

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

In re BOSTON SCIENTIFIC
CORPORATION SECURITIES
LITIGATION

Master File No. 1:20-cv-12225-ADB

**REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT
OF (A) LEAD PLAINTIFF'S MOTION FOR FINAL APPROVAL OF
SETTLEMENT AND PLAN OF ALLOCATION AND (B) LEAD COUNSEL'S
MOTION FOR ATTORNEYS' FEES AND LITIGATION EXPENSES**

TABLE OF CONTENTS

	Page
I. PRELIMINARY STATEMENT	1
II. THE REACTION OF THE SETTLEMENT CLASS FURTHER SUPPORTS APPROVAL OF THE SETTLEMENT, THE PLAN OF ALLOCATION, AND THE REQUESTED ATTORNEYS' FEES AND LITIGATION EXPENSES.....	2
A. The Court-Approved Robust Notice Program	3
B. The Settlement Class's Reaction Supports Approval of the Settlement and the Plan of Allocation	4
C. The Settlement Class's Reaction Supports Approval of the Fee and Expense Application	6
III. CONCLUSION.....	7

TABLE OF AUTHORITIES

	Page(s)
CASES	
<i>In re AT&T Corp. Sec. Litig.</i> , 2005 WL 6716404 (D.N.J. Apr. 25, 2005)	5
<i>In re BankAmerica Corp. Sec. Litig.</i> , 210 F.R.D. 694 (E.D. Mo. 2002)	5
<i>In re Bisys Sec. Litig.</i> , 2007 WL 2049726 (S.D.N.Y. July 16, 2007)	7
<i>Bussie v. Allmerica Fin. Corp.</i> , 50 F. Supp. 2d 59 (D. Mass. 1999)	5
<i>In re Compact Disc Minimum Advertised Price Antitrust Litig.</i> , 216 F.R.D. 197 (D. Me. 2003)	5
<i>Ford v. Takeda Pharms. U.S.A., Inc.</i> , 2023 WL 3679031 (D. Mass. Mar. 31, 2023).....	6
<i>Hill v. State St. Corp.</i> , 2015 WL 127728 (D. Mass. Jan. 8, 2015)	5, 6
<i>In re Ranbaxy Generic Drug Application Antitrust Litig.</i> , 630 F. Supp. 3d 241 (D. Mass. 2022)	4
<i>In re Relafen Antitrust Litig.</i> , 231 F.R.D. 52 (D. Mass. 2005).....	6
<i>In re Rite Aid Corp. Sec. Litig.</i> , 396 F.3d 294 (3d Cir. 2005).....	7
<i>Roberts v. TJX Cos., Inc.</i> , 2016 WL 8677312 (D. Mass. Sept. 30, 2016)	4
<i>In re Signet Jewelers Ltd. Sec. Litig.</i> , 2020 WL 4196468 (S.D.N.Y. July 21, 2020).....	6, 7
<i>Trombley v. Bank of Am. Corp.</i> , 2013 WL 5153503 (D.R.I. Sept. 12, 2013).....	5
<i>In re Tyco Int'l, Ltd. Multidistrict Litig.</i> , 535 F. Supp. 2d 249 (D.N.H. 2007).....	5, 6
<i>In re Veeco Instruments Inc. Sec. Litig.</i> , 2007 WL 4115809 (S.D.N.Y. Nov. 7, 2007).....	6

STATUTES

28 U.S.C. § 1715(b)4

Lead Plaintiff Union Asset Management Holding AG, on behalf of itself and the Settlement Class, and Lead Counsel, respectfully submit this reply memorandum of law in further support of, respectively (a) Lead Plaintiff's Motion for Final Approval of Class Action Settlement and Plan of Allocation (ECF Nos. 156-157); and (b) Lead Counsel's Motion for Attorneys' Fees and Litigation Expenses (ECF Nos. 158-159) (the "Motions").¹

