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12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 COUNTY OF SAN MATEO

14 In re TINTRI, INC. SECURITIES)
15 LITIGATION)

Lead Case No. 17-CIV-04312
(Consolidated with Nos. 17-CIV-04321;
17-CIV-04618; and 20-CIV-00980)

16 _____)
17 This Document Relates To:)

CLASS ACTION

18 ALL ACTIONS.)
19 _____)

PLAINTIFFS' NOTICE OF NON-
OBJECTION TO MOTIONS FOR: (1) FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT AND APPROVAL OF PLAN
OF ALLOCATION; AND (2) AWARD OF
ATTORNEYS' FEES AND EXPENSES AND
SERVICE AWARDS TO THE PLAINTIFFS

Date: August 22, 2024

Time: 9:00 a.m.

Judge: Honorable Susan L. Greenberg

Dept.: 3

Date Action Filed: 09/20/17

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PLAINTIFFS' NOTICE OF NON-OBJECTION TO MOTIONS FOR: (1) FINAL APPROVAL OF CLASS ACTION
SETTLEMENT AND APPROVAL OF PLAN OF ALLOCATION; AND (2) AWARD OF ATTORNEYS' FEES AND
EXPENSES AND SERVICE AWARDS TO THE PLAINTIFFS

Electronically
FILED

by Superior Court of California, County of San Mateo

ON

8/1/2024

By /s/ Haley Correa
Deputy Clerk

1 Plaintiffs Rustam Mustafin, Henrik Thørring, and Laurence Clayton respectfully submit this
2 notice of non-objection in further support of the Motions for: (1) Final Approval of Class Action
3 Settlement and Approval of Plan of Allocation; and (2) Award of Attorneys’ Fees and Expenses and
4 Service Awards to the Plaintiffs.¹

5 On January 17, 2024, the Court granted preliminary approval of the Settlement (the “Notice
6 Order”). Pursuant to the Court’s Notice Order, the Claims Administrator, Gilardi & Co. LLC, has
7 mailed a total of 7,875 copies of the Court-approved Notice of Pendency and Proposed Settlement of
8 Class Action (the “Notice”) and Proof of Claim and Release form to potential Class Members and
9 nominees. See previously-filed Declaration of Ross D. Murray Regarding Notice Dissemination,
10 Publication, and Requests for Exclusion Received to Date (“Initial Murray Declaration”), ¶11;
11 Supplemental Declaration of Ross D. Murray Regarding Notice Dissemination and Requests for
12 Exclusion Received to Date (“Supplemental Murray Declaration”), ¶4, filed herewith. On January 16,
13 2024, the case-specific, toll-free telephone helpline was established. Initial Murray Declaration, ¶13.
14 On January 26, 2024, the Summary Notice was published in *The Wall Street Journal* and transmitted
15 over *Business Wire*. *Id.*, ¶12. In addition, a website dedicated to the Settlement was established
16 (<https://www.tintrisecuritieslitigation.com/>), and relevant documents and dates were posted thereon.
17 *Id.*, ¶14. Plaintiffs’ Motion for Final Approval of Class Action Settlement and Approval of Plan of
18 Allocation, Plaintiffs’ Counsel’s Motion for Award of Attorneys’ Fees and Expenses and Service
19 Awards to the Plaintiffs, as well as the documents supporting the motions, were posted to the Settlement
20 website shortly after they were filed with the Court on July 11, 2024.

21 The Notice advised Class Members of the July 25, 2024 deadline for requesting exclusion from
22 the Class and for filing objections to the proposed Settlement, the requested Plan of Allocation, and/or
23 the requested attorneys’ fees and expenses, including awards to the Plaintiffs. The deadlines have now
24 passed, and no requests for exclusion from the Class were received, and **no** objections to the Settlement,
25

26 ¹ Unless otherwise defined herein, all capitalized terms have the meanings ascribed to them in the
27 Stipulation of Settlement dated July 17, 2023 (the “Stipulation”).

