

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

**IN RE RESTORATION ROBOTICS, INC.
SECURITIES LITIGATION.**

Case No. 5:18-cv-03712-EJD

CLASS ACTION

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT, SETTLEMENT HEARING, AND APPLICATION
FOR ATTORNEYS' FEES AND EXPENSES¹**

If you purchased or acquired the publicly listed common stock of Restoration Robotics, Inc. (“Restoration Robotics” or the “Company”)² during the period from October 12, 2017, through April 9, 2018, inclusive, you may be entitled to receive money from a class action settlement.

A Federal Court authorized this Notice. This is not a solicitation from a lawyer.

This Notice summarizes the proposed settlement. For the precise terms and conditions of the settlement, please see the Settlement Agreement available at www.RestorationRoboticsSettlement.com or by contacting Class Counsel or the Claims Administrator at the contact information set forth on page 3 below, by accessing the Court docket in this case, for a fee, through the Court’s Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the Northern District of California, Robert F. Peckham Federal Building & United States Courthouse, 280 South 1st Street, Room 2112, San Jose, CA 95113, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.³

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK’S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.

Please be advised that your rights may be affected by the above-captioned securities class action (the “Action”) pending in the United States District Court for the Northern District of California (the “Court”) if you purchased or otherwise acquired the publicly traded common stock of Restoration Robotics, Inc. (formerly NASDAQ:HAIR, now NASDAQ:VERO) in or traceable to Restoration’s October 12, 2017, Initial Public Offering and were damaged thereby.⁴

Please be advised that the Court-appointed Lead Plaintiff (“Plaintiff”) and Class Representative, Edgardo Guerrini, on behalf of himself and the Class, has reached a proposed settlement of the Action for \$4,175,000 in cash that, if approved, will resolve all claims in the Action (the “Settlement”).

¹ This Notice incorporates by reference the definitions in the Stipulation and Agreement of Settlement dated April 22, 2021 (the “Stipulation”). All capitalized terms not otherwise defined herein shall have the same meaning as in the Stipulation. The Stipulation can be obtained at www.RestorationRoboticsSettlement.com.

² On November 7, 2019, Restoration Robotics completed a merger with Venus Concept Ltd. Immediately following the merger, Restoration Robotics changed its name to Venus Concept Inc. (“Venus”). For consistency, and to avoid confusion, this Notice continues to refer to the entity as “Restoration Robotics” or the “Company.”

³ The Clerk’s Office’s hours and public availability may vary due to ongoing COVID-19 restrictions. You are encouraged to contact the Clerk’s Office at (408) 535-5363 prior to any in-person visit.

⁴ Shares purchased from October 12, 2017, through April 9, 2018, inclusive, are presumed traceable to the IPO and are therefore included in the Settlement. After the April 9, 2018, expiration of the lock-up agreements related to the IPO, approximately 25 million additional shares of Restoration Robotics common stock not registered in the IPO became eligible for sale in the public market. As a result, shares traceable to the IPO accounted for just 13.5% of all tradeable Company common stock (or 28% excluding shares subject to Rule 144 reporting requirements). Given the improbability that shares purchased after the lock-up period’s expiration are traceable to the IPO, and the fact that purchasers during this period are not members of the certified Class given their individualized questions of traceability and standing, this Settlement applies a temporal cut-off so as to not dilute the Settlement recovery for those Class Members not subject to the tracing and standing inquiry.

PLEASE READ THIS NOTICE CAREFULLY. This Notice explains important rights you may have, including the possible receipt of payment from the Settlement. If you are a member of the Class (defined below), your legal rights will be affected whether or not you act.

- The proposed Settlement resolves a lawsuit over whether Restoration Robotics made materially false and misleading statements in the Registration Statement and Prospectus for its October 12, 2017, Initial Public Offering (“IPO”) (the “Offering Materials”), pursuant to which the Company sold its common stock to investors.
- A hearing (the “Settlement Hearing”) will be held by the Court to consider (a) the fairness, reasonableness, and adequacy of the Settlement, as set forth in the Stipulation (p. 12, below), and the Plan of Allocation (pp. 7-8, below), and whether to approve them; (b) whether Judgment, as provided under the Stipulation, should be entered; (c) whether to award Class Counsel attorneys’ fees and expenses, and whether to award Plaintiff an amount for his service on behalf of the Class and his reasonable time, costs, and expenses directly related to the representation of the Class, as set forth below (p. 11).
- Plaintiff and Class Counsel have been investigating and litigating this Action since its filing in June 2018. Plaintiff and Defendants disagree on whether the investors could have won at trial, and if so, how much money they could receive. The Settlement provides the Class with a cash benefit now, in lieu of engaging in years of further litigation, including additional contested motions, further costly discovery practice, a contested trial, and likely appeals – with the risk of no recovery at all. Defendants, in turn, deny all allegations of wrongdoing or liability whatsoever, and that Plaintiff or any Class Members suffered any damages whatsoever, and are entering into the Settlement to eliminate the uncertainty, burden, and expense of further protracted litigation.
- Your recovery will depend on the number of shares of Restoration Robotics common stock purchased in or traceable to the IPO (*see* footnote 4, above), and the timing of your purchases and any sales. It will also depend on the number of valid Claim Forms that Class Members submit and the size of such claims.
- Restoration Robotics sold 3,897,910 shares of common stock in or traceable to the IPO and Offering Materials. If valid claims are submitted for all of these shares, the estimated distribution per share will be approximately \$1.07 *before* deduction of Court-approved notice and administration costs, any award to Plaintiff, and any attorneys’ fees and expenses awarded to Class Counsel for their representation of the Class. Historically, actual claims rates are less than 100%, which may result in higher distributions per share. A Class Member’s actual recovery will be a *pro rata* share of the Net Settlement Fund (determined by that claimant’s recognized claim, compared to the total recognized claims of all Class Members who submit valid Claim Forms). The Parties do not agree on the average amount of alleged damages per share of Restoration Robotics common stock that would be recoverable if Plaintiff were to prevail in the Action. Among other things, Defendants deny they made any material misstatements or omissions in the Offering Materials or caused Class Members any damages.
- The Court-appointed Class Counsel have litigated this Action on a contingent basis and advanced all expenses incurred on behalf of the Class, and have not been paid for any of their work in this Action. Class Counsel intends to apply for an award of attorneys’ fees not to exceed 25% of the gross Settlement Fund (approximately \$1,043,750.00), plus reimbursement of expenses in the amount up to \$200,000. The request for expenses may include a request for reimbursement of the costs and expenses of Lead Plaintiff of up to \$25,000 for representing the Class in accordance with 15 U.S.C. §77z-1(a)(4). If the above amounts are approved by the Court, the estimated average cost per eligible share of common stock will be approximately \$0.32 per share, if claims are submitted for 100% of eligible shares of Restoration Robotics stock. In addition, the distribution will be reduced by notice and administration costs, estimated to not exceed \$120,000 (or approximately \$0.03 per share), exclusive of pass-through broker reimbursements and any extraordinary circumstances. Please note that these amounts are only estimates.
- In sum, after deducting for any attorneys’ fees and expenses, and administration costs, the estimated average recovery from the Settlement is \$0.72 per share (assuming claims are submitted on behalf of 100% of the 3,897,910 shares issued in the IPO).
- The Court has not yet approved the Settlement. Payments will be made only if the Court approves the Settlement and after any appeals are resolved. Please be patient.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

