

FILED
SAN MATEO COUNTY

MAY 17 2023

Clerk of the Superior Court

By  DEPUTY CLERK

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13 *Class Counsel*

14
15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 COUNTY OF SAN MATEO
17

18 In re MICRO FOCUS INTERNATIONAL) Lead Case No. 18CIV01549
19 PLC SECURITIES LITIGATION)

) Class Action

20 This Document Relates To:)

21 ALL ACTIONS.)

) **STIPULATION AND [PROPOSED] ORDER**
) **CONTINUING FINAL APPROVAL**
) **HEARING DATE, EXTENDING**
) **DEADLINES TO RESPOND TO**
) **SETTLEMENT, AND APPROVING**
) **SUMMARY NOTICE**

) Date Action Filed: May 24, 2019

) Assigned for All Purposes to:
) Hon. Marie S. Weiner, Dept. 2

27
28 Stipulation and [Proposed] Order Continuing Hearing Date, Extending Class Deadlines and
Approving Summary Notice

1 **STIPULATION**

2 WHEREAS, on February 7, 2023, the Court entered its Order Preliminarily Approving
3 Settlement and Providing for Notice (“Preliminary Approval Order”), which granted preliminary
4 approval of the Settlement, authorized notice to Settlement Class Members, and set a Settlement
5 Fairness Hearing on June 27, 2023 to consider final approval; and

6 WHEREAS, while the Claims Administrator mailed the Notice to Settlement Class
7 Members, and published the Summary Notice in the Wall Street Journal, the Claims Administrator
8 inadvertently did not publish the Summary Notice in a national news service as provided in the
9 Preliminary Approval Order; and

10 WHEREAS, the Parties agree that the Summary Notice should be published in a national
11 news service and Settlement Class Members given additional time to respond; and

12 WHEREAS, subject to Court availability, the Parties further agree to (1) continue the
13 Settlement Fairness Hearing for approximately 30 days, from June 27, 2023 to July 28, 2023, or
14 such other date convenient to the Court; (2) extend the deadline for Class Members to submit claims,
15 object to the Settlement, or exclude themselves from the Settlement Class for 30 days, from May
16 30, 2023 to June 30, 2023; and (3) direct the Claims Administrator to immediately publish the
17 Summary Notice over a national news service, and update the Settlement Website, to reflect the new
18 Settlement Fairness Hearing date and deadlines;

19 NOW, THEREFORE, the Parties, through their respective counsel, agree and stipulate,
20 subject to the Court’s approval, that:

21 (a) The Settlement Fairness Hearing be rescheduled from June 27, 2023 to July 28, 2023, or
22 such other date convenient to the Court, and all motion papers in support, in opposition,
23 or in reply shall be based on the new hearing date;

24 (b) The deadline for Class Members to submit claims, object to the Settlement, or exclude
25 themselves from the Settlement Class be extended from May 30, 2023 to June 30, 2023;
26 and

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(c) The Claims Administrator be authorized to immediately publish the Summary Notice over a national news service and in the form attached hereto, and to update the Settlement Website, to reflect the new Settlement Fairness Hearing date and deadlines.

IT IS SO STIPULATED.

Dated: May 16, 2023

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DATED: May 16, 2023

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DATED: May 16, 2023

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JOHN D. PERNICK
ADAM C. TRIGG

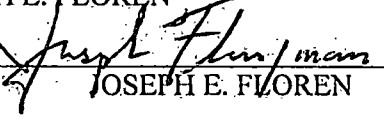

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DATED: May 16, 2023

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~~PROPOSED~~ ORDER

at 2:00 pm
in Dept 2

Pursuant to the parties' stipulation, IT IS SO ORDERED.

25

- 1. The Settlement Fairness Hearing is rescheduled from June 27, 2023 to July 28, 2023, and all motion papers in support, in opposition, or in reply shall be based on the new hearing date;
- 2. The deadline for Class Members to submit claims, object to the Settlement, or exclude themselves from the Settlement Class is extended from May 30, 2023 to June 30, 2023; and
- 3. The Claims Administrator is authorized to immediately publish the Summary Notice over a national news service and in the form attached hereto, and to update the Settlement Website, to reflect the new Settlement Fairness Hearing date and deadlines.