1 Plan of Allocation, or fee and expense request were filed. The favorable reaction of the members of the
2 Class supports the reasonableness of the Settlement, the Plan of Allocation, and counsel’s fees and
3 expenses requested. *See In re Omnivision Techs., Inc.*, 559 F. Supp. 2d 1036, 1043 (N.D. Cal. 2008)
4 (“By any standard, the lack of objection of the Class Members favors approval of the Settlement.”); *see*
5 *also 7-Eleven Owners for Fair Franchising v. Southland Corp.*, 85 Cal. App. 4th 1135, 1153 (2000)
6 (reaction of the settlement class was “overwhelmingly positive” where a “mere 80 of the 5,454 national
7 class members elected to opt out” and “[a] total of nine members . . . objected to the settlement”);
8 *Mauss v. NuVasive, Inc.*, 2018 WL 6421623, at *4 (S.D. Cal. Dec. 6, 2018) (concluding that proposed
9 plan of allocation in securities class action was fair and reasonable after noting “[t]he Plan of Allocation
10 was described in detail in the notice and no class member objected”); *In re Nuvelo, Inc. Sec. Litig.*, 2011
11 WL 2650592, at *3 (N.D. Cal. July 6, 2011) (finding one objection to a fee request to be “a strong,
12 positive response from the class”); *In re Heritage Bond Litig.*, 2005 WL 1594403, at *21 (C.D. Cal.
13 June 10, 2005) (“The absence of objections or disapproval by class members to Class Counsel’s fee
14 request further supports finding the fee request reasonable.”); *Dunk v. Ford Motor Co.*, 48 Cal. App. 4th
15 1794, 1801 (1996) (noting the factor).

16 The absence of objections from sophisticated institutional investors underscores the fairness and
17 reasonableness of the proposed Settlement, since those investors undoubtedly have the means and
18 incentive to express their dissatisfaction with substandard resolutions. *See In re Facebook, Inc., IPO*
19 *Sec. & Deriv. Litig.*, 343 F. Supp. 3d 394, 410 (S.D.N.Y. 2018), *aff’d sub nom. In re Facebook, Inc.*,
20 822 F. App’x 40 (2d Cir. 2020) (“That not one sophisticated institutional investor objected to the
21 Proposed Settlement is indicia of its fairness.”); *In re Schering-Plough Corp. Enhance ERISA Litig.*,
22 2012 WL 1964451, at *6 (D.N.J. May 31, 2012) (“The lack of objections to the requested attorneys’
23 fees supports the request, especially because the settlement class includes large, sophisticated
24 institutional investors.”) (citation omitted); *In re Bisys Sec. Litig.*, 2007 WL 2049726, at *1 (S.D.N.Y.
25 July 16, 2007) (institutional investors “had the means, the motive, and the sophistication to raise
26 objections if they thought the . . . fee was excessive”).

1 Accordingly, for all the reasons stated in the Memorandum of Law in Support of Plaintiffs'
2 Motion for Final Approval of Class Action Settlement and Approval of Plan of Allocation, the
3 Memorandum of Law in Support of Plaintiffs' Counsel's Motion for Award of Attorneys' Fees and
4 Expenses and Service Awards to the Plaintiffs, and herein, Plaintiffs and their counsel hereby
5 respectfully request that the Court: (a) approve this outstanding Settlement as fair, reasonable, and
6 adequate; (b) enter judgment pursuant to the Stipulation; (c) approve the Plan of Allocation; (d) award
7 attorneys' fees to Plaintiffs' Counsel in the amount of one-third of the \$7,000,000 Settlement Amount,
8 or \$2,333,333, together with expenses in the amount of \$268,324.75, plus interest on both amounts; and
9 (e) award Plaintiffs Rustam Mustafin, Henrik Thørring, and Laurence Clayton \$15,000 each for their
10 efforts on behalf of the Class.

11 DATED: August 1, 2024

Respectfully submitted,

12 ROBBINS GELLER RUDMAN
13 & DOWD LLP
14 JAMES I. JACONETTE

15 s/ James I. Jaconette
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28 PLAINTIFFS' NOTICE OF NON-OBJECTION TO MOTIONS FOR: (1) FINAL APPROVAL OF CLASS ACTION
SETTLEMENT AND APPROVAL OF PLAN OF ALLOCATION; AND (2) AWARD OF ATTORNEYS' FEES AND
EXPENSES AND SERVICE AWARDS TO THE PLAINTIFFS

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DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, a citizen of the United States and a resident of the County of San Diego, over the age of 18 years, and not a party to or interested party in the within action; that declarant’s business address is 655 West Broadway, Suite 1900, San Diego, California 92101.

2. That on August 1, 2024, declarant caused to be served the foregoing document by email delivery to the email addresses listed below:

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I declare under penalty of perjury that the foregoing is true and correct. Executed on August 1,
2024, at San Diego, California.



Teresa Holindrake