

1 Lucas E. Gilmore, Bar No. 250893
2 Reed Kathrein, Bar No. 139304
3 HAGENS BERMAN SOBOL SHAPIRO LLP
4 715 Hearst Avenue, Suite 300
5 Berkeley, CA 94710
6 Telephone: (510) 725-3000
7 Facsimile: (510) 725-3001
8 Email: lucasg@hbsslw.com
9 reed@hbsslw.com

10 *Attorneys for Lead Plaintiff George Lang*

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

13 In re LUNA INNOVATIONS
14 INCORPORATED SECURITIES
15 LITIGATION

16 Case No. 2:24-cv-02630-CBM-KS

17 **LEAD PLAINTIFF’S REPLY IN**
18 **SUPPORT OF UNOPPOSED (I)**
19 **MOTION FOR FINAL APPROVAL**
20 **OF PROPOSED CLASS ACTION**
21 **SETTLEMENT AND (II) MOTION**
22 **FOR AN AWARD OF ATTORNEYS’**
23 **FEEES, LITIGATION EXPENSES, AND**
24 **SERVICE AWARD**

25 Hearing Date: Tuesday, February 17, 2026
26 Hearing Time: 10:00 a.m.
27 Courtroom: Courtroom 8D, 8th Floor
28 Judge: Hon. Consuelo Marshall

29 *This Document Relates To:*

30 *ALL ACTIONS*

31 **ORAL ARGUMENT REQUESTED**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TABLE OF CONTENTS

Page

I. INTRODUCTION..... 1

II. ARGUMENT 2

 A. The Claims Administrator carried out the robust Court-approved notice program. 2

 B. The reaction of the Settlement Class strongly supports approval of the Settlement and Plan of Allocation. 4

 C. The reaction of the Settlement Class strongly supports approval of the requested attorneys’ fees, expenses and award to Lead Plaintiff..... 5

 D. The Settlement Class’s participation in the Settlement supports approval. 6

III. CONCLUSION 6

1 for the Settlement Class (*i.e.*, approximate recovery of 12.6-20.7% of the estimated
2 maximum damages in this case), the caliber of the work performed, the risks of
3 continued litigation, and comparable fee and expense awards. *See* ECF No. 111 at
4 16-17 (collecting securities class action settlements where class counsel received
5 30% or more of the settlement fund).

6 And as described above, the Settlement Class’s reaction to the Settlement
7 further supports final approval of the Motions. The deadline for Settlement Class
8 Members to object to the Settlement and/or the requested attorneys’ fees, litigation
9 expenses, and service award was January 27, 2026. *See* ECF No. 112, ¶ 52. Notably,
10 following an extensive Court-approved notice program that included the mailing of
11 over 9,400 Settlement Notices, ***not a single member of the Settlement Class has***
12 ***objected to any aspect of the Settlement, the Plan of Allocation, or the requested***
13 ***attorneys’ fees, litigation expenses, and service award, and not a single Settlement***
14 ***Class Member has opted out of the Settlement.*** As explained below, the absence of
15 objections further supports a finding that the proposed Settlement, Plan of Allocation,
16 and request for attorneys’ fees, expenses, and service award are fair and reasonable
17 and should be approved.

18 II. ARGUMENT

19 A. The Claims Administrator carried out the robust Court-approved notice 20 program.

21 Pursuant to the Court’s Preliminary Approval Order (ECF No. 107), the
22 Claims Administrator, Epiq Class Action and Claims Solutions, Inc. (“Epiq”),
23 conducted an extensive notice program under Lead Counsel’s supervision. The notice
24 program included the mailing of Settlement Notices to potential Settlement Class
25 Members and Nominees, publishing the Summary Notice in the national edition of
26 *Investor’s Business Weekly* and over the *PRNewswire*, and updating the case website,
27 www.LunaInnovationsSecuritiesLitigation.com, so that copies of the Notice and
28 Claim Form could be downloaded. *See* ECF No. 112, ¶¶ 50-51.

