice Company*, 2014 WL 4652283 (N. D. Cal. Sep 18, 2014) (class certification granted in part); *Kramer v. Toyota Motor Corp.*, 705 F. 3d 1122 (9th Cir. 2013) (affirming denial of

Defendant's motion to compel arbitration); *Sateriale, et al. v. R.J. Reynolds Tobacco Co.*, 697 F. 3d 777 (9th Cir. 2012) (reversing order dismissing class action complaint); *Shin v. BMW of North America*, 2009 WL 2163509 (C.D. Cal. July 16, 2009) (motion to dismiss denied); *In re 2TheMart.com Securities Litigation*, 114 F. Supp. 2d 955 (C.D. Cal. 2002) (motion to dismiss denied); *In re Irvine Sensors Securities Litigation*, 2003 U.S. Dist. LEXIS 18397 (C.D. Cal. 2003) (motion to dismiss denied).

The following represent just a few of the cases Mr. Godino is currently litigating in a leadership position: *Small v. University Medical Center of Southern Nevada*, Case No. 13-00298 (D. Nev.); *Courtright, et al., v. O'Reilly Automotive Stores, Inc., et al.*, Case No. 14-334 (W.D. Mo); *Keskinen v. Edgewell Personal Care Co., et al.*, Case No. 17-07721 (C.D. CA); *Ryan v. Rodan & Fields, LLC*, Case No. 18-02505 (N.D. Cal)

MATTHEW M. HOUSTON, a partner in the firm's New York office, graduated from Boston University School of Law in 1988. Mr. Houston is an active member of the Bar of the State of New York and an inactive member of the bar for the Commonwealth of Massachusetts. Mr. Houston is also admitted to the United States District Courts for the Southern and Eastern Districts of New York and the District of Massachusetts, and the Second, Seventh, Ninth, and Eleventh Circuit Court of Appeals of the United States. Mr. Houston repeatedly has been selected as a New York Metro Super Lawyer.

Mr. Houston has substantial courtroom experience involving complex actions in federal and state courts throughout the country. Mr. Houston was co-lead trial counsel in one the few ERISA class action cases taken to trial asserting breach of fiduciary duty claims against plan fiduciaries, *Brieger et al. v. Tellabs, Inc.*, No. 06-CV-01882 (N.D. Ill.), and has successfully prosecuted many ERISA actions, including *In re Royal Ahold N.V. Securities and ERISA Litigation*, Civil Action No. 1:03-md-01539. Mr. Houston has been one of the principal attorneys litigating claims in multi-district litigation concerning employment classification of pickup and delivery drivers and primarily responsible for prosecuting ERISA class claims resulting in a \$242,000,000 settlement; *In re FedEx Ground Package Inc. Employment Practices Litigation*, No. 3:05-MD-527 (MDL 1700). Mr. Houston recently presented argument before the Eleventh Circuit Court of Appeals on behalf of a class of Florida pickup and delivery drivers obtaining a reversal of the lower court's grant of summary judgment. Mr. Houston represented the interests of Nevada and Arkansas drivers employed by FedEx Ground obtaining significant recoveries on their behalf. Mr. Houston also served as lead counsel in multi-district class litigation seeking to modify insurance claims handling practices; *In re UnumProvident Corp. ERISA Benefits Denial Actions*, No. 1:03-cv-1000 (MDL 1552).

Mr. Houston has played a principal role in numerous derivative and class actions wherein substantial benefits were conferred upon plaintiffs: *In re: Groupon Derivative Litigation*, No. 12-cv-5300 (N.D. Ill. 2012) (settlement of consolidated derivative action resulting in sweeping corporate governance reform estimated at \$159 million) *Bangari v. Lesnik, et al.*, No. 11 CH 41973 (Illinois Circuit Court, County of Cook) (settlement of claim resulting in payment of \$20 million to Career Education Corporation and implementation of extensive corporate governance reform); *In re Diamond Foods, Inc. Shareholder Litigation*, No. CGC-11-515895 (California Superior Court, County of San Francisco)

(\$10.4 million in monetary relief including a \$5.4 million clawback of executive compensation and significant corporate governance reform); *Pace American Shareholder Litigation*, 94-92 TUC-RMB (securities fraud class action settlement resulting in a recovery of \$3.75 million); *In re Bay Financial Securities Litigation*, Master File No. 89-2377-DPW, (D. Mass.) (J. Woodlock) (settlement of action based upon federal securities law claims resulting in class recovery in excess of \$3.9 million); *Goldsmith v. Technology Solutions Company*, 92 C 4374 (N.D. Ill. 1992) (J. Manning) (recovery of \$4.6 million as a result of action alleging false and misleading statements regarding revenue recognition).

In addition to numerous employment and derivative cases, Mr. Houston has litigated actions asserting breach of fiduciary duty in the context of mergers and acquisitions. Mr. Houston has been responsible for securing millions of dollars in additional compensation and structural benefits for shareholders of target companies: *In re Instinet Group, Inc. Shareholders Litigation*, C.A. No. 1289 (Delaware Court of Chancery); *Jasinover v. The Rouse Company*, Case No. 13-C-04-59594 (Maryland Circuit Court); *McLaughlin v. Household International, Inc.*, Case No. 02 CH 20683 (Illinois Circuit Court); *Sebesta v. The Quizno's Corporation*, Case No. 2001 CV 6281 (Colorado District Court); *Crandon Capital Partners v. Sanford M. Kimmel*, C.A. No. 14998 (Del. Ch.); and *Crandon Capital Partners v. Kimmel*, C.A. No. 14998 (Del. Ch. 1996) (J. Chandler) (settlement of an action on behalf of shareholders of Transnational Reinsurance Co. whereby acquiring company provided an additional \$10.4 million in merger consideration).

JASON L. KRAJCKER is a partner in the firm's Los Angeles office. He specializes in complex securities cases and has extensive experience in all phases of litigation (fact investigation, pre-trial motion practice, discovery, trial, appeal).

Prior to joining Glancy Prongay & Murray LLP, Mr. Krajcer was an Associate at Goodwin Procter LLP where he represented issuers, officers and directors in multi-hundred million and billion dollar securities cases. He began his legal career at Orrick, Herrington & Sutcliffe LLP, where he represented issuers, officers and directors in securities class actions, shareholder derivative actions, and matters before the U.S. Securities & Exchange Commission.

Mr. Krajcer is admitted to the State Bar of California, the Bar of the District of Columbia, the United States Supreme Court, the Ninth Circuit Court of Appeals, and the United States District Courts for the Central and Southern Districts of California.

SUSAN G. KUPFER is the founding partner of the Firm's Berkeley office. Ms Kupfer joined the Firm in 2003. She is a native of New York City, and received her A.B. degree from Mount Holyoke College in 1969 and her Juris Doctor degree from Boston University School of Law in 1973. She did graduate work at Harvard Law School and, in 1977, was named Assistant Dean and Director of Clinical Programs at Harvard, supervising and teaching in that program of legal practice and related academic components.

For much of her legal career, Ms. Kupfer has been a professor of law. Her areas of academic expertise are Civil Procedure, Federal Courts, Conflict of Laws, Constitutional

Law, Legal Ethics, and Jurisprudence. She has taught at Harvard Law School, Hastings College of the Law, Boston University School of Law, Golden Gate University School of Law, and Northeastern University School of Law. From 1991 through 2002, she was a lecturer on law at the University of California, Berkeley, Boalt Hall, teaching Civil Procedure and Conflict of Laws. Her publications include articles on federal civil rights litigation, legal ethics, and jurisprudence. She has also taught various aspects of practical legal and ethical training, including trial advocacy, negotiation and legal ethics, to both law students and practicing attorneys.

Ms. Kupfer previously served as corporate counsel to The Architects Collaborative in Cambridge and San Francisco, and was the Executive Director of the Massachusetts Commission on Judicial Conduct. She returned to the practice of law in San Francisco with Morgenstein & Jubelirer and Berman DeValerio LLP before joining the Firm.

Ms. Kupfer's practice is concentrated in complex antitrust litigation. She currently serves, or has served, as Co-Lead Counsel in several multidistrict antitrust cases: *In re Photochromic Lens Antitrust Litig.* (MDL 2173, M.D. Fla. 2010); *In re Fresh and Process Potatoes Antitrust Litig.* (D. ID. 2011); *In re Korean Air Lines Antitrust Litig.* (MDL No. 1891, C.D. Cal. 2007); *In re Urethane Antitrust Litigation* (MDL 1616, D. Kan. 2004); *In re Western States Wholesale Natural Gas Litigation* (MDL 1566, D. Nev. 2005); and *Sullivan et al v. DB Investments et al* (D. N.J. 2004). She has been a member of the lead counsel teams that achieved significant settlements in: *In re Sorbates Antitrust Litigation* (\$96.5 million settlement); *In re Pillar Point Partners Antitrust Litigation* (\$50 million settlement); and *In re Critical Path Securities Litigation* (\$17.5 million settlement).

Ms. Kupfer is a member of the bar of Massachusetts and California, and is admitted to practice before the United States District Courts for the Northern, Central, Eastern and Southern Districts of California, the District of Massachusetts, the Courts of Appeals for the First and Ninth Circuits, and the U.S. Supreme Court.

GREGORY B. LINKH works out of the New York office, where he litigates antitrust, securities, shareholder derivative, and consumer cases. Greg graduated from the State University of New York at Binghamton in 1996 and from the University of Michigan Law School in 1999. While in law school, Greg externed with United States District Judge Gerald E. Rosen of the Eastern District of Michigan. Greg was previously associated with the law firms Dewey Ballantine LLP, Pomerantz Haudek Block Grossman & Gross LLP, and Murray Frank LLP.

Previously, Greg had significant roles in *In re Merrill Lynch & Co., Inc. Research Reports Securities Litigation* (settled for \$125 million); *In re Crompton Corp. Securities Litigation* (settled \$11 million); *Lowry v. Andrx Corp.* (settled for \$8 million); *In re Xybernaut Corp. Securities MDL Litigation* (settled for \$6.3 million); and *In re EIS Int'l Inc. Securities Litigation* (settled for \$3.8 million). Greg also represented the West Virginia Investment Management Board ("WVIMB") in *WVIMB v. Residential Accredited Loans, Inc., et al.*, relating to the WVIMB's investment in residential mortgage-backed securities.

Currently, Greg is litigating various antitrust and securities cases, including *In re Korean Ramen Antitrust Litigation*, *In re Automotive Parts Antitrust Litigation*, and *In re Horsehead Holding Corp. Securities Litigation*.

Greg is the co-author of *Inherent Risk In Securities Cases In The Second Circuit*, NEW YORK LAW JOURNAL (Aug. 26, 2004); and *Staying Derivative Action Pursuant to PSLRA and SLUSA*, NEW YORK LAW JOURNAL, P. 4, COL. 4 (Oct. 21, 2005).

BRIAN MURRAY is the managing partner of the Firm's New York Park Avenue office and the head of the Firm's Antitrust Practice Group. He received Bachelor of Arts and Master of Arts degrees from the University of Notre Dame in 1983 and 1986, respectively. He received a Juris Doctor degree, *cum laude*, from St. John's University School of Law in 1990. At St. John's, he was the Articles Editor of the ST. JOHN'S LAW REVIEW. Mr. Murray co-wrote: *Jurisdição Estrangeira Tem Papel Relevante Na De Fiesa De Investidores Brasileiros*, ESPAÇA JURÍDICO BOVESPA (August 2008); *The Proportionate Trading Model: Real Science or Junk Science?*, 52 CLEVELAND ST. L. REV. 391 (2004-05); *The Accident of Efficiency: Foreign Exchanges, American Depository Receipts, and Space Arbitrage*, 51 BUFFALO L. REV. 383 (2003); *You Shouldn't Be Required To Plead More Than You Have To Prove*, 53 BAYLOR L. REV. 783 (2001); *He Lies, You Die: Criminal Trials, Truth, Perjury, and Fairness*, 27 NEW ENGLAND J. ON CIVIL AND CRIMINAL CONFINEMENT 1 (2001); *Subject Matter Jurisdiction Under the Federal Securities Laws: The State of Affairs After Itoba*, 20 MARYLAND J. OF INT'L L. AND TRADE 235 (1996); *Determining Excessive Trading in Option Accounts: A Synthetic Valuation Approach*, 23 U. DAYTON L. REV. 316 (1997); *Loss Causation Pleading Standard*, NEW YORK LAW JOURNAL (Feb. 25, 2005); *The PSLRA 'Automatic Stay' of Discovery*, NEW YORK LAW JOURNAL (March 3, 2003); and *Inherent Risk In Securities Cases In The Second Circuit*, NEW YORK LAW JOURNAL (Aug. 26, 2004). He also authored *Protecting The Rights of International Clients in U.S. Securities Class Action Litigation*, INTERNATIONAL LITIGATION NEWS (Sept. 2007); *Lifting the PSLRA "Automatic Stay" of Discovery*, 80 N. DAK. L. REV. 405 (2004); *Aftermarket Purchaser Standing Under § 11 of the Securities Act of 1933*, 73 ST. JOHN'S L. REV. 633 (1999); *Recent Rulings Allow Section 11 Suits By Aftermarket Securities Purchasers*, NEW YORK LAW JOURNAL (Sept. 24, 1998); and *Comment, Weissmann v. Freeman: The Second Circuit Errs in its Analysis of Derivative Copy-rights by Joint Authors*, 63 ST. JOHN'S L. REV. 771 (1989).

Mr. Murray was on the trial team that prosecuted a securities fraud case under Section 10(b) of the Securities Exchange Act of 1934 against Microdyne Corporation in the Eastern District of Virginia and he was also on the trial team that presented a claim under Section 14 of the Securities Exchange Act of 1934 against Artek Systems Corporation and Dynatach Group which settled midway through the trial.

Mr. Murray's major cases include *In re Horsehead Holding Corp. Sec. Litig.*, No. 16-cv-292, 2018 WL 4838234 (D. Del. Oct. 4, 2018) (recommending denial of motion to dismiss securities fraud claims where company's generic cautionary statements failed to adequately warn of known problems); *In re Deutsche Bank Sec. Litig.*, --- F.R.D. ---, 2018 WL 4771525 (S.D.N.Y. Oct. 2, 2018) (granting class certification for Securities Act claims and rejecting defendants' argument that class representatives' trading profits made them

atypical class members); *Robb v. Fitbit Inc.*, 216 F. Supp. 3d 1017 (N.D. Cal. 2016) (denying motion to dismiss securities fraud claims where confidential witness statements sufficiently established scienter); *In re Eagle Bldg. Tech. Sec. Litig.*, 221 F.R.D. 582 (S.D. Fla. 2004), 319 F. Supp. 2d 1318 (S.D. Fla. 2004) (complaint against auditor sustained due to magnitude and nature of fraud; no allegations of a “tip-off” were necessary); *In re Turkcell Iletisim A.S. Sec. Litig.*, 209 F.R.D. 353 (S.D.N.Y. 2002) (defining standards by which investment advisors have standing to sue); *In re Turkcell Iletisim A.S. Sec. Litig.*, 202 F. Supp. 2d 8 (S.D.N.Y. 2001) (liability found for false statements in prospectus concerning churn rates); *Feiner v. SS&C Tech., Inc.*, 11 F. Supp. 2d 204 (D. Conn. 1998) (qualified independent underwriters held liable for pricing of offering); *Malone v. Microdyne Corp.*, 26 F.3d 471 (4th Cir. 1994) (reversal of directed verdict for defendants); and *Adair v. Bristol Tech. Systems, Inc.*, 179 F.R.D. 126 (S.D.N.Y. 1998) (aftermarket purchasers have standing under section 11 of the Securities Act of 1933). Mr. Murray also prevailed on an issue of first impression in the Superior Court of Massachusetts, in *Cambridge Biotech Corp. v. Deloitte and Touche LLP*, in which the court applied the doctrine of continuous representation for statute of limitations purposes to accountants for the first time in Massachusetts. 6 Mass. L. Rptr. 367 (Mass. Super. Jan. 28, 1997). In addition, in *Adair v. Microfield Graphics, Inc.* (D. Or.), Mr. Murray settled the case for 47% of estimated damages. In the *Qiao Xing Universal Telephone* case, claimants received 120% of their recognized losses.

Among his current cases, Mr. Murray represents a class of investors in a securities litigation involving preferred shares of Deutsche Bank and is lead counsel in a securities class action against Horsehead Holdings, Inc. in the District of Delaware.

Mr. Murray served as a Trustee of the Incorporated Village of Garden City (2000-2002); Commissioner of Police for Garden City (2000-2001); Co-Chairman, Derivative Suits Subcommittee, American Bar Association Class Action and Derivative Suits Committee, (2007-2010); Member, Sports Law Committee, Association of the Bar for the City of New York, 1994-1997; Member, Litigation Committee, Association of the Bar for the City of New York, 2003-2007; Member, New York State Bar Association Committee on Federal Constitution and Legislation, 2005-2008; Member, Federal Bar Council, Second Circuit Committee, 2007-present.

Mr. Murray has been a panelist at CLEs sponsored by the Federal Bar Council and the Institute for Law and Economic Policy, at the German-American Lawyers Association Annual Meeting in Frankfurt, Germany, and is a frequent lecturer before institutional investors in Europe and South America on the topic of class actions.

ROBERT V. PRONGAY is a partner in the Firm’s Los Angeles office where he focuses on the investigation, initiation, and prosecution of complex securities cases on behalf of institutional and individual investors. Mr. Prongay’s practice concentrates on actions to recover investment losses resulting from violations of the federal securities laws and various actions to vindicate shareholder rights in response to corporate and fiduciary misconduct.

Mr. Prongay has extensive experience litigating complex cases in state and federal courts nationwide. Since joining the Firm, Mr. Prongay has successfully recovered millions of dollars for investors victimized by securities fraud and has negotiated the implementation of significant corporate governance reforms aimed at preventing the recurrence of corporate wrongdoing.

Mr. Prongay was recently recognized as one of thirty lawyers included in the Daily Journal's list of Top Plaintiffs Lawyers in California for 2017. Several of Mr. Prongay's cases have received national and regional press coverage. Mr. Prongay has been interviewed by journalists and writers for national and industry publications, ranging from *The Wall Street Journal* to the *Los Angeles Daily Journal*. Mr. Prongay has appeared as a guest on Bloomberg Television where he was interviewed about the securities litigation stemming from the high-profile initial public offering of Facebook, Inc.

Mr. Prongay received his Bachelor of Arts degree in Economics from the University of Southern California and his Juris Doctor degree from Seton Hall University School of Law. Mr. Prongay is also an alumnus of the Lawrenceville School.

DANIELLA QUITT, a partner in the firm's New York office, graduated from Fordham University School of Law in 1988, is a member of the Bar of the State of New York, and is also admitted to the United States District Courts for the Southern and Eastern Districts of New York, the United States Court of Appeals for the Second, Fifth, and Ninth Circuits, and the United States Supreme Court.