Submit a Claim Form <u>postmarked no later than October 23, 2021.</u>	This is the <u>only</u> way to be eligible to get a payment if you have a Recognized Loss. (See Question 11 below.)
Exclude yourself from the Class by submitting a written request for exclusion <u>no later than August 5, 2021.</u>	Get no payment. This is the only option that, assuming your claim is timely brought, might allow you ever to bring or be part of any other lawsuit against the Defendants and the other Released Defendant Parties concerning the Released Claims. (See Question 13 below.)
Object by submitting a written objection to the Court postmarked or filed <u>no later than August 5, 2021.</u>	Write to the Court about why you do not like the Settlement, the proposed Plan of Allocation, or the attorneys' fee and expense application. You may, but are not required to, appear at the Final Approval Hearing. (See Question 19 below.)
Go to a hearing on September 2, 2021.	You may ask to speak in Court about the fairness of the Settlement. (See Question 23 below.)
Do nothing.	Get no payment. Give up your right to sue about the claims that are resolved by the Settlement and you will be bound by any judgments or orders entered by the Court in the Action.

For more information, you may contact the Claims Administrator or Class Counsel:

Class Counsel: Shannon L. Hopkins, Esq., Levi & Korsinsky, LLP
 1111 Summer Street, Suite 403, Stamford, CT 06905
 Tel: 203-992-4523
 Email: shopkins@zlk.com

Claims Administrator: In re Restoration Robotics, Inc. Sec. Litig., c/o A.B. Data, Ltd.
 P.O. Box 173128, Milwaukee, WI 53217
 Tel: 877-777-9555
 Email: info@RestorationRoboticsSettlement.com

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BASIC INFORMATION

1. Why did I get this Notice package?

You or someone in your family may have purchased or otherwise acquired Restoration Robotics common stock during the period October 12, 2017, through April 9, 2018. The Court directed that this Notice be sent to potential Class Members because they have a right to know about a proposed Settlement of a class action lawsuit, and about all of their options, before the Court decides whether to approve the Settlement. If the Court approves the Settlement and any appeals are resolved, an administrator appointed by the Court will make the payments that the Settlement allows.

The Court in charge of the case is the United States District Court for the Northern District of California, and the case is *In re Restoration Robotics, Inc. Securities Litigation*, Master File No. 5:18-cv-03712-EJD (the “Action”). The Action is assigned to the Honorable Edward J. Davila, United States District Judge.

2. What is this lawsuit about?

The Consolidated Amended Complaint (“Complaint”) filed on November 30, 2018, alleges that Restoration Robotics, the Individual Defendants, and the Underwriter Defendants violated §§11 and/or 15 of the Securities Act of 1933 (“Securities Act”), and that the Venture Capital Defendants violated §15 of the Securities Act, by reason of material misrepresentations and omissions in the Offering Materials for Restoration Robotics’ October 12, 2017, IPO. Specifically, the Complaint alleged that the Offering Materials misrepresented and failed to disclose that the Company’s sales were materially adversely impacted by, among other things, (i) defects related to its sole product, the ARTAS hair follicle extraction robot used in hair restoration procedures, leading to declined use, and (ii) that the Company had materially overstated the number of its “installed” ARTAS Systems, which needed to be installed and active to generate procedure-based revenues for the Company. Subsequently, the Company announced poor financial results alleged to be attributable to these factors, and its stock declined. The Action seeks money damages against Defendants. On October 18, 2019, the Court denied in part and granted in part Defendants’ motion to dismiss the Complaint, and formal discovery began. Defendants continue to deny all of Plaintiff’s allegations, deny that the Offering Materials contained any materially false statements or omissions, and that they otherwise did anything wrong, and deny that anything they did caused damages to Plaintiff or the Class.

3. Why is this a class action?

In a class action, one or more people called “Class Representatives” (in this case, Edgardo Guerrini) sue on behalf of people who have similar claims. All persons with similar claims are called a “Class” or “Class Members.” Bringing a case, such as this one, as a class action allows the collective adjudication of many similar claims that might be economically too small to bring in individual actions. One judge resolves the issues for all class members, except for those who exclude themselves from the class. Judge Edward J. Davila is the judge for this class action. After Defendants took the deposition of the Plaintiff and thoroughly considered the factual and legal bases for class certification in this case, Defendants filed a notice of non-opposition to Plaintiff’s request that the Court certify a Class in this case and appoint Mr. Guerrini as Class Representative, which the Court did by Order dated July 29, 2020.

