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19 *Plaintiffs' Class Counsel*

20 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
21 **COUNTY OF SAN MATEO**

22 In re MICRO FOCUS INTERNATIONAL  
23 PLC, SECURITIES LITIGATION

24 This Document Relates To:  
25 ALL ACTIONS

**FILED**  
**SAN MATEO COUNTY**

MAR 30 2022

Clerk of the Superior Court

By \_\_\_\_\_  
DEPUTY CLERK

Joseph W. Cotchett (CA 36324)  
Mark C. Molumphy (CA 168009)  
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Lead Case No. 18CIV01549

CLASS ACTION

**REVISED [PROPOSED] ORDER**  
**FOR APPROVAL**  
**OF PROPOSED PLAN FOR**  
**DISSEMINATION OF NOTICE OF**  
**PENDENCY OF CLASS ACTION**

Assigned for All Purposes to:  
Hon. Marie S. Weiner, Dept. 2  
Date Action Filed: 03/28/18

1 The Court, having considered the Stipulation Regarding Proposed Plan for Dissemination of  
2 Notice of Pendency of Class Action (“Stipulation”), together with the records on file in this action,  
3 and for good cause appearing, hereby ORDERS as follows:

4 1. The proposed forms of the Notice and Summary Notice of Pendency of Class Action  
5 (together, “Notices”), attached hereto as Exhibits A and B, respectively, are approved.  
6

7 2. The dissemination of the proposed Notices, in accord with the Notice Plan set forth in  
8 the Stipulation and below, constitute the best notice that is practicable under the circumstances.

9 3. Plaintiffs’ selection of Epiq Class Action & Claims Solutions, Inc. as Notice  
10 Administrator is approved.

11 4. ~~Within thirty (30) days of the date of entry of this Order,~~ **As previously ordered,** Micro Focus International  
12 plc shall provide to, or cause its stock transfer agent to provide to, Class Counsel the Putative Class  
13 Member List, **on or before April 1, 2022.**  
14

15 5. Within fourteen (14) days of receipt of the Putative Class Member List, the Notice  
16 Administrator shall mail the Notice by First-Class mail to all persons and entities listed on the Putative  
17 Class Member List

18 6. Within-fourteen (14) days of receipt of the Putative Class Member List, the Notice  
19 Administrator shall cause the Summary Notice to be published in *The Wall Street Journal* and  
20 transmitted over *Business Wire*.


21 7. Within fourteen (14) days of receipt of the Putative Class Member List, the Notice  
22 Administrator shall make the Summary Notice available on the DTC Electronic Legal Notice system.

23 8. Within forty-five (45) days of the entry of this Order, Class Counsel shall file proof of  
24 publication of the Summary Notice with the Court.  
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seventy-five (75)

1 9. Class members shall have ~~sixty~~ days from the date of mailing of the Notice to  
2 exclude themselves from this action, pursuant to the procedure described in the Notice.

3  
4 DATED: 3/30/22

  
HONORABLE MARIE S. WEINER  
CALIFORNIA SUPERIOR COURT JUDGE

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# **EXHIBIT A**

[EXHIBIT A]

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN MATEO

In re MICRO FOCUS INTERNATIONAL ) Master File No.: 18CIV01549  
PLC SECURITIES LITIGATION )  
\_\_\_\_\_ )

**[PROPOSED] NOTICE OF PENDENCY OF CLASS ACTION**

*A court authorized this notice. This is not a solicitation from a lawyer. You are not being sued.*

**NOTICE OF PENDENCY OF CLASS ACTION:** Please be advised that your rights may be affected by a class action lawsuit pending in the Superior Court of the State of California, County of San Mateo if you purchased or acquired American Depositary Shares of Micro Focus International plc (“Micro Focus”) in connection with the Agreement and Plan of Merger, dated September 7, 2016, with Hewlett Packard Enterprise Company (“HPE”), Seattle SpinCo, Inc., Seattle Holdings, Inc., and Seattle Merger Sub, Inc., pursuant to which Micro Focus combined with the software business segment of HPE. This Notice explains important rights you may have. Please read it carefully.

- A class action lawsuit is pending in the Superior Court of the State of California, San Mateo County (the “Court”), against (1) Micro Focus, and (2) certain of Micro Focus’s current and former officers and directors (the “Individual Defendants”) who signed the interrelated Registration Statements on Forms F-4 and F-6 and the incorporated Prospectus (the “Offering Materials”) for the Merger.<sup>1</sup>
- The Court decided that this lawsuit can proceed as a class action on behalf of a “Class” (*i.e.*, a group of people and entities) that could include you. The Class, subject to certain exclusions discussed below, consists of “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.”

