

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

	X		
KENNETH GORDON, Individually and on Behalf of All Others Similarly Situated,	:		Civil Action No. 1:19-cv-01108-FB-LB
	:		
Plaintiff,	:		<u>CLASS ACTION</u>
	:		
vs.	:		NOTICE OF MOTION AND MOTION FOR
	:		FINAL APPROVAL OF CLASS ACTION
VANDA PHARMACEUTICALS, INC., and	:		SETTLEMENT AND APPROVAL OF PLAN
MIHAEL H. POLYMERPOULOS,	:		OF ALLOCATION AND APPLICATION
	:		FOR AN AWARD OF ATTORNEYS' FEES
Defendants.	:		AND EXPENSES AND AN AWARD TO
	:		LEAD PLAINTIFF PURSUANT TO 15
	:		U.S.C. §78u-4(a)(4)
	:	X	

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

PLEASE TAKE NOTICE that Lead Plaintiff Teamsters Local Union No. 727 Pension Fund (“Lead Plaintiff”), on behalf of the Settlement Class, by its undersigned counsel, will move this Court on January 5, 2023, at 10:00 a.m., or as soon thereafter as the parties can be heard, before the Honorable Lois Bloom, for entry of orders and a judgment, pursuant to Rule 23 of the Federal Rules of Civil Procedure: (1) for the purposes of settlement only, certifying the Settlement Class, certifying Lead Plaintiff as the class representative on behalf of the Settlement Class, and appointing Lead Counsel as Class Counsel for the Settlement Class; (2) granting final approval of the proposed Settlement; (3) approving the proposed Plan of Allocation; (4) awarding attorneys’ fees, expenses, and an award to Lead Plaintiff; and (5) for such further relief as is just.¹

In support of this motion, Lead Plaintiff relies on: (i) the Memorandum of Law in Support of Lead Plaintiff’s Motion for Final Approval of Class Action Settlement and Approval of Plan of

¹ Unless stated otherwise, all capitalized terms used herein have the meanings set forth and defined in the Stipulation and Agreement of Settlement.

Allocation; (ii) the Memorandum of Law in Support of Lead Counsel's Application for an Award of Attorneys' Fees and Expenses and an Award to Lead Plaintiff Pursuant to 15 U.S.C. §78u-4(a)(4); (iii) the Declaration of Michael G. Capeci in Support of: (1) Lead Plaintiff's Motion for Final Approval of Class Action Settlement and Approval of Plan of Allocation; and (2) Lead Counsel's Application for an Award of Attorneys' Fees and Expenses and an Award to Lead Plaintiff Pursuant to 15 U.S.C. §78u-4(a)(4); (iv) the Declaration of Robert J. Laino; (v) the Declaration of Eric Blow; (vi) the Declaration of Michael G. Capeci Filed on Behalf of Robbins Geller Rudman & Dowd LLP; (vii) the Stipulation and Agreement of Settlement; and (viii) all other proceedings herein.

Proposed orders will be submitted with Lead Plaintiff's reply submission on or before December 29, 2022.

DATED: December 1, 2022

Respectfully submitted,

ROBBINS GELLER RUDMAN
& DOWD LLP
SAMUEL H. RUDMAN
DAVID A. ROSENFELD
MICHAEL G. CAPECI

s/ Michael G. Capeci

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Lead Counsel for Lead Plaintiff

CERTIFICATE OF SERVICE

I, Michael G. Capeci, hereby certify that on December 1, 2022, I authorized a true and correct copy of the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such public filing to all counsel registered to receive such notice.

s/ Michael G. Capeci

MICHAEL G. CAPECI