Ms. Quitt has extensive experience in successfully litigating complex class actions from inception to trial and has played a significant role in numerous actions wherein substantial benefits were conferred upon plaintiff shareholders, such as *In re Safety-Kleen Corp. Stockholders Litigation*, (D.S.C.) (settlement fund of \$44.5 million); *In re Laidlaw Stockholders Litigation*, (D.S.C.) (settlement fund of \$24 million); *In re UNUMProvident Corp. Securities Litigation*, (D. Me.) (settlement fund of \$45 million); *In re Harnischfeger Industries* (E.D. Wisc.) (settlement fund of \$10.1 million); *In re Oxford Health Plans, Inc. Derivative Litigation*, (S.D.N.Y.) (settlement benefit of \$13.7 million and corporate therapeutics); *In re JWP Inc. Securities Litigation*, (S.D.N.Y.) (settlement fund of \$37 million); *In re Home Shopping Network, Inc., Derivative Litigation*, (S.D. Fla.) (settlement benefit in excess of \$20 million); *In re Graham-Field Health Products, Inc. Securities Litigation*, (S.D.N.Y.) (settlement fund of \$5.65 million); *Benjamin v. Carusona*, (E.D.N.Y.) (prosecuted action on behalf of minority shareholders which resulted in a change of control from majority-controlled management at Gurney's Inn Resort & Spa Ltd.); *In re Rexel Shareholder Litigation*, (Sup. Ct. N.Y. County) (settlement benefit in excess of \$38 million); and *Croyden Assoc. v. Tesoro Petroleum Corp., et al.*, (Del. Ch.) (settlement benefit of \$19.2 million).

In connection with the settlement of *Alessi v. Beracha*, (Del. Ch.), a class action brought on behalf of the former minority shareholders of Earthgrains, Chancellor Chandler commented: "I give credit where credit is due, Ms. Quitt. You did a good job and got a good result, and you should be proud of it."

Ms. Quitt has focused her practice on shareholder rights and ERISA class actions but also handles general commercial and consumer litigation. Ms. Quitt serves as a member of the S.D.N.Y. ADR Panel and has been consistently selected as a New York Metro Super Lawyer.

JONATHAN M. ROTTER leads the Firm's intellectual property litigation practice and has extensive experience in class action litigation, including in the fields of data privacy, digital content, securities, consumer protection, and antitrust. His cases often involve technical and scientific issues, and he excels at the critical skill of understanding and organizing complex subject matter in a way helpful to judges, juries, and ultimately, the firm's clients. Since joining the firm, he has played a key role in cases recovering over \$100 million. He handles cases on contingency, partial contingency, and hourly bases, and works collaboratively with other lawyers and law firms across the country.

Before joining the firm, Mr. Rotter served for three years as the first Patent Pilot Program Law Clerk at the United States District Court for the Central District of California, both in Los Angeles and Orange County. There, he assisted the Honorable S. James Otero, Andrew J. Guilford, George H. Wu, John A. Kronstadt, and Beverly Reid O'Connell with hundreds of patent cases in every major field of technology, from complaint to post-trial motions, advised on case management strategy, and organized and provided judicial education. Mr. Rotter also served as a law clerk for the Honorable Milan D. Smith, Jr. on the United States Court of Appeals for the Ninth Circuit, working on the full range of matters handled by the Circuit.

Before his service to the courts, Mr. Rotter practiced at an international law firm, where he argued appeals at the Federal Circuit, Ninth Circuit, and California Court of Appeal, tried cases, argued motions, and managed all aspects of complex litigation. He also served as a volunteer criminal prosecutor for the Los Angeles City Attorney's Office.

Mr. Rotter graduated with honors from Harvard Law School in 2004. He served as an editor of the Harvard Journal of Law & Technology, was a Fellow in Law and Economics at the John M. Olin Center for Law, Economics, and Business at Harvard Law School, and a Fellow in Justice, Welfare, and Economics at the Harvard University Weatherhead Center For International Affairs. He graduated with honors from the University of California, San Diego in 2000 with a B.S. in molecular biology and a B.A. in music.

Mr. Rotter serves on the Merit Selection Panel for Magistrate Judges in the Central District of California, and served on the Model Patent Jury Instructions and Model Patent Local Rules subcommittees of the American Intellectual Property Law Association. He has written extensively on intellectual property issues, and has been honored for his work with legal service organizations. He is admitted to practice in California and before the United States Courts of Appeals for the First, Second, Ninth and Federal Circuits, the United States District Courts for the Northern, Central, and Southern Districts of California, and the United States Patent & Trademark Office.

KEVIN F. RUF graduated from the University of California at Berkeley with a Bachelor of Arts in Economics and earned his Juris Doctor degree from the University of Michigan.

He was an associate at the Los Angeles firm Manatt Phelps and Phillips from 1988 until 1992, where he specialized in commercial litigation. In 1993, he joined the firm Corbin & Fitzgerald (with future federal district court Judge Michael Fitzgerald) specializing in white collar criminal defense work.

Kevin joined the Glancy firm in 2001 and works on a diverse range of trial and appellate cases; he is also head of the firm's Labor practice. Kevin has successfully argued a number of important appeals, including in the 9th Circuit Court of Appeals. He has twice argued cases before the California Supreme Court – winning both.

In *Smith v. L'Oreal* (2006), after Kevin's winning arguments, the California Supreme Court established a fundamental right of all California workers to immediate payment of all earnings at the conclusion of their employment.

Kevin gave the winning oral argument in one of the most talked about and wide-reaching California Supreme Court cases of recent memory: *Lee v. Dynamex* (2018). The Dynamex decision altered 30 years of California law and established a new definition of employment that brings more workers within the protections of California's Labor Code. The California legislature was so impressed with the Dynamex result that promulgated AB5, a statute to formalize this new definition of employment and expand its reach.

Kevin won the prestigious California Lawyer of the Year (CLAY) award in 2019 for his work on the *Dynamex* case.

In 2021, Kevin was named by California's legal paper of record, the Daily Journal, as one of 18 California "Lawyers of the Decade."

Kevin has been named three times as one of the Daily Journal's "Top 75 Employment Lawyers."

Since 2014, Kevin has been an elected member of the Ojai Unified School District Board of Trustees. Kevin was also a Main Company Member of the world-famous Groundlings improv and sketch comedy troupe – where "everyone else got famous."

BENJAMIN I. SACHS-MICHAELS, a partner in the firm's New York office, graduated from Benjamin N. Cardozo School of Law in 2011. His practice focuses on shareholder derivative litigation and class actions on behalf of shareholders and consumers.

While in law school, Mr. Sachs-Michaels served as a judicial intern to Senior United States District Judge Thomas J. McAvoy in the United States District Court for the Northern District of New York and was a member of the Cardozo Journal of Conflict Resolution.

Mr. Sachs-Michaels is a member of the Bar of the State of New York. He is also admitted to the United States District Courts for the Southern and Eastern Districts of New York and the United States Court of Appeals for the Second Circuit.

CASEY E. SADLER is a native of New York, New York. After graduating from the University of Southern California, Gould School of Law, Mr. Sadler joined the Firm in 2010. While attending law school, Mr. Sadler externed for the Enforcement Division of the Securities and Exchange Commission, spent a summer working for P.H. Parekh & Co. – one of the leading appellate law firms in New Delhi, India – and was a member of USC's Hale Moot Court Honors Program.

Mr. Sadler's practice focuses on securities and consumer litigation. A partner in the Firm's Los Angeles office, Mr. Sadler is admitted to the State Bar of California and the United States District Courts for the Northern, Southern, and Central Districts of California.

EX KANO S. SAMS II earned his Bachelor of Arts degree in Political Science from the University of California Los Angeles. Mr. Sams earned his Juris Doctor degree from the University of California Los Angeles School of Law, where he served as a member of the *UCLA Law Review*. After law school, Mr. Sams practiced class action civil rights litigation on behalf of plaintiffs. Subsequently, Mr. Sams was a partner at Coughlin Stoia Geller Rudman & Robbins LLP (currently Robbins Geller Rudman & Dowd LLP), where his practice focused on securities and consumer class actions on behalf of investors and consumers.

During his career, Mr. Sams has served as lead counsel in dozens of securities class actions and complex-litigation cases, and has worked on cases at all levels of the state and federal court systems throughout the United States. Mr. Sams was one of the counsel for respondents in *Cyan, Inc. v. Beaver Cty. Employees Ret. Fund*, 138 S. Ct. 1061 (2018), in which the United States Supreme Court ruled unanimously in favor of respondents, holding that: (1) the Securities Litigation Uniform Standards Act of 1998 ("SLUSA") does not strip state courts of jurisdiction over class actions alleging violations of only the Securities Act of 1933; and (2) SLUSA does not empower defendants to remove such actions from state to federal court. Mr. Sams also participated in a successful appeal before a Fifth Circuit panel that included former United States Supreme Court Justice Sandra Day O'Connor sitting by designation, in which the court unanimously vacated the lower court's denial of class certification, reversed the lower court's grant of summary judgment, and issued an important decision on the issue of loss causation in securities litigation: *Alaska Electrical Pension Fund v. Flowserve Corp.*, 572 F.3d 221 (5th Cir. 2009). The case settled for \$55 million.

Mr. Sams has also obtained other significant results. Notable examples include: *Beezley v. Fenix Parts, Inc.*, No. 1:17-CV-7896, 2018 WL 3454490 (N.D. Ill. July 13, 2018) (denying motion to dismiss); *In re Flowers Foods, Inc. Sec. Litig.*, No. 7:16-CV-222 (WLS), 2018 WL 1558558 (M.D. Ga. Mar. 23, 2018) (largely denying motion to dismiss; case settled for \$21 million); *In re King Digital Entm't plc S'holder Litig.*, No. CGC-15-544770 (San Francisco Superior Court) (case settled for \$18.5 million); *In re Castlight Health, Inc. S'holder Litig.*, Lead Case No. CIV533203 (California Superior Court, County of San Mateo) (case settled for \$9.5 million); *Wiley v. Envivio, Inc.*, Master File No. CIV517185 (California Superior Court, County of San Mateo) (case settled for \$8.5 million); *In re CafePress Inc. S'holder Litig.*, Master File No. CIV522744 (California Superior Court, County of San Mateo) (case settled for \$8 million); *Estate of Gardner v. Continental*

Casualty Co., No. 3:13-cv-1918 (JBA), 2016 WL 806823 (D. Conn. Mar. 1, 2016) (granting class certification); *Forbush v. Goodale*, No. 33538/2011, 2013 WL 582255 (N.Y. Sup. Feb. 4, 2013) (denying motions to dismiss); *Curry v. Hansen Med., Inc.*, No. C 09-5094 CW, 2012 WL 3242447 (N.D. Cal. Aug. 10, 2012) (upholding complaint; case settled for \$8.5 million); *Wilkof v. Caraco Pharm. Labs., Ltd.*, 280 F.R.D. 332 (E.D. Mich. 2012) (granting class certification); *Puskala v. Koss Corp.*, 799 F. Supp. 2d 941 (E.D. Wis. 2011) (upholding complaint); *Mishkin v. Zynex Inc.*, Civil Action No. 09-cv-00780-REB-KLM, 2011 WL 1158715 (D. Colo. Mar. 30, 2011) (denying motion to dismiss); and *Tsirekidze v. Syntax-Brilliant Corp.*, No. CV-07-02204-PHX-FJM, 2009 WL 2151838 (D. Ariz. July 17, 2009) (granting class certification; case settled for \$10 million).

Additionally, Mr. Sams has successfully represented consumers in class action litigation. Mr. Sams worked on nationwide litigation and a trial against major tobacco companies, and in statewide tobacco litigation that resulted in a \$12.5 billion recovery for California cities and counties in a landmark settlement. He also was a principal attorney in a consumer class action against one of the largest banks in the country that resulted in a substantial recovery and a change in the company's business practices. Mr. Sams also participated in settlement negotiations on behalf of environmental organizations along with the United States Department of Justice and the Ohio Attorney General's Office that resulted in a consent decree requiring a company to perform remediation measures to address the effects of air and water pollution. Additionally, Mr. Sams has been an author or co-author of several articles in major legal publications, including "9th Circuit Decision Clarifies Securities Fraud Loss Causation Rule" published in the February 8, 2018 issue of the *Daily Journal*, and "Market Efficiency in the World of High-Frequency Trading" published in the December 26, 2017 issue of the *Daily Journal*.

LEANNE HEINE SOLISH is a partner in GPM's Los Angeles office. Her practice focuses on complex securities litigation.

Ms. Solish has extensive experience litigating complex cases in federal courts nationwide. Since joining GPM in 2012, Ms. Solish has helped secure several large class action settlements for injured investors, including: *The City of Farmington Hills Employees Retirement System v. Wells Fargo Bank*, Case No. 10-4372--DWF/JJG (D. Minn.) (\$62.5 million settlement on behalf of participants in Wells Fargo's securities lending program. The settlement was reached on the eve of trial and ranked among the largest recoveries achieved in a securities lending class action stemming from the 2008 financial crisis.); *Mild v. PPG Industries, Inc. et al.*, Case No. 2:18-cv-04231 (C.D. Cal.) (\$25 million settlement); *In re Penn West Petroleum Ltd. Securities Litigation*, Case No. 1:14-cv-06046-JGK (S.D.N.Y.) (\$19 million settlement for the U.S. shareholder class as part of a \$39 million global settlement); *In re ITT Educational Services, Inc. Securities Litigation (Indiana)*, Case No. 1:14-cv-01599-TWP-DML (\$12.5375 million settlement); *In re Doral Financial Corporation Securities Litigation*, Case No. 3:14-cv-01393-GAG (D.P.R.) (\$7 million settlement); *Larson v. Insys Therapeutics Incorporated, et al.*, Lead Case No. 14-cv-01043-PHX-GMS (D. Ariz.) (\$6.125 million settlement); *In re Unilife Corporation Securities Litigation*, Case No. 1:16-cv-03976-RA (\$4.4 million settlement); and *In re K12 Inc. Securities Litigation*, Case No. 4:16-cv-04069-PJH (N.D. Cal.) (\$3.5 million settlement).

Super Lawyers Magazine has selected Ms. Solish as a “Rising Star” in the area of Securities Litigation for the past four consecutive years, 2016 through 2019.

Ms. Solish graduated *summa cum laude* with a B.S.M. in Accounting and Finance from Tulane University, where she was a member of the Beta Alpha Psi honors accounting organization and was inducted into the Beta Gamma Sigma Business Honors Society. Ms. Solish subsequently earned her J.D. from the University of Texas School of Law.

Ms. Solish is admitted to the State Bar of California, the Ninth Circuit Court of Appeals, and the United States District Courts for the Central, Northern, and Southern Districts of California. Ms. Solish is also a Registered Certified Public Accountant in Illinois.

GARTH A. SPENCER’s work focuses on securities litigation on behalf of investors, as well as whistleblower, consumer and antitrust matters for plaintiffs. He has substantially contributed to a number of GPM’s successful cases, including *Robb v. Fitbit Inc.* (N.D. Cal.) (\$33 million settlement). Mr. Spencer joined the firm’s New York office in 2016, and transferred to Los Angeles in 2020. Prior to joining GPM, he worked in the tax group of a transactional law firm, and pursued tax whistleblower matters as a sole practitioner.

DAVID J. STONE has a broad background in complex commercial litigation, with particular focus on litigating corporate fiduciary claims, securities, and contract matters. Mr. Stone maintains a versatile practice in state and federal courts, representing clients in a wide-range of matters, including corporate derivative actions, securities class actions, litigating claims arising from master limited partnership “drop down” transactions, litigating consumer class actions (including data breach claims) litigating complex debt instruments, fraudulent conveyance actions, and appeals. Mr. Stone also has developed a specialized practice in litigation on behalf of post-bankruptcy confirmation trusts, including investigating and prosecuting D&O claims and general commercial litigation. In addition, Mr. Stone counsels clients on general business matters, including contract negotiation and corporate organization.

Mr. Stone graduated from Boston University School of Law in 1994 and was the Law Review Editor. He earned his B.A. at Tufts University in 1988, graduating *cum laude*. Following law school, Mr. Stone served as a clerk to the Honorable Joseph Tauro, then Chief Judge of the U.S. District Court for the District of Massachusetts. Prior to joining GPM, Mr. Stone practiced at international law firms Cravath, Swaine & Moore LLP, Morrison & Foerster LLP, and Greenberg Traurig LLP.

Mr. Stone is a member of the bar in New York and California, and is admitted to practice before the United States District Courts for the Southern and Eastern Districts of New York, the Northern, Southern, and Central Districts of California, and the Court of Appeals for the Second and Third Circuits.

KARA M. WOLKE is a partner in the firm’s Los Angeles office. Ms. Wolke specializes in complex litigation, including the prosecution of securities fraud, derivative, consumer, and

wage and hour class actions. She also has extensive experience in appellate advocacy in both State and Federal Circuit Courts of Appeals.

With over fifteen years of experience in financial class action litigation, Ms. Wolke has helped to recover hundreds of millions of dollars for injured investors, consumers, and employees. Notable cases include: *Christine Asia Co. Ltd., et al. v. Jack Yun Ma, et al.*, Case No. 15-md-02631 (S.D.N.Y.) (\$250 million securities class action settlement); *Farmington Hills Employees' Retirement System v. Wells Fargo Bank*, Case No. 10-4372 (D. Minn.) (\$62.5 million settlement on behalf of participants in Wells Fargo's securities lending program. The settlement was reached on the eve of trial and ranked among the largest recoveries achieved in a securities lending class action stemming from the 2008 financial crisis.); *Schleicher, et al. v. Wendt, et al.* (Conseco), Case No. 02-cv-1332 (S.D. Ind.) (\$41.5 million securities class action settlement); *Lapin v. Goldman Sachs*, Case No. 03-850 (S.D.N.Y.) (\$29 million securities class action settlement); *In Re: Mannkind Corporation Securities Litigation*, Case No. 11-929 (C.D. Cal.) (approximately \$22 million settlement – \$16 million in cash plus stock); *Jenson v. First Trust Corp.*, Case No. 05-3124 (C.D. Cal.) (\$8.5 million settlement of action alleging breach of fiduciary duty and breach of contract against trust company on behalf of a class of elderly investors); and *Pappas v. Naked Juice Co.*, Case No. 11-08276 (C.D. Cal.) (\$9 million settlement in consumer class action alleging misleading labeling of juice products as "All Natural").

Ms. Wolke has been named a Super Lawyers "Rising Star," and her work on behalf of investors has earned her recognition as a LawDragon Leading Plaintiff Financial Lawyer for 2019 and 2020.

With a background in intellectual property, Ms. Wolke was a part of the team of lawyers who successfully challenged the claim of copyright ownership to the song "*Happy Birthday to You*" on behalf of artists and filmmakers who had been forced to pay hefty licensing fees to publicly sing the world's most famous song. In the resolution of that action, the defendant music publishing company funded a settlement of \$14 million and, significantly, agreed to relinquish the song to the public domain. Previously, Ms. Wolke penned an article regarding the failure of U.S. Copyright Law to provide an important public performance right in sound recordings, 7 Vand. J. Ent. L. & Prac. 411, which was nationally recognized and received an award by the American Bar Association and the Grammy® Foundation.

Committed to the provision of legal services to the poor, disadvantaged, and other vulnerable or disenfranchised individuals and groups, Ms. Wolke also oversees the Firm's *pro bono practice*. Ms. Wolke currently serves as a volunteer attorney for KIND (Kids In Need of Defense), representing unaccompanied immigrant and refugee children in custody and deportation proceedings, and helping them to secure legal permanent residency status in the U.S.

Ms. Wolke graduated *summa cum laude* with a Bachelor of Science in Economics from The Ohio State University in 2001. She subsequently earned her J.D. (with honors) from Ohio State, where she was active in Moot Court and received the Dean's Award for Excellence during each of her three years.