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<sup>1</sup> The Individual Defendants consist of Stephen Murdoch, Mike Phillips, Kevin Loosemore, Nils Brauchmann, Karen Slatford, Richard Atkins, Amanda Brown, Silke Scheiber, and Darren Roos. “Defendants,” as that term is used in this Notice, are the Individual Defendants and Micro Focus.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT</b>	
<b>Do Nothing</b>	<p><b><i>Stay in the lawsuit. Await the outcome. Share in possible benefits. Give up certain rights.</i></b></p> <p>By doing nothing, you are choosing to stay in the Class. You will be permitted to share in any recovery that may result from this class action, but you will give up your rights to sue Defendants in a separate lawsuit for any claims made in this action. In addition, you will be bound by past and any future court rulings on, or the settlement of, the claims against Defendants.</p>
<b>Ask to Be Excluded from the Class</b>	<p><b><i>Get out of this lawsuit. Keep your rights.</i></b></p> <p>If you opt out of the Class (meaning you say in writing that you do not want to be included in this lawsuit), you will <u>not</u> be entitled to any recovery that may result from this class action, but you will <u>not</u> be bound by any past or future rulings for or against Defendants. You will be free to pursue your claims against Defendants on your own or as part of a different lawsuit (but you should consult with a lawyer to determine whether those claims are timely).</p>

These rights and options, and the deadlines to exercise them, are further explained in this Notice.

### **BASIC INFORMATION ABOUT THE LAWSUIT**

#### **1. Why did I get this Notice?**

Records indicate that you may have purchased or acquired Micro Focus American Depository Shares (“ADSS”) issued in connection with the Merger of Micro Focus and the software business segment of HPE, which was completed on September 1, 2017. This Notice explains that the Court has allowed, or “certified,” a class in a lawsuit that may affect you. You have legal rights and options that you may exercise. Judge Marie S. Weiner of the Superior Court of California for San Mateo County is overseeing this class action. The case is known as *In re Micro Focus International PLC Securities Litigation*, Case No. 18CIV01549 (the “Action”).

#### **2. What is this lawsuit about?**

The Action alleges that Defendants violated Section 11 of the federal Securities Act of 1933 (the “Securities Act”) because the Offering Materials, pursuant to which Micro Focus ADSSs were issued in connection with the Merger, allegedly contained materially false or misleading statements and/or omitted material information required to be disclosed therein.

The Action also alleges that Micro Focus violated Section 12(a)(2) of the Securities Act by soliciting investors to acquire Micro Focus ADSs. The Action further alleges that, pursuant to Section 15 of the Securities Act, the Individual Defendants are liable for Micro Focus's alleged violations of Sections 11 and 12(a)(2) as "controlling persons" of Micro Focus. Defendants deny any wrongdoing or violations of the Securities Act.

**3. What is a class action and who is involved?**

In a class action, one or more people or entities called "class representatives" are appointed by the court to sue on behalf of themselves and other persons or entities who have the same or similar claims. In this case, the Court appointed Ian Green and Cardella Family Irrevoc Trust U/A 06/17/15 as the "Class Representatives." The Class Representatives and those they represent together are called a "class" or "class members." Those who filed the suit are called "plaintiffs" and those being sued are called "defendants." One court resolves the issues and claims for all class members, except for those who exclude themselves, or "opt out," from the Class.

**4. What has happened so far?**

On March 28, 2018, the first of several related class actions was filed in this Court (San Mateo County Superior Court of California) by purchasers of Micro Focus ADSs ("Plaintiffs"). On May 1, 2018, the California class actions were consolidated and assigned to Judge Marie S. Weiner. Plaintiffs filed the Consolidated Class Action Complaint for Violations of the Securities Act of 1933 on June 15, 2018, which alleged that Defendants variously had violated Sections 11, 12(a)(2) and 15 of the Securities Act by selling, or offering to sell, Micro Focus ADSs pursuant to Offering Materials that contained materially false or misleading statements and/or omitted material information required to be disclosed therein. On May 25, 2021, Plaintiffs filed the First Amended Consolidated Complaint. Thereafter, certain defendants, including Micro Focus, sought to dismiss the Action. On September 21, 2021, the Court dismissed this Action as to those other defendants but granted Plaintiffs leave to amend. On September 30, 2021, Plaintiffs filed the Second Amended Consolidated Complaint, which is the operative complaint in this Action. After rulings by the Court regarding the complaint, the Section 11 claim is now proceeding against Micro Focus and the certain Individual Defendants who are former or current corporate officers and directors, the Section 12(a)(2) claim is now proceeding against Micro Focus, and the Section 15 claim is now proceeding against the Individual Defendants.