I. PRELIMINARY STATEMENT

The proposed Settlement resolves this litigation in exchange for a cash payment of \$38.5 million. As detailed in Lead Plaintiff's and Lead Counsel's opening papers (ECF Nos. 156-160), the proposed Settlement is the product of Lead Plaintiff and Lead Counsel's vigorous prosecution of the action and extended arm's-length settlement negotiations between experienced counsel before a highly experienced mediator, and represents a highly material portion of the damages investors could seek to prove at trial. The Settlement is an excellent result in light of the significant risks that Lead Plaintiff faced in proving that Defendants made materially false and misleading statements with scienter, in establishing loss causation and damages, and the costs of delay of further litigation. Indeed, the Settlement is particularly remarkable in light of the fact that the SEC investigated the very misconduct at issue in this case but declined to take any enforcement action.

The Settlement has also now been overwhelmingly endorsed by the Settlement Class. Since the Court granted preliminary approval, the Claims Administrator, under the supervision of Lead Counsel, has completed the extensive notice program set out in the Court's December 27, 2023 order (ECF No. 155) ("Preliminary Approval Order"). The notice program included

¹ Unless otherwise defined, all capitalized terms herein have the same meanings in the Stipulation and Agreement of Settlement dated December 14, 2023 (ECF No. 152-1) (the "Stipulation").

mailing the Notice Packet to over 128,000 potential Settlement Class Members, as well as publication of a Summary Notice in *The Wall Street Journal* and *PR Newswire*, and establishing a website concerning the Settlement. In response to this notice program, no objections were received with respect to any aspect of the Settlement, the Plan of Allocation, or the requested fees and expenses. The lack of objections represents a significant endorsement by the Settlement Class of the proposed Settlement and the requested fees and expenses. The fact that no objections were received from any institutional investors is especially noteworthy here because those investors comprised the great majority of the Settlement Class and have the staff and resources to object if they believe there is cause to do so, and none did so. Indeed, based on publicly filed documents, institutional investors held more than 95% of the publicly traded Boston Scientific common stock during the Class Period. Moreover, Lead Plaintiff, an experienced and sophisticated institutional investor that actively oversaw the Action, has expressly endorsed the Settlement and the requested attorneys' fees and expenses. *See* ECF No. 160-1, at ¶¶ 4-10. In addition, only three investors requested exclusion from the Settlement Class and, based on their reported purchases of Boston Scientific common stock in the Class Period, they represent a small percentage of the Settlement Class—approximately 0.03%.

As explained below, the overwhelmingly positive reaction of the Settlement Class further supports a finding that the proposed Settlement, Plan of Allocation, and request for attorneys' fees and expenses are fair and reasonable, and should be approved.

II. THE REACTION OF THE SETTLEMENT CLASS FURTHER SUPPORTS APPROVAL OF THE SETTLEMENT, THE PLAN OF ALLOCATION, AND THE REQUESTED ATTORNEYS' FEES AND LITIGATION EXPENSES

Lead Plaintiff and Lead Counsel respectfully submit that their opening papers demonstrated why approval of the Motions is warranted. Now that the time for objecting or requesting exclusion from the Settlement Class has passed, the lack of any objections and the

small number of requests for exclusion establish that the “reaction of the class” factor also strongly supports approval of both Motions.

A. The Court-Approved Robust Notice Program

In accordance with the Court’s Preliminary Approval Order, 128,813 copies of the Notice Packet have been mailed to potential Settlement Class Members and their nominees. *See* Supplemental Declaration of Luiggy Segura Regarding (A) Mailing of the Notice and Claim Form and (B) Report on Requests for Exclusion Received (the “Suppl. Segura Decl.”), attached hereto as Exhibit 1, at ¶ 2. The Notice informed Settlement Class Members of the terms of the proposed Settlement and Plan of Allocation, and that Lead Counsel would apply for an award of attorneys’ fees in an amount not to exceed 20% of the Settlement Fund and payment of Litigation Expenses (including an award to Lead Plaintiff) in an amount not to exceed \$700,000. *See* Notice ¶¶ 5, 57. The Notice also apprised Settlement Class Members of (a) their right to object to the proposed Settlement, the Plan of Allocation, and/or the request for attorneys’ fees and expenses; (b) their right to exclude themselves from the Class; and (c) the April 2, 2024 deadline for filing objections and for receipt of requests for exclusion. *See* Notice at p. 3 and ¶¶ 58, 65-66.²

