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Lead Counsel for Plaintiffs and Class

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GIUSEPPE PAMPENA, on behalf of
himself and all others similarly situated,

Plaintiff,

vs.

ELON R. MUSK,

Defendant.

CASE NO. 3:22CV-05937-CRB

CLASS ACTION

**[PROPOSED] ORDER APPROVING
JOINT PROPOSAL FOR
DISSEMINATION OF NOTICE TO
THE CLASS**

Judge: Hon. Charles R. Breyer

Magistrate Judge: Hon. Donna M. Ryu

1 Before the Court is the parties' Joint Proposal for Dissemination of Notice to the Class
2 ("Joint Proposal"). After considering the submission, the Court finds that the proposed method
3 of providing notice of pendency satisfies the requirements of Rule 23 of the Federal Rules of
4 Civil Procedure and due process. The Court APPROVES the method of providing and forms of
5 notice as proposed by the parties and directs the parties to implement the Notice Plan as set forth
6 in the Joint Proposal.

7 The Court further ORDERS that:

8 1. The firm of Epiq Class Action and Claims Solutions ("Administrator") is
9 appointed and authorized to supervise and administer the Notice Plan. The Administrator shall
10 execute its plan as proposed in the Declaration of Eric Blow Regarding Notice Plan and
11 consistently with the Joint Proposal.

12 2. Computershare, which served as the stock transfer agent for Twitter Inc.
13 ("Twitter"), shall provide to the Administrator a mailing list, including email addresses where
14 available, for all registered record holders of Twitter common stock during the period from May
15 13, 2022 through October 4, 2022, both dates inclusive (the "Class Period"), within ten (10)
16 business days of this Notice Approval Order. Nothing herein obligates Twitter to obtain and
17 provide information (beyond such information that is already in its possession) sufficient to
18 identify: (i) beneficial owners associated with the shares held by any record holder; or (ii) any
19 record holder of publicly traded options on Twitter stock. Class Counsel shall be responsible for
20 all other associated with providing notices.

21 3. Within twenty-five (25) calendar days of entry of this Notice Approval Order, the
22 Administrator shall commence emailing the Postcard Notice to potential Class members (to those
23 for which email addresses are available) and shall mail the Postcard Notice via USPS First-Class
24 Mail to potential Class members for which no email address is available (the "Notice Date").

25 4. The Administrator shall also use reasonable efforts to give notice to brokerage
26 firms, banks, institutions, investment funds, investment companies, investment advisors,
27 investment portfolios, mutual funds trusts, mutual investment funds, investment managers, and
28

1 any other person or entities who are or who claim to be nominees that sold Twitter publicly
2 traded securities during the Class Period for the benefit of another person. Such nominees shall
3 be given two options: (i) they can, within seven (7) calendar days of receipt of the Postcard
4 Notice, request from the Administrator sufficient copies of the Postcard Notice to forward to all
5 such beneficial owners (and then email or mail the Postcard Notice themselves; or (ii) they can,
6 within seven (7) calendar days of receipt of the Postcard Notice, provide a list of the names and
7 addresses or email addresses) of all such beneficial owners to the Administrator, in which case
8 the Administrator shall promptly mail or email the Postcard Notice to such beneficial owners.

9 5. Contemporaneously with the mailing and emailing of the Postcard Notice, the
10 Administrator shall establish the dedicated website, to make available to Class members the full
11 length Long-Form Notice and other case information and filings, including: (1) the Class
12 Certification Order (ECF 106); (2) the First Amended Complaint (ECF 31); (3) the Court's Order
13 Granting in Part and Denying in Part Defendant's Motion to Dismiss (ECF 48); (4) Defendant's
14 Answer to First Amended Complaint (ECF 58); (5) the Court's Order Denying Motion for
15 Judgment on the Pleadings (ECF 89), as well as other such documents as the parties may agree
16 or the Court shall require. The website will be available until at least one (1) year after any
17 settlement, other resolution, or the conclusion of trial and exhaustion of all possible appeals in
18 this action. The Administrator also shall establish a toll-free telephone number for Class
19 members to call if they have questions or to request copies of the Class notices or other
20 documents. The Administrator shall provide live operators during business hours to answer the
21 telephone, respond to ministerial matters such as requests for copies of the notices, and direct
22 any substantive questions to Class Counsel, Cotchett, Pitre & McCarthy, LLP and Bottini &
23 Bottini, Inc.

24 6. Within seven (7) calendar days of the Notice Date, the Administrator shall cause
25 the Publication Notice to be published in *The Wall Street Journal* and posted on *PR Newswire*
26 as a means of reaching prospective Class members not receiving the Postcard Notice.
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7. The Administrator shall also cause the Postcard Notice and Long-Form Notice to be published by the Depository Trust Corporation (“DTC”) on the DTC Legal Notice System.

8. As of the Notice Date, the case website and Long-Form Notice shall provide an address for the purpose of receiving requests for exclusion from the Class and requests for copies of the Notice from, *inter alia*, nominee sellers of Twitter common stock and call options on Twitter stock and nominee purchasers of put options on Twitter stock.

9. Class members seeking to request exclusion from the Class shall submit a written request for exclusion as set forth in the Long-Form Notice and shall be postmarked no later than sixty (60) calendar days after the Notice Date, which date shall be included in the Postcard Notice and Long-Form Notice (the “Exclusion Deadline”).

10. The Administrator shall identify and number all exclusion requests received and create images of those requests for Class Counsel and counsel for the Defendant. The Administrator shall maintain original requests in its files. The Administrator shall promptly provide via email copies of any exclusion request received to Class Counsel and counsel for the Defendant, as set forth below:

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11. Within seven (7) calendar days following the Exclusion Deadline, Class Counsel shall file with the Court proof of mailing of the Postcard Notice, proof of publication of the Publication Notice, and an affidavit setting forth a list of all persons and entities who have validly and timely requested exclusion from the Class, as well as a list of persons who request exclusion from the Class that were not deemed to be valid or timely.

12. Subject to potential reimbursement, the costs of notice shall be borne by Class Counsel.

IT IS SO ORDERED.

HON. CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE