

FILED
SAN MATEO COUNTY

NOV 19 2021

Clerk of the Superior Court

By

DEPUTY CLERK

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN MATEO

COMPLEX CIVIL LITIGATION

In re MICRO FOCUS
INTERNATIONAL PLC SECURITIES
LITIGATION
_____ /

This Document Relates to:
ALL ACTIONS
_____ /

Master File No: 18CIV01549
(Consolidated with 18CIV1653;
18CIV1827, 18CIV2038, 18CIV02583,
18CIV03975, and 20CIV01521)
CLASS ACTION

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

**ORDER GRANTING CLASS
CERTIFICATION**

On September 14, 2021, hearing was held on Plaintiffs' Motion for Class Certification in Department 2 of this Court before the Honorable Marie S. Weiner. Mark Molumphy, Tyson Redenbarger and Noorjahan Rahman of Cotchett Pitre & McCarthy LLP, James Jaconette and Joseph Russello of Robbins Geller Rudman & Dowd LLP, John Jasnoch, Amanda Lawrence and Jeffrey Jacobson of Scott + Scott appeared on behalf of Plaintiffs; Matthew Solum and Joseph Sanderson of Kirkland & Ellis LLP appeared on behalf of Defendants Micro Focus International PLC and "Overseas" Individual Defendants Murdoch, Phillips, Loosemore, Brauckmann, Slatford, Atkins, Brown, Scheiber and Roos; Joseph Floren and Robert O'Leary of Morgan Lewis &

Bockius LLP appeared on behalf of Defendants John Schultz and Hewlett Packard Enterprise Co.; and John Pernick of Bergeson LLP appeared on behalf of defendant Christopher Hsu.

Subsequent to hearing on the motion for class certification, Defendant Micro Focus International PLC filed an Answer, and Defendants HPE, Hsu, and Schultz were voluntarily dismissed. Accordingly, the pleading stage is completed.

The motion originally sought appointment of three named Plaintiffs as Class Representatives. Subsequent to hearing on the motion, a Second Amended Consolidated Class Action Complaint was filed, as to which Plaintiff Fritz Wolff is no longer included as a named Plaintiff or other party; and accordingly the Court deemed Wolff's request to be WITHDRAWN.

Upon due consideration of the briefs and evidence presented, and the oral argument of counsel for the parties, and having taken the matter under submission,

IT IS HEREBY ORDERED as follows:

1. Plaintiffs' Motion for Class Certification is GRANTED. The Class members are ascertainable and it is impracticable to bring all of them before the Court individually. There are common questions of law and fact that predominate over any individual issues. The claims of the Plaintiffs approved as Class Representatives are typical of the claims of the certified Class. The Class Representatives and the proposed Class Counsel will fairly and adequately represent and protect the interests of the Class. A Class procedure is superior to individual lawsuits for adjudication of the claims alleged in this action.

2. A Class is certified, defined as follows: All persons and entities who purchased or acquired American Depositary Shares of Micro Focus International plc

pursuant to the interrelated Registration Statements on Forms F-4 and F-6 and Prospectus issued in connection with the merger of Micro Focus with Hewlett Packard Enterprise Company (or their subsidiaries), and who were damaged thereby; excluding Defendants, officers and directors of Micro Focus, officers and directors of HPE, members of their immediate families, legal representatives, heirs, successor or assigns, and any entity in which they have or had a controlling interest.

3. Plaintiff Ian Green and Plaintiff Cardella Family Irrevocable Trust U/A 06/17/15 are appointed as Plaintiff Class Representatives.

4. The law firms of Robbins Geller Rudman & Dowd LLP, Scott + Scott Attorneys at Law LLP, and Cotchett Pitre & McCarthy LLP are appointed as Plaintiffs' Class Counsel.

5. The parties shall meet and confer regarding a Class mailing list and a Class Notice. A proposed Class Notice and related order shall be submitted on or before **December 30, 2021**.


6. A Complex Case Management Conference is set for **Tuesday, January 18, 2022 at 2:00 p.m.** in Department 2 of this Court, located at Courtroom 2E, 400 County Center, Redwood City, California. **All appearances shall be remote only, using Zoom.**

7. In anticipation of the Case Management Conference, counsel for the parties should be prepared to discuss at the hearing *and* file written case management conference statements (**in prose and details, not using the standardized Judicial Council form**) with a courtesy copy delivered *directly* to Department 2 on or before **January 10, 2022**, as to the following:

a. Status of Class Notice;

- b. Status of Discovery;
- c. Status of Settlement or Mediation;
- d. Any anticipated motions and proposed briefing schedule;
- e. Setting of next CMC date; and
- f. Any other matters for which the parties seek Court ruling or scheduling.

DATED: November 19, 2021



HON. MARIE S. WEINER
JUDGE OF THE SUPERIOR COURT