UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 21-2989-MDL-ALTONAGA/DAMIAN

In re:

JANUARY 2021 SHORT SQUEEZE TRADING LITIGATION

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This Document Relates to:
Case No. 1:23-cv-21572 -CMA

[PROPOSED] ORDER RE: (1) APPOINTMENT AS LEAD PLAINTIFFS FOR THE OPTIONS CLASS ; AND (2) APPROVAL OF THEIR SELECTION OF LEAD COUNSEL

THIS CAUSE came before the Court on Movants Maurice Scarborough and Scott Schiller's Motion to Appoint Lead Plaintiffs for the Options Class and Approve Their Selection of Lead Counsel ("Motion") [ECF No. ___]. The Court has carefully considered the Motion, the attached exhibits, and applicable law. For the following reasons, Movant's Motion is granted.

On April 10, 2023, in compliance with this provision of the PSLRA, the Klafter Lesser Firm caused the notice to be published via *PRNewswire* (the "PSLRA Options Notice"). That Options Notice described the class at issue (the "Options Class) as follows:

> investors who held call options on the Robinhood Trading Platform as of the close on January 27, 2021 to purchase any of the following stocks: American Airlines Group Inc. (NASDAQ: AAL), AMC Entertainment Holdings Inc. (NYSE: AMC), BlackBerry Limited (NYSE: BB), Bed Bath & Beyond Inc. (NASDAQ: BBBY), GameStop Corp. (NYSE: GME), or Nokia Corporation (NYSE: NOK) (the "Affected Options"), sold such options or such options expired, during the period January 28, 2021 through and including February 19, 2021 (the "Class Period"), and thereby suffered a loss.

This PSLRA Options Notice also informed investors who held the Affected Options of their right to move to serve as lead plaintiff no later than June 9, 2023. No prior notice published in accordance with the PSLRA ever advised members of this Options Class that class claims had been asserted on their behalf or invited them to move to be appointed as lead plaintiff.

The PSLRA provides a "rebuttable presumption" that the most "adequate plaintiff" to serve as Lead Plaintiff is the "person or group … " that:

(aa) has either filed the complaint or made a motion in response to a notice …;

(bb) in the determination of the Court, has the largest financial interest in the relief sought by the class; and

(cc) otherwise satisfies the requirements of Rule 23 of the Federal Rules of Civil Procedure.

15 U.S.C. § 78u-4(a)(3)(B)(iii); *In re January 2021 Short Squzue Trading Litig.,* 2021 U.S. Dist. LEXIS 199545, *22 (S.D. Fl. Oct. 15, 2021) ("October 15, 2021 Order"). Movants satisfy all three of these criteria and thus are entitled to the presumption that they are the most adequate representatives of the Option Class for the following reasons:

1. Movants have brought the present motion in response to the published PSLRA Options Notice and have filed herewith PSLRA certifications attesting that they are willing to serve as representatives of the Options Class, are willing to assume the duties and responsibilities of being Options Class representatives and are willing to provide testimony at deposition and at trial, as necessary.
2. Movants collectively held lost $5,745.06 on their investments in the Affected Options at the close on January 27, 2021 that they sold at a loss, or whose Affected Options expired between January 28, 2021 and February 19, 2021, as a result of the alleged manipulation and fraud, and therefore have the largest financial interest to be appointed as Lead Plaintiffs for the Option Class.
3. Movants' Claims are Typical of the Claims of the Members of the Options Class because each Movant, like every member of the Options Class, held an Affected Option at the close on January 27, 2021 and sold those Affected Options at a loss, or whose Affected Options expired between January 28, 2021 and February 19, 2021, due to the same restrictions on trading imposed by Robinhood, and all suffered damages as a result.
4. Movants are adequate representatives of the Options Class. They have each signed Certifications affirming their willingness to serve as lead plaintiff and vigorously prosecute the claims of the Options Class. Movants have also retained counsel with

significant experience in securities or other complex litigation. Neither Movants nor this Court are aware that any conflict exists between Movants' claims and those asserted on behalf of the Options Class.

Movants are therefore entitled to the presumption that they are the most adequate investors to represent the Options Class. This presumption may be rebutted only upon proof "by a purported member of the Plaintiffs' class" that the presumptively most adequate plaintiff:

(aa) will not fairly adequately protect the interest of the class; or

(bb) is subject to unique defenses that render such plaintiff incapable of adequately representing the class.

15 U.S.C. § 78u-4(a)(3)(B)(iii)(I); October 15, 2021 Order, 2021 U.S. Dist. LEXIS 199545, * 26-27. No such proof has been presented and the Court is not aware of any such proof. Movants are therefore the "most adequate plaintiffs" to represent the Options Class.

The PSLRA vests authority in the Lead Plaintiff to "select and retain counsel to represent the class," subject to the approval of the Court. 15 U.S.C. § 78u-4(a)(3)(B)(v); October 15, 2021 Order, 2021 U.S. Dist. LEXIS 199545, * 33. A court should "generally employ a deferential standard in reviewing the lead plaintiff's choice[]" and "should not interfere with the lead plaintiff's selection of counsel unless necessary to 'protect the interests of the class[.]" *Id.*; 15 U.S.C. § 78u4(a)(3)(B)(iii)(II)(aa).

Movants have selected the Klafter Lesser Firm and the Pessah Firm to serve as Lead Counsel. Proposed Lead Counsel have provided Firm Resumes evidencing their extensive experience in prosecuting claims for securities fraud and/or other types of complex class actions. They are also both intimately familiar with the facts and claims at issue having been involved in this MDL since its commencement. Movants' selection of the Klafter Lesser Firm and Pessah Firm as lead counsel for the Options Class is therefore approved.

Accordingly, it is ORDERED AND ADJUDGED as follows:

1. Movants, Maurice Scarborough and Scott Schiller's Motion to Appoint Lead Plaintiffs for the Options Class and Approve Their Selection of Lead Counsel [ECF No.___] is GRANTED.
2. Pursuant to 15 U.S.C. § 78u-4(a)(3)(B), Maurice Scarborough and Scott Schiller are appointed to serve as Lead Plaintiffs for the Options Class and the Klafter Lesser Firm and Pessah Firm are approved as Lead Counsel for the Options Class.
3. They shall coordinate their prosecution of the Claims of the Options Class with Lead Counsel for the stock class.

DONE AND ORDERED in Miami, Florida, this ___ day of _______, 2023.

____
CECILIA M. ALTONAGA
CHIEF UNITED STATES DISTRICT JUDGE

cc: counsel of record *Pro Se* Plaintiffs