

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

	X	
FRANK MICHOLLE, Individually and on	:	Civil Action No. 1:17-cv-00210-VSB-GWG
Behalf of All Others Similarly Situated,	:	(Consolidated)
	:	
Plaintiff,	:	<u>CLASS ACTION</u>
	:	
vs.	:	
	:	
OPHTHOTECH CORPORATION, DAVID R.	:	
GUYER and SAMIR PATEL,	:	
	:	
Defendants.	:	
	X	

LEAD PLAINTIFF’S NOTICE OF MOTION AND MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT AND APPROVAL OF PLAN OF ALLOCATION

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

PLEASE TAKE NOTICE that Lead Plaintiff Sheet Metal Workers’ Pension Plan of Southern California, Arizona and Nevada (“Lead Plaintiff”), on behalf of the Class, by its undersigned counsel, will move this Court on September 8, 2022, at 2:00 p.m., before the Honorable Vernon S. Broderick at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007, or as soon thereafter as the parties can be heard, for the entry of orders and a judgment, pursuant to Rule 23 of the Federal Rules of Civil Procedure: (i) for the purposes of settlement only, certifying the Class, certifying Lead Plaintiff as Class Representative on behalf of the Class and appointing Lead Counsel as Class Counsel for the Class; (ii) granting final approval of the proposed Settlement between Lead Plaintiff and Defendants IVERIC bio, Inc. f/k/a Ophthotech Corporation,

David R. Guyer and Samir Patel, as set forth in the Stipulation of Settlement, previously filed with the Court (ECF 129); (iii) approving the Plan of Allocation; and (iv) for such further relief as is just.¹

In support of this motion, Lead Plaintiff relies on: (i) the Memorandum of Law in Support of Lead Plaintiff's Motion for Final Approval of Class Action Settlement and Approval of Plan of Allocation; (ii) the Declaration of Erin W. Boardman in Support of: (1) Lead Plaintiff's Motion for Final Approval of Class Action Settlement and Approval of Plan of Allocation; and (2) Lead Counsel's Motion for an Award of Attorneys' Fees and Expenses and an Award to Lead Plaintiff Pursuant to 15 U.S.C. §78u-4(a)(4); (iii) the Declaration of Lead Plaintiff; (iv) the Declaration of Ross D. Murray; (v) the Stipulation of Settlement; and (vi) all other proceedings herein.

Proposed orders will be submitted with Lead Plaintiff's reply submission on or before September 1, 2022.

DATED: August 4, 2022

Respectfully submitted,

ROBBINS GELLER RUDMAN
& DOWD LLP
DAVID A. ROSENFELD
ERIN W. BOARDMAN
CHRISTOPHER T. GILROY
PHILIP T. MERENDA

s/ Erin W. Boardman

ERIN W. BOARDMAN

¹ Unless stated otherwise, all capitalized terms used herein have the meanings set forth and defined in the Stipulation of Settlement.

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Lead Counsel for Plaintiff

CERTIFICATE OF SERVICE

I, Erin W. Boardman, hereby certify that on August 4, 2022, I authorized a true and correct copy of the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such public filing to all counsel registered to receive such notice.

s/ Erin W. Boardman

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