On May 25, 2021, Plaintiffs filed a motion for class certification. On November 19, 2021, after briefing and argument of the motion, the Court granted the motion, appointed the Class Representatives and Class Counsel, and certified the Class.

**5. What type of recovery are the Class Representatives seeking?**

The Class Representatives seek to recover money to compensate Class Members for the losses they allegedly suffered as a result of Defendants' conduct, as well as pre-judgment and post-judgment interest.

**6. Is there any money available now?**

No money or benefits are available in this Action now because the Court has not yet decided whether Defendants did anything wrong, and the two sides have not settled the case. There is no guarantee that any money or benefits ever will be obtained. If they are, you will receive a notice describing how to receive a share of any recovery in which you may be eligible to participate.

As noted above, a proposed settlement was reached in the Federal Action, but it is presently unknown whether that settlement will receive preliminary or final approval.

**DETERMINING IF YOU ARE A MEMBER OF THE CLASS**

**7. How do I know if I am a Class Member?**

You are a member of the Class if you purchased or acquired Micro Focus ADSs pursuant to the Offering Materials issued in connection with the Merger of Micro Focus and the software business segment of HPE, which was completed on September 1, 2017.

If you own interests in a mutual fund that purchased or otherwise acquired Micro Focus ADSs, that does not make you a Class Member; instead, you are a Class Member only if you (or your broker on your behalf) purchased or acquired Micro Focus ADSs for your own account. If you are the legal representative or fiduciary of a person or legal entity that purchased or acquired Micro Focus ADSs (*e.g.*, if you are the trustee of a trust that purchased or acquired Micro Focus ADSs), then the person or entity that you represent will be the Class Member, but it may be legally bound by your decisions.

**8. Are there exceptions to being included in the Class?**

Yes. There are also some people and entities that are excluded from the Class by definition. The excluded persons and entities are: each of Defendants; officers and directors of Micro Focus and officers and directors of HPE, as well as members of their immediate families, legal representatives, heirs, successors or assigns; and any entity in which any of the foregoing have or had a controlling interest. Also excluded from the Class will be any persons and entities who timely and validly seek exclusion from the Class in accordance with the requirements set forth in this Notice.

**9. Are you still not sure if you're included?**

If you are still not sure whether you are included in the Class, you can get free help at [www.MicroFocusClassAction.com](http://www.MicroFocusClassAction.com) or by calling or writing to Class Counsel for the Class in this case at the phone number or address provided in response to question 15 below.



## **YOUR OPTIONS AS A CLASS MEMBER**

### **10. What are my options as a Class Member?**

You must decide whether to stay in the Class or opt out of it.

### **11. What happens if I choose to stay in the Class?**

If you stay in the Class, you will be permitted to share in any recovery that may be awarded in this Action if you suffered compensable losses, subject to the terms of any plan of allocation that may be approved by the Court. If you decide to stay in the Class, you will also be legally bound by all of the determinations, including orders and judgments, that the Court has made or will make in this Action, even if there is no recovery.

### **12. How do I stay in the Class?**

You do not have to do anything at this time to stay in the Class.

### **13. What happens if I “opt out” (exclude myself) from the Class?**

If you opt out of the Class (by stating in writing that you do not want to be included in the Class in this Action in accordance with the procedures set forth in this Notice), you will give up the right to participate in any recovery that may be achieved in this Action. But you will keep any rights you may currently have to sue Defendants regarding the legal claims at issue in this lawsuit. If you opt out of the Class, you will also not be bound by the Court’s determinations in this Action, and will no longer be represented by Class Counsel.

### **14. How do I “opt out” (exclude myself) from the Class?**

To exclude yourself from the Class, you must send a letter by mail saying that you want to be excluded from the Class in the following action: *In re Micro Focus PLC Securities Litigation*, Case No. 18CIV01549. Be sure to include your name, address, e-mail address, and telephone number, and sign the letter. Exclusion requests must also state the date, price, and number of shares of Micro Focus ADSs you purchased or acquired in connection with the Merger. (You must also maintain your transaction records, as you may be requested to submit them at a later date.) Your exclusion request must be received no later than \_\_\_\_\_, 2022 and sent to the Notice Administrator at:

*Micro Focus Class Action - Exclusions*  
c/o Epiq [INSERT ADDRESS]

You cannot exclude yourself by phone or by e-mail. If you make a proper request for exclusion, you will not be legally bound by anything that happens in this Action.