Ms. Wolke is admitted to the State Bar of California, the Ninth Circuit Court of Appeals, as well as the United States District Courts for the Northern, Southern, and Central Districts of California. She lives with her husband and two sons in Los Angeles.

OF COUNSEL

PETER A. BINKOW has prosecuted lawsuits on behalf of consumers and investors in state and federal courts throughout the United States. He served as Lead or Co-Lead Counsel in many class action cases, including: *In re Mercury Interactive Securities Litigation* (\$117.5 million recovery); *The City of Farmington Hills Retirement System v Wells Fargo* (\$62.5 million recovery); *Schleicher v Wendt* (Conseco Securities litigation - \$41.5 million recovery); *Lapin v Goldman Sachs* (\$29 million recovery); *In re Heritage Bond Litigation* (\$28 million recovery); *In re National Techteam Securities Litigation* (\$11 million recovery for investors); *In re Lason Inc. Securities Litigation* (\$12.68 million recovery), *In re ESC Medical Systems, Ltd. Securities Litigation* (\$17 million recovery); and many others. In *Schleicher v Wendt*, Mr. Binkow successfully argued the seminal Seventh Circuit case on class certification, in an opinion authored by Chief Judge Frank Easterbrook. He has argued and/or prepared appeals before the Ninth Circuit, Seventh Circuit, Sixth Circuit and Second Circuit Courts of Appeals.

Mr. Binkow joined the Firm in 1994. He was born on August 16, 1965 in Detroit, Michigan. Mr. Binkow obtained a Bachelor of Arts degree from the University of Michigan in 1988 and a Juris Doctor degree from the University of Southern California in 1994.

MARK S. GREENSTONE specializes in consumer, financial fraud and employment-related class actions. Possessing significant law and motion and trial experience, Mr. Greenstone has represented clients in multi-million dollar disputes in California state and federal courts, as well as the Court of Federal Claims in Washington, D.C.

Mr. Greenstone received his training as an associate at Sheppard, Mullin, Richter & Hampton LLP where he specialized in complex business litigation relating to investment management, government contracts and real estate. Upon leaving Sheppard Mullin, Mr. Greenstone founded an internet-based company offering retail items on multiple platforms nationwide. He thereafter returned to law bringing a combination of business and legal skills to his practice.

Mr. Greenstone graduated Order of the Coif from the UCLA School of Law. He also received his undergraduate degree in Political Science from UCLA, where he graduated Magna Cum Laude and was inducted into the Phi Beta Kappa honor society.

Mr. Greenstone is a member of the Consumer Attorneys Association of Los Angeles, the Santa Monica Bar Association and the Beverly Hills Bar Association. He is admitted to practice in state and federal courts throughout California.

ROBERT I. HARWOOD, Of Counsel to the firm, graduated from William and Mary Law School in 1971, and has specialized in securities law and securities litigation since

beginning his career in 1972 at the Enforcement Division of the New York Stock Exchange. Mr. Harwood was a founding member of Harwood Feffer LLP. He has prosecuted numerous securities, class, derivative, and ERISA actions. He is a member of the Trial Lawyers' Section of the New York State Bar Association and has served as a guest lecturer at trial advocacy programs sponsored by the Practising Law Institute. In a statewide survey of his legal peers published by Super Lawyers Magazine, Mr. Harwood has been consistently selected as a "New York Metro Super Lawyer." Super Lawyers are the top five percent of attorneys in New York, as chosen by their peers and through the independent research. He is also a Member of the Board of Directors of the MFY Legal Services Inc., which provides free legal representation in civil matters to the poor and the mentally ill in New York City. Since 1999, Mr. Harwood has also served as a Village Justice for the Village of Dobbs Ferry, New York.

Commenting on Mr. Harwood's abilities, in *In re Royal Dutch/Shell Transport ERISA Litigation*, (D.N.J.), Judge Bissell stated:

the Court knows the attorneys in the firms involved in this matter and they are highly experienced and highly skilled in matters of this kind. Moreover, in this case it showed. Those efforts were vigorous, imaginative and prompt in reaching the settlement of this matter with a minimal amount of discovery.... So both skill and efficiency were brought to the table here by counsel, no doubt about that.

Likewise, Judge Hurley stated in connection with *In re Olsten Corporation Securities Litigation*, No. 97 CV-5056 (E.D.N.Y. Aug. 31, 2001), wherein a settlement fund of \$24.1 million was created: "The quality of representation here I think has been excellent." Mr. Harwood was lead attorney in *Meritt v. Eckerd*, No. 86 Civ. 1222 (E.D.N.Y. May 30, 1986), where then Chief Judge Weinstein observed that counsel conducted the litigation with "speed and skill" resulting in a settlement having a value "in the order of \$20 Million Dollars." Mr. Harwood prosecuted the *Hoening v. Aylsworth* class action litigation in the United States District Court for the Western District of Texas (No. SA-86-CA-939), which resulted in a settlement fund of \$18 million and received favorable comment in the August 14, 1989 edition of *The Wall Street Journal* ("*Prospector Fund Finds Golden Touch in Class Action Suit*" p. 18, col. 1). Mr. Harwood served as co-lead counsel in *In Re Interco Incorporated Shareholders Litigation*, Consolidated C.A. No. 10111 (Delaware Chancery Court) (May 25, 1990), resulting in a settlement of \$18.5 million, where V.C. Berger found, "This is a case that has an extensive record that establishes it was very hard fought. There were intense efforts made by plaintiffs' attorneys and those efforts bore very significant fruit in the face of serious questions as to ultimate success on the merits."

Mr. Harwood served as lead counsel in *Morse v. McWhorter* (Columbia/HCA Healthcare Securities Litigation), (M.D. Tenn.), in which a settlement fund of \$49.5 million was created for the benefit of the Class, as well as *In re Bank One Securities Litigation*, (N.D. Ill.), which resulted in the creation of a \$45 million settlement fund. Mr. Harwood also served as co-lead counsel in *In re Safety-Kleen Corp. Stockholders Litigation*, (D.S.C.), which resulted in a settlement fund of \$44.5 million; *In re Laidlaw Stockholders Litigation*, (D.S.C.), which resulted in a settlement fund of \$24 million; *In re AIG ERISA Litigation*,

(S.D.N.Y.), which resulted in a settlement fund of \$24.2 million; *In re JWP Inc. Securities Litigation*, (S.D.N.Y.), which resulted in a \$37 million settlement fund; *In re Oxford Health Plans, Inc. Derivative Litigation*, (S.D.N.Y.), which resulted in a settlement benefit of \$13.7 million and corporate therapeutics; and *In re UNUMProvident Corp. Securities Litigation*, (D. Me.), which resulted in the creation of settlement fund of \$45 million. Mr. Harwood has also been one of the lead attorneys in litigating claims in *In re FedEx Ground Package Inc. Employment Practices Litigation*, No. 3:05-MD-527 (MDL 1700), a multi-district litigation concerning employment classification of pickup and delivery drivers which resulted in a \$242,000,000 settlement.

SENIOR COUNSEL

CHARLES H. LINEHAN is Senior Counsel in the firm's Los Angeles office. He graduated summa cum laude from the University of California, Los Angeles with a Bachelor of Arts degree in Philosophy and a minor in Mathematics. Mr. Linehan received his Juris Doctor degree from the UCLA School of Law, where he was a member of the UCLA Moot Court Honors Board. While attending law school, Mr. Linehan participated in the school's First Amendment Amicus Brief Clinic (now the Scott & Cyan Banister First Amendment Clinic) where he worked with nationally recognized scholars and civil rights organizations to draft amicus briefs on various Free Speech issues.

NATALIE S. PANG is Senior Counsel in the firm's Los Angeles office. Ms. Pang has advocated on behalf of thousands of consumers during her career. Ms. Pang has extensive experience in case management and all facets of litigation: from a case's inception through the discovery process--including taking and defending depositions and preparing witnesses for depositions and trial--mediation and settlement negotiations, pretrial motion work, trial and post-trial motion work.

Prior to joining the firm, Ms. Pang lead the mass torts department of her last firm, where she managed the cases of over two thousand individual clients. There, Ms. Pang worked on a wide variety of complex state and federal matters which included cases involving pharmaceutical drugs, medical devices, auto defects, toxic torts, false advertising, and uninhabitable conditions. Ms. Pang was also trial counsel in the notable case, *Celestino Acosta et al. v. City of Long Beach et al.* (BC591412) which was brought on behalf of residents of a mobile home park built on a former trash dump and resulted in a \$39.5 million verdict after an eleven-week jury trial in Los Angeles Superior Court.

Ms. Pang received her J.D. from Loyola Law School. While in law school, Ms. Pang received a Top 10 Brief Award as a Scott Moot Court competitor, was chosen to be a member of the Scott Moot Court Honor's Board, and competed as a member of the National Moot Court Team. Ms. Pang was also a Staffer and subsequently an Editor for Loyola's Entertainment Law Review as well as a Loyola Writing Tutor. During law school, Ms. Pang served as an extern for: the Hon. Rolf Treu (Los Angeles Superior Court), the Los Angeles City Attorney's Office, and the Federal Public Defender's Office. Ms. Pang obtained her undergraduate degree from the University of Southern California and worked in the healthcare industry prior to pursuing her career in law.

PAVITHRA RAJESH is Senior Counsel in the firm's Los Angeles office. She specializes in fact discovery, including pre-litigation investigation, and develops legal theories in securities, derivative, and privacy-related matters.

Ms. Rajesh has unique writing experience from her judicial externship for the Patent Pilot Program in the United States District Court for the Central District of California, where she worked closely with the Clerk and judges in the program on patent cases. Drawing from this experience, Ms. Rajesh is passionate about expanding the firm's Intellectual Property practice, and she engages with experts to understand complex technology in a wide range of patents, including network security and videogame electronics.

Ms. Rajesh graduated from University of California, Santa Barbara with a Bachelor of Science degree in Mathematics and a Bachelor of Arts degree in Psychology. She received her Juris Doctor degree from UCLA School of Law. While in law school, Ms. Rajesh was an Associate Editor for the UCLA Law Review.

MELISSA WRIGHT is Senior Counsel in the firm's Los Angeles office. Ms. Wright specializes in complex litigation, including the prosecution of securities fraud and consumer class actions. She has particular expertise in all aspects of the discovery phase of litigation, including drafting and responding to discovery requests, negotiating protocols for the production of Electronically Stored Information (ESI) and all facets of ESI discovery, and assisting in deposition preparation. She has managed multiple document production and review projects, including the development of ESI search terms, overseeing numerous attorneys reviewing large document productions, drafting meet and confer correspondence and motions to compel where necessary, and coordinating the analysis of information procured during the discovery phase for utilization in substantive motions or settlement negotiations.

Ms. Wright received her J.D. from the UC Davis School of Law in 2012, where she was a board member of Tax Law Society and externed for the California Board of Equalization's Tax Appeals Assistance Program focusing on consumer use tax issues. Ms. Wright also graduated from NYU School of Law, where she received her LL.M. in Taxation in 2013.

ASSOCIATES

CHRISTOPHER FALLON focuses on securities, consumer, and anti-trust litigation. Prior to joining the firm, Mr. Fallon was a contract attorney with O'Melveny & Myers LLP working on anti-trust and business litigation disputes. He is a Certified E-Discovery Specialist through the Association of Certified E-Discovery Specialists (ACEDS).

Mr. Fallon earned his J.D. and a Certificate in Dispute Resolution from Pepperdine Law School in 2004. While attending law school, Christopher worked at the Pepperdine Special Education Advocacy Clinic and interned with the Rhode Island Office of the Attorney General. Prior to attending law school, he graduated from Boston College with a Bachelor of Arts in Economics and a minor in Irish Studies, then served as Deputy Campaign Finance Director on a U.S. Senate campaign.

THOMAS J. KENNEDY works out of the New York office, where he focuses on securities, antitrust, mass torts, and consumer litigation. He received a Juris Doctor degree from St. John's University School of Law in 1995. At St. John's, he was a member of the ST. JOHN'S JOURNAL OF LEGAL COMMENTARY. Mr. Kennedy graduated from Miami University in 1992 with a Bachelor of Science degree in Accounting and has passed the CPA exam. Mr. Kennedy was previously associated with the law firm Murray Frank LLP.

CHASE STERN concentrates his practice on complex commercial litigation, with a particular emphasis on securities fraud and consumer protection class actions, as well as shareholder derivative matters. For nearly a decade, Mr. Stern's practice has been largely dedicated to representing individual and corporate entity plaintiffs in complex commercial and class action litigation in state and federal courts throughout the country. Mr. Stern's work and experience over the course of his career have proven instrumental in vindicating his clients' rights and helping recover tens of millions of dollars on their behalf. His work and experience have also led to his recent recognition as a Super Lawyers® Rising Star for 2022 – 2023.

Mr. Stern holds a B.S. in Finance and Entrepreneurship & Emerging Enterprises from Syracuse University and a J.D. from California Western School of Law, graduating from both institutions with honors.

RAY D. SULENTIC prosecutes complex class actions for GPM. He enjoys advocating for investors because he used to be one. Before law school, Mr. Sulentic worked on Wall Street for roughly a decade—on both the buy-side, and the sell-side. His experience includes working as a former Director of Investments for a private equity fund; a special situations analyst for a \$10.0 billion multi-asset class hedge fund; and as a sell-side equity and commodity analyst for Bear Stearns & Co. Inc. While at Bear Stearns, Mr. Sulentic's investment analysis was featured in Barron's.

Since leaving the investment world, Mr. Sulentic received his early legal training from one of the largest law firms in the world, where he defended multinational corporations in securities suits and government investigations.

While in law school, Mr. Sulentic authored several seminar papers on securities law topics including on: whether SLUSA conferred exclusive jurisdiction to federal courts deciding cases under the Securities Act of 1933; how to overcome a corporation's unilaterally adopted bylaw amendment purporting to confer exclusive forum in Delaware; and on the proliferation of appraisal arbitrage actions and whether public policy supports the Delaware Court of Chancery's role as an arbiter of market value.

He holds a B.S.M. in Finance from Tulane University; an M.B.A. with a concentration in Finance from Georgetown University; and a J.D. from the UCLA School of Law. The synergy of his finance and legal education and experience makes him well-suited for disputes related to complex accounting frauds, market manipulation matters, valuation disputes, and damages.

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THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANTONIO BACHAALANI NACIF and
WIES RAFI, Individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

ATHIRA PHARMA, INC., et al.,

Defendants.

CASE NO.: 2:21-cv-00861-TSZ
(Consolidated with 21-cv-00862-TSZ and
21-cv-00864-TSZ)

**[PROPOSED] ORDER PRELIMINARILY APPROVING
SETTLEMENT AND PROVIDING FOR NOTICE**

WHEREAS, a consolidated class action is pending in this Court entitled *Nacif, et al., v. Athira Pharma, Inc., et al.*, Case No.: 2:21-cv-00861-TSZ (the “Action”);

WHEREAS, (a) Court-appointed lead plaintiffs Antonio Bachaalani Nacif and Wies Rafi (collectively, “Lead Plaintiffs”), on behalf of themselves and the Settlement Class (defined below); (b) Athira Pharma, Inc. (“Athira” or the “Company”); (c) Dr. Leen Kawas Glenna Mileson, Dr. Tadataka Yamada, Joseph Edelman, James A. Johnson, and John M. Fluke, Jr. (the “Individual Defendants”); and (d) Goldman Sachs & Co. LLC, Jefferies LLC, Stifel, Nicolaus & Company, Inc., and JMP Securities LLC (the “Underwriter Defendants,” together with Athira and the Individual Defendants, “Defendants” and, together with Lead Plaintiffs, the “Parties”) have determined to settle all claims asserted against Defendants in this Action and related claims with prejudice on the terms

1 and conditions set forth in the Stipulation and Agreement of Settlement dated April 27, 2023 (the
2 “Stipulation”) subject to approval of this Court (the “Settlement”);

3 WHEREAS, Lead Plaintiffs have made an application, pursuant to Rule 23 of the Federal
4 Rules of Civil Procedure, for an order preliminarily approving the Settlement in accordance with
5 the Stipulation, certifying the Settlement Class for purposes of the Settlement only, and allowing
6 notice to Settlement Class Members as more fully described herein;

7 WHEREAS, the Court has read and considered: (a) Lead Plaintiffs’ motion for preliminary
8 approval of the Settlement, and the papers filed and arguments made in connection therewith; and
9 (b) the Stipulation and the exhibits attached thereto; and

10 WHEREAS, unless otherwise defined herein, all capitalized words contained herein shall
11 have the same meanings as they have in the Stipulation;

12 NOW THEREFORE, IT IS HEREBY ORDERED:

13 1. **Class Certification for Settlement Purposes** – Pursuant to Rule 23(a) and (b)(3) of
14 the Federal Rules of Civil Procedure, the Court certifies, solely for purposes of effectuating the
15 proposed Settlement, a Settlement Class consisting of all persons and entities who or which
16 purchased or otherwise acquired Athira publicly traded common stock: (a) during the period from
17 September 17, 2020 through June 17, 2021, inclusive (the “Class Period”); (b) pursuant and/or
18 traceable to the registration statement and prospectus issued in connection with the Company’s
19 September 2020 initial public offering; and/or (c) pursuant and/or traceable to the registration
20 statement and prospectus issued in connection with the Company’s January 2021 secondary public
21 offering, and were damaged thereby. Excluded from the Settlement Class are: (a) Defendants; (b)
22 any person who served as a partner, control person, executive officer and/or director of Athira or
23 the Underwriter Defendants during the Class Period, and members of their Immediate Family; (c)
24 present and former parents, subsidiaries, assigns, successors, affiliates, and predecessors of Athira
25 and the Underwriter Defendants; (d) any entity in which the Defendants have or had a controlling
26 interest; (e) any trust of which an Individual Defendant is the settlor or which is for the benefit of
27 an Individual Defendant and/or member(s) of their Immediate Family; (f) liability insurance carriers
28 for Athira or the Individual Defendants; and (g) the legal representatives, heirs, successors, and

1 assigns of any person or entity excluded under provisions (a) through (f) hereof. Notwithstanding
2 any provision to the contrary, (a) any Investment Vehicle shall not be excluded from the Settlement
3 Class; and (b) “affiliates” are persons or entities that directly, or indirectly through one or more
4 intermediaries, control, are controlled by or are under common control with one of the Defendants,
5 including Athira’s employee retirement and/or benefit plan(s). Also excluded from the Settlement
6 Class are any persons and entities who or which submit a valid request for exclusion from the
7 Settlement Class that is accepted by the Court.

8 2. **Class Findings** – Solely for purposes of the proposed Settlement of this Action, the
9 Court finds that each element required for certification of the Settlement Class pursuant to Rule 23
10 of the Federal Rules of Civil Procedure has been met: (a) the members of the Settlement Class are
11 so numerous that their joinder in the Action would be impracticable; (b) there are questions of law
12 and fact common to the Settlement Class which predominate over any individual questions; (c) the
13 claims of Lead Plaintiffs in the Action are typical of the claims of the Settlement Class; (d) Lead
14 Plaintiffs and Co-Lead Counsel have and will fairly and adequately represent and protect the
15 interests of the Settlement Class; and (e) a class action is superior to other available methods for the
16 fair and efficient adjudication of the Action.