DATED: 5/16/23



HONORABLE MARIE S. WEINER
JUDGE OF THE SUPERIOR COURT

ATTACHMENT

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Class Counsel for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN MATEO

In re MICRO FOCUS INTERNATIONAL
PLC SECURITIES LITIGATION

This Document Relates To:

ALL ACTIONS.

) Lead Case No. 18CIV01549
)
) CLASS ACTION
)
) SUMMARY NOTICE OF PROPOSED
) SETTLEMENT OF CLASS ACTION
)
) Assigned for All Purposes to:
) Hon. Marie S. Weiner, Dept. 2
) Date Action Filed: 03/28/18

1 **TO: ALL PERSONS AND ENTITIES WHO PURCHASED OR ACQUIRED AMERICAN**
2 **DEPOSITARY SHARES (“ADSs”) OR AMERICAN DEPOSITARY RECEIPTS**
3 **“(ADRs”) OF MICRO FOCUS INTERNATIONAL plc (“MICRO FOCUS” OR**
4 **“COMPANY”), OR RIGHTS TO RECEIVE SUCH ADSs OR ADRs, (A) DURING**
5 **THE PERIOD BETWEEN SEPTEMBER 1, 2017 AND AUGUST 28, 2019,**
6 **INCLUSIVE (“SETTLEMENT CLASS PERIOD”), OR (B) PURSUANT OR**
7 **TRACEABLE TO THE REGISTRATION STATEMENTS ON FORMS F-4 AND F-6**
8 **AND PROSPECTUS ISSUED IN CONNECTION WITH THE MERGER OF MICRO**
9 **FOCUS AND THE SOFTWARE BUSINESS UNIT OF HEWLETT PACKARD**
10 **ENTERPRISE COMPANY (“HPE”) (OR THEIR SUBSIDIARIES) (“MERGER”),**
11 **AND WHO ARE NOT OTHERWISE EXCLUDED THEREFROM (“SETTLEMENT**
12 **CLASS” OR “SETTLEMENT CLASS MEMBERS”)**

13 **THIS NOTICE WAS AUTHORIZED BY THE COURT. IT IS NOT A LAWYER**
14 **SOLICITATION. PLEASE READ THIS NOTICE CAREFULLY AND IN ITS ENTIRETY.**

15 YOU ARE HEREBY NOTIFIED that a hearing will be held on _____, 2023, at ___:00 a/p.m.,
16 before the Honorable Marie S. Weiner at the Superior Court of California, County of San Mateo,
17 Department 2, Courtroom 2E, 400 County Center, Redwood City, CA 94063, to determine whether:
18 (1) the proposed settlement (the “Settlement”) of the above-captioned action as set forth in the
19 Stipulation of Settlement (“Stipulation”)¹ for \$107,500,000 in cash should be approved by the Court
20 as fair, reasonable and adequate; (2) the Final Judgment as provided under the Stipulation should be
21 entered; (3) to award Plaintiffs’ Counsel attorneys’ fees and expenses out of the Settlement Fund (as
22 defined in the Notice of Proposed Settlement of Class Action (“Notice”), which is discussed below);
23 (4) to grant awards to Plaintiffs and the Federal Plaintiff out of the Settlement Fund for their efforts
24 in representing the Settlement Class; and (5) the Plan of Allocation should be approved by the Court
25 as fair, reasonable and adequate.

26 This Action is a consolidated securities class action, brought on behalf of those Persons who
27 purchased or acquired Micro Focus ADSs/ADRs during the period from September 1, 2017 through
28 August 28, 2019, inclusive, or pursuant or traceable to the Registration Statements and Prospectus on
Forms F-4 and F-6 issued in connection with the Merger (collectively, the “Materials”), against Micro
Focus, HPE, and certain of their Officers and/or directors (collectively, “Defendants”) for allegedly
misstating and/or omitting material facts from the Materials. Plaintiffs allege that these purportedly

¹ The Stipulation can be viewed and/or obtained at www.microfocusclassaction.com. Capitalized terms not defined herein are defined in the Stipulation.

1 false and misleading statements inflated the price of the ADSs/ADRs, resulting in damage to
2 Settlement Class Members. Defendants have denied, and continue to deny, all of Plaintiffs'
3 allegations and claims – including the allegation that any material facts were misstated in or omitted
4 from the Materials – as well as any and all assertions of wrongdoing or liability of any kind.
5 Defendants deny that they have violated any aspects of the securities laws of the United States, and
6 there has been no finding of liability or wrongdoing by, on the part of, or against, any Defendant.