1 Epiq began mailing the Settlement Notice Packets to potential Settlement
2 Class Members on October 17, 2025. *See id.*, ¶ 49. As of February 9, 2026, Epiq
3 has mailed a total of 9,478 Settlement Notices to potential Settlement Class Members
4 and Nominees. *See* Supplemental Declaration of Eric Blow Regarding Dissemination
5 of Settlement Notice and Claims Received (“Supp. Blow Decl.”), ¶ 4, attached hereto
6 as Exhibit 1. Of that number, 28 Settlement Notices were returned as undeliverable.
7 *Id.*, ¶ 5. This rate is consistent with (or lower than) comparable notice programs. *Id.*
8 The Summary Notice was published in *Investor’s Business Weekly* and released over
9 *PRNewswire* on October 27, 2025. *See* ECF No. 112, ¶ 50.

10 The notices apprised Settlement Class Members of, *inter alia*: (i) the
11 Settlement amount; (ii) the reasons why the Parties were proposing the Settlement;
12 (iii) the estimated average recovery per affected share of Luna security; (iv) the
13 maximum amount of attorneys’ fees and expenses that would be sought; (v) the
14 identity and contact information for a representative from Lead Counsel to answer
15 questions concerning the Settlement; (vi) the right of Settlement Class Members to
16 object to the Settlement; (vii) the binding effect of a judgment on Settlement Class
17 Members; (viii) the dates and deadlines for certain Settlement-related events; and (ix)
18 the opportunity to obtain additional information about the Action and the Settlement
19 by contacting Lead Counsel, the Claims Administrator, or visiting the Settlement
20 website. *See id.*, ¶ 48.

21 On January 13, 2026, fourteen days (14) before the objection deadline, Lead
22 Plaintiff and Lead Counsel filed their opening papers in support of the Settlement,
23 Plan of Allocation, and attorneys’ fees, expenses, and service award request. The
24 Motions are available on the public docket (ECF Nos. 110-111), and were promptly
25 posted to the case website. *See* Supp Blow Decl., ¶ 11.

26 As noted above, following this extensive Court-approved notice program, not
27 a single Settlement Class Member has objected to any aspect of the proposed
28

1 Settlement, the Plan of Allocation, or the request for attorneys’ fees, expenses, and
2 service award, and not a single Settlement Class Member has opted out of the
3 Settlement. *See id.*, ¶ 6.

4 **B. The reaction of the Settlement Class strongly supports approval of the**
5 **Settlement and Plan of Allocation.**

6 Per guidance from the Ninth Circuit, the Court should consider the reaction of
7 the class in determining whether to approve a class action settlement.² *See Churchill*
8 *Vill., L.L.C. v. Gen. Elec.*, 361 F.3d 566, 576 (9th Cir. 2004). Here, “the lack of class
9 members that have manifested any disapproval of the Settlement . . . demonstrates
10 the fairness, adequacy and reasonableness of the Settlement.” *In re Heritage Bond*
11 *Litig.*, 2005 WL 1594403, at *10 (C.D. Cal. June 10, 2005); *see also Brown v. China*
12 *Integrated Energy Inc.*, 2015 WL 12712081, at *8 (C.D. Cal. Aug. 19, 2015) (“[I]n
13 light of the absence of any substantive objections to the terms or conditions of the
14 proposed settlement, . . . there is a strong presumption that the settlement is fair[.]”);
15 *In re Omnivision Techs., Inc.*, 559 F. Supp. 2d 1036, 1043 (N.D. Cal. 2008) (“By any
16 standard, the lack of objection of the Class Members favors approval of the
17 Settlement.”). Similarly, the lack of objections to the proposed Plan of Allocation
18 provides firm support for its approval. *See In re Heritage Bond Litig.*, 2005 WL
19 1594403, at *11-12 (C.D. Cal. June 10, 2005) (“In light of the lack of objectors to
20 the plan of allocation at issue, and the competence, expertise, and zeal of counsel in
21 bringing and defending this action, the Court finds the plan of allocation as fair and
22 adequate.”).

23 In short, the absence of objections or requests for exclusion supports the
24 settlement and plan of allocation. *Hanlon v. Chrysler Corp.*, 150 F.3d 1011, 1027
25 (9th Cir. 1998) (“[T]he fact that the overwhelming majority of the class willingly

26 ² Lead Plaintiff refers the Court to the final approval motion for discussion on
27 why the Settlement and Plan of Allocation warrant approval under the other factors
28 detailed in Federal Rule of Civil Procedure 23(e)(2) and *Churchill Vill.*, 361 F.3d at
576. *See generally* ECF No. 110.