17 3. The Court hereby finds and concludes that pursuant to Rule 23 of the Federal Rules
18 of Civil Procedure, and for the purposes of the Settlement only, Lead Plaintiffs Antonio Bachaalani
19 Nacif and Wies Rafi are adequate class representatives and certifies them as Class Representatives
20 for the Settlement Class. The Court also appoints Co-Lead Counsel Glancy Prongay & Murray,
21 LLP and Labaton Sucharow LLP as Class Counsel for the Settlement Class, pursuant to Rule 23(g)
22 of the Federal Rules of Civil Procedure.

23 4. **Preliminary Approval of the Settlement** – The Court hereby preliminarily
24 approves the Settlement, as embodied in the Stipulation, and finds that the Court will likely be able
25 to approve the proposed Settlement as fair, reasonable, and adequate under Federal Rule of Civil
26 Procedure 23(e)(2), subject to further consideration at the Settlement Hearing to be conducted, as
27 described below.

28

1 5. **Settlement Hearing** – The Court will hold a settlement hearing (the “Settlement
2 Hearing”) on _____, 2023 at __:__ .m. in Courtroom 15206 of the United States
3 Courthouse, 700 Stewart Street, Seattle, WA 98101, for the following purposes: (a) to determine
4 whether the proposed Settlement on the terms and conditions provided for in the Stipulation is fair,
5 reasonable and adequate to the Settlement Class, and should be approved by the Court; (b) to
6 determine whether a Judgment substantially in the form attached as Exhibit B to the Stipulation
7 should be entered dismissing the Action with prejudice against Defendants; (c) to determine whether
8 the proposed Plan of Allocation for the proceeds of the Settlement is fair and reasonable and should
9 be approved; (d) to determine whether the motion by Co-Lead Counsel for an award of attorneys’
10 fees and payment of Litigation Expenses should be approved; and (e) to consider any other matters
11 that may properly be brought before the Court in connection with the Settlement. Notice of the
12 Settlement and the Settlement Hearing shall be given to Settlement Class Members as set forth in
13 paragraph 7 of this Order.

14 6. The Court may adjourn the Settlement Hearing without further notice to the
15 Settlement Class, and may approve the proposed Settlement with such modifications as the Parties
16 may agree to, if appropriate, without further notice to the Settlement Class.

17 7. **Retention of Claims Administrator and Manner of Giving Notice** – Co-Lead
18 Counsel are hereby authorized to retain Strategic Claims Services (the “Claims Administrator”) to
19 supervise and administer the notice procedure in connection with the proposed Settlement as well
20 as the processing of Claims as more fully set forth below. Notice of the Settlement and the
21 Settlement Hearing shall be given by Co-Lead Counsel as follows:

22 (a) within five (5) business days of the date of entry of this Order, Athira shall
23 provide or cause to be provided to the Claims Administrator in electronic format (at no cost to the
24 Settlement Fund, Co-Lead Counsel, Lead Plaintiffs, the Settlement Class or the Claims
25 Administrator) lists of purchasers of record of Athira publicly traded common stock during the Class
26 Period, including in the IPO and SPO, to the extent such lists are reasonably available from Athira’s
27 stock transfer agent;

28

1 (b) not later than ten (10) business days after the date of entry of this Order (the
2 “Notice Date”), the Claims Administrator shall cause a copy of the Notice and the Claim Form,
3 substantially in the forms attached hereto as Exhibits 1 and 2, respectively (the “Notice Packet”), to
4 be mailed by first-class mail to potential Settlement Class Members at the addresses set forth in the
5 records provided by Athira or in the records which Athira caused to be provided, or who otherwise
6 may be identified through further reasonable effort;

7 (c) contemporaneously with the mailing of the Notice Packet, the Claims
8 Administrator shall cause copies of the Notice and the Claim Form to be posted on a website to be
9 developed for the Settlement, from which copies of the Notice and Claim Form can be downloaded;

10 (d) not later than ten (10) business days after the Notice Date, the Claims
11 Administrator shall cause the Summary Notice, substantially in the form attached hereto as Exhibit
12 3, to be published once in *Investor’s Business Daily* and to be transmitted once over the *PR*
13 *NewsWire*; and

14 (e) not later than seven (7) calendar days prior to the Settlement Hearing, Co-
15 Lead Counsel shall serve on Defendants’ Counsel and file with the Court proof, by affidavit or
16 declaration, of such mailing and publication.

17 8. **Approval of Form and Content of Notice** – The Court (a) approves, as to form and
18 content, the Notice, the Claim Form, and the Summary Notice, attached hereto as Exhibits 1, 2, and
19 3, respectively, and (b) finds that the mailing and distribution of the Notice and Claim Form and the
20 publication of the Summary Notice in the manner and form set forth in paragraph 7 of this Order (i)
21 is the best notice practicable under the circumstances; (ii) constitutes notice that is reasonably
22 calculated, under the circumstances, to apprise Settlement Class Members of the pendency of the
23 Action, of the effect of the proposed Settlement (including the Releases to be provided thereunder),
24 of Co-Lead Counsel’s motion for an award of attorneys’ fees and payment of Litigation Expenses,
25 of their right to object to the Settlement, the Plan of Allocation and/or Co-Lead Counsel’s motion
26 for attorneys’ fees and payment of Litigation Expenses, of their right to exclude themselves from
27 the Settlement Class, and of their right to appear at the Settlement Hearing; (iii) constitutes due,
28 adequate and sufficient notice to all persons and entities entitled to receive notice of the proposed

1 Settlement; and (iv) satisfies the requirements of Rule 23 of the Federal Rules of Civil Procedure,
2 the United States Constitution (including the Due Process Clause), the Private Securities Litigation
3 Reform Act of 1995, Public Law No. 104-67, 109 Stat. 737 (codified as amended in scattered
4 sections of 15 U.S.C.), and all other applicable law and rules. The date and time of the Settlement
5 Hearing shall be included in the Notice and Summary Notice before they are mailed and published,
6 respectively.

7 9. **Nominee Procedures** – Brokers and other nominees who purchased or otherwise
8 acquired Athira publicly traded common stock during the Class Period, including in the IPO and the
9 SPO, for the benefit of another person or entity shall, within seven (7) calendar days of receipt of
10 the Notice either: (a) request from the Claims Administrator sufficient copies of the Notice Packet
11 to forward to all such beneficial owners and within seven (7) calendar days of receipt of those Notice
12 Packets forward them to all such beneficial owners; or (b) send a list of the names and addresses of
13 all such beneficial owners to the Claims Administrator, in which event the Claims Administrator
14 shall promptly mail the Notice Packet to such beneficial owners. Nominees shall also provide email
15 addresses for all such beneficial owners to the Claims Administrator, to the extent they are available.
16 Nominees that choose to follow procedure (a) shall also send a statement to the Claims
17 Administrator confirming that the mailing was made as directed. Upon full and timely compliance
18 with this Order, nominees may seek reimbursement of their reasonable expenses actually incurred,
19 not to exceed \$0.05 plus postage at the current pre-sort rate used by the Claims Administrator per
20 Notice Packet mailed; \$0.05 per name, address, and email address (to the extent available) provided
21 to the Claims Administrator, by providing the Claims Administrator with proper documentation
22 supporting the expenses for which reimbursement is sought. Such properly documented expenses
23 incurred by nominees in compliance with the terms of this Order shall be paid from the Settlement
24 Fund, with any disputes as to the reasonableness or documentation of expenses incurred subject to
25 review by the Court. Nominees are not authorized to print the Notice Packet themselves for mailing.
26 Notice Packets may only be printed by the Claims Administrator.

27 10. **Participation in the Settlement** – Settlement Class Members who wish to
28 participate in the Settlement and to be eligible to receive a distribution from the Net Settlement Fund

1 must complete and submit a Claim Form in accordance with the instructions contained therein.
2 Unless the Court orders otherwise, all Claim Forms must be postmarked no later than seven (7)
3 calendar days before the Settlement Hearing. Notwithstanding the foregoing, Co-Lead Counsel
4 may, at their discretion, accept for processing late Claims provided such acceptance does not delay
5 the distribution of the Net Settlement Fund to the Settlement Class. By submitting a Claim, a person
6 or entity shall be deemed to have submitted to the jurisdiction of the Court with respect to his, her
7 or its Claim and the subject matter of the Settlement.

8 11. Each Claim Form submitted must satisfy the following conditions: (a) it must be
9 properly completed, signed and submitted in a timely manner in accordance with the provisions of
10 the preceding paragraph; (b) it must be accompanied by adequate supporting documentation for the
11 transactions and holdings reported therein, in the form of broker confirmation slips, broker account
12 statements, an authorized statement from the broker containing the transactional and holding
13 information found in a broker confirmation slip or account statement, or such other documentation
14 as is deemed adequate by Co-Lead Counsel or the Claims Administrator; (c) if the person executing
15 the Claim Form is acting in a representative capacity, a certification of his, her or its current authority
16 to act on behalf of the Claimant must be included in the Claim Form to the satisfaction of Co-Lead
17 Counsel or the Claims Administrator; and (d) the Claim Form must be complete and contain no
18 material deletions or modifications of any of the printed matter contained therein and must be signed
19 under penalty of perjury.

20 12. Any Settlement Class Member that does not timely and validly submit a Claim Form
21 or whose Claim is not otherwise approved by the Court: (a) shall be deemed to have waived his, her
22 or its right to share in the Net Settlement Fund; (b) shall be forever barred from participating in any
23 distributions therefrom; (c) shall be bound by the provisions of the Stipulation and the Settlement
24 and all proceedings, determinations, orders and judgments in the Action relating thereto, including,
25 without limitation, the Judgment or Alternate Judgment, if applicable, and the Releases provided
26 for therein, whether favorable or unfavorable to the Settlement Class; and (d) will be barred from
27 commencing, maintaining or prosecuting any of the Released Plaintiffs' Claims against each and all
28 of the Defendants and other Released Defendants' Parties, as more fully described in the Stipulation

1 and Notice. Notwithstanding the foregoing, late Claim Forms may be accepted for processing as
2 set forth in paragraph 10 above.

3 13. **Exclusion From the Settlement Class** – Any member of the Settlement Class who
4 wishes to exclude himself, herself or itself from the Settlement Class must request exclusion in
5 writing within the time and in the manner set forth in the Notice, which shall provide that: (a) any
6 such request for exclusion from the Settlement Class must be mailed or delivered such that it is
7 received no later than twenty-one (21) calendar days prior to the Settlement Hearing, to: *Athira*
8 *Pharma Securities Litigation*, EXCLUSIONS, c/o Strategic Claims Services, P.O. Box 230, 600 N.
9 Jackson Street, Suite 205, Media, PA 19063, and (b) each request for exclusion must (i) state the
10 name, address, and telephone number of the person or entity requesting exclusion, and in the case
11 of entities, the name and telephone number of the appropriate contact person; (ii) state that such
12 person or entity “requests exclusion from the Settlement Class in the *Athira Pharma Securities*
13 *Litigation*, Case No. 2:21-cv-00861-TSZ”; (iii) state the number of shares of Athira common stock
14 that the person or entity requesting exclusion purchased/acquired and sold during the Class Period,
15 as well as the dates and prices of each such purchase/acquisition and sale; and (iv) be signed by the
16 person or entity requesting exclusion or an authorized representative. A request for exclusion shall
17 not be effective unless it provides all the required information and is received within the time stated
18 above, or is otherwise accepted by the Court.

19 14. Any person or entity who or which timely and validly requests exclusion in
20 compliance with the terms stated in this Order and is excluded from the Settlement Class shall not
21 be a Settlement Class Member, shall not be bound by the terms of the Settlement or any orders or
22 judgments in the Action and shall not receive any payment out of the Net Settlement Fund.

23 15. Any Settlement Class Member who or which does not timely and validly request
24 exclusion from the Settlement Class in the manner stated in this Order: (a) shall be deemed to have
25 waived his, her or its right to be excluded from the Settlement Class; (b) shall be forever barred from
26 requesting exclusion from the Settlement Class in this or any other proceeding; (c) shall be bound
27 by the provisions of the Stipulation and Settlement and all proceedings, determinations, orders and
28 judgments in the Action, including, but not limited to, the Judgment or Alternate Judgment, if

1 applicable, and the Releases provided for therein, whether favorable or unfavorable to the Settlement
2 Class; and (d) will be barred from commencing, maintaining or prosecuting any of the Released
3 Plaintiffs' Claims against any of the Defendants or other Released Defendants' Parties, as more
4 fully described in the Stipulation and Notice.

5 16. **Appearance and Objections at Settlement Hearing** – Any Settlement Class
6 Member who does not request exclusion from the Settlement Class may enter an appearance in the
7 Action, at his, her or its own expense, individually or through counsel of his, her or its own choice,
8 by filing with the Clerk of Court and delivering a notice of appearance to both Co-Lead Counsel
9 and Defendants' Counsel, at the addresses set forth in paragraph 17 below, such that it is received
10 no later than twenty-one (21) calendar days prior to the Settlement Hearing, or as the Court may
11 otherwise direct. Any Settlement Class Member who does not enter an appearance will be
12 represented by Co-Lead Counsel.

13 17. Any Settlement Class Member who does not request exclusion from the Settlement
14 Class may file a written objection to the proposed Settlement, the proposed Plan of Allocation,
15 and/or Co-Lead Counsel's motion for an award of attorneys' fees and payment of Litigation
16 Expenses and appear and show cause, if he, she or it has any cause, why the proposed Settlement,
17 the proposed Plan of Allocation and/or Co-Lead Counsel's motion for attorneys' fees and payment
18 of Litigation Expenses should not be approved; *provided, however*, that no Settlement Class
19 Member shall be heard or entitled to contest the approval of the terms and conditions of the proposed
20 Settlement, the proposed Plan of Allocation and/or the motion for attorneys' fees and payment of
21 Litigation Expenses unless that person or entity has filed a written objection with the Court and
22 served copies of such objection on Co-Lead Counsel and Defendants' Counsel at the addresses set
23 forth below such that they are received no later than twenty-one (21) calendar days prior to the
24 Settlement Hearing.

25 **Co-Lead Counsel**

26 Glancy Prongay & Murray LLP
27 Casey E. Sadler, Esq.
1925 Century Park East, Suite 2100
28 Los Angeles, CA 90067

Defendants' Counsel

Wilson Sonsini Goodrich & Rosati, P.C.
Gregory L. Watts, Esq.
701 Fifth Avenue, Suite 5100
Seattle, WA 98104-7036

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-and-

Labaton Sucharow LLP
Michael P. Canty, Esq.
140 Broadway
New York, New York 10005

-and-

Perkins Coie LLP
Sean C. Knowles, Esq.
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099

-and-

DLA Piper LLP (US)
Anthony Todaro, Esq.
701 Fifth Avenue, Suite 6900
Seattle, WA 98104-7029

18. Any objections, filings and other submissions by the objecting Settlement Class Member: (a) must state the name, address, and telephone number of the person or entity objecting and must be signed by the objector; (b) must contain a statement of the Settlement Class Member’s objection or objections, and the specific reasons for each objection, including whether it applies only to the objector, to a specific subset of the Settlement Class, or to the entire Settlement Class, and any legal and evidentiary support the Settlement Class Member wishes to bring to the Court’s attention; and (c) must include documents sufficient to prove membership in the Settlement Class, including the number of shares of Athira common stock that the objecting Settlement Class Member purchased/acquired and sold during the Class Period, as well as the dates and prices of each such purchase/acquisition and sale. Objectors who enter an appearance and desire to present evidence at the Settlement Hearing in support of their objection must include in their written objection or notice of appearance the identity of any witnesses they may call to testify and any exhibits they intend to introduce into evidence at the hearing.

19. Any Settlement Class Member who or which does not make his, her or its objection in the manner provided herein shall be deemed to have waived his, her or its right to object to any aspect of the proposed Settlement, the proposed Plan of Allocation, and Co-Lead Counsel’s motion for an award of attorneys’ fees and payment of Litigation Expenses and shall be forever barred and foreclosed from objecting to the fairness, reasonableness or adequacy of the Settlement, the Plan of Allocation or the requested attorneys’ fees and Litigation Expenses, or from otherwise being heard concerning the Settlement, the Plan of Allocation or the requested attorneys’ fees and Litigation Expenses in this or any other proceeding.

1 20. **Stay and Temporary Injunction** – Until otherwise ordered by the Court, the Court
2 stays all proceedings in the Action other than proceedings necessary to carry out or enforce the terms
3 and conditions of the Stipulation. Pending final determination of whether the Settlement should be
4 approved, the Court bars and enjoins Lead Plaintiffs, and all other members of the Settlement Class,
5 from commencing or prosecuting any and all of the Released Plaintiffs’ Claims against each and all
6 of the Defendants and other Released Defendants’ Parties.

7 21. **Settlement Administration Fees and Expenses** – All reasonable costs incurred in
8 identifying Settlement Class Members and notifying them of the Settlement, as well as in
9 administering the Settlement, shall be paid as set forth in the Stipulation without further order of the
10 Court.

11 22. **Settlement Fund** – The contents of the Settlement Fund held by Citibank N.A.
12 (Private Bank), as Escrow Agent, shall be deemed and considered to be *in custodia legis* of the
13 Court, and shall remain subject to the jurisdiction of the Court, until such time as they shall be
14 distributed pursuant to the Stipulation and/or further order(s) of the Court.

15 23. **Taxes** – Co-Lead Counsel are authorized and directed to prepare any tax returns and
16 any other tax reporting forms for or in respect to the Settlement Fund, to pay from the Settlement
17 Fund any Taxes owed with respect to the Settlement Fund, and to otherwise perform all obligations
18 with respect to Taxes and any reporting or filings in respect thereof without further order of the
19 Court and in a manner consistent with the provisions of the Stipulation.

20 24. **Termination of Settlement** – If the Settlement is terminated as provided in the
21 Stipulation, the Settlement is not approved, or the Effective Date of the Settlement otherwise fails
22 to occur, this Order shall be vacated, rendered null and void and be of no further force and effect,
23 except as otherwise provided by the Stipulation, and this Order shall be without prejudice to the
24 rights of Lead Plaintiffs, the other Settlement Class Members and Defendants, and the Parties shall
25 revert to their respective positions in the Action as of February 28, 2023, as provided in the
26 Stipulation.

27 25. **Use of this Order** – Neither this Order, the Term Sheet, the Stipulation (whether or
28 not consummated), including the exhibits thereto and the Plan of Allocation contained therein (or

1 any other plan of allocation that may be approved by the Court), the negotiations leading to the
2 execution of the Term Sheet and the Stipulation, nor any proceedings taken pursuant to or in
3 connection with the Term Sheet, the Stipulation and/or approval of the Settlement (including any
4 arguments proffered in connection therewith): (a) shall be offered against Defendants or any of the
5 other Released Defendants' Parties as evidence of, or construed as, or deemed to be evidence of any
6 presumption, concession, or admission by any of the Defendants or other Released Defendants'
7 Parties with respect to the truth of any fact alleged by Lead Plaintiffs or the validity of any claim
8 that was or could have been asserted or the deficiency of any defense that has been or could have
9 been asserted in this Action or in any other litigation, or of any liability, negligence, fault, or other
10 wrongdoing of any kind of any of the Defendants or other Released Defendants' Parties or in any
11 way referred to for any other reason as against any of the Defendants or other Released Defendants'
12 Parties, in any civil, criminal or administrative action or other proceeding; (b) shall be offered
13 against Lead Plaintiffs or any of the other Released Plaintiffs' Parties, as evidence of, or construed
14 as, or deemed to be evidence of any presumption, concession or admission by any of the Lead
15 Plaintiffs or other Released Plaintiffs' Parties that any of their claims are without merit, that any of
16 the Defendants or the other Released Defendants' Parties had meritorious defenses, or that damages
17 recoverable under the Complaint would not have exceeded the Settlement Amount or with respect
18 to any liability, negligence, fault or wrongdoing of any kind, or in any way referred to for any other
19 reason as against Lead Plaintiffs and any of the Released Plaintiffs' Parties, in any civil, criminal or
20 administrative action or other proceeding; or (c) shall be construed against any of the Releasees as
21 an admission, concession, or presumption that the consideration to be given under the Settlement
22 represents the amount which could be or would have been recovered after trial; *provided, however,*
23 that if the Stipulation is approved by the Court, the Parties and the Releasees and their respective
24 counsel may refer to it to effectuate the protections from liability granted thereunder or otherwise to
25 enforce the terms of the Settlement.