7 IF YOU PURCHASED OR ACQUIRED MICRO FOCUS ADSs OR ADRs BETWEEN
8 SEPTEMBER 1, 2017 THROUGH AND INCLUDING AUGUST 28, 2019, YOUR RIGHTS MAY
9 BE AFFECTED BY THE SETTLEMENT OF THIS ACTION.

10 To share in the distribution of the Settlement Fund, you must establish your rights by
11 submitting a Proof of Claim and Release form (“Proof of Claim”) by mail (**postmarked no later**
12 **than June 30, 2023**) or electronically (**no later than June 30, 2023**). Your failure to submit your
13 Proof of Claim by June 30, 2023, will subject your claim to rejection and preclude your receiving any
14 of the recovery in connection with the Settlement of this Action. If you are a member of the
15 Settlement Class and do not request exclusion therefrom, you will be bound by the Settlement and
16 any judgment and release entered in the Action, including, but not limited to, the Final Judgment,
17 whether or not you submit a Proof of Claim.

18 If you have not received a copy of the Notice, which more completely describes the Settlement
19 and your rights thereunder (including your right to object to the Settlement), and a Proof of Claim
20 form, you may obtain these documents, as well as a copy of the Stipulation (which, among other
21 things, contains definitions for the defined terms used in this Summary Notice) and other settlement
22 documents, online at www.microfocusclassaction.com or by contacting the Claims Administrator:

23 *Micro Focus Securities Litigation Settlement*
24 c/o Epiq Class Action and Claims Solutions
P.O. Box 5459
25 Portland, OR 97228-5459
Telephone: 855/604-1743
26 Email: info@microfocusclassaction.com

27 Inquiries should NOT be directed to Defendants, the Court, or the Clerk of the Court.
28

1 Inquiries, other than requests for the Notice or for a Proof of Claim form, may be made to the
2 following representatives of Plaintiffs' Counsel:

3 ROBBINS GELLER RUDMAN & DOWD LLP

4 Joseph Russello
5 58 South Service Road, Suite 200
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7 Telephone: 631/367-7100

8 COTCHETT, PITRE & McCARTHY, LLP

9 Mark C. Molumphy
10 840 Malcolm Road, Suite 200
11 Burlingame, CA 94010
12 Telephone: 650/697-6000

13 IF YOU DESIRE TO BE EXCLUDED FROM THE SETTLEMENT CLASS, YOU MUST
14 SUBMIT A REQUEST FOR EXCLUSION **POSTMARKED BY JUNE 30, 2023**, IN THE
15 MANNER AND FORM EXPLAINED IN THE NOTICE. ALL MEMBERS OF THE
16 SETTLEMENT CLASS WHO HAVE NOT REQUESTED EXCLUSION FROM THE
17 SETTLEMENT CLASS WILL BE BOUND BY THE SETTLEMENT EVEN IF THEY DO NOT
18 SUBMIT A TIMELY PROOF OF CLAIM. IF YOU PREVIOUSLY REQUESTED EXCLUSION
19 FROM THE CERTIFIED CLASS LAST YEAR, YOU DO NOT NEED TO DO SO AGAIN.

20 IF YOU ARE A SETTLEMENT CLASS MEMBER, YOU HAVE THE RIGHT TO OBJECT
21 TO THE SETTLEMENT, THE PLAN OF ALLOCATION, THE REQUEST BY PLAINTIFFS'
22 COUNSEL FOR AN AWARD OF ATTORNEYS' FEES AND EXPENSES, AND/OR THE
23 REQUEST FOR AN AWARD TO PLAINTIFFS AND/OR THE FEDERAL PLAINTIFF FOR
24 THEIR EFFORTS IN REPRESENTING THE SETTLEMENT CLASS. ANY OBJECTIONS
25 MUST BE FILED WITH THE COURT AND SENT TO PLAINTIFFS' COUNSEL **BY JUNE 30,**
26 **2023**, IN THE MANNER AND FORM EXPLAINED IN THE NOTICE.

27 DATED: _____, 2023

28 HONORABLE MARIE S. WEINER
 SUPERIOR COURT JUDGE FOR THE
 STATE OF CALIFORNIA, COUNTY OF SAN
 MATEO