

1 **KERR & WAGSTAFFE LLP**  
2 JAMES M. WAGSTAFFE (#95535)  
3 IVO LABAR (#203492)  
4 101 Mission Street, 18th Floor  
5 San Francisco, CA 94105-1727  
6 Telephone: (415) 371-8500  
7 Fax: (415) 371-0500  
8 wagstaffe@kerrwagstaffe.com  
9 labar@kerrwagstaffe.com

10 *Local Counsel for Plaintiffs and the Class*

11 **LABATON SUCHAROW LLP**  
12 JONATHAN GARDNER (*pro hac vice*)  
13 SERENA P. HALLOWELL (*pro hac vice*)  
14 MICHAEL P. CANTY (*pro hac vice*)  
15 CHRISTINE M. FOX (*pro hac vice*)  
16 THEODORE J. HAWKINS (*pro hac vice*)  
17 ALEC T. COQUIN (*pro hac vice*)  
18 140 Broadway  
19 New York, NY 10005  
20 Telephone: 212/907-0700  
21 212/818-0477 (fax)  
22 jgardner@labaton.com  
23 shallowell@labaton.com  
24 mcanty@labaton.com  
25 cfox@labaton.com  
26 thawkins@labaton.com  
27 acoquin@labaton.com

28 *Lead Counsel for Plaintiffs and the Class*

17 **UNITED STATES DISTRICT COURT**  
18 **NORTHERN DISTRICT OF CALIFORNIA**  
19 **SAN JOSE DIVISION**

20 IN RE INTUITIVE SURGICAL  
21 SECURITIES LITIGATION

Case No. 5:13-cv-01920 EJD (HRL)

CLASS ACTION

**[PROPOSED] ORDER APPROVING  
PLAN OF ALLOCATION**

24 THIS MATTER having come before the Court on the motion of Class Representatives  
25 Employees' Retirement System of the State of Hawaii and Greater Pennsylvania Carpenters'  
26 Pension Fund, on behalf of themselves and the Class, for final approval of the proposed class  
27 action Settlement and approval of the proposed Plan of Allocation for the proceeds of the  
28

1 Settlement; the Court having considered all papers filed and proceedings had herein and  
2 otherwise being fully informed;

3 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:


4 1. This Order incorporates by reference the definitions in the Stipulation and  
5 Agreement of Settlement, dated as of September 11, 2018 (the "Stipulation"), and all capitalized  
6 terms used, but not defined herein, shall have the same meanings as set forth in the Stipulation.

7 2. Pursuant to and in compliance with Rule 23 of the Federal Rules of Civil  
8 Procedure, this Court hereby finds and concludes that due and adequate notice was directed to  
9 Persons who are Class Members who could be identified with reasonable effort, advising them of  
10 the Plan of Allocation and of their right to object thereto, and a full and fair opportunity was  
11 accorded to Persons who are Class Members to be heard with respect to the Plan of Allocation.  
12 There were no objections to the proposed Plan of Allocation.

13 3. The Court hereby finds and concludes that the Plan of Allocation for the  
14 calculation of the claims of Authorized Claimants that is set forth in the Notice of Proposed  
15 Class Action Settlement and Motion for Attorneys' Fees and Expenses (the "Settlement Notice")  
16 disseminated to Class Members, provides a fair and reasonable basis upon which to allocate the  
17 Net Settlement Fund among eligible Class Members.

18 4. The Court hereby finds and concludes that the Plan of Allocation, as set forth in  
19 the Settlement Notice, is, in all respects, fair and reasonable and the Court hereby approves the  
20 Plan of Allocation.

21  
22 Dated: December 20, 2018

  
HONORABLE EDWARD J. DAVILA  
UNITED STATES DISTRICT JUDGE