26 26. **Supporting Papers** – Co-Lead Counsel shall file and serve the opening papers in
27 support of approval of the proposed Settlement, the Plan of Allocation, and Co-Lead Counsel's
28 motion for an award of attorneys' fees and payment of Litigation Expenses no later than thirty-five

1 (35) calendar days prior to the Settlement Hearing; and reply papers, if any, shall be filed and served
2 no later than seven (7) calendar days prior to the Settlement Hearing.

3 27. The Court retains jurisdiction to consider all further applications arising out of or
4 connected with the proposed Settlement.

5 SO ORDERED this _____ day of _____, 2023.

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The Honorable Thomas S. Zilly
United States District Judge

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Exhibit 1

Exhibit 1

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANTONIO BACHAALANI NACIF and
WIES RAFI, Individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

ATHIRA PHARMA, INC., et al.,

Defendants.

CASE NO.: 2:21-cv-00861-TSZ
(Consolidated with 21-cv-00862-TSZ and
21-cv-00864-TSZ)

**NOTICE OF (I) PENDENCY OF CLASS ACTION AND PROPOSED SETTLEMENT;
(II) SETTLEMENT HEARING; AND (III) MOTION FOR AN AWARD OF
ATTORNEYS' FEES AND PAYMENT OF LITIGATION EXPENSES**

A Federal Court authorized this Notice. This is not a solicitation from a lawyer.

NOTICE OF PENDENCY OF CLASS ACTION: Please be advised that your rights may be affected by the above-captioned securities class action (the "Action") pending in the United States District Court for the Western District of Washington (the "Court"), if you purchased or otherwise acquired Athira Pharma, Inc. ("Athira" or the "Company") publicly traded common stock: (a) during the period from September 17, 2020 through June 17, 2021, inclusive (the "Class Period"); (b) pursuant and/or traceable to the registration statement and prospectus issued in connection with Athira's September 2020 initial public offering ("IPO"); and/or (c) pursuant and/or traceable to

the registration statement and prospectus issued in connection with Athira's January 2021 secondary public offering ("SPO"), and were damaged thereby.¹

NOTICE OF SETTLEMENT: Please also be advised that the Court-appointed lead plaintiffs, Antonio Bachaalani Nacif and Wies Rafi (collectively, "Lead Plaintiffs"), on behalf of themselves and the Settlement Class (as defined in ¶ 22 below), have reached a proposed settlement of the Action for \$10,000,000 in cash that, if approved, will resolve all claims in the Action and related claims (the "Settlement").

PLEASE READ THIS NOTICE CAREFULLY. This Notice explains important rights you may have, including the possible receipt of cash from the Settlement. If you are a member of the Settlement Class, your legal rights will be affected whether or not you act.

If you have any questions about this Notice, the proposed Settlement, or your eligibility to participate in the Settlement, please DO NOT contact Athira, any other Defendants in the Action, or their counsel. All questions should be directed to Co-Lead Counsel or the Claims Administrator (see ¶¶ 6 and 82 below).

1. **Description of the Action and the Settlement Class:** This Notice relates to a proposed Settlement of claims in a pending securities class action brought by investors alleging, among other things, that Defendants² violated the federal securities laws by making false and misleading statements related to allegedly altered images in certain research papers co-authored by Dr. Kawas. A more detailed description of the Action is set forth in paragraphs 11-21 below. The proposed Settlement, if approved by the Court, will settle claims of the Settlement Class, as defined in paragraph 22 below.

2. **Statement of the Settlement Class's Recovery:** Subject to Court approval, Lead Plaintiffs, on behalf of themselves and the Settlement Class, have agreed to settle the Action in exchange for a settlement payment of \$10,000,000 in cash (the "Settlement Amount") which Athira shall pay or cause to be paid into an escrow account. The Net Settlement Fund (*i.e.*, the Settlement Amount plus any and all interest earned thereon (the "Settlement Fund") less (a) any Taxes, (b) any Notice and Administration Costs, (c) any Litigation Expenses awarded by the Court, and (d) any attorneys' fees awarded by the Court) will be distributed in accordance with a plan of allocation that is approved by the Court, which will determine how the Net Settlement Fund shall be allocated among members of the Settlement Class. The proposed plan of allocation (the "Plan of Allocation") is set forth on pages ___ - ___ below.

¹ All capitalized terms used in this Notice that are not otherwise defined herein shall have the meanings ascribed to them in the Stipulation and Agreement of Settlement dated April 27, 2023 (the "Stipulation"), which is available at www.AthiraSecuritiesSettlement.com.

² Dr. Kawas, Glenna Mileson, Dr. Tadataka Yamada, Joseph Edelman, James A. Johnson, and John M. Fluke, Jr. are collectively referred to herein as the "Individual Defendants." Claims were also brought against Goldman Sachs & Co. LLC, Jefferies LLC, Stifel, Nicolaus & Company, Inc., and JMP Securities LLC (collectively, the "Underwriter Defendants," and together with Athira and the Individual Defendants, the "Defendants"). With the exception of Dr. Kawas and Athira, the Court dismissed all claims against the Individual Defendants and Underwriter Defendants in a July 29, 2022 order that granted in part and denied in part the Defendants' motions to dismiss.

3. **Estimate of Average Amount of Recovery Per Share:** Based on Lead Plaintiffs' consulting damages expert's estimates of the number of shares of Athira publicly traded common stock purchased during the Class Period that may have been affected by the conduct at issue in the Action and assuming that all Settlement Class Members elect to participate in the Settlement, the estimated average recovery (before the deduction of any Court-approved fees, expenses and costs as described herein) per eligible share is \$0.47. Settlement Class Members should note, however, that the foregoing average recovery per share is only an estimate. Some Settlement Class Members may recover more or less than this estimated amount depending on, among other factors, the number of shares of Athira common stock they purchased, when and at what prices they purchased/acquired or sold their Athira common stock, and the total number of valid Claims submitted. Distributions from the Net Settlement Fund to Settlement Class Members will be made based on the Plan of Allocation set forth herein (*see* pages ___ - ___ below) or such other plan of allocation as may be approved by the Court.

4. **Average Amount of Damages Per Share:** The Parties do not agree on the average amount of damages per share that would be recoverable if Lead Plaintiffs were to prevail in the Action. Among other things, Defendants disagree with the assertion that they violated the federal securities laws or that any damages were suffered by any members of the Settlement Class as a result of their conduct.

5. **Attorneys' Fees and Expenses Sought:** Plaintiffs' Counsel, who have been prosecuting the Action on a wholly contingent basis since its inception in 2021, have not received any payment of attorneys' fees for their work on behalf of the Settlement Class and have advanced the funds to pay expenses necessarily incurred to prosecute this Action. Court-appointed lead counsel, Glancy Prongay & Murray, LLP and Labaton Sucharow LLP (collectively, "Co-Lead Counsel"), will apply to the Court for an award of attorneys' fees for all Plaintiffs' Counsel in an amount not to exceed 33 $\frac{1}{3}$ % of the Settlement Fund. In addition, Co-Lead Counsel will apply for payment of Litigation Expenses in an amount not to exceed \$125,000, which may include an application for reimbursement of the reasonable costs and expenses incurred by Lead Plaintiffs related to their representation of the Settlement Class. Any fees and expenses awarded by the Court will be paid from the Settlement Fund. Settlement Class Members are not personally liable for any such fees or expenses. Estimates of the average cost per affected share of Athira common stock, if the Court approves Co-Lead Counsel's fee and expense application, is \$0.16 per eligible share.

6. **Identification of Attorneys' Representatives:** Lead Plaintiffs and the Settlement Class are represented by Casey E. Sadler, Esq. of Glancy Prongay & Murray, LLP, 1925 Century Park East, Suite 2100, Los Angeles, CA 90067, (888) 773-9224, settlements@glancylaw.com; and Michael P. Canty, Esq., of Labaton Sucharow LLP, 140 Broadway, New York, New York 10005, (888) 219-6877, settlementquestions@labaton.com.

7. **Reasons for the Settlement:** The Court did not finally decide in favor of Lead Plaintiffs or Defendants. Instead, the Parties have agreed to settle. Lead Plaintiffs' principal reason for entering into the Settlement is the substantial certain cash benefit for the Settlement Class without the risk or the delays inherent in further litigation. The substantial cash benefit must be considered against the significant risk that a smaller recovery—or no recovery at all—might be achieved after contested motions, a trial and the likely appeals that would follow a trial. This process could last several years. The Defendants deny the allegations that they made any material misstatements or omissions; that any member of the Settlement Class has suffered any damages; or that the price of

Athira stock was artificially inflated by reason of any alleged misstatements or omissions. Defendants, who deny all allegations of wrongdoing or liability whatsoever, are entering into the Settlement solely to eliminate the uncertainty, burden and expense of further protracted litigation.

| YOUR LEGAL RIGHTS AND OPTIONS IN THE SETTLEMENT: | |
|---|--|
| SUBMIT A CLAIM FORM POSTMARKED NO LATER THAN _____, 2023. | This is the only way to be eligible to receive a payment from the Settlement Fund. If you are a Settlement Class Member, you will be bound by the Settlement and you will give up any Released Plaintiffs' Claims (defined in ¶ 27 below) that you have against Defendants and the other Released Defendants' Parties (defined in ¶ 28 below), so it is in your interest to submit a Claim Form. |
| EXCLUDE YOURSELF FROM THE SETTLEMENT CLASS BY SUBMITTING A WRITTEN REQUEST THAT IS RECEIVED NO LATER THAN _____, 2023. | If you exclude yourself from the Settlement Class, you will not be eligible to receive any payment from the Settlement Fund. This is the only option that allows you to ever be part of any other lawsuit against the Defendants or the other Released Defendants' Parties concerning the Released Plaintiffs' Claims. |
| SUBMIT A WRITTEN OBJECTION SO THAT IT IS RECEIVED NO LATER THAN _____, 2023. | If you do not like the proposed Settlement, the proposed Plan of Allocation, or the request for attorneys' fees and Litigation Expenses, you may write to the Court and explain why you do not like them. You cannot object unless you are a Settlement Class Member and do not exclude yourself from the Settlement Class. |
| GO TO A HEARING ON _____, 2023 AT __:__.M., AND FILE A NOTICE OF INTENTION TO APPEAR SO THAT IT IS RECEIVED NO LATER THAN _____, 2023. | Filing an objection and notice of intention to appear by _____, 2023 allows you to speak in Court, at the discretion of the Court, about your objection. |
| DO NOTHING. | If you are a member of the Settlement Class and you do nothing, you will not receive a payment. You will, however, remain in the Settlement Class and give up your right to sue about the claims that are resolved by the Settlement and you will be bound by any judgments or orders entered by the Court in the Action. |

WHAT THIS NOTICE CONTAINS

| | |
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WHY DID I GET THIS NOTICE?

8. The Court directed that this Notice be mailed to you because you or someone in your family or an investment account for which you serve as a custodian may have purchased or otherwise acquired Athira common stock during the Class Period. The Court has directed us to send you this Notice because, as a potential Settlement Class Member, you have a right to know about your options before the Court rules on the proposed Settlement.

9. The purpose of this Notice is to inform you of the existence of this class action, how you might be affected, and how to exclude yourself from the Settlement Class if you wish to do so. It also informs you of the terms of the proposed Settlement, and of a hearing to be held by the Court to consider the fairness, reasonableness, and adequacy of the Settlement, the proposed Plan of Allocation and the motion by Co-Lead Counsel for an award of attorneys' fees and Litigation Expenses (the "Settlement Hearing"). See paragraph 71 below for details about the Settlement Hearing, including the date and location of the hearing.

10. The issuance of this Notice is not an expression of any opinion by the Court concerning the merits of any claim or defense in the Action, and the Court still has to decide whether to approve the Settlement. If the Court approves the Settlement and a plan of allocation, then payments to Authorized Claimants will be made after any appeals are resolved and after the completion of all claims processing. Please be patient, as this process can take some time to complete.

WHAT IS THIS CASE ABOUT?

11. The Action was commenced by the filing of a class action complaint on June 25, 2021 in the United States District Court for the Western District of Washington (the "Court"), styled *Fan Wang and Hang Gao v. Athira Pharma, Inc. et al.*, Case No. 2:21-cv-00861. Two other class action complaints—styled *Jawandha v. Athira Pharma, Inc. et al.*, Case No. 2:21-cv-00862, and

Slyne v. Athira Pharma, Inc., et al., Case No. 2:21-cv-00864—were also filed in the Court. The Court subsequently consolidated these three cases.

12. By Order dated October 5, 2021, Antonio Bachaalani Nacif and Wies Rafi were appointed Lead Plaintiffs, Labaton Sucharow LLP and Glancy Prongay & Murray, LLP were approved as Co-Lead Counsel, and Rossi Vucinovich, P.C. were approved as Liaison Counsel.

13. On January 7, 2022, Lead Plaintiffs filed and served the operative consolidated amended complaint in the Action. It asserted claims against Athira and the Individual Defendants under Section 10(b) and Section 20(a) of the Securities Exchange Act of 1934 (the “Exchange Act”) and Rule 10b-5 promulgated thereunder, claims against all Defendants under Sections 11 and 12(a)(2) of the Securities Act of 1933 (the “Securities Act”) with respect to the Company’s IPO and SPO, and claims against the Individual Defendants under Section 15 of the Securities Act with respect to the Company’s IPO and SPO (the “Complaint”). Among other things, the Complaint alleged that Defendants made materially false and misleading statements and/or failed to disclose that the Company’s president and chief executive officer, Dr. Kawas, had improperly enhanced images in certain research papers she co-authored that were published from 2011 to 2014, which were referenced in certain applications by Washington State University (“WSU”) for patents that were then exclusively licensed to Athira. The Complaint further alleged that, when information regarding the allegedly enhanced images was publicly disclosed, the Company’s stock price was negatively impacted.

14. Following briefing on Defendants’ motions to dismiss the Complaint, the Court granted in part and denied in part those motions on July 29, 2022 (the “MTD Order”). The MTD Order denied Defendants’ motions with respect to Lead Plaintiffs’ claims under Sections 11 and 15 of the Securities Act against Dr. Kawas and Athira solely as to “Statement 3,” which was contained in Athira’s IPO and SPO Registration Statements and discussed Athira’s exclusive patent licensing agreement with WSU. The MTD Order granted Defendants motions to dismiss with respect to Lead Plaintiffs’ claims under Sections 11 and 15 of the Securities Act against Dr. Kawas and Athira with regard to all statements in the IPO and SPO Registration Statements other than “Statement 3.” In addition, the MTD Order dismissed all claims under Section 12(a)(2) of the Securities Act, all claims under the Exchange Act, all claims against the other Individual Defendants, and all claims against the Underwriter Defendants.

15. Following the MTD Order and the denial of Dr. Kawas’s subsequent motion for partial reconsideration of the order, Athira and Dr. Kawas separately filed answers to the Complaint.

16. Thereafter, the Private Securities Litigation Reform Act of 1995 (“PSLRA”) discovery stay was lifted and the remaining Parties began discovery. Lead Plaintiffs and the remaining Defendants propounded requests for production of documents and interrogatories. The remaining Defendants and Lead Plaintiffs responded to this discovery, including providing verified interrogatory responses and producing documents. At the time the Settlement was reached, Lead Plaintiffs were preparing for class certification and fact depositions.

17. On February 16, 2023, Lead Plaintiffs and the remaining Defendants participated in a full-day mediation session with Jed Melnick, Esq. of JAMS. In advance of the session, Lead Plaintiffs and the remaining Defendants exchanged and provided to the mediator detailed mediation

statements and exhibits, which addressed issues of both liability and damages. The session culminated in an agreement in principle to settle the Action.

18. Over the course of the next several weeks, the Parties negotiated a term sheet (the “Term Sheet”) containing the essential terms of the Settlement, which was fully executed on February 28, 2023.

19. In connection with the agreement in principle to settle the Action set forth in the Term Sheet, Athira also provided Co-Lead Counsel with additional document discovery, which consisted of documents that the Special Committee of Athira’s Board of Directors considered and relied on in its investigation into the conduct at issue. Review of the additional documents produced by Athira, together with the previous discovery and Co-Lead Counsel’s investigation to date, has confirmed for Lead Plaintiffs and Co-Lead Counsel that the Settlement is fair, reasonable and adequate to Lead Plaintiffs and the other members of the Settlement Class.

20. Defendants are entering into the Settlement solely to eliminate the uncertainty, burden and expense of further protracted litigation. Each of the Defendants denies any wrongdoing or liability, and the Stipulation shall in no event be construed or deemed to be evidence of or an admission or concession on the part of any of the Defendants, or any other of the Released Defendants’ Parties (defined in ¶ 28 below), with respect to any claim or allegation of any fault or liability or wrongdoing or damage whatsoever, or any infirmity in the defenses that the Defendants have, or could have, asserted. Similarly, the Stipulation shall in no event be construed or deemed to be evidence of or an admission or concession on the part of any Lead Plaintiff of any infirmity in any of the claims asserted in the Action, or an admission or concession that any of the Defendants’ defenses to liability had any merit.

21. On _____, 2023, the Court preliminarily approved the Settlement, authorized this Notice to be disseminated to potential Settlement Class Members, and scheduled the Settlement Hearing to consider whether to grant final approval to the Settlement.

**HOW DO I KNOW IF I AM AFFECTED BY THE SETTLEMENT?
WHO IS INCLUDED IN THE SETTLEMENT CLASS?**

22. If you are a member of the Settlement Class, you are subject to the Settlement, unless you timely request to be excluded. The Settlement Class consists of:

all persons and entities who or which purchased or otherwise acquired Athira Pharma, Inc. publicly traded common stock: (a) during the period from September 17, 2020 through June 17, 2021, inclusive (the “Class Period”); (b) pursuant and/or traceable to the registration statement and prospectus issued in connection with the Company’s September 2020 IPO; and/or (c) pursuant and/or traceable to the registration statement and prospectus issued in connection with the Company’s January 2021 SPO, and were damaged thereby.

Excluded from the Settlement Class are: (a) Defendants; (b) any person who served as a partner, control person, executive officer and/or director of Athira or the Underwriter Defendants during the Class Period, and members of their Immediate Family; (c) present and former parents, subsidiaries, assigns, successors, affiliates, and predecessors of Athira and the Underwriter

Defendants; (d) any entity in which the Defendants have or had a controlling interest; © any trust of which an Individual Defendant is the settlor or which is for the benefit of an Individual Defendant and/or member(s) of their Immediate Family; (f) liability insurance carriers for Athira or the Individual Defendants; and (g) the legal representatives, heirs, successors, and assigns of any person or entity excluded under provisions (a) through (f) hereof. Notwithstanding any provision to the contrary, (a) any Investment Vehicle shall not be excluded from the Settlement Class; and (b) “affiliates” are persons or entities that directly, or indirectly through one or more intermediaries, control, are controlled by or are under common control with one of the Defendants, including Athira’s employee retirement and/or benefit plan(s). Also excluded from the Settlement Class are any persons or entities who or which exclude themselves by submitting a request for exclusion in accordance with the requirements set forth in this Notice. *See* “What If I Do Not Want To Be A Member Of The Settlement Class? How Do I Exclude Myself,” on page [] below.