On March 19, 2024, 14 days before the objection and exclusion deadline, Lead Plaintiff and Lead Counsel filed their opening papers in support of the Settlement, Plan of Allocation, and fee and expense request. These papers are available on the public docket (ECF Nos. 156-160),

² The Summary Notice, which informed readers of the proposed Settlement, how to obtain copies of the Notice and Claim Form, and the deadlines for the submission of Claim Forms, objections, and requests for exclusion, was published in *The Wall Street Journal* and over *PR Newswire* on February 6, 2024. *See* Declaration of Luiggy Segura Regarding (A) Mailing of the Notice and Claim Form; (B) Publication of the Summary Notice; and (C) Report on Requests for Exclusion Received to Date (ECF No. 160-4) at ¶ 10.

and were promptly posted on the Settlement website, *see* Suppl. Segura Decl. ¶ 3, and Lead Counsel’s website, www.blbglaw.com. In addition, notice of the Settlement was also provided by Defendants to appropriate federal and state officials pursuant to the Class Action Fairness Act of 2005, 28 U.S.C. § 1715(b).

As noted above, following implementation of this notice program, not a single Settlement Class Member has submitted an objection to any aspect of the Settlement, the Plan of Allocation, or Lead Counsel’s motion for attorneys’ fees and Litigation Expenses. In addition, only three requests for exclusion from the Settlement Class have been received. *See* Suppl. Segura Decl. ¶ 4. The three requests for exclusion received reported a total of 23,503 eligible shares of Boston Scientific common stock purchased during the Class Period. As such, the three exclusions reflect only 0.002% of the total number of potential Settlement Class Members who were sent Notices, and less than 0.03% of the total number of damaged Boston Scientific shares (as estimated by Lead Plaintiff’s damages expert)—a miniscule portion of the Settlement Class.³

B. The Settlement Class’s Reaction Supports Approval of the Settlement and the Plan of Allocation

The absence of any substantive objections from Settlement Class Members and the small number of requests for exclusion is another factor (beyond those already discussed in the opening briefs) that supports a finding that the Settlement is fair, reasonable, and adequate. *See, e.g., In re Ranbaxy Generic Drug Application Antitrust Litig.*, 630 F. Supp. 3d 241, 245 (D. Mass. 2022) (“lack of objections to the settlement” supported the determination that the

³ One of the three requests for exclusion did not include any information about the requestor’s transactions in Boston Scientific common stock as required by the Notice (*see* Notice ¶ 58) and another indicates that the requestor had no purchases of Boston Scientific common stock during the Class Period (and thus would not have been a Settlement Class Member to begin with). *See* Suppl. Segura Decl. Exs. 2 and 4. Nonetheless, Lead Plaintiff requests the Court allow all persons and entities who requested exclusion to be excluded from the Settlement Class, as set forth in Exhibit 1 to the proposed Judgment.

settlement was fair, reasonable, and adequate); *Roberts v. TJX Cos., Inc.*, 2016 WL 8677312, at *6 (D. Mass. Sept. 30, 2016) (finding that lack of objections and small number of opt-outs “supports judicial approval of the Settlement”); *Trombley v. Bank of Am. Corp.*, 2013 WL 5153503, at *6 (D.R.I. Sept. 12, 2013) (“The lack of objection and the small number of potential class members who opted out of the class weigh in favor of approving the settlement.”); *In re Compact Disc Minimum Advertised Price Antitrust Litig.*, 216 F.R.D. 197, 211 (D. Me. 2003) (reaction of class supported approval of settlement where “the number of objections and opt-outs [was] miniscule” in relation to “the size of the class”); *Bussie v. Allmerica Fin. Corp.*, 50 F. Supp. 2d 59, 77 (D. Mass. 1999) (the “favorable reaction of class to settlement, albeit not dispositive, constitutes strong evidence of fairness of proposed settlement and supports judicial approval”)

