

James E. Cecchi
Donald A. Ecklund
Kevin G. Cooper
CARELLA, BYRNE, CECCHI,
BRODY & AGNELLO, P.C.
5 Becker Farm Road
Roseland, New Jersey 07068
Telephone: (973) 994-1700
jcecchi@carellabyrne.com
decklund@carellabyrne.com
kcooper@carellabyrne.com

*Liaison Counsel for Plaintiffs
and the Settlement Class*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

NICHOLAS MILLER, Individually and
On Behalf of All Others Similarly
Situated,

Plaintiff,

v.

EAGLE PHARMACEUTICALS, INC.,
SCOTT TARRIFF, and BRIAN
CAHILL,

Defendants.

Case No. 2:23-CV-23011-MAH

Motion Day: August 19, 2026

Hon. Michael A. Hammer

**NOTICE OF PLAINTIFFS' UNOPPOSED MOTION
FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT
AND PLAN OF ALLOCATION**

PLEASE TAKE NOTICE that pursuant to the Court’s Order Preliminarily Approving Settlement and Providing for Notice (ECF No. 65), on August 19, 2026, at 2:00 p.m., before the Honorable Michael A. Hammer, U.S.M.J., in Courtroom MLK 2C of the Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, NJ 07101, Court-appointed lead plaintiff Evans Associates I, LLC (“Lead Plaintiff”) and named plaintiffs Nicholas Miller, Liyu Wang, and Joanna Pluta (collectively, with Lead Plaintiff, “Plaintiffs”)¹ will, and hereby do, apply for entry of an Order: (1) finally certifying the Settlement Class; (2) granting final approval of the Settlement in the above-captioned action on the terms set forth in the Stipulation; and (3) approving the proposed Plan of Allocation for distribution of the Net Settlement Fund.²

This motion is based on this Notice of Motion; the concurrently filed Memorandum of Law; the concurrently filed Declaration of Garth Spencer in Support of: (I) Plaintiffs’ Unopposed Motion for Final Approval of Class Action Settlement and Plan of Allocation; and (II) Lead Counsel’s Motion for an Award of Attorneys’ Fees and Reimbursement of Litigation Expenses and all exhibits thereto;

¹ Unless otherwise defined, all capitalized terms used herein have the meanings ascribed to them in the Stipulation of Settlement, dated March 13, 2026 (the “Stipulation,” ECF No. 62-3).

² Proposed orders will be submitted with Plaintiffs’ reply papers, after the deadlines for objections and seeking exclusion have passed.

all pleadings and records on file in this Action; and other such matters as the Court may consider.

Lead Counsel conferred with Defendants' Counsel with respect to this motion. Defendants' Counsel have authorized Lead Counsel to represent that Defendants do not oppose this motion.

Dated: July 15, 2026

Respectfully submitted,

By: /s/ James E. Cecchi
**CARELLA, BYRNE, CECCHI, BRODY
& AGNELLO, P.C.**

James E. Cecchi
Donald A. Ecklund
Kevin G. Cooper
5 Becker Farm Road
Roseland, New Jersey 07068
Telephone: (973) 994-1700
Email: jcecchi@carellabyrne.com
Email: decklund@carellabyrne.com
Email: kcooper@carellabyrne.com

*Liaison Counsel for Plaintiffs and the
Settlement Class*

**GLANCY PRONGAY WOLKE &
ROTTER LLP**

Robert V. Prongay (*pro hac vice*)
Joseph D. Cohen (*pro hac vice*)
Garth Spencer (*pro hac vice*)
1925 Century Park East
Suite 2100
Los Angeles, CA 90067

Telephone: (310) 201-9150
Email: rprongay@glancylaw.com
Email: jcohen@glancylaw.com
Email: gspencer@glancylaw.com

*Lead Counsel for Plaintiffs and the
Settlement Class*

Jack I. Zwick (*pro hac vice*)
225 Broadway, Suite 1440
New York, New York 10007
Telephone: (212) 385-1900
Email: jack@zwickfirm.com

*Additional Counsel for Plaintiffs and the
Settlement Class*

CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2026, a true and correct copy of the foregoing document was served by CM/ECF to the parties registered to the Court's CM/ECF system.

/s/ **DRAFT**
NAME