1 approved the offer and stayed in the class presents at least some objective positive
2 commentary as to its fairness.”). Accordingly, the Court should approve the
3 Settlement and Plan of Allocation here as fair, adequate, and reasonable.

4 **C. The reaction of the Settlement Class strongly supports approval of the**
5 **requested attorneys’ fees, expenses and award to Lead Plaintiff.**

6 As explained in the opening fee and expense brief, the exceptional result of
7 \$7,300,000 strongly supports the requested award of attorneys’ fees and expenses.
8 See ECF No. 111. The 30% fee request is consistent with fee awards in similar
9 securities class actions. *Id.* at 16-17. The appropriateness of Lead Counsel’s fee
10 request is further confirmed with a cross check against the lodestar, which reflects a
11 2.43 multiplier. *Id.* at 17-20.

12 Significantly, no Class Member has objected to Lead Counsel’s request for
13 attorneys’ fees, payment of litigation expenses, or \$3,500 award to Lead Plaintiff.
14 See Supp. Blow Decl., ¶ 6. The lack of objections weighs strongly in favor of granting
15 the requested attorneys’ fees, expenses, and service award. See *In re Stable Road*
16 *Acquisition Corp. Sec. Litig.*, 2024 WL 3643393, at *14 (C.D. Cal. Apr. 23, 2024)
17 (“the existence or absence of objectors to the requested attorneys’ fee is a factor is
18 determining the appropriate fee award.”); *In re Banc of Cal. Sec. Litig.*, 2020 WL
19 1283486, at *1 (C.D. Cal. Mar. 16, 2020) (awarding 33% of \$19.75 million
20 settlement fund where “no objections to the fees or expenses were filed by Class
21 Members.”); *In re Immune Response Sec. Litig.*, 497 F. Supp. 2d 1166, 1177 (S.D.
22 Cal. 2007) (“The lack of objection from any Class Member supports the attorneys’
23 fees award”). As such, the Court should approve Lead Counsel’s request for an award
24 of attorneys’ fees of 30% of the Settlement Amount, payment of \$40,494.65 for
25 litigation expenses, and award to Lead Plaintiff of \$3,500.

D. The Settlement Class’s participation in the Settlement supports approval.

The Settlement Notice Packets and Summary Notice informed potential Class Members that to receive a payment under the Settlement, they needed to submit a Proof of Claim and Release Form to Epiq such that it was postmarked or submitted online by January 16, 2026. *See* ECF No. 112, ¶ 53. Through February 9, 2026, Epiq has received 6,108 Claims. *See* Supp. Blow Decl., ¶ 7. This exceptional claims rate further supports approval. All Claims are still subject to comprehensive review under standard claims-processing procedures. *Id.* ¶ 9. As such, it is not possible to report the number of valid and invalid Claims at this time. *Id.*

III. CONCLUSION

Lead Plaintiff and Lead Counsel obtained an exceptional result for the Class, and the Class agrees. For the reasons set forth above and in their previously filed briefs and declarations, Lead Plaintiff and Lead Counsel respectfully request that the Court approve the proposed Settlement and Plan of Allocation, as well as the request for attorneys’ fees, payment of expenses, and award to Lead Plaintiff. Proposed orders are submitted herewith.

DATED: February 10, 2026

Respectfully submitted,

HAGENS BERMAN SOBOL SHAPIRO LLP

By /s/ Lucas E. Gilmore

Lucas E. Gilmore, Bar No. 250893

Reed Kathrein, Bar No. 139304

715 Hearst Avenue, Suite 300

Berkeley, CA 94710

Telephone: (510) 725-3000

Facsimile: (510) 725-3001

Email: lucasg@hbsslaw.com

reed@hbsslaw.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Nathan Emmons (*pro hac vice*)
Cityfront Plaza Drive, Suite 2410
Chicago, IL 60611
Telephone: (708) 628-4949
Facsimile: (708) 628-4950
Email: nathane@hbsslaw.com

Counsel for Lead Plaintiff George Lang

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for Lead Plaintiff George Lang and the Proposed Class, certifies that this brief contains 6 pages, which complies with the page limit of the Court’s Standing Order.

By: /s/ Lucas E. Gilmore
Lucas E. Gilmore