It is also particularly significant that no institutional investors—which held the great majority of Boston Scientific common stock during the Class Period—have objected to the Settlement. Institutional investors are often sophisticated and possess the incentive and ability to object. The absence of objections by these sophisticated class members is thus further evidence of the fairness of the Settlement. *See Hill v. State St. Corp.*, 2015 WL 127728, at *8 (D. Mass. Jan. 8, 2015) (“The fact that no institutional investors have objected or requested exclusion also supports approval of the Settlement.”); *In re Tyco Int’l, Ltd. Multidistrict Litig.*, 535 F. Supp. 2d 249, 261 (D.N.H. 2007) (finding that “[t]he reaction of the class to the settlement has been almost entirely positive,” where “[n]one of the institutional investors have objected to the size of the settlement”); *In re AT&T Corp. Sec. Litig.*, 2005 WL 6716404, at *4 (D.N.J. Apr. 25, 2005) (the reaction of the class “weigh[ed] heavily in favor of approval” where “no objections were filed by any institutional investors who had great financial incentive to object”); *In re BankAmerica*

Corp. Sec. Litig., 210 F.R.D. 694, 702-03 (E.D. Mo. 2002) (“The Court takes particular note of the fact that no objections were filed by any of the ‘institutional investors’ who comprise a large part of the plaintiff classes and who will be greatly affected by the outcome of this case”).

The uniformly positive reaction of the Settlement Class also supports approval of the Plan of Allocation. *See, e.g., In re Signet Jewelers Ltd. Sec. Litig.*, 2020 WL 4196468, at *6 (S.D.N.Y. July 21, 2020) (lack of objections mean that the “reaction of the Class also supports approval of the Plan of Allocation”); *In re Veeco Instruments Inc. Sec. Litig.*, 2007 WL 4115809, at *14 (S.D.N.Y. Nov. 7, 2007) (“[N]ot one class member has objected to the Plan of Allocation which was fully explained in the Notice of Settlement sent to all Class Members. This favorable reaction of the Class supports approval of the Plan of Allocation.”).

C. The Settlement Class’s Reaction Supports Approval of the Fee and Expense Application

The positive reaction of the Settlement Class should also be considered with respect to Lead Counsel’s motion for an award of attorneys’ fees and Litigation Expenses. *See In re Relafen Antitrust Litig.*, 231 F.R.D. 52, 79 (D. Mass. 2005) (one factor to consider in determining fee award is “the presence or absence of substantial objections by members of the class to the settlement terms and/or fees requested by counsel”). Indeed, courts hold that the absence of objections to the requested attorneys’ fees and expenses supports a finding that the requests are fair and reasonable. *See, e.g., Ford v. Takeda Pharms. U.S.A., Inc.*, 2023 WL 3679031, at *1 (D. Mass. Mar. 31, 2023) (“Not a single Class Member has objected to any aspect of the Settlement, including Class Counsel’s request for attorney fees. This factor supports approval of Class Counsel’s motion.”); *Hill*, 2015 WL 127728, at *19 (“the endorsement of the Lead Plaintiffs and the favorable reaction of the class both support approval of the requested fees”); *Tyco*, 535 F. Supp. 2d at 269 (“the reaction of the class weighs in favor of approval” of

the requested fee, where “[o]nly a tiny percentage of the class has objected to the proposed fee request”).

As with approval of the Settlement, the lack of objections by institutional investors in particular supports approval of the fee request. *See Signet*, 2020 WL 4196468, at *21 (finding that a “lack of objections by institutional investors . . . lends further support to approval of the fee request”); *In re Rite Aid Corp. Sec. Litig.*, 396 F.3d 294, 305 (3d Cir. 2005) (fact that “a significant number of investors in the class were ‘sophisticated’ institutional