PLEASE NOTE: RECEIPT OF THIS NOTICE DOES NOT MEAN THAT YOU ARE A SETTLEMENT CLASS MEMBER OR THAT YOU WILL BE ENTITLED TO RECEIVE A PAYMENT. IF YOU WISH TO BE ELIGIBLE FOR A PAYMENT, YOU MUST SUBMIT THE CLAIM FORM THAT IS BEING DISTRIBUTED WITH THIS NOTICE AND THE REQUIRED SUPPORTING DOCUMENTATION POSTMARKED NO LATER THAN _____, 2023.

WHAT MIGHT HAPPEN IF THERE WERE NO SETTLEMENT?

23. If there were no Settlement, the expense and length of continued proceedings necessary to pursue Lead Plaintiffs’ claims against the remaining Defendants through trial and appeals would be substantial. Additionally, the Court’s MTD Order left only one actionable allegedly false and misleading statement from Athira’s IPO materials and SPO materials, which was related to Athira’s exclusive patent licensing agreement with WSU. Defendants had numerous avenues of attack that could preclude a recovery as to this statement. For example, they would likely assert that the statement was not materially false and misleading. Even if the hurdles to establishing liability were overcome, the amount of damages that could be attributed to the allegedly false statement would be hotly contested. Lead Plaintiffs would also have to prevail at several stages before any money could be recovered—motions for class certification and summary judgment, trial, and if they prevailed on those, in the appeals that were likely to follow. If Defendants were successful in proving any of their defenses, either at summary judgment, at trial or on appeal, the Settlement Class could recover substantially less than the amount provided in the Settlement, or nothing at all. Thus, there were very significant risks to the continued prosecution of the Action.

HOW ARE SETTLEMENT CLASS MEMBERS AFFECTED BY THE ACTION AND THE SETTLEMENT?

24. As a Settlement Class Member, you are represented by Lead Plaintiffs and Co-Lead Counsel, unless you enter an appearance through counsel of your own choice at your own expense. You are not required to retain your own counsel, but if you choose to do so, such counsel must file a notice of appearance on your behalf and must serve copies of his or her appearance on the attorneys listed in the section entitled, “When And Where Will The Court Decide Whether To Approve The Settlement?” below.

25. If you are a Settlement Class Member and you do not exclude yourself from the Settlement Class, you will be bound by any orders issued by the Court. If the Settlement is approved, the Court will enter a judgment (the “Judgment”). The Judgment will dismiss with prejudice the claims against Defendants and related claims and will provide that, upon the Effective Date of the Settlement, Lead Plaintiffs and each of the other Settlement Class Members, on behalf of themselves, and their respective heirs, executors, administrators, trustees, predecessors, successors, and assigns, in their capacities as such only, shall be deemed to have, and by operation of law and of the judgment shall have, fully, finally and unconditionally released as against the Released Defendants’ Parties (as defined in ¶ 28 below) each and every Released Plaintiffs’ Claim (as defined in ¶ 27 below), and shall forever be barred and enjoined from prosecuting any or all of the Released Plaintiffs’ Claims against any of the Released Defendants’ Parties.

26. If you are a Settlement Class Member and do not wish to remain a Settlement Class Member, you may exclude yourself from the Settlement Class by following the instructions in the section entitled, “What If I Do Not Want To Be A Member Of The Settlement Class? How Do I Exclude Myself?,” below.

27. “Released Plaintiffs’ Claims” means any and all claims, demands, rights, liabilities, and causes of action of every nature and description, whether known claims or Unknown Claims, contingent or absolute, mature or not mature, liquidated or unliquidated, accrued or not accrued, concealed or hidden, whether direct, representative, class, or individual in nature, regardless of legal or equitable theory and whether arising under federal, state, common, or foreign law, that Lead Plaintiffs or any other member of the Settlement Class: (a) asserted in the Action; or (b) could have asserted in any court or forum, that arise out of or are based upon (i) the allegations, transactions, facts, matters or occurrences, representations or omissions set forth or referred to in the complaints filed in the Action, and (ii) the purchase, acquisition, sale, or holding of Athira publicly traded common stock during the Class Period or pursuant and/or traceable to the registration statements and prospectuses issued in connection with Athira’s IPO or SPO. Released Plaintiffs’ Claims do not include: (a) any claims relating to enforcement of the Settlement; (b) any claims of any person or entity who or which submits a request for exclusion from the Settlement Class that is accepted by the Court; and (c) any derivative claims asserted by shareholders on behalf of Athira in the related consolidated shareholder derivative lawsuits, captioned *Bushansky v. Kawas et al.*, Case No. 2:22-cv-497-TSZ (W.D. Wash.) and *Houlihan v. Kawas et al.*, Case No. 2:22-cv-620-TSZ (W.D. Wash.).

28. “Released Defendants’ Parties” means (a) each Defendant; (b) the Immediate Family members of the Individual Defendants; (c) direct or indirect parent entities, subsidiaries, related entities, and affiliates of Athira and the Underwriter Defendants; (d) any trust of which any Individual Defendant is the settlor or which is for the benefit of any Individual Defendant and/or his or her Immediate Family members; (e) for any of the entities listed in parts (a) through (d), their respective past and present general partners, limited partners, principals, shareholders, joint venturers, members, officers, directors, managers, managing directors, supervisors, employees, contractors, consultants, experts, auditors, accountants, financial advisors, professional advisors, investment bankers, representatives, insurers, trustees, trustors, agents, attorneys, professionals, predecessors, successors, assigns, legal representatives, heirs, executors, administrators, and any controlling person thereof; and (f) any entity in which a Defendant has a controlling interest; all in their capacities as such.

29. “Unknown Claims” means any Released Plaintiffs’ Claims which any Lead Plaintiff or any other Settlement Class Member does not know or suspect to exist in his, her or its favor at the time of the release of such claims, and any Released Defendants’ Claims which any Defendant or any other Released Defendant Party does not know or suspect to exist in his, her, or its favor at the time of the release of such claims, which, if known by him, her or it, might have affected his, her or its decision(s) with respect to this Settlement. With respect to any and all Released Claims, the Parties stipulate and agree that, upon the Effective Date of the Settlement, Lead Plaintiffs and Defendants shall expressly waive, and each of the other Settlement Class Members and each of the other Released Defendants’ Parties shall be deemed to have waived, and by operation of the Judgment or the Alternate Judgment, if applicable, 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 or foreign law, which is similar, comparable, or equivalent to California Civil 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.

Lead Plaintiffs and Defendants acknowledge, and each of the other Settlement Class Members and each of the other Released Defendants’ Parties shall be deemed by operation of law to have acknowledged, that the foregoing waiver was separately bargained for and a key element of the Settlement.

30. The Judgment will also provide that, upon the Effective Date of the Settlement, Defendants and the other Released Defendants’ Parties, on behalf of themselves and their respective heirs, executors, administrators, trustees, predecessors, successors, and assigns, in their capacities as such only, shall be deemed to have, and by operation of law and of the judgment shall have, fully, finally and unconditionally released as against Lead Plaintiffs and the other Released Plaintiffs’ Parties (as defined in ¶ 32 below) each and every Released Defendants’ Claim (as defined in ¶ 31 below), and shall forever be barred and enjoined from prosecuting any or all of the Released Defendants’ Claims against any of the Released Plaintiffs’ Parties.

31. “Released Defendants’ Claims” means all claims and causes of action of every nature and description, whether known claims or Unknown Claims, whether arising under federal, state, local, common, statutory, administrative, or foreign law, or any other law, rule, or regulation, at law or in equity, whether fixed or contingent, whether foreseen or unforeseen, whether accrued or unaccrued, whether liquidated or unliquidated, whether matured or unmatured, whether direct, representative, class, or individual in nature that arise out of or relate in any way to the institution, prosecution, or settlement of the claims against the Defendants. Released Defendants’ Claims do not include any claims relating to the enforcement of the Settlement or any claims against any person or entity who or which submits a request for exclusion from the Settlement Class that is accepted by the Court.

32. “Released Plaintiffs’ Parties” means (a) Lead Plaintiffs, all Settlement Class members, Plaintiffs’ Counsel, and (b) each of their respective family members, and their respective general partners, limited partners, principals, shareholders, joint venturers, members, officers, directors, managers, managing directors, supervisors, employees, contractors, consultants, experts, auditors, accountants, financial advisors, professional advisors, investment bankers, representatives,

insurers, trustees, trustors, agents, attorneys, legal representatives, professionals, predecessors, successors, assigns, heirs, executors, administrators, and any controlling person thereof, in their capacities as such.

HOW DO I PARTICIPATE IN THE SETTLEMENT? WHAT DO I NEED TO DO?

33. To be eligible for a payment from the proceeds of the Settlement, you must be a member of the Settlement Class and you must timely complete and return the Claim Form with adequate supporting documentation to the Claims Administrator **postmarked or submitted online using the Settlement website no later than _____, 2023**. A Claim Form is included with this Notice, or you may obtain one from the website for the Settlement, www.AthiraSecuritiesSettlement.com. You may also request that a Claim Form be mailed to you by calling the Claims Administrator toll free at 1-866-274-4004. Please retain all records of your ownership of and transactions in Athira common stock, as they may be needed to document your Claim. If you request exclusion from the Settlement Class or do not submit a timely and valid Claim Form, you will not be eligible to share in the Net Settlement Fund.

HOW MUCH WILL MY PAYMENT BE?

34. At this time, it is not possible to make any determination as to how much any individual Settlement Class Member may receive from the Settlement.

35. Pursuant to the Settlement, Athira has agreed to pay or cause the payment of ten million dollars (\$10,000,000) in cash. The Settlement Amount plus any interest or earnings thereon is referred to as the "Settlement Fund." If the Settlement is approved by the Court and the Effective Date occurs, the "Net Settlement Fund" (that is, the Settlement Fund less (a) all federal, state and/or local taxes on any income earned by the Settlement Fund and the reasonable costs incurred in connection with determining the amount of and paying taxes owed by the Settlement Fund (including reasonable expenses of tax attorneys and accountants); (b) the costs and expenses incurred in connection with providing notice to Settlement Class Members and administering the Settlement on behalf of Settlement Class Members; and (c) any attorneys' fees and Litigation Expenses awarded by the Court) will be distributed to Settlement Class Members who submit valid Claim Forms, in accordance with the proposed Plan of Allocation set forth below or such other plan of allocation as the Court may approve.

36. The Net Settlement Fund will not be distributed unless and until the Court has approved the Settlement and a plan of allocation, and the time for any petition for rehearing, appeal or review, whether by certiorari or otherwise, has expired.

37. Neither Athira, the Individual Defendants, nor any other entity that paid any portion of the Settlement Amount on their behalf is entitled to get back any portion of the Settlement Fund once the Court's order or judgment approving the Settlement becomes Final. Defendants shall not have any liability, obligation or responsibility for the administration of the Settlement, the disbursement of the Net Settlement Fund or the plan of allocation.

38. Approval of the Settlement is independent from approval of a plan of allocation. Any determination with respect to a plan of allocation will not affect the Settlement, if approved.

39. Unless the Court otherwise orders, any Settlement Class Member who fails to submit a Claim Form postmarked on or before _____, 2023 shall be fully and forever barred from receiving payments pursuant to the Settlement but will in all other respects remain a Settlement Class Member and be subject to the provisions of the Stipulation, including the terms of any judgment entered and the releases given. *See* ¶¶ 25 - 32 above.

40. Participants in and beneficiaries of a plan covered by ERISA (“ERISA Plan”) should NOT include any information relating to their transactions in Athira common stock held through the ERISA Plan in any Claim Form that they submit. They should include ONLY those shares that they purchased or acquired outside of the ERISA Plan. Athira’s employee retirement and/or benefit plan(s) are excluded from the Settlement Class.

41. The Court has reserved jurisdiction to allow, disallow, or adjust on equitable grounds any Claim. Each Claimant shall be deemed to have submitted to the jurisdiction of the Court with respect to his, her or its Claim.

42. Only Settlement Class Members will be eligible to share in the distribution of the Net Settlement Fund. Persons and entities that are excluded from the Settlement Class by definition, or that exclude themselves from the Settlement Class pursuant to request, will not be eligible to receive a distribution from the Net Settlement Fund and should not submit Claim Forms. Athira common stock is the only security included in the Settlement.

PROPOSED PLAN OF ALLOCATION

43. The Plan of Allocation (the “Plan of Allocation” or “Plan”) set forth below is the plan for the distribution of the Settlement proceeds that is being proposed by Lead Plaintiffs and Co-Lead Counsel to the Court for approval. The Court may approve this Plan of Allocation or modify it without additional notice to the Settlement Class. Any order modifying the Plan of Allocation will be posted on the Settlement website at: www.AthiraSecuritiesSettlement.com.

44. The objective of the Plan of Allocation is to equitably distribute the Settlement proceeds to those Settlement Class Members who suffered economic losses as a proximate result of the alleged wrongdoing. The calculations made pursuant to the Plan of Allocation are not intended to be estimates of, nor indicative of, the amounts that Settlement Class Members might have been able to recover after a trial. Nor are the calculations pursuant to the Plan of Allocation intended to be estimates of the amounts that will be paid to Authorized Claimants pursuant to the Settlement. The computations under the Plan of Allocation are only a method to weigh the claims of Authorized Claimants against one another for the purposes of making *pro rata* allocations of the Net Settlement Fund.

45. Based on the formulas set forth below, a “Recognized Loss Amount” shall be calculated by the Claims Administrator for each purchase or acquisition of Athira common stock during the Class Period that is listed in the Claim Form and for which adequate documentation is provided.

46. Recognized Loss Amounts are based primarily on the price declines quantified by Lead Plaintiffs’ consulting damages expert over the period which Lead Plaintiffs allege corrective information was entering the market place. In the Action, Lead Plaintiffs allege that Defendants made false statements and omitted material facts in the IPO materials and SPO materials, as well as during the Class Period (*i.e.*, September 17, 2020 through June 17, 2021, inclusive), which had the effect of allegedly artificially inflating the price of Athira common stock. The estimated alleged

artificial inflation in the price of Athira common stock during the Class Period is reflected in Table 1 below.

47. In order to have recoverable damages in the Action, disclosures correcting the alleged misrepresentations must be the cause of the decline in the price of the Athira common stock. In this matter, Lead Plaintiffs allege that corrective disclosures removed the artificial inflation from the price of Athira common stock on June 18, 2021 (the “Corrective Disclosure Date”). Accordingly, in order to have a Recognized Loss Amount, Athira common stock must have been purchased or acquired during the Class Period and held until the close of the U.S. financial markets on June 17, 2021. To the extent a Claimant does not satisfy the conditions set forth in the preceding sentence, his, her or its Recognized Loss Amount for those transactions will be zero.

| Table 1 | | |
|--|---------------|----------------------------------|
| Alleged Artificial Inflation in Athira Common Stock | | |
| From | To | Per-Share Price Inflation |
| September 17, 2020 | June 17, 2021 | \$7.14 |
| June 18, 2021 | Thereafter | \$0.00 |

48. The Action alleges claims under the Securities Act with respect to Athira common stock purchased pursuant or traceable to the Company’s IPO materials³ or SPO materials.⁴ It alleges claims under the Exchange Act with respect to all purchases/acquisitions of Athira common stock during the Class Period.

49. For shares of Athira common stock eligible for a recovery under both the Exchange Act and the Securities Act, a Recognized Loss Amount will be calculated in the manner set forth in this Plan using an Exchange Act measure of loss, and any Recognized Loss Amount greater than zero will be increased by 25%. Although the Exchange Act claims and the Securities Act claims in the Action generally relate to similar alleged misconduct, this approach to calculating Recognized Loss Amounts is intended to reflect the Court’s rulings on the motions to dismiss the Complaint, which dismissed the Exchange Act claims without prejudice.

50. The “90-day look back” provision of the “PSLRA is incorporated into the calculation of Recognized Loss Amounts. This limitation provides that the Recognized Loss Amount on Athira common stock purchased during the Class Period and held as of the close of the 90-day period subsequent to the Class Period (the “90-Day Lookback Period”) cannot exceed the difference between the purchase price paid for such stock and its average price during the 90-Day Lookback Period. The Recognized Loss Amount on Athira common stock purchased during the Class Period

³ Athira common stock purchased or otherwise acquired directly in the IPO, or in the open market during the period from September 17, 2020 through January 20, 2021, inclusive, shall be considered a purchase pursuant or traceable to the IPO materials.

⁴ Athira common stock purchased or otherwise acquired directly in the SPO, or in the open market during the period from January 21, 2021 through February 10, 2021, inclusive, at a price of \$22.50 per share (excluding commissions and other charges), shall be considered a purchase pursuant or traceable to the SPO materials.

and sold during the 90-Day Lookback Period cannot exceed the difference between the purchase price paid for such stock and its rolling average price during the portion of the 90-Day Lookback Period elapsed as of the date of sale.

51. In the calculations below, all purchase and sale prices shall exclude any fees, taxes and commissions. If a Recognized Loss Amount is calculated to be a negative number, that Recognized Loss Amount shall be set to zero. Any transactions in Athira common stock executed outside of regular trading hours for the U.S. financial markets shall be deemed to have occurred during the next regular trading session.

CALCULATION OF RECOGNIZED LOSS AMOUNTS UNDER THE EXCHANGE ACT

52. Based on the provisions set forth in this Plan, a “Recognized Loss Amount” shall be calculated for each purchase or acquisition of Athira common stock during the Class Period that is listed in the Claim Form and for which adequate documentation is provided.