## **THE LAWYERS REPRESENTING YOU**

### **15. As a Class member, do I have a lawyer representing my interests in this case?**

Yes. The Court has appointed lawyers to represent you and other Class Members. These lawyers are called "Class Counsel." Lawyers from the following law firms are representing the Class: Robbins Geller Rudman & Dowd LLP; Scott+Scott Attorneys at Law, LLP; and Cotchett, Pitre & McCarthy LLP.

If you have questions about this Notice you can contact the Robbins Geller firm (c/o James I. Jaconette) at jamesj@rgrdlaw.com or 1-800-449-4900; the Scott+Scott firm (c/o John T. Jasnoch) at jjasnoch@scott-scott.com or 1-800-332-2259, or the Cotchett firm (c/o Mark C. Molumphy) at mmolumphy@cpmlegal.com or 650-697-6000. You will not be separately charged for these lawyers, or for the services of any other counsel representing the Class.

### **16. How will the lawyers for the Class be compensated?**

If a recovery is obtained for the Class, Class Counsel will submit an application to the Court for an award of attorneys' fees and for reimbursement of litigation expenses that Plaintiffs' counsel have incurred in pursuing the Action. Class Counsel may also ask the Court to approve a reasonable service award for the Class Representatives or other plaintiffs who assisted in prosecuting this Action. If approved, any such attorneys' fees, expenses or awards will either be paid from the recovery obtained for the Class or separately by Defendants. Class members will **not** be liable for any such fees, expenses, or awards.

### **17. Should I get my own lawyer?**

You do not need to hire your own lawyer. However, you are free to hire your own lawyer at your own expense. If you hire a lawyer to speak for you or to appear in Court, your lawyer must file a Notice of Appearance.

## **GETTING MORE INFORMATION**

### **18. Where do I get more information?**

This Notice contains only a summary of the Action and proceedings to date. Complete copies of public pleadings, Court rulings and other filings are available for review and copying at the San Mateo Superior Court Clerk's office at 400 County Center, Redwood City, CA 94063. Additional information is also available at the website maintained for this Action, [www.MicroFocusClassAction.com](http://www.MicroFocusClassAction.com), or by contacting the Notice Administrator at *Micro Focus Class Action*, c/o Epiq [INSERT ADDRESS], tel. ( ) \_\_\_\_-\_\_\_\_.

***Please do not contact the Court, the Clerk of the Court, Defendants, or Defendants' Counsel for additional information. They cannot answer any questions or discuss the Action.***

**SPECIAL NOTICE TO BANKS, SECURITIES BROKERS, AND OTHER NOMINEES**

If you purchased or acquired Micro Focus ADSs (ticker: MFGP) issued in connection with the Merger, completed on September 1, 2017, for the beneficial interest of a person or entity other than yourself, ***WITHIN FOURTEEN (14) CALENDAR DAYS OF YOUR RECEIPT OF THIS NOTICE***, you should: (A) provide to the Notice Administrator the name and last known address of each person or entity for whom or which you purchased such ADSs (preferably in electronic format (MS Excel or CSV file); or (B) request from the Notice Administrator additional copies of this Notice (which will be provided to you free of charge) and send them to the beneficial owners/purchasers of the ADSs, within fourteen (14) calendar days of receipt, by First-Class mail. All communications concerning the foregoing should be addressed to the Notice Administrator at: *Micro Focus Class Action*, c/o Epiq [INSERT ADDRESS], tel. (\_\_\_\_) \_\_\_\_ - \_\_\_\_\_, or by email to \_\_\_\_\_.

Regardless of whether you choose to complete the mailing yourself or elect to have the mailing performed for you, you may obtain reimbursement for or advancement of reasonable administrative costs actually incurred or expected to be incurred in connection with forwarding this Notice and which would not have been incurred but for the obligation to forward this Notice, upon request and submission of appropriate documentation to the Notice Administrator.

**PLEASE DO NOT CONTACT THE COURT OR THE CLERK'S OFFICE REGARDING THIS NOTICE.**

Dated: March 30, 2022

BY ORDER OF THE SUPERIOR COURT OF  
CALIFORNIA, SAN MATEO COUNTY

# **EXHIBIT B**

[EXHIBIT B]

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN MATEO

In re MICRO FOCUS INTERNATIONAL ) Master File No. 18CIV01549  
PLC SECURITIES LITIGATION )  
\_\_\_\_\_ )

[PROPOSED] SUMMARY NOTICE OF PENDENCY OF CLASS ACTION

**TO: ALL PERSONS AND ENTITIES WHO PURCHASED OR ACQUIRED THE 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).**

Please be advised that your rights may be affected by a class action lawsuit pending in the Superior Court of the State of California, County of San Mateo, if you purchased or acquired American Depositary Shares (“ADSs”) of Micro Focus International plc (“Micro Focus”) in connection with the Agreement and Plan of Merger, dated September 7, 2016, with Hewlett Packard Enterprise Company (“HPE”), Seattle SpinCo, Inc., Seattle Holdings, Inc., and Seattle Merger Sub, Inc., pursuant to which Micro Focus combined with the software business segment of HPE.

