

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: COMMERCIAL DIVISION

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CHESTER COUNTY EMPLOYEES
RETIREMENT FUND, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

ALNYLAM PHARMACEUTICALS, INC.,
JOHN M. MARAGANORE, MICHAEL P.
MASON, DENNIS A. AUSIELLO,
MICHAEL W. BONNEY, JOHN K.
CLARKE, MARSHA H. FANUCCI, STEVEN
M. PAUL, DAVID E.I. PYOTT, PAUL R.
SCHIMMEL, AMY W. SCHULMAN,
PHILLIP A. SHARP, KEVIN P. STARR,
GOLDMAN SACHS & CO. LLC, J.P.
MORGAN SECURITIES LLC, BARCLAYS
CAPITAL INC., CREDIT SUISSE
SECURITIES (USA) LLC, PIPER JAFFRAY
& CO., JPM SECURITIES LLC, NEEDHAM
& COMPANY, LLC, CHARDAN CAPITAL
MARKETS, LLC and B. RILEY FBR, INC.
n/k/a B. RILEY SECURITIES, INC.,

Defendants.

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Index No. 655272/2019

The Honorable Robert R. Reed

Part 43

Motion Sequence No. ___

CLASS ACTION

~~ORDER TO SHOW CAUSE~~ **AMENDED** ORDER TO SHOW CAUSE

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Upon reading the annexed Memorandum of Law in Support of: (1) Plaintiff's Motion for Final Approval of the Settlement and Approval of the Plan of Allocation; and (2) Plaintiff's Counsel's Motion for an Award of Attorneys' Fees and Expenses and Award to Plaintiff, dated March 8, 2022; Affirmation of Michael G. Capeci in Support of: (1) Plaintiff's Motion for Final Approval of the Settlement and Approval of the Plan of Allocation; and (2) Plaintiff's Counsel's Motion for an Award of Attorneys' Fees and Expenses and Award to Plaintiff, dated March 8, 2022; Affirmation of Michael G. Capeci Filed on Behalf of Robbins Geller Rudman & Dowd LLP in

Support of Application for Award of Attorneys' Fees and Expenses, dated March 8, 2022, and the attached exhibits; Affidavit of Nicole R. Forzato, Esq. in Support of Final Settlement Approval and Award of Attorneys' Fees and Expenses and Award to Plaintiff, dated March 3, 2022; and Affidavit of Kari L. Schmidt Regarding Dissemination of Class Notice and Report on Requests for Exclusion Received, dated March 7, 2022, and the attached exhibits, and all pleadings and proceedings relevant to this action, it is hereby:

ORDERED that the parties show cause before this Court at Part 43, via Microsoft Teams Virtual Platform, at the Courthouse, located at 60 Centre Street, New York, New York, 10007, on the 12th day of April, 2022, at 2:30 p.m., or as soon thereafter as counsel can be heard, why the Judgment and Order Granting Final Approval of Class Action Settlement ("Judgment"), which will be submitted with Plaintiff's reply submission due on April 5, 2022, should not be issued:


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- (a) finally approving the parties' Stipulation and Agreement of Settlement (the "Settlement"), attached as Exhibit A to the Affirmation of Michael G. Capeci, dated November 8, 2021 (NYSCEF No. 115);
 - (b) finally certifying the Settlement Class, for settlement purposes only, pursuant to CPLR §§901 and 902;
 - (c) finally approving the proposed Plan of Allocation;
 - (d) awarding Plaintiff's Counsel attorneys' fees and expenses;
 - (e) granting a service award to Plaintiff; and
 - (f) granting such other and further relief as the Court deems proper;

ORDERED, that pursuant to the Order Preliminarily Approving Settlement and Providing for Notice, dated December 3, 2021 (NYSCEF No. 120), all reply papers shall be filed and served by April 5, 2022, and it is further

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this Amended Order To Show Cause supersedes and replaces the
ORDERED, that ~~Defendants do not oppose this motion and will not be filing an opposition.~~
Order to Show Cause herein, dated March 9, 2022, which is hereby vacated and of no continuing effect.
IT IS SO ORDERED.

DATED: March 10, 2022



THE HONORABLE ROBERT R. REED, J.S.C.

3/10/22