- I. For each share purchased or otherwise acquired during the Class Period that was sold prior to the close of the U.S. financial markets on June 17, 2021, the Recognized Loss Amount is \$0.00 per share.
- II. For each share purchased or otherwise acquired during the Class Period that was subsequently sold during the period from June 18, 2021 through September 15, 2021, inclusive (*i.e.*, sold during the 90-Day Lookback Period), the Recognized Loss Amount is *the least of*:
 - a. \$7.14 per share; or
 - b. the purchase price *minus* the sale price; or
 - c. the purchase price *minus* the “90-Day Lookback Value” on the date of sale as appears in Table 2 below.
- III. For each share purchased or otherwise acquired during the Class Period and still held as of the close of trading on September 15, 2021, the Recognized Loss Amount is *the lesser of*:
 - a. \$7.14 per share; or
 - b. the purchase price *minus* the average closing price for Athira common stock during the 90-Day Lookback Period, which is \$10.33 per share.
- IV. For each share purchased or otherwise acquired on or after June 18, 2021, the Recognized Loss Amount is \$0.00 per share.

| |
|----------------|
| Table 2 |
|----------------|

| Sale/ Disposition Date | 90-Day Lookback Value | Sale/ Disposition Date | 90-Day Lookback Value | Sale/ Disposition Date | 90-Day Lookback Value |
|------------------------------|-----------------------------|------------------------------|-----------------------------|------------------------------|-----------------------------|
| 6/18/2021 | \$11.15 | 7/20/2021 | \$10.51 | 8/18/2021 | \$10.25 |
| 6/21/2021 | \$10.95 | 7/21/2021 | \$10.52 | 8/19/2021 | \$10.23 |
| 6/22/2021 | \$10.75 | 7/22/2021 | \$10.52 | 8/20/2021 | \$10.22 |
| 6/23/2021 | \$10.71 | 7/23/2021 | \$10.51 | 8/23/2021 | \$10.22 |
| 6/24/2021 | \$10.77 | 7/26/2021 | \$10.49 | 8/24/2021 | \$10.22 |
| 6/25/2021 | \$10.78 | 7/27/2021 | \$10.47 | 8/25/2021 | \$10.22 |
| 6/28/2021 | \$10.76 | 7/28/2021 | \$10.46 | 8/26/2021 | \$10.22 |
| 6/29/2021 | \$10.72 | 7/29/2021 | \$10.44 | 8/27/2021 | \$10.23 |
| 6/30/2021 | \$10.66 | 7/30/2021 | \$10.41 | 8/30/2021 | \$10.24 |
| 7/1/2021 | \$10.66 | 8/2/2021 | \$10.39 | 8/31/2021 | \$10.25 |
| 7/2/2021 | \$10.65 | 8/3/2021 | \$10.38 | 9/1/2021 | \$10.26 |
| 7/6/2021 | \$10.68 | 8/4/2021 | \$10.37 | 9/2/2021 | \$10.27 |
| 7/7/2021 | \$10.67 | 8/5/2021 | \$10.38 | 9/3/2021 | \$10.28 |
| 7/8/2021 | \$10.66 | 8/6/2021 | \$10.36 | 9/7/2021 | \$10.29 |
| 7/9/2021 | \$10.68 | 8/9/2021 | \$10.36 | 9/8/2021 | \$10.30 |
| 7/12/2021 | \$10.67 | 8/10/2021 | \$10.35 | 9/9/2021 | \$10.31 |
| 7/13/2021 | \$10.67 | 8/11/2021 | \$10.34 | 9/10/2021 | \$10.33 |
| 7/14/2021 | \$10.63 | 8/12/2021 | \$10.33 | 9/13/2021 | \$10.33 |
| 7/15/2021 | \$10.60 | 8/13/2021 | \$10.32 | 9/14/2021 | \$10.33 |
| 7/16/2021 | \$10.54 | 8/16/2021 | \$10.29 | 9/15/2021 | \$10.33 |
| 7/19/2021 | \$10.51 | 8/17/2021 | \$10.27 | N/A | N/A |

ADDITIONAL PROVISIONS

53. The Net Settlement Fund will be allocated among all Authorized Claimants whose Distribution Amount (defined in paragraph 61 below) is \$10.00 or greater.

54. **FIFO Matching:** If a Settlement Class Member has more than one purchase/acquisition or sale of Athira common stock, all purchases/acquisitions and sales shall be matched on a First In, First Out (“FIFO”) basis. Under FIFO, Class Period sales will be matched against Class Period purchases/acquisitions in chronological order, beginning with the earliest purchase/acquisition made during the Class Period.

55. **Calculation of Claimant’s “Recognized Claim”:** A Claimant’s “Recognized Claim” under the Plan of Allocation shall be the sum of his, her, or its Recognized Loss Amounts for all shares of the Athira common stock.

56. **“Purchase/Sale” Dates:** Purchases or acquisitions and sales of Athira common stock shall be deemed to have occurred on the “contract” or “trade” date as opposed to the “settlement” or “payment” date. The receipt or grant by gift, inheritance, or operation of law of Athira common stock during the Class Period shall not be deemed a purchase, acquisition, or sale of Athira common stock for the calculation of an Authorized Claimant’s Recognized Loss Amount, nor shall the receipt or grant be deemed an assignment of any claim relating to the purchase/acquisition of any Athira common stock unless (i) the donor or decedent purchased or otherwise acquired such Athira common stock during the Class Period; (ii) no Claim Form was submitted by or on behalf

of the donor, on behalf of the decedent, or by anyone else with respect to such Athira common stock; and (iii) it is specifically so provided in the instrument of gift or assignment.

57. **Short Sales:** The date of covering a “short sale” is deemed to be the date of purchase or acquisition of the Athira common stock. The date of a “short sale” is deemed to be the date of sale of Athira common stock. Under the Plan of Allocation, however, the Recognized Loss Amount on “short sales” is zero. In the event that a Claimant has an opening short position in Athira common stock, the earliest Class Period purchases or acquisitions shall be matched against such opening short position, and not be entitled to a recovery, until that short position is fully covered.

58. **Option Contracts:** Option contracts are not securities eligible to participate in the Settlement. With respect to Athira common stock purchased through the exercise of an option, the purchase date of the Athira common stock shall be the exercise date of the option and the purchase price of the Athira common stock shall be the closing price of Athira common stock on date of exercise. Any Recognized Loss Amount arising from purchases of Athira common stock acquired during the Class Period through the exercise of an option on Athira common stock shall be computed as provided for other purchases of Athira common stock in the Plan of Allocation.

59. **Market Gains and Losses:** To the extent a Claimant had a market gain with respect to his, her, or its overall transactions in Athira common stock during the Class Period, the value of the Claimant’s Recognized Claim shall be zero. To the extent that a Claimant suffered an overall market loss with respect to his, her, or its overall transactions in Athira common stock during the Class Period, but that market loss was less than the total Recognized Claim calculated above, then the Claimant’s Recognized Claim shall be limited to the amount of the actual market loss.

60. For purposes of determining whether a Claimant had a market gain with respect to his, her, or its overall transactions in Athira common stock during the Class Period or suffered a market loss, the Claims Administrator shall determine the difference between (i) the Total Purchase Amount⁵ and (ii) the sum of the Total Sales Proceeds⁶ and the Holding Value.⁷ If the Claimant’s Total Purchase Amount *minus* the sum of the Total Sales Proceeds and the Holding Value is a positive number, that number will be the Claimant’s market loss on such securities; if the number is a negative number or zero, that number will be the Claimant’s market gain on such securities.

61. **Determination of Distribution Amount:** The Net Settlement Fund will be distributed to Authorized Claimants on a *pro rata* basis based on the relative size of their Recognized Claims. Specifically, a “Distribution Amount” will be calculated for each Authorized Claimant, which shall be the Authorized Claimant’s Recognized Claim divided by the total Recognized Claims of all Authorized Claimants, multiplied by the total amount in the Net Settlement Fund. If any

⁵ The “Total Purchase Amount” is the total amount the Claimant paid (excluding commissions and other charges) for all Athira common stock purchased or acquired during the Class Period.

⁶ “Total Sales Proceeds” is the total amount received (excluding commissions and other charges) for sales of Athira common stock during the Class Period.

⁷ The Claims Administrator shall ascribe a “Holding Value” to shares of Athira common stock purchased or acquired during the Class Period and still held as of the close of trading on June 17, 2021, which shall be \$11.15 per share (*i.e.*, the closing price of Athira common stock on the Corrective Disclosure Date). The total calculated holding values for all Athira common stock shall be the Claimant’s “Total Holding Value.”

Authorized Claimant's Distribution Amount calculates to less than \$10.00, it will not be included in the calculation and no distribution will be made to such Authorized Claimant. Any Distribution Amounts of less than \$10.00 will be included in the pool distributed to those Settlement Class Members whose Distribution Amounts are \$10.00 or greater.

62. After the initial distribution of the Net Settlement Fund, the Claims Administrator shall make reasonable and diligent efforts to have Authorized Claimants cash their distribution checks. To the extent any monies remain in the fund at least nine (9) months after the initial distribution, if Co-Lead Counsel, in consultation with the Claims Administrator, determine that it is cost-effective to do so, the Claims Administrator shall conduct a re-distribution of the funds remaining, after payment of any unpaid fees and expenses incurred in administering the Settlement, including for such re-distribution, and Taxes to Authorized Claimants who have cashed their initial distributions and who would receive at least \$10.00 from such re-distribution. Additional re-distributions to Authorized Claimants who have cashed their prior checks and who would receive at least \$10.00 in such additional re-distributions may occur thereafter if Co-Lead Counsel, in consultation with the Claims Administrator, determine that additional re-distributions, after the deduction of any additional fees and expenses incurred in administering the Settlement, including for such re-distributions, and Taxes would be cost-effective. At such time as it is determined that the re-distribution of funds remaining in the Net Settlement Fund is not cost-effective, the remaining balance shall be contributed to the Public Justice Foundation, or such other non-sectarian, not-for-profit organization(s) approved by the Court.

63. Payment pursuant to the Plan of Allocation, or such other plan of allocation as may be approved by the Court, shall be conclusive against all Claimants. No person shall have any claim against Lead Plaintiffs, Plaintiffs' Counsel, Lead Plaintiffs' consulting damages expert, Defendants, Defendants' Counsel, or any of the other Releasees, or the Claims Administrator or other agent designated by Co-Lead Counsel arising from distributions made substantially in accordance with the Stipulation, the plan of allocation approved by the Court, or further Orders of the Court. Lead Plaintiffs, Defendants and their respective counsel, and all other Defendants' Releasees, shall have no responsibility or liability whatsoever for the investment or distribution of the Settlement Fund, the Net Settlement Fund, the plan of allocation, or the determination, administration, calculation, or payment of any Claim Form or nonperformance of the Claims Administrator, the payment or withholding of Taxes owed by the Settlement Fund, or any losses incurred in connection therewith.

**WHAT PAYMENT ARE THE ATTORNEYS FOR THE SETTLEMENT CLASS SEEKING?
HOW WILL THE LAWYERS BE PAID?**

64. Plaintiffs' Counsel have not received any payment for their services in pursuing claims in the Action on behalf of the Settlement Class, nor have Plaintiffs' Counsel been paid for their Litigation Expenses.⁸ In connection with final approval of the Settlement, Co-Lead Counsel will apply to the Court for an award of attorneys' fees on behalf of all Plaintiffs' Counsel in an amount not to exceed 33⅓% of the Settlement Fund. At the same time, Co-Lead Counsel also intend to apply for payment of Litigation Expenses in an amount not to exceed \$125,000, which may include

⁸ Plaintiffs' Counsel are Labaton Sucharow LLP, Glancy Prongay & Murray LLP, Rossi Vucinovich, P.C., and the Schall Law Firm.

an application for reimbursement of the reasonable costs and expenses incurred by Lead Plaintiffs related to their representation of the Settlement Class in an aggregate amount not to exceed \$30,000. The Court will determine the amount of any award of attorneys' fees or Litigation Expenses. 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.

**WHAT IF I DO NOT WANT TO BE A MEMBER OF THE SETTLEMENT CLASS?
HOW DO I EXCLUDE MYSELF?**

65. Each Settlement Class Member will be bound by all determinations and judgments in this lawsuit, whether favorable or unfavorable, unless such person or entity mails or delivers a written request for exclusion from the Settlement Class, addressed to *Athira Pharma Securities Litigation, EXCLUSIONS*, c/o Strategic Claims Services, P.O. Box 230, 600 N. Jackson Street, Suite 205, Media, PA 19063. The exclusion request must be **received no later than _____, 2023**. You will not be able to exclude yourself from the Settlement Class after that date.

66. Each request for exclusion must: (a) state the name, address and telephone number of the person or entity requesting exclusion, and in the case of entities the name and telephone number of the appropriate contact person; (b) state that such person or entity "requests exclusion from the Settlement Class in *Athira Pharma Securities Litigation*, Case No. 2:21-cv-00861-TSZ"; (c) state the number of shares of Athira common stock that the person or entity requesting exclusion purchased/acquired and sold during the Class Period (*i.e.*, from September 17, 2020 through June 17, 2021, inclusive), as well as the dates and prices of each such purchase/acquisition and sale; and (d) be signed by the person or entity requesting exclusion or an authorized representative. A request for exclusion shall not be valid and effective unless it provides all the information called for in this paragraph and is received within the time stated above, or is otherwise accepted by the Court.

67. If you do not want to be part of the Settlement Class, you must follow these instructions for exclusion even if you have a pending lawsuit, arbitration, or other proceeding, or later file one, relating to any Released Plaintiffs' Claim against any of the Released Defendants' Parties.

68. If you ask to be excluded from the Settlement Class, you will not be eligible to receive any payment from the Net Settlement Fund so do not file a Claim Form.

69. Athira has the right to terminate the Settlement if valid requests for exclusion are received from members of the Settlement Class that exceed an amount agreed to by Lead Plaintiffs and Defendants.

**WHEN AND WHERE WILL THE COURT DECIDE WHETHER TO APPROVE THE
SETTLEMENT? HOW DO I OBJECT?
MAY I SPEAK AT THE HEARING IF I DON'T LIKE THE SETTLEMENT?**

70. Settlement Class Members do not need to attend the Settlement Hearing. The Court will consider any objection made in accordance with the provisions below even if a Settlement Class Member does not attend the hearing. You can participate in the Settlement without attending the Settlement Hearing.

71. The Settlement Hearing will be held on _____, 2023 at __: __ .m., before the Honorable Thomas S. Zilly at the United States District Court for the Western District of Washington, United States Courthouse, Courtroom 15206, 700 Stewart Street, Seattle, WA 98101. The Court reserves the right to approve the Settlement, the Plan of Allocation, Co-Lead Counsel’s motion for an award of attorneys’ fees and payment of Litigation Expenses and/or any other matter related to the Settlement at or after the Settlement Hearing without further individual notice to the members of the Settlement Class.

72. Any Settlement Class Member who or which does not request exclusion may object to the Settlement, the proposed Plan of Allocation and/or Co-Lead Counsel’s motion for an award of attorneys’ fees and payment of Litigation Expenses. Objections must be in writing. You must file any written objection, together with copies of all other papers supporting the objection, with the Clerk’s Office at the United States District Court for the Western District of Washington at the address set forth below **on or before** _____, **2023**. You must also serve the papers on Co-Lead Counsel and on Defendants’ Counsel at the addresses set forth below so that the papers are *received on or before* _____, **2023**.

| <u>Clerk’s Office</u> | <u>Co-Lead Counsel</u> | <u>Defendants’ Counsel</u> |
|--|--|---|
| United States District Court for the Western District of Washington Clerk of the Court United States Courthouse 700 Stewart Street Suite 2310 Seattle, WA 98101 | Glancy Prongay & Murray LLP Casey E. Sadler, Esq. 1925 Century Park East Suite 2100 Los Angeles, CA 90067 | Wilson Sonsini Goodrich & Rosati, P.C. Gregory L. Watts, Esq. 701 Fifth Avenue Suite 5100 Seattle, WA 98104-7036 |
| | -and- | -and- |
| | Labaton Sucharow LLP Michael P. Canty, Esq. 140 Broadway New York, New York 10005 | Perkins Coie LLP Sean C. Knowles, Esq. 1201 Third Avenue Suite 4900 Seattle, WA 98101-3099 |
| | | -and- |
| | | DLA Piper LLP (US) Anthony Todaro, Esq. 701 Fifth Avenue, Suite 6900 Seattle, WA 98104-7029 |

73. Any objection: (a) must state the name, address and telephone number of the person or entity objecting and must be signed by the objector; (b) must contain a statement of the Settlement Class Member’s objection or objections, the specific reasons for each objection, including whether it applies only to the objector, to a specific subset of the Settlement Class, or to the entire Settlement Class, and any legal and evidentiary support the Settlement Class Member wishes to

bring to the Court’s attention; and (c) must include documents sufficient to prove membership in the Settlement Class, including the number of shares of Athira common stock that the objecting Settlement Class Member purchased/acquired and sold during the Class Period (*i.e.*, from September 17, 2020 through June 17, 2021, inclusive), as well as the dates and prices of each such purchase/acquisition and sale. You may not object to the Settlement, the Plan of Allocation or Co-Lead Counsel’s motion for attorneys’ fees and payment of Litigation Expenses if you exclude yourself from the Settlement Class or if you are not a member of the Settlement Class.

74. If you wish to be heard orally at the hearing in opposition to the approval of the Settlement, the Plan of Allocation or Co-Lead Counsel’s motion for an award of attorneys’ fees and payment of Litigation Expenses, in addition to submitting a written objection as described above, you must also file a notice of appearance with the Clerk’s Office and serve it on Co-Lead Counsel and Defendants’ Counsel at the addresses above so that it is **received on or before** _____, **2023**. Persons who intend to object and desire to present evidence at the Settlement Hearing must include in their written objection or notice of appearance the identity of any witnesses they may call to testify and exhibits they intend to introduce into evidence at the hearing. Such persons may be heard orally at the discretion of the Court.

75. You may file a written objection without appearing at the Settlement Hearing. You may not, however, appear at the Settlement Hearing unless you first file and serve a written objection and notice of appearance in accordance with the procedures described above, unless the Court orders otherwise.

76. You are not required to hire an attorney to represent you in connection with objecting or appearing at the Settlement Hearing. However, if you decide to hire an attorney, it will be at your own expense, and that attorney must file a notice of appearance with the Court and serve it on Co-Lead Counsel and Defendants’ Counsel at the addresses set forth in ¶ 72 above so that the notice is **received on or** _____, **2023**.

77. The Settlement Hearing may be adjourned by the Court, or held remotely, without further individual notice to the Settlement Class. If you intend to attend the Settlement Hearing, you should confirm the date and time with Co-Lead Counsel.

78. Unless the Court orders otherwise, any Settlement Class Member who does not object in the manner described above will be deemed to have waived any objection and shall be forever foreclosed from making any objection to the proposed Settlement, the proposed Plan of Allocation or Co-Lead Counsel’s motion for an award of attorneys’ fees and payment of Litigation Expenses. Settlement Class Members do not need to appear at the Settlement Hearing or take any other action to indicate their approval.

WHAT IF I BOUGHT SHARES ON SOMEONE ELSE’S BEHALF?

79. If you purchased or otherwise acquired Athira publicly traded common stock from September 17, 2020 through June 17, 2021, inclusive, including in the IPO and the SPO, for the beneficial interest of persons or entities other than yourself as a nominee, you must within SEVEN (7) CALENDAR DAYS of receipt of this Notice either: (a) request from the Claims Administrator sufficient copies of the Notice and Claim Form (the “Notice Packet”) to forward to all such beneficial owners and within SEVEN (7) CALENDAR DAYS of receipt of those Notice Packets forward them to all such beneficial owners; or (b) send a list of the names and addresses of all such

beneficial owners to the Claims Administrator at *Athira Pharma Securities Litigation*, c/o Strategic Claims Services, P.O. Box 230, 600 N. Jackson Street, Suite 205, Media, PA 19063, in which event the Claims Administrator shall promptly mail the Notice Packet to such beneficial owners. Nominees shall also provide email addresses for all such beneficial owners to the Claims Administrator, to the extent they are available. If you choose to follow procedure (a), the Court has directed that, upon such mailing, you send a statement to the Claims Administrator confirming that the mailing was made as directed.

80. Upon full and timely compliance with these directions, nominees may seek reimbursement of their reasonable expenses actually incurred, not to exceed \$0.05 plus postage at the current pre-sort rate used by the Claims Administrator per Notice Packet mailed; or \$0.05 per name, address, and email address (to the extent available) provided to the Claims Administrator, by providing the Claims Administrator with proper documentation supporting the expenses for which reimbursement is sought. **YOU ARE NOT AUTHORIZED TO PRINT THE NOTICE PACKET YOURSELF. NOTICE PACKETS MAY ONLY BE PRINTED BY THE COURT-APPOINTED CLAIMS ADMINISTRATOR.**

CAN I SEE THE COURT FILE? WHOM SHOULD I CONTACT IF I HAVE QUESTIONS?

81. This Notice contains only a summary of the terms of the proposed Settlement. For more detailed information about the matters involved in this Action, you are referred to the papers on file in the Action, including the Stipulation, which may be inspected during regular office hours at the Office of the Clerk, United States District Court for the Western District of Washington, United States Courthouse, 700 Stewart Street, Suite 2310 Seattle, WA 98101. Additionally, copies of the Stipulation and any related orders entered by the Court will be posted on the website maintained by the Claims Administrator, www.AthiraSecuritiesSettlement.com.

82. Questions about this Notice or the Settlement should be directed to Co-Lead Counsel using the contact information provided in ¶ 6, above. All inquiries concerning the Claim Form should be directed to:

Athira Pharma Securities Litigation
c/o Strategic Claims Services
P.O. Box 230
600 N. Jackson Street, Suite 205
Media, PA 19063
866-274-4004
www.AthiraSecuritiesSettlement.com

DO NOT CALL OR WRITE THE COURT, THE CLERK OF THE COURT, DEFENDANTS OR THEIR COUNSEL REGARDING THIS NOTICE.

Dated: _____, 2023

By Order of the Court
United States District Court
Western District of Washington

Exhibit 2

Exhibit 2

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANTONIO BACHAALANI NACIF and
WIES RAFI, Individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

ATHIRA PHARMA, INC., et al.,

Defendants.

CASE NO.: 2:21-cv-00861-TSZ
(Consolidated with 21-cv-00862-TSZ and
21-cv-00864-TSZ)

PROOF OF CLAIM FORM

I. GENERAL INSTRUCTIONS

1. To recover as a member of the Settlement Class based on your claims in the action entitled *Nacif et al., v. Athira Pharma, Inc. et al.*, Case No.: 2:21-cv-00861-TSZ (the “Action”), you must complete and, on page ___ below, sign this Proof of Claim Form (“Claim Form”). If you fail to submit a timely and properly addressed (as set forth in paragraph 3 below) Claim Form, your Claim may be rejected and you may not receive any recovery from the Net Settlement Fund

created in connection with the proposed Settlement.¹

2. Submission of this Proof of Claim, however, does not assure that you will share in the proceeds of the Settlement of the Action.

3. **YOU MUST MAIL BY FIRST FIRST-CLASS MAIL OR SUBMIT ONLINE YOUR COMPLETED AND SIGNED CLAIM FORM, ACCOMPANIED BY COPIES OF THE DOCUMENTS REQUESTED BELOW, NO LATER THAN _____, 2023, ADDRESSED AS FOLLOWS:**

Athira Pharma Securities Litigation
c/o Strategic Claims Services
P.O. Box 230
600 N. Jackson Street, Suite 205
Media, PA 19063
Online Submissions: www.AthiraSecuritiesSettlement.com

If you are NOT a member of the Settlement Class, as defined in the accompanying Notice and below, DO NOT submit a Claim Form.

4. If you did not timely request exclusion and are a Class Member, you will be bound by the terms of any judgment entered in the Action, including the releases provided therein, **WHETHER OR NOT YOU SUBMIT A CLAIM FORM.**

II. CLAIMANT IDENTIFICATION

5. You are a member of the Settlement Class if you purchased or otherwise acquired Athira Pharma, Inc. publicly traded common stock: (a) during the period from September 17, 2020 through June 17, 2021, inclusive (the “Class Period”); (b) pursuant and/or traceable to the registration statement and prospectus issued in connection with the Company’s September 2020 Initial Public Offering (“IPO”); and/or (c) pursuant and/or traceable to the registration statement

¹ All capitalized terms used in this Claim Form that are not otherwise defined shall have the meanings ascribed to them in the Stipulation and Agreement of Settlement dated April 27, 2023 (the “Stipulation”), which is available at www.AthiraSecuritiesSettlement.com.

and prospectus issued in connection with the Company's January 2021 Secondary Public Offering ("SPO"), and were damaged thereby. If you purchased or acquired Athira publicly traded common stock 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, you purchased or acquired Athira publicly traded common stock and the certificate(s) were registered in the name of a third party, such as a nominee or brokerage firm ("nominee"), you are the beneficial purchaser or acquirer and the third party is the record purchaser or acquirer.

6. Use Part I of this form entitled "Claimant Identification" to identify each beneficial purchaser/acquirer and purchaser/acquirer of record, if different from the beneficial purchaser/acquirer of the Athira shares that form the basis of this Claim. THIS CLAIM MUST BE FILED BY THE ACTUAL BENEFICIAL PURCHASER(S) OR ACQUIRER(S) OR THE LEGAL REPRESENTATIVE OF SUCH PURCHASER(S) OR ACQUIRER(S) OF THE ATHIRA PUBLICLY TRADED COMMON STOCK UPON WHICH THIS CLAIM IS BASED.

7. All joint purchasers or acquirers must sign this Claim Form. Executors, administrators, guardians, conservators, and trustees or others acting in a representative capacity on behalf of a Class Member must complete and sign this Claim Form on behalf of persons represented by them, and submit evidence of their current authority to act on behalf of that Class Member, including titles or capacities. 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 the Claim.

III. IDENTIFICATION OF TRANSACTIONS

8. Use Part II of this form entitled "Schedule of Transactions in Athira Publicly Traded Common Stock" to supply all required details of your transaction(s) in Athira publicly

traded 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. **THE PARTIES DO NOT HAVE INFORMATION ABOUT YOUR TRANSACTIONS IN ATHIRA COMMON STOCK.**

9. On the schedules, provide all of the requested information with respect to *all* of your purchases or acquisitions and *all* of your sales of Athira publicly traded common stock which took place during the time periods requested below, 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 Athira publicly traded common stock you held at the close of trading on January 20, 2021, and September 15, 2021. Failure to report all such transactions may result in the rejection of your Claim.

10. Shares will be deemed to have been purchased pursuant or traceable to Athira's IPO, which occurred on or about September 17, 2020, if they were purchased or acquired during the period from September 17, 2020 through January 20, 2021, both dates inclusive. Shares will be deemed to have been purchased pursuant or traceable to Athira's SPO, which occurred on or about January 21, 2021, if they were purchased or acquired during the period from January 21, 2021 through February 10, 2021, both dates inclusive, at the SPO price of \$22.50 per share (excluding commissions and other charges). If you believe you purchased shares pursuant to Athira's SPO, you must produce affirmative documentation showing that you purchased pursuant to the offering. For example, offering trade confirmations should indicate no brokerage fees or commissions associated with that purchase and/or that the purchase was from one of the offering underwriters. Such documentation will be deemed to satisfy this requirement only for the purposes of this Settlement.

Co-Beneficial Owner's First Name

MI

Co-Beneficial Owner's Last Name

[Grid for Co-Beneficial Owner's First Name, MI, and Co-Beneficial Owner's Last Name]

Entity Name (if Claimant is not an individual)

[Grid for Entity Name]

Record Owner Name (if different from Beneficial Owner(s) listed above)

[Grid for Record Owner Name]

Representative Name (if different from Beneficial Owner(s) listed above)

[Grid for Representative Name]

Address1 (street name and number)

[Grid for Address1]

Address2 (apartment, unit, or box number)

[Grid for Address2]

City

State ZIP/Postal Code

[Grid for City, State, and ZIP/Postal Code]

Foreign Country (only if not USA)

Foreign County (only if not USA)

[Grid for Foreign Country and Foreign County]

Social Security Number (last four digits only)

Taxpayer Identification Number (last four digits only)

[Grid for Social Security Number and Taxpayer Identification Number]

Telephone Number (day)

Telephone Number (evening)

[Grid for Telephone Number (day) and Telephone Number (evening)]

Email address: _____

Account Number (if filing for multiple accounts, file a separate Claim Form for each account)

[Grid for Account Number]

Claimant Account Type (check appropriate box):

- Individual (includes joint owner accounts)
- Corporation
- IRA/401K
- Pension Plan
- Estate
- Other _____ (please specify)
- Trust

PART II: SCHEDULE OF TRANSACTIONS IN ATHIRA PUBLICLY TRADED COMMON STOCK

A. Purchases or acquisitions of Athira publicly traded common stock from September 17, 2020 through June 17, 2021, inclusive (must be documented):

| Purchase Date MM/DD/YY (List Chronologically) | Number of Shares Purchased | Total Purchase Price (excluding taxes, commissions, and fees, if any) | In an Offering Y/N |
|---|-------------------------------|---|-----------------------|
| 1. _____ | 1. _____ | 1. _____ | 1. _____ |
| 2. _____ | 2. _____ | 2. _____ | 2. _____ |
| 3. _____ | 3. _____ | 3. _____ | 3. _____ |
| 4. _____ | 4. _____ | 4. _____ | 4. _____ |
| 5. _____ | 5. _____ | 5. _____ | 5. _____ |
| 6. _____ | 6. _____ | 6. _____ | 6. _____ |

IMPORTANT: If any purchase listed covered a “short sale,” please mark Yes. Yes

B. Purchases during the 90-Day Lookback Period – State the total number of shares of Athira publicly traded common stock purchased from June 18, 2021 through September 15, 2021² (must be documented): _____

C. Sales of Athira publicly traded common stock from September 17, 2020 through September 15, 2021, inclusive (must be documented):

| Sale Date MM/DD/YY (List Chronologically) | Number of Shares Sold | Sale Price Per Share | Total Sale Price (excluding taxes, commissions, and fees, if any) |
|---|--------------------------|----------------------|---|
| | | | |

² Information requested in this Claim Form with respect to your transactions from June 18, 2021 through September 15, 2021 is needed only in order for the Claims Administrator to confirm that you have reported all relevant transactions. Purchases during this period, however, are not eligible for a recovery because these purchases are outside the Class Period.

| | | | |
|----------|----------|----------|----------|
| 1. _____ | 1. _____ | 1. _____ | 1. _____ |
| 2. _____ | 2. _____ | 2. _____ | 2. _____ |
| 3. _____ | 3. _____ | 3. _____ | 3. _____ |
| 4. _____ | 4. _____ | 4. _____ | 4. _____ |
| 5. _____ | 5. _____ | 5. _____ | 5. _____ |
| 6. _____ | 6. _____ | 6. _____ | 6. _____ |

D. Number of shares of Athira publicly traded common stock held at the close of trading on January 20, 2021 (must be documented):

E. Number of shares of Athira publicly traded common stock held at the close of trading on September 15, 2021 (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 THIS FORM ON PAGE __ BELOW. FAILURE TO SIGN THIS FORM MAY RESULT IN A DELAY IN PROCESSING OR THE REJECTION OF YOUR CLAIM.

IV. SUBMISSION TO JURISDICTION OF COURT AND ACKNOWLEDGMENTS

By signing and submitting this Claim Form, the Claimant(s) or the person(s) acting on behalf of the Claimant(s) certify(ies) that: I (We) submit this Claim Form under the terms of the Plan of Allocation described in the accompanying Notice. I (We) also submit to the jurisdiction of the United States District Court for the Western District of Washington (the “Court”) with respect to my (our) Claim as a member of the Settlement Class and for purposes of enforcing the releases set forth herein. I (We) further acknowledge that I (we) will be bound by and subject to the terms of any judgment entered in connection with the Settlement in the Action, including the releases set forth therein. I (We) agree to furnish additional information to the Claims

Administrator to support this Claim, such as additional documentation for transactions in Athira common stock, if required to do so. I (We) have not submitted any other claim covering the same transactions in Athira common stock during the Class Period and know of no other person having done so on my (our) behalf.

V. RELEASES, WARRANTIES, AND CERTIFICATION

I (We) hereby warrant and represent that I am (we are) a member of the Settlement Class as defined in the Notice, and that I am (we are) not excluded from the Settlement Class as set forth in the Notice.

As a member of the Settlement Class, I (we) hereby acknowledge full and complete satisfaction of, and do hereby fully, finally, and forever compromise, settle, release, resolve, relinquish, waive, and discharge with prejudice the Released Plaintiffs' Claims as to each and all of the Defendants and the other Released Defendants' Parties (as these terms are defined in the accompanying Notice). This release shall be of no force or effect unless and until the Court approves the Settlement and it becomes effective on the Effective Date.

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.

I (We) hereby warrant and represent that I (we) have included information about all of my (our) purchases and sales of Athira publicly traded common stock that occurred during the time periods requested and the number of shares held by me (us), to the extent requested.

I (We) certify that I am (we are) NOT subject to backup tax withholding. (If you have been notified by the Internal Revenue Service that you are subject to backup withholding, please strike out the prior sentence.)

I (We) declare under penalty of perjury under the laws of the United States of America that all of the foregoing information supplied by the undersigned is true and correct.

I (We) declare under penalty of perjury under the laws of the United States of America that all of the foregoing information supplied on this Claim Form by the undersigned is true and correct.

Executed this _____ day of _____, 2023 in _____,
(Month/Year) (City)

_____.

(Sign your name here)

(Type or print your name here)

(Capacity of person(s) signing, e.g., Beneficial Purchaser or Acquirer, Executor or Administrator)

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

Reminder Checklist:

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. Please sign the above release and acknowledgment. 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 Claim Form and all supporting documentation for your records. | <ol style="list-style-type: none"> 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 or highlighter on the Claim Form or supporting documentation. |
|--|--|

THIS CLAIM FORM MUST BE SUBMITTED ONLINE OR MAILED NO LATER THAN _____, 2023, ADDRESSED AS FOLLOWS:

Athira Pharma Securities Litigation
c/o Strategic Claims Services
P.O. Box 230
600 N. Jackson Street, Suite 205
Media, PA 19063
Tel: (866) 274-4004
Fax: (610) 565-7985
www.AthiraSecuritiesSettlement.com

Exhibit 3

Exhibit 3

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANTONIO BACHAALANI NACIF and
WIES RAFI, Individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

ATHIRA PHARMA, INC., et al.,

Defendants.

CASE NO.: 2:21-cv-00861-TSZ
(Consolidated with 21-cv-00862-TSZ and 21-
cv-00864-TSZ)

**SUMMARY NOTICE OF (I) PENDENCY OF CLASS ACTION AND
PROPOSED SETTLEMENT; (II) SETTLEMENT HEARING;
AND (III) MOTION FOR AN AWARD OF ATTORNEYS' FEES
AND PAYMENT OF LITIGATION EXPENSES**

TO: All persons and entities who or which purchased or otherwise acquired Athira Pharma, Inc. ("Athira") publicly traded common stock: (a) during the period from September 17, 2020 through June 17, 2021, inclusive; (b) pursuant and/or traceable to the registration statement and prospectus issued in connection with Athira's September 2020 initial public offering; and/or (c) pursuant and/or traceable to the registration statement and prospectus issued in connection with Athira's January 2021 secondary public offering, and were damaged thereby (the "Settlement Class"):

**PLEASE READ THIS NOTICE CAREFULLY, YOUR RIGHTS WILL BE AFFECTED
BY A CLASS ACTION LAWSUIT PENDING IN THIS COURT.**

YOU ARE HEREBY NOTIFIED, pursuant to Rule 23 of the Federal Rules of Civil Procedure and an Order of the United States District Court for the Western District of Washington, that the above-captioned litigation (the “Action”) has been certified as a class action on behalf of the Settlement Class, except for certain persons and entities who are excluded from the Settlement Class by definition as set forth in the full printed Notice of (I) Pendency of Class Action and Proposed Settlement; (II) Settlement Hearing; and (III) Motion for an Award of Attorneys’ Fees and Payment of Litigation Expenses (the “Notice”).

YOU ARE ALSO NOTIFIED that Lead Plaintiffs in the Action have reached a proposed settlement of the Action for \$10,000,000 in cash (the “Settlement”), which, if approved, will resolve all claims in the Action and related claims.

A hearing will be held on _____, 2023 at __:__.m., before the Honorable Thomas S. Zilly at the United States District Court for the Western District of Washington, United States Courthouse, Courtroom 15206, 700 Stewart Street, Seattle, WA 98101, to determine: (i) whether the proposed Settlement should be approved as fair, reasonable, and adequate; (ii) whether the Action should be dismissed with prejudice against Defendants, and the Releases specified and described in the Stipulation and Agreement of Settlement dated April 27, 2023 (and in the Notice) should be granted; (iii) whether the proposed Plan of Allocation should be approved as fair and reasonable; and (iv) whether Co-Lead Counsel’s application for an award of attorneys’ fees and payment of expenses should be approved.

If you are a member of the Settlement Class, your rights will be affected by the pending Action and the Settlement, and you may be entitled to share in the Settlement Fund. If you have not yet received the Notice and Proof of Claim Form (“Claim Form”), you may obtain copies of these documents by contacting the Claims Administrator at *Athira Pharma Securities Litigation*, c/o Strategic Claims Services, P.O. Box 230, 600 N. Jackson Street, Suite 205, Media, PA 19063, 1-866-274-4004. Copies of the Notice and Claim Form can also be downloaded from the website maintained by the Claims Administrator, www.AthiraSecuritiesSettlement.com.

If you are a member of the Settlement Class, in order to be eligible to receive a payment under the proposed Settlement, you must submit a Claim Form to the Claims Administrator *postmarked* no later than _____, 2023, if sent by mail, or *submitted online* using the Settlement website no later than _____, 2023. If you are a Settlement Class Member and do not submit a proper Claim Form, you will not be eligible to share in the distribution of the net proceeds of the Settlement but you will nevertheless be bound by any judgments or orders entered by the Court in the Action.

If you are a member of the Settlement Class and wish to exclude yourself from the Settlement Class, you must submit a request for exclusion to the Claims Administrator such that it is **received no later than** _____, 2023, in accordance with the instructions set forth in the Notice. If you properly exclude yourself from the Settlement Class, you will not be bound by any judgments or orders entered by the Court in the Action and you will not be eligible to share in the proceeds of the Settlement.

Any objections to the proposed Settlement, the proposed Plan of Allocation, or Co-Lead Counsel’s motion for attorneys’ fees and payment of expenses, must be filed with the Court and delivered to Co-Lead Counsel and Defendants’ Counsel such that they are **received no later than** _____, 2023, in accordance with the instructions set forth in the Notice.

Please do not contact the Court, the Clerk’s office, Athira, Defendants, or their counsel regarding this notice. All questions about this notice, the proposed Settlement, or your eligibility to participate in the Settlement should be directed to Co-Lead Counsel or the Claims Administrator.

Inquiries, other than requests for the Notice and Claim Form, should be made to Co-Lead Counsel:

| | |
|--|---|
| GLANCY PRONGAY & MURRAY LLP Casey E. Sadler, Esq. 1925 Century Park East, Suite 2100 Los Angeles, CA 90067 Telephone: (888) 773-9224 Email: settlements@glancylaw.com | LABATON SUCHAROW LLP Michael P. Canty, Esq. 140 Broadway New York, New York 10005 Telephone: (888) 219-6877 Email: settlementquestions@labaton.com |
|--|---|

Requests for the Notice and Claim Form should be made to:

Athira Pharma Securities Litigation
c/o Strategic Claims Services
P.O. Box 230
600 N. Jackson Street, Suite 205
Media, PA 19063
1-866-274-4004
www.AthiraSecuritiesSettlement.com

By Order of the Court