*A court authorized this notice. This is not a solicitation from a lawyer.*

PLEASE TAKE NOTICE that, pursuant to a Court Order dated November 19, 2021, a Class has been certified in a class action entitled *In re Micro Focus International PLC Securities Litigation*, Case No. 18CIV01549 (the “Action”), pending before Judge Marie S. Weiner of the Superior Court of the State of California, San Mateo County (the “Court”).

The Action is brought on behalf of all persons and entities who purchased or acquired ADSs of Micro Focus pursuant to the interrelated Registration Statements on Forms F-4 and F-6 and Prospectus (the “Offering Materials”) issued in connection with the Merger (the “Class”), and asserts claims under the federal Securities Act of 1933 (the “Securities Act”) against: (a) defendant Micro Focus; and (b) certain current and former Micro Focus officers

and directors (the "Individual Defendants") who signed the Offering Materials. Plaintiffs, on behalf of the Class, allege that all Defendants violated Section 11 of the Securities Act because the Offering Materials, pursuant to which Micro Focus ADSs were offered, contained materially false or misleading statements and/or omitted material information required to be disclosed therein. Plaintiffs also allege, on behalf of the Class, that Micro Focus violated Section 12(a)(2) of the Securities Act and that each Individual Defendant is liable for Micro Focus's alleged violations of Sections 11 and 12(a)(2) as a "controlling person" of Micro Focus under Section 15 of the Securities Act.

Each Defendant denies any wrongdoing or having violated any provisions of the Securities Act.

The Court has decided that the Action should proceed as a class action on behalf of a Class that (subject to certain exclusions) consists of "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 connections with the merger of Micro Focus with the software business segment of Hewlett Packard Enterprise Company (or their subsidiaries)."

If you are a member of the Class, your rights may be affected by this Action. If you have not received a detailed Notice of Pendency of Class Action ("Notice"), you may obtain copies by writing to Notice Administrator, *Micro Focus Class Action*, c/o Epiq [INSERT ADDRESS], tel: ( ) [ - ], or by downloading this information at [www.MicroFocusClassAction.com](http://www.MicroFocusClassAction.com). Inquiries, other than requests for a copy of the Notice, may be made to Class Counsel: Robbins Geller Rudman & Dowd LLP, c/o James I. Jaconette, 655 West Broadway, Suite 1900, San Diego, CA 92101, tel. (619) 231-1058; Scott+Scott

Attorneys at Law, LLP, c/o John T. Jasnoch, 707 Broadway, Suite 1000, San Diego, CA 92101, tel. (619) 233-4565; or Cotchett, Pitre & McCarthy LLP, c/o Mark C. Molumphy, 840 Malcolm Rd., Suite 200, Burlingame, CA 94010, tel. (650) 697-6000.

You have the right to request exclusion (opt out) from the Class. If you do not request exclusion from the Class, you will be bound by past and any future rulings of the Court on the claims asserted against the Defendants, even if there is no recovery.

IF YOU WISH TO REMAIN IN THE CLASS, YOU DO NOT HAVE TO DO ANYTHING AT THIS TIME. HOWEVER, IF YOU WISH TO BE EXCLUDED FROM THE CLASS, YOU MUST SUBMIT A REQUEST FOR EXCLUSION BY \_\_\_\_\_, 2022, IN THE MANNER AND FORM EXPLAINED IN THE NOTICE. ALL MEMBERS OF THE CLASS WHO DO NOT VALIDLY REQUEST EXCLUSION FROM THE CLASS WILL BE BOUND BY ALL OF THE DETERMINATIONS, INCLUDING ORDERS AND JUDGMENTS, THAT THE COURT HAS MADE OR WILL MAKE IN THIS ACTION, EVEN IF THERE IS NO RECOVERY.

**PLEASE DO NOT CONTACT THE COURT OR THE CLERK'S OFFICE REGARDING THIS NOTICE.**

Dated: \_\_\_\_\_

BY ORDER OF THE SUPERIOR COURT OF  
CALIFORNIA, SAN MATEO COUNTY