

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE AKORN, INC. DATA INTEGRITY  
SECURITIES LITIGATION

Civ. A. No. 1:18-cv-01713

Hon. Steven C. Seeger

CLASS ACTION

**LEAD PLAINTIFFS' UNOPPOSED MOTION FOR  
APPROVAL OF DISTRIBUTION PLAN**

Court-appointed Lead Plaintiffs and Class Representatives Gabelli & Co. Investment Advisors, Inc., and Gabelli Funds, LLC (collectively, "Lead Plaintiffs"), by and through their attorneys, hereby move this Court, pursuant to Rule 23(e) of the Federal Rules of Civil Procedure and this Court's Order Approving Plan of Allocation of Net Settlement Fund (ECF No. 189) and Order and Final Judgment Approving Class Action Settlement (ECF No. 190), for entry of the accompanying [Proposed] Order Approving Distribution Plan (the "Class Distribution Order"), which would, *inter alia*: (i) approve the administrative determinations of JND accepting and rejecting Claims submitted in connection with the Settlement reached in the above-captioned Action as stated in the Segura Declaration (defined below); (ii) direct the distribution of the Net Settlement Fund to Claimants whose Claims are accepted by JND as valid and approved by the Court ("Authorized Claimants"), while maintaining a Reserve for any tax liability or claims administration-related contingencies that may arise; (iii) direct that distribution checks state that the check must be cashed within 90 days after the issue date; (iv) direct that Authorized Claimants will forfeit all recovery from the Settlement if they fail to cash their distribution checks in a timely

manner; (v) approve the recommended plan for any funds remaining after the distribution; (vi) approve JND's fees and expenses incurred and estimated to be incurred in the administration of the Settlement; (vii) release claims related to the administration process; and (viii) authorize the destruction of Proof of Claim Forms and supporting documents at an appropriate time.

This motion is based upon (i) the Declaration of Luiggy Segura in Support of Lead Plaintiffs' Motion for Approval of Distribution Plan (the "Segura Declaration")<sup>1</sup> submitted on behalf of the Court-approved Claims Administrator, JND Legal Administration ("JND"); (ii) the Memorandum in Support of Lead Plaintiffs' Unopposed Motion for Approval of Distribution Plan; and (iii) all other supporting documentation provided herewith.

As this matter is fully briefed before the Court, and there are no disputed Claims by any Claimants, a hearing on this Motion is not required. Lead Counsel respectfully requests that this Motion be decided on the papers.

Dated: December 14, 2020

Respectfully submitted,

*/s/ Andrew J. Entwistle*

Andrew J. Entwistle

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<sup>1</sup> All terms with initial capitalization not otherwise defined herein shall have the meanings ascribed to them in the Segura Declaration or the Stipulation and Agreement of Settlement dated August 9, 2019 (ECF No. 127-1) (the "Stipulation").

Andrew M. Sher (*admitted pro hac vice*)

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**CERTIFICATE OF SERVICE**

I certify that on December 14, 2020, the foregoing motion was filed with Clerk of the Court through the Court's ECF system, which will cause the document to be served upon all counsel of record.

/s/ Andrew J. Entwistle

Andrew J. Entwistle