4. What are the reasons for Settlement?

Plaintiff and Class Counsel have been diligently investigating and litigating this Action against Defendants since it was filed in June 2018, including the development of certain confidential witnesses bolstering their allegations. In addition, besides informal discovery, Plaintiff reviewed over 112,000 pages of non-public, internal documents produced by Restoration Robotics and the Individual Defendants. Based on, among other things, their investigations, and their familiarity with the issues through hotly contested motion practice, Plaintiff and Class Counsel believe that the claims asserted against Defendants have merit. They recognize, however, the expense and length of continued proceedings necessary to pursue their claims against Defendants through further discovery, a summary judgment motion by Defendants, then trial and potential appeals, and the substantial risks they would face in establishing liability and damages.

The Court’s October 18, 2019, order sustained some aspects of the Complaint but dismissed others, and whether the remaining allegations would survive summary judgment, trial, or appeals is uncertain. For example, Defendants would argue at summary judgment and trial that their use of certain terminology, such as “installed base,” was not misleading in context, and that the Offering Materials disclosed the Company’s revenue recognition policies and practices. Defendants would also assert a “negative causation” affirmative defense at summary judgment and trial, to show that the Company’s stock declined for reasons other than the misstatements or omissions alleged in the Complaint, including industry declines and general market declines, as well as a going concern warning from its auditor based on general cash flows, and flat or declining revenues unrelated to the issues alleged in the Complaint. Likewise, the Underwriter and Individual Defendants have a due diligence affirmative defense available to them at summary judgment and trial and would argue that they performed a reasonable investigation as to the accuracy of the Offering Materials and had reasonable ground to believe they were not false or misleading.

Recognizing the substantial risks and costs of continued litigation, and the numerous contested and uncertain issues in the case, the Parties entered into mediation under the auspices of a highly experienced mediator, Michelle Yoshida of Phillips ADR Enterprises, a nationally recognized mediation firm, exchanging extensive materials about the strengths and weaknesses concerning the merits of the case, defenses, damages, and the risks for both sides including those inherent in any appeals, and the various issues in the case, including “negative causation” issues. The Parties held a full day mediation session on December 3, 2020, including the exchange of several settlement offers and counteroffers. While no settlement was reached during the December 3, 2020, formal session, Ms. Yoshida continued her active role in the continuation of negotiations and the Parties exchanged additional offers and counteroffers. Ultimately, pursuant to a double-blind recommendation from Ms. Yoshida, the Parties reached an agreement in principle to settle the Action on the terms described herein and in the Stipulation.

In light of the above-noted risks and the uncertainty and the amount of the recovery for the Class, Plaintiff and Class Counsel believe that the proposed Settlement is fair, reasonable, and adequate, and in the best interests of the Class. Plaintiff and Class Counsel believe that the Settlement provides a substantial benefit to the Class, as compared to the risk that the claims in the Action against the Defendants might produce a smaller recovery or no recovery at all at some point in the future. Defendants are entering into this Settlement solely to eliminate the uncertainty, burden, and expense of further protracted litigation and appeals. Each of the Defendants has denied and continues to deny each and all of the claims and contentions alleged by Plaintiff in the Action, as well as any wrongdoing or liability alleged against them and that Plaintiff or the Class suffered any damages whatsoever. This Settlement shall in no event be construed or deemed to be evidence of or an admission or concession on the part of any of the Defendants with respect to any claim or allegation of any fault or liability or wrongdoing or damage whatsoever, or any infirmity in the defenses that Defendants have, or could have, asserted in this

Action. Defendants expressly deny that Plaintiff has asserted any valid claims as to any of them, and expressly deny any and all allegations of fault, liability, wrongdoing, or damages whatsoever.

Each of the Parties recognizes and acknowledges that the Action has been initiated, filed, and prosecuted by Lead Plaintiff in good faith and defended by Defendants in good faith, that the Action is being voluntarily settled with the advice of counsel, and that the terms of the Settlement are fair, adequate, and reasonable.

WHO IS PART OF THE SETTLEMENT?

5. How do I know if I am part of the Settlement?

On July 29, 2020, the Court entered an order certifying a Class consisting of all persons or entities who purchased or otherwise acquired Restoration Robotics common stock in or traceable to the Company's October 12, 2017, Initial Public Offering and who were damaged thereby (the "Class"), except for certain exclusions listed in Question 6 below. To capture persons or entities who purchased or acquired the Company's common stock traceable to the IPO, you will be deemed a Class Member if you purchased such stock pursuant to the Offering Materials during the period October 12, 2017 (the date of the IPO), through April 9, 2018, inclusive. The April 9, 2018, date reflects that approximately 25.0 million additional shares, not issued pursuant to the Offering Materials, were eligible to be traded pursuant to the expiration of lock-up agreements on that date, rendering "tracing" of shares to the IPO impracticable after such time.

PLEASE NOTE: Receipt of this Notice does not mean that you are a Class Member or that you will be entitled to receive a payment from the Settlement. If you are a Class Member and you wish to be eligible to participate in the distribution of proceeds from the Settlement, you are required to submit the Proof of Claim and Release that is being distributed with this Notice and the required supporting documentation, as set forth therein, postmarked (for U.S. Mail) or received by the private carrier (for FedEx, UPS, etc.) **no later than October 23, 2021.**

6. Are there exceptions to being included?

Yes. Pursuant to the Court's July 29, 2020, Order, excluded from the Class are Defendants; the past and current executive officers and directors of the Company, the Venture Capital Defendants, and the Underwriter Defendants; the legal representatives, parents, subsidiaries, heirs, immediate family members, successors, and assigns of any excluded person; and any entity in which any Defendant(s) has or had a controlling equity interest.

Also excluded from the Class are those Persons who timely and validly request exclusion from the Class in accordance with the instructions provided in this Notice (p.11).

7. What if I am still not sure if I am included?

If you are still not sure whether you are included, you can ask for free help. You can contact the Claims Administrator by writing, emailing, or calling them at the contact information provided on p. 3 above. Or you can fill out the Proof of Claim form described in Question 11 to see if you qualify.

