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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

Master File No. 3:20-CV-06733-MMC

IN RE AIMMUNE THERAPEUTICS, INC.  
SECURITIES LITIGATION

**CO-LEAD PLAINTIFFS' UPDATE  
REGARDING CLASS ADMINISTRATOR'S  
WEBSITE AND IN FURTHER SUPPORT OF  
THE MOTION FOR FINAL  
APPROVAL OF CLASS ACTION  
SETTLEMENT AND AWARD OF  
ATTORNEYS' FEES AND EXPENSES**

Hearing: July 18, 2025  
Time: 9:00 a.m.  
Court: Courtroom 7, 19th Floor  
Judge: Hon. Maxine M. Chesney

**UPDATE REGARDING CLASS ADMINISTRATOR'S WEBSITE<sup>1</sup>**

Class Counsel wishes to inform the Court that they just learned that one of the briefs filed in this matter, the Motion for an Award of Attorneys' Fees and Expenses and Awards to Co-Lead Plaintiffs (ECF 254) (the "Fee Motion"), was not previously posted to the Class Administrator's website at <https://www.rg2claims.com/aimmune.html> (the "Settlement Website"). This was discovered on the morning of Saturday, July 12, 2025, as Class Counsel was preparing for the Settlement Hearing scheduled for July 18, 2025. Immediately upon learning of this oversight, Class Counsel instructed the Class Administrator (RG2) to post the Fee Brief on the Settlement Website, and it was posted on Sunday, July 13, 2025. All other briefs and notices related to the Settlement were timely posted on the Settlement Website.

Notwithstanding this oversight, for which Class Counsel take full responsibility, Class Counsel wish to note that Class Counsel's fee and expense request in the Fee Motion was previously disclosed to the Class *prior to* the objection deadline in no less than three different locations: (1) in the Notice disseminated to the Class on March 21, 2025 (ECF 257-1); (2) in the Motion for Preliminary Approval of Settlement, which was posted upon creation of the Settlement Website prior to sending out Notice to the Class, and which disclosed the fee and expense request (ECF 243 at page 15); and (3) on PACER, where all such motions were filed publicly. Furthermore, Class members could contact the Class Administrator (with a toll-free number (866) 742-4955) or Class Counsel (via phone or email) to request additional information. Lastly, the fee and expense request in the Fee Motion was also disclosed in the Motion for Final Approval of Settlement, which likewise was timely posted to the Settlement Website (ECF 257 at page 18).

For these reasons, Class Counsel respectfully submit that this oversight is not an obstacle to approving the Settlement (so that Class members may receive their Settlement proceeds) or the Fee Motion, as shareholders had ample notice of the fee and expense request, no one has objected after receiving the Notice, and there is a remarkable 94% claim rate in support of the Settlement instead. Indeed,

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<sup>1</sup> This document is also being posted on the Settlement Website contemporaneously with its filing with the Court.

1 even in the face of *actual* objections based on the failure of similar fee motions to be posted on  
2 settlement websites, this Court—relying on *In re Mercury Interactive Corp. Securities Litigation*, 618  
3 F.3d 988 (9th Cir. 2010)—has found that due process was satisfied where the fee and expense request  
4 was elsewhere disclosed. In *Mercury Interactive*, the Ninth Circuit held that Rule 23(h) of the Federal  
5 Rules of Civil Procedure “requires a district court to set the deadline for objections to counsel’s fee request  
6 on a date *after* the motion and documents supporting it have been **filed**.” *Id.* at 993 (emphasis  
7 added). Nothing in *Mercury Interactive* requires a motion for attorneys’ fees to be posted on a class action  
8 website, and judges in this District have overruled objections based on the failure to post a fee motion on  
9 the settlement website. *In re High-Tech Empl. Antitrust Litig.*, No. 11-CV-02509-LHK, 2015 U.S.  
10 Dist. LEXIS 118052, at \*54-56 (N.D. Cal. Sep. 2, 2015) (Koh, J.) (overruling objection that failure  
11 to post motions for attorney’s on settlement website rendered notice inadequate, because the motions  
12 were all publicly filed, in a timely manner, on the case’s public electronic docket); *In re TFT-LCD*  
13 *(Flat Panel) Antitrust Litig.*, No. MDL 3:07-md-1827 SI, 2011 U.S. Dist. LEXIS 154288, at \*4-6  
14 (N.D. Cal. Dec. 27, 2011) (overruling same objection because there is no requirement that a fee  
15 motion “be posted on a class action website” and “Class Members had multiple avenues in addition  
16 to the Court’s docket and the class action website to obtain information about the” fee motion,  
17 including from the claims administrator and class counsel).

18 Here the deadline for objections was June 6, 2025, and the Fee Motion was filed and available  
19 on the public docket on May 2, 2025. Furthermore, as noted above, the request in the Fee Motion was  
20 disclosed to the Class in no less than three locations *prior to* the objection deadline. Accordingly, due  
21 process is more than satisfied.

22 Class Counsel apologize to the Court and the Class for the oversight, but respectfully submit  
23 that it is not an obstacle for approval of the Settlement or the Fee Motion.

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1 Dated: July 14, 2025

Respectfully submitted,

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