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8 *Co-Lead Counsel for Plaintiffs*

9 [Additional Counsel Listed on Signature Page]

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12
13 IN RE MULLEN AUTOMOTIVE, INC.
14 DERIVATIVE LITIGATION

Lead Case No. 2:22-cv-05336-DMG-
(AGRx)

**NOTICE OF MOTION AND
MOTION FINAL APPROVAL OF
SETTLEMENT AND FEE AND
EXPENSE AMOUNT**

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17 This Document Relates to:
18 **ALL ACTIONS**

Date: January 24, 2025
Time: 10:00 a.m.
Courtroom: 8C, 8th Floor
Judge: Honorable Dolly M. Gee

1 **PLEASE TAKE NOTICE** that pursuant to the Order Preliminarily Approving
2 Settlement of Consolidated Derivative Actions and Providing for Notice [32], entered
3 on October 11, 2024 (ECF No. 45), on January 24, 2025 at 10:00 a.m., before the
4 Honorable Dolly M. Gee, United States District Judge for the Central District of
5 California, 350 W. 1st Street, Courtroom 8C, 8th Floor, Los Angeles, California
6 90012, Plaintiffs Jeff Witt, Joseph Birbigalia, and Hany Morsy (collectively,
7 “Plaintiffs”) will and hereby move this Court for entry of an Order: (i) approving the
8 Settlement as fair, reasonable, and adequate; (ii) approving the separately negotiated
9 and agreed to Fee and Expense Amount; and (iii) approving the requested Service
10 Awards.

11 Plaintiffs base this motion upon the: Memorandum of Points and Authorities in
12 Support of Motion for Final Approval of Settlement and the Fee and Expense
13 Amount; the Declaration of Erica L. Stone in Support of Plaintiffs’ Motion for Final
14 Approval of Settlement and the Fee and Expense Amount; and all records and papers
15 on file in this action; and any argument offered at a hearing on this motion.

16 The [Proposed] Order Approving Final Settlement of Consolidated Derivative
17 Action and the [Proposed] Final Judgment, previously attached as Exhibits D and E
18 to the Stipulation and Agreement of Settlement (ECF No. 31), will be submitted with
19 Plaintiffs’ reply papers after the January 3, 2025 deadline for objecting to the
20 Settlement has passed.

21 Pursuant to Local Rule 7-3, Plaintiffs’ Counsel have conferred with
22 Defendants’ Counsel who do not oppose the relief requested in this motion.

23
24 Dated: December 6, 2024

Respectfully submitted,

THE ROSEN LAW FIRM, P.A.

/s/ Erica L. Stone

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*Counsel for Plaintiffs Jeff Witt
and Joseph Birbiglia*

CERTIFICATE OF SERVICE

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I, Erica L. Stone, hereby declare under penalty of perjury as follows:

I am an attorney at The Rosen Law Firm, P.A., with offices at 355 South Grand Avenue, Suite 2450, Los Angeles, CA 90071. I am over the age of eighteen.

On December 6, 2024, I electronically filed the following **NOTICE OF MOTION AND MOTION FINAL APPROVAL OF SETTLEMENT AND FEE AND EXPENSE AMOUNT** with the Clerk of the Court using the CM/ECF system which sent notification of such filing to counsel of record.

Executed on December 6, 2024.

/s/ Erica L. Stone
Erica L. Stone