WHAT ARE THE SETTLEMENT BENEFITS?

8. What does the Settlement provide?

Defendants have agreed to pay or cause to be paid \$4,175,000.00 in cash, which constitutes the "Settlement Fund." The Settlement Fund, plus interest earned from the date it is established, less costs, fees, and expenses (the "Net Settlement Fund"), will be divided among all eligible Class Members who send in valid and timely Proof of Claim and Release forms approved by the Court for payment ("Authorized Claimants"). Costs, fees, and expenses include Court-approved attorneys' fees and expenses; certain Notice and Administration Expenses, including the costs of printing and mailing this Notice, the cost of publishing notice, and the costs of claims administration; and Taxes on the Settlement Fund.

In return, the Parties have agreed to dismiss the Action with prejudice, and Lead Plaintiff and all Class Members who do not exclude themselves from the Class agree to release, relinquish, and discharge all Released Claims against the Defendants and their respective Related Parties (collectively, the “Released Defendant Parties”), whether or not these Class Members execute and deliver Proof of Claim and Release forms.

PLAN OF ALLOCATION

9. How will the Settlement be allocated among Class Members?

If the Settlement is approved by the Court and becomes Effective, the Net Settlement Fund will be distributed to eligible Authorized Claimants – *i.e.*, members of the Class who timely submit valid Claim Forms that are accepted for payment by the Court – in accordance with this proposed Plan of Allocation (“Plan of Allocation” or “Plan”) or such other plan of allocation as the Court may approve. The Court may approve this proposed Plan of Allocation, or modify it, without additional notice to the Class. Any order modifying the Plan of Allocation will be posted on the Settlement website, www.RestorationRoboticsSettlement.com.

The objective of the Plan of Allocation is to distribute the Net Settlement Fund equitably among those Class Members, based on their respective alleged economic losses as a direct result of the securities laws violations alleged in the Action.

Section 11 of the Securities Act serves as the basis for the calculation of a Recognized Claim (as described below) under the Plan of Allocation. Section 11(e) of the Securities Act provides a statutory formula for the calculation of damages equal to “the difference between the amount paid for the security (not exceeding the price at which the security was offered to the public) and (1) the value thereof as of the time such suit was brought, or (2) the price at which such security shall have been disposed of in the market before suit, or (3) the price at which such security shall have been disposed of after suit but before judgment if such damages shall be less than the damages representing the difference between the amount paid for the security (not exceeding the price at which the security was offered to the public).” The formulas stated below, which were developed by Class Counsel’s damages expert, generally track the statutory formula.

Your share of the Net Settlement Fund will depend on the number of valid Proofs of Claim that other Class Members send in, how many shares of Restoration Robotics common stock you purchased between October 12, 2017 (the date of the IPO), and April 9, 2018 (the date the 180-day lock-up period for trading of non-IPO shares expired),⁵ inclusive, whether you sold any of those shares, and when you sold them.

The Claims Administrator shall determine each Authorized Claimant’s *pro rata* share of the Net Settlement Fund based upon each Authorized Claimant’s “Recognized Claim,” under the formula described below. A Recognized Claim will be calculated as set forth below for each purchase of publicly traded or publicly listed Restoration Robotics common stock made during October 12, 2017, through April 9, 2018 (the “Eligibility Period”), that is listed in the Proof of Claim and Release form, and for which adequate documentation is provided. The Recognized Claim formula is not intended to be an estimate of the amount of what a Class Member might have been able to recover after a trial; nor is it an estimate of the amount that will be paid to Authorized Claimants pursuant to the Settlement. The Recognized Claim formula is the basis upon which the Net Settlement Fund will be proportionately allocated to the Authorized Claimants.

Consistent with Securities Act Section 11(e), the allocation below is based on the IPO price of \$7.00 per share, and closing price of Restoration Robotics common stock of \$2.73 per share, the day the first suit in this Action was filed: June 21, 2018.

CALCULATION OF RECOGNIZED CLAIMS AMOUNT

For each share of Restoration Robotics publicly traded common stock purchased or otherwise acquired from October 12, 2017, through and including April 9, 2018, and:

- A. sold before the opening of trading on June 21, 2018,⁶ the Recognized Claim amount for each such share shall be the purchase/acquisition price (not to exceed the issue price at the offering of \$7.00) minus the sale price.

⁵ After the April 9, 2018, expiration of the lock-up agreements related to the IPO, approximately 25 million additional shares of Restoration Robotics common stock not registered in the IPO became eligible for sale in the public market. As a result, shares traceable to the IPO accounted for just 13.5% of all tradeable Company common stock (or 28% excluding shares subject to Rule 144 reporting requirements). Given the improbability that shares purchased after the lock-up period’s expiration are traceable to the IPO, and the fact that purchasers during this period are not members of the certified Class given their individualized questions of traceability, this Plan of Allocation applies a temporal cut-off so as to not dilute the Settlement recovery for those Class Members not subject to the tracing and standing inquiry.

⁶ For purposes of the statutory calculations, June 21, 2018, is the date of filing of the initial complaint in this Action.

- B. sold after the opening of trading on June 21, 2018, through the close of trading on April 21, 2021,⁷ the Recognized Claim amount for each such share shall be the purchase/acquisition price (not to exceed the issue price at the offering of \$7.00) *minus* the sale price (not to be less than \$2.73, the closing share price on June 21, 2018).⁸
- C. retained through the close of trading on April 21, 2021, the Recognized Loss Amount for each such share shall be the purchase/acquisition price (not to exceed the issue price at the offering of \$7.00) *minus* \$2.73, the closing share price on June 21, 2018.⁹

A purchase or sale of Restoration Robotics common stock shall be deemed to have occurred on the “contract” or “trade” date as opposed to the “settlement” or “payment” date. All purchase and sale prices shall exclude any fees and commissions. The receipt or grant by gift, devise, or operation of law of Restoration Robotics common stock during the Eligibility Period shall not be deemed a purchase or sale of such stock for the calculation of a claimant’s Recognized Claim nor shall it be deemed an assignment of any claim relating to the purchase of such shares unless specifically provided in the instrument of gift or assignment. The receipt of Restoration Robotics common stock during the Eligibility Period in exchange for securities of any other corporation or entity shall not be deemed a purchase or sale of Restoration Robotics common stock.

In the event a Class Member has more than one purchase or sale of Restoration Robotics common stock, all purchases and sales shall be matched on a First-In First-Out (“FIFO”) basis, in the order of the transactions beginning with publicly traded common stock purchased on October 12, 2017. The sums thereof will equal the Class Member’s total Recognized Claim.

To the extent an Authorized Claimant had a gain from his, her, or its overall transactions in Restoration Robotics common stock, the value of the Recognized Claim will be zero.

Option contracts are not securities eligible to participate in the Settlement. With respect to Restoration Robotics common stock purchased or sold through the exercise of an option, the purchase/sale date of the security is the exercise date of the option and the purchase/sale price is the exercise price of the option.

In accordance with the Plan of Allocation, the Recognized Loss Amount on any portion of a purchase or acquisition that matches against (or “covers”) a “short sale” is zero. The Recognized Loss Amount on a “short sale” that is not covered by a purchase or acquisition is also zero.

In the event that a Claimant newly establishes a short position during the period from October 12, 2017, through and including April 9, 2018, the earliest subsequent purchase or acquisition during the period from October 12, 2017, through April 9, 2018, shall be matched against such short position on a FIFO basis and will not be entitled to a recovery.

The Claims Administrator shall allocate to each Authorized Claimant a *pro rata* share of the Net Settlement Fund based on his, her, or its recognized claim as compared to the total recognized claims of all Authorized Claimants. No distribution shall be made to Authorized Claimants who would otherwise receive a distribution of less than \$10.00.

Class Members who do not submit acceptable Proofs of Claim will not share in the Settlement proceeds. The Settlement and the Judgment issued in this Action will nevertheless bind Class Members who do not submit a request for exclusion and/or submit an acceptable Proof of Claim.

Please contact the Claims Administrator or Class Counsel if you disagree with any determinations made by the Claims Administrator regarding your Proof of Claim and Release. If you are unsatisfied with the determinations, you may ask the Court, which retains jurisdiction over all Class Members and the claims administration process, to decide the issue by submitting a written request.

Payment according to the Plan of Allocation will be deemed conclusive against all Authorized Claimants. No Person shall have any claim against Lead Plaintiff, Class Counsel, any claims administrator, any other Person designated by Class Counsel, Defendants, Defendants’ Related Parties, or Defendants’ Counsel or their Related Parties based on distributions made substantially in accordance with the Stipulation, the Plan of Allocation, or further orders of the Court. Defendants, their respective counsel, and all other Related Parties will have no responsibility or liability whatsoever for the investment of the Settlement Fund, the distribution of the Net Settlement Fund, the Plan of Allocation, or the payment of any claim. Lead Plaintiff, Class Counsel, and any other Person designated by Class Counsel, likewise, will have no liability for their reasonable efforts to execute, administer, and distribute the Settlement.

Each Claimant is deemed to have submitted to the jurisdiction of the Court with respect to his, her, or its claim.

⁷ This is the day before the Stipulation was executed.

⁸ Share amounts and prices will be adjusted to account for the November 2019 1-for-15 reverse stock split by the Claims Administrator in applying the statutory formula.

⁹ Share amounts and prices will be adjusted to account for the November 2019 1-for-15 reverse stock split by the Claims Administrator in applying the statutory formula.

10. How much will my payment be?

If you are entitled to a payment, your share of the Net Settlement Fund will depend on the number of Authorized Claimants. Payments will be calculated on a *pro rata* basis, meaning that the Net Settlement Fund will be divided among the Authorized Claimants and distributed in proportion to such Authorized Claimants' Recognized Claim amounts, after the deadline for submission of Proof of Claim and Release forms has passed.

Distributions will be made to Authorized Claimants after all claims have been processed and after the Court has finally approved the Settlement. If there is any balance remaining in the Net Settlement Fund six months after the date of the initial distribution of the Net Settlement Fund, Class Counsel shall, if feasible, after payment of any outstanding Notice and Administration Expenses, reallocate such balance among Authorized Claimants who negotiated the checks sent in the initial distribution and who would receive a minimum of \$10.00 as part of an additional distribution. These additional distributions shall be repeated until the balance remaining in the Net Settlement Fund is reduced to a level where, in the judgment of Class Counsel, in consultation with the Claims Administrator, it no longer makes economic sense, considering costs of distribution, to attempt to make further distributions. Any balance that thereafter still remains in the Net Settlement Fund after such reallocation(s) and payments, which is not feasible or economical to reallocate, shall be donated to Investor Protection Trust, a nonprofit organization devoted to investor education, or to such other 501(c)(3), non-profit charitable organization as may be approved by the Court.

HOW CAN YOU RECEIVE A PAYMENT?

11. How can I get a payment?

To qualify for a payment, you must be an eligible Class Member and send in a valid and timely Proof of Claim and Release form. You may download a Proof of Claim and Release form from the Claims Administrator's website, www.RestorationRoboticsSettlement.com. Read the instructions carefully, fill out the Proof of Claim and Release form, include all the documents the form asks for, sign it, and mail it postmarked (for U.S. Mail) or received by the private carrier (for FedEx, UPS, etc.) no later than October 23, 2021, to the Claims Administrator (address provided on page 3). Any Class Member who fails to submit a Proof of Claim and Release form by such date shall be forever barred from receiving any distribution from the Net Settlement Fund (unless by order of the Court the deadline is extended or such Class Member's Proof of Claim and Release form is accepted), but shall otherwise be bound by all of the terms of the Stipulation and the Judgment, including the releases therein, and will be permanently barred and enjoined from asserting any of the Released Claims against any of the Released Defendant Parties.

12. When would I get my payment?

The Court will hold a hearing on September 2, 2021, to decide whether to approve the Settlement. If the Settlement is approved, the Claims Administrator will complete the administration process and determine how much each Authorized Claimant is entitled to receive. Class Counsel will then seek permission from the Court to distribute the Net Settlement Fund on a *pro rata* basis to Authorized Claimants. This is necessarily a long process.

13. What am I giving up to get a payment or stay in the Class?

If you are a Class Member and you do not exclude yourself from the Settlement, you will be bound by any orders issued by the Court. If the Settlement is approved, the Court will enter a judgment (the "Judgment"). The Judgment will dismiss with prejudice the claims against Defendants and will provide that, upon the Effective Date of the Settlement, Plaintiff and each of the other Class Members, on behalf of themselves, and their respective heirs, executors, administrators, predecessors, successors, and assigns in their capacities as such only, and on behalf of any other person or entity legally entitled to bring the Released Claims (as defined below) on behalf of the respective Class Member in such capacity only, shall be deemed to have, and by operation of law and of the Judgment shall have, fully, finally, and forever compromised, settled, released, resolved, relinquished, waived, and discharged each and every Released Claim against Defendants and the Released Defendant Parties (as defined below), and shall forever be barred and enjoined from commencing, instituting, maintaining,

prosecuting, or continuing to prosecute any or all of the Released Claims against any of the Defendants or the Released Defendant Parties.

“Released Claims” means any and all claims, demands, losses, rights, and causes of action whether asserted or unasserted, including both known claims and Unknown Claims, whether arising under federal, state, common, or foreign law, by any Released Plaintiff Party, whether brought directly or indirectly against any of the Released Defendant Parties, that have been or could have been asserted in the Action or in any other proceeding or forum, which both (a) arise out of, relate to, or are based upon the allegations, facts, matters, occurrences, events, failures, representations, statements, or omissions alleged or referred to in the Action, including all claims arising out of or relating to Restoration Robotics’ IPO, and (b) arise out of or relate to the purchase or acquisition of any shares of Restoration Robotics common stock at any time during the period October 12, 2017, through April 9, 2018, inclusive. “Released Claims” do not include claims to enforce the Settlement or the claims of any Person that submits a Request for Exclusion that is accepted by the Court.

“Released Defendant Party” or “Released Defendant Parties” mean Defendants, and their Related Parties.

“Related Parties,” when used in reference to a Person, means and includes (i) the Person; (ii) for natural persons, each of that Person’s respective immediate family members and any trust of which the Person is settlor or which is for the benefit of any such Person and/or member of his family, and, for non-natural persons, each of their direct or indirect parents, subsidiaries, or wholly-owned affiliates; and (iii) for any of the Persons listed in sub-parts (i) or (ii) of this definition, their respective present and former employees, members, partners, principals, officers, directors, controlling shareholders, agents, attorneys, advisors (including financial or investment advisors), accountants, auditors, consultants, underwriters, investment bankers, commercial bankers, entities providing fairness opinions, general or limited partners or partnerships, limited liability companies, members, investment funds, investment sub-funds, joint venturers, insurers, reinsurers, predecessors, successors, estates, immediate family members, spouses, heirs, executors, trusts, trustees, administrators, agents, attorneys, legal or personal representatives, assigns, and assignees of each of them, and any controlling person thereof, in their capacities as such, and any entity in which such Person has a controlling interest.

“Unknown Claims” means (a) any and all Released Claims that any of the Lead Plaintiff or Class Members does not know or suspect to exist in his, her, or its favor at the time of the release of the Released Defendant Parties, which, if known by him, her, or it, might have affected his, her, or its settlement with and release of the Released Defendant Parties, or might have affected his, her, or its decision(s) with respect to the Settlement, including, but not limited to, whether or not to object to the Settlement or seek exclusion from the Class; and (b) any and all Released Defendants’ Claims that any of the Defendants or Released Defendant Parties does not know or suspect to exist in his, her, or its favor at the time of the release of the Released Plaintiff Parties that, if known by him, her, or it, might have affected his, her, or its settlement and release of the Released Plaintiff Parties. With respect to (a) any and all Released Claims against the Released Defendant Parties and (b) any and all Released Defendants’ Claims against the Released Plaintiff Parties, the Settling Parties stipulate and agree that, upon the Effective Date, the Settling Parties shall expressly waive, and each Released Plaintiff Party and Released Defendant Party shall be deemed to have, and by operation of the Judgment or any Alternative Judgment shall have expressly waived, the provisions, rights, and benefits of California Civil Code §1542, which provides:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS THAT THE CREDITOR OR RELEASING PARTY DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE AND THAT, IF KNOWN BY HIM OR HER, WOULD HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR OR RELEASED PARTY;

and all provisions, rights, and benefits conferred by any law of any state or territory of the United States, or principle of common law, which is similar, comparable, or equivalent to Cal. Civ. Code § 1542.

Additionally, if you do not timely and validly request exclusion from the Class, you will not be able to join any other action against the Released Defendant Parties arising out of substantively similar facts, including the pending California State Court Action (described below).

THE PENDING CALIFORNIA STATE COURT CLASS ACTION

In addition to this Action currently pending in the United States District Court for the Northern District of California, there is also a putative investor class action pending in California State Court in San Mateo County stemming from

substantively identical facts as alleged in the Complaint. That action is being litigated by two putative Restoration Robotics shareholders and is captioned *Wong v. Restoration Robotics, Inc., et al.*, Master File No. 18CIV2609 (San Mateo Cty.) (the “State Court Action”). On January 17, 2020, plaintiffs in the State Court Action filed a Consolidated Complaint for Violations of the Federal Securities Laws asserting violations of Sections 11 and 15 of the Securities Act (the same claims set forth in the Complaint), as well as a claim under Section 12(a)(2) of the Securities Act against the same defendants named in the Action. Restoration Robotics, the Individual Defendants, and the Venture Capital Defendants have successfully secured dismissal of the State Court Action against themselves, but that action remains pending against the Underwriter Defendants. The dismissal as to Restoration Robotics and the Individual Defendants is currently on appeal. No class has been certified in the State Court Action. Plaintiff and Class Counsel **are not** involved in the State Court Action and plaintiffs from the State Court Action are **not** parties to the Stipulation in this Action, although the State Court Action plaintiffs may be members of the Class. Additional information about the State Court Action may be obtained through the Superior Court of California, San Mateo County’s Court Record portal (accessible at <https://odyportal-ext.sanmateocourt.org/portal-external>).

It is possible that plaintiffs in the State Court Action may eventually recover a greater amount per share from that action than you would receive by staying in the Class and participating in this Settlement. It is also possible that the Underwriter Defendants (the only defendants currently remaining in the State Court Action) will prevail and plaintiffs in that action will recover nothing or some lesser amount per share than in the Settlement. **If you do not timely and validly request exclusion from the Class you will not be able to pursue a separate claim for your losses.**

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want a payment from this Settlement, but you want to keep any right you may have to sue or continue to sue Defendants on your own or in the State Court Action (*i.e.*, outside this Action) about the Released Claims, then you must take steps to exclude yourself—or as it is sometimes referred to, you must “opt out” of the Class.

14. How do I exclude myself from the proposed Settlement?

To exclude yourself from the Class, you must send by mail a letter stating that you “request exclusion from the Class in In re Restoration Robotics, Inc. Securities Litigation, Case No. 5:18-cv-03712-EJD.” Your Exclusion Form or letter **must legibly state** the date(s), price(s), and number(s) of shares of all your purchases, acquisitions, and sales of Restoration Robotics securities during the period October 12, 2017, through April 9, 2018, inclusive, and attach supporting documentation. You must also include your name, mailing address, daytime telephone number, email address (if available), and your personal signature. You must mail your exclusion request **no later than August 5, 2021**, to the Claims Administrator at: Restoration Robotics Sec. Litig., EXCLUSIONS, c/o A.B. Data, Ltd., P.O. Box 173001, Milwaukee, WI 53217.

You cannot exclude yourself by telephone, by fax, or by email. If you ask to be excluded, you will not get any payment or other benefit in the Settlement, and you cannot object to the Settlement. You will not be legally bound by the Settlement or Judgment or the releases therein, and you may be able to sue Restoration Robotics and the other Released Defendant Parties about the Released Claims in the future.

15. If I do not exclude myself, can I sue Restoration Robotics, Defendants, or the other Released Defendant Parties later for the Released Claims?

No. Unless you timely and validly exclude yourself from the Class, you give up any rights to participate in the State Court Action or to sue Defendants and the other Released Defendant Parties, or to enforce any existing judgments against any of the Released Defendant Parties, for any and all Released Claims. If you have a pending lawsuit against Defendants or the other Released Defendant Parties, speak to your lawyer in that case immediately to determine if you have to exclude yourself from *this* Class to continue your own lawsuit. Remember, the exclusion deadline is **August 5, 2021**.

16. If I exclude myself, can I get money from the proposed Settlement?

No. If you exclude yourself, do not send in a Proof of Claim and Release form to ask for any money. But you may exercise any right you may have to sue, continue to sue, or be part of a different lawsuit against Defendants and the other Released Defendant Parties.

THE LAWYERS REPRESENTING YOU

17. Do I have a lawyer in this case?

The Court appointed the law firm of Levi & Korsinsky, LLP to represent all Class Members. Levi & Korsinsky is also sometimes referred to in these Settlement documents as “Lead Counsel” or (because it was appointed by the Court as counsel for the certified Class) “Class Counsel.” You will **not** be separately charged for Class Counsel’s services. If you want to be represented by your own lawyer, you may hire one at your own expense.

18. How will the lawyers be paid?

Class Counsel will ask the Court to award attorneys’ fees from the Settlement Fund in an amount not to exceed twenty-five percent (25%) of the Settlement Fund (or \$1,043,750) and for reimbursement of their expenses in an amount not to exceed \$200,000.00, plus interest on such fees and expenses at the same rate as earned by the Settlement Fund.

The attorneys’ fees and expenses requested will be the only payment to Class Counsel for their efforts in achieving the Settlement and for their risk in undertaking this representation on a wholly contingent basis. To date, Class Counsel have not been paid for their services in conducting this Action on behalf of Lead Plaintiff and the Class, nor for their substantial out-of-pocket expenses. The fees and expenses requested will compensate Class Counsel for their work in obtaining the Settlement Fund for the Class. The Court may, however, award less than this amount. In that case, the difference will remain in the Settlement Fund. Counsel will also seek payments of up to \$25,000 to Lead Plaintiff for his reasonable time, costs, and expenses directly relating to the representation of the Class, pursuant to 15 U.S.C. §77z-1(a)(4).

OBJECTING TO THE SETTLEMENT

19. How do I tell the Court that I do not like the proposed Settlement?

If you are a Class Member (and you have not excluded yourself), you can object to the Settlement if you do not like any part of it, including the Plan of Allocation, the application by Class Counsel for an award of fees and reimbursement of expenses, or the application for an award under 15 U.S.C. §77z-1(a)(4) to the Lead Plaintiff. You can state the reasons why you think the Court should not approve it, and the Court will consider your views. You can’t ask the Court to order a different settlement; the Court can only approve or reject the Settlement. If the Court denies approval, no Settlement payments will be sent out and the lawsuit will continue. If that is what you want to happen, you must object.

Any objection to the proposed Settlement must be in writing. If you file a timely written objection, you may, but are not required to, appear at the Settlement Hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for hiring and paying that attorney. All written objections and supporting papers must (a) clearly identify the case name and number (*In re Restoration Robotics, Inc. Securities Litigation*, Master File No. 5:18-cv-03712-EJD), (b) be submitted to the Court either by mailing them to the Clerk, United States District Court for the Northern District of California, Robert F. Peckham Federal Building & United States Courthouse, 280 South 1st Street, Room 2112, San Jose, CA 95113, or by filing them in person at any location of the United States District Court for the Northern District of California, and (c) be filed or postmarked on or before **August 5, 2021**.

The objection must (a) state the reasons you object to the Settlement, (b) provide your name, address, telephone number, and be signed by you, (c) include documents sufficient to demonstrate membership in the Class, consisting of documents showing the number of shares of Restoration Robotics common stock you purchased/acquired and/or sold during the period October 12, 2017, through April 9, 2018, inclusive, as well as the dates, number of shares, and prices for each such purchase/acquisition and sale (*i.e.*, copies of brokerage confirmation slips or monthly brokerage account statements, or an

authorized statement from the objector's broker containing the transactional and holding information found in a broker confirmation slip or account statement), and (d) state whether the objector is represented by counsel and, if so, the name, address, and telephone number of the objector's counsel.

If you object, you need not come to the Settlement Hearing to have your objection considered. However, objectors who enter an appearance and desire to present evidence at the Settlement Hearing in support of their objection must include in their written objection or notice of appearance the identity of any witnesses they may call to testify and any exhibits they intend to introduce into evidence at the hearing.

20. What is the difference between objecting and excluding?

Objecting is simply telling the Court that you do not like something about the proposed Settlement. You can object only if you stay in the Class. However, if your objection is overruled and the Settlement is otherwise approved, you will still be bound by all of the terms of the Settlement. Excluding yourself is telling the Court that you do not want to be part of the Class. If you exclude yourself, you cannot object because the case no longer affects you.

THE COURT'S SETTLEMENT HEARING

21. When and where will the Court decide whether to approve the proposed Settlement?

The Court will hold a Settlement Hearing on **September 2, 2021, at 9:00 a.m.**, before the Honorable Edward J. Davila at the United States District Court for the Northern District of California, Robert F. Peckham Federal Building & United States Courthouse, 280 South 1st Street, Courtroom 4, 5th Floor, San Jose, CA 95113. You may attend and you may ask to speak, but you do not have to.

At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate, and also will consider whether to approve the Plan of Allocation, the application of Class Counsel for attorneys' fees, and reimbursement of expenses, and the application for an award to Plaintiff. The Court will take into consideration any written objections and will listen to Class Members who have asked to speak at the hearing. The Court may change the date and time of the Settlement Hearing without notice. Details about how to access the Settlement Hearing will be posted on the Settlement website (www.RestorationRoboticsSettlement.com) once available. Any updates and/or changes to the scheduling of the Settlement Hearing will be posted there as well and may also be found by checking the Court's PACER site, or checking with Class Counsel.

22. Do I have to come to the hearing?

No. Class Counsel will answer questions the Court may have, but you are welcome to come at your own expense. If you send an objection, you do not have to come to Court to talk about it. As long as you filed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but attendance is not mandatory. Class Members do not need to appear at the Settlement Hearing or take any other action to indicate their approval.

23. May I speak at the hearing?

If you object to the Settlement, you may ask the Court for permission to speak at the Settlement Hearing. To do so, you must indicate in your written objection (or in a separate writing filed and served in the same manner and by the same date) that it is your "Intention to Appear in *In re Restoration Robotics, Inc. Securities Litigation*, Master File No. 5:18-cv-03712-EJD (N.D. Cal.)." Class Members who object to the Settlement, the Plan of Allocation, Class Counsel's application for an award of attorneys' fees and reimbursement of expenses, or an award to Lead Plaintiff and desire to present evidence at the Settlement Hearing must include in their written objections the identity of any witnesses they propose to call to testify and any exhibits they intend to offer into evidence at the Settlement Hearing. You cannot speak at the hearing if you exclude

yourself from the Class or if you fail to provide written notice to the Court of your intention to speak at the Settlement Hearing by the **August 5, 2021**, deadline for objections.

IF YOU DO NOTHING

24. What happens if I do nothing at all?

If you do nothing, you will get no money from this Settlement and you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Defendants or the Released Defendant Parties about the claims being released in the Settlement. All Class Members who do not submit valid and timely Proof of Claim and Release forms shall be forever barred from receiving any payments from the Settlement, but will in all other respects be subject to and bound by the provisions of the Stipulation and any Judgment entered, including the releases set forth therein.

GETTING MORE INFORMATION

25. Are there more details about the proposed Settlement?

This Notice summarizes the proposed Settlement. More details are in the Stipulation. You may obtain a copy of the Stipulation and other documents related to the Settlement at www.RestorationRoboticsSettlement.com, or by contacting the Claims Administrator by email or mail at the address and website provided on page 3, above, to obtain information and forms. The Stipulation, pleadings, and other court filings in the Action are also available for inspection, for a fee, through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the Northern District of California, Robert F. Peckham Federal Building & United States Courthouse, 280 South 1st Street, San Jose, CA 95113, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.

SPECIAL NOTICE TO NOMINEES

If you hold Restoration Robotics common stock pursuant to a transaction that took place within the United States within the period October 12, 2017, through April 9, 2018, inclusive, as nominee for a beneficial owner, then you must either: (1) send a copy of this Notice by First-Class Mail to all such persons or entities within seven (7) calendar days of receipt of this Notice; or (2) provide a list of the names and addresses of such persons or entities to the Claims Administrator at the address (including the email address) provided at page 3, above, within seven (7) calendar days of receipt of this Notice.

If you choose to mail this Notice and the Proof of Claim and Release form yourself, you may obtain from the Claims Administrator (without cost to you) as many additional copies of these documents as you will need to complete the mailing. If you do not intend to comply with the provision of this section, you are requested to notify the Claims Administrator of that fact.

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 in an amount not to exceed \$0.75 per Notice Packet mailed or \$0.15 per Class Member identified and provided to the Claims Administrator, upon submission of appropriate documentation to the Claims Administrator.

Dated: May 27, 2021

BY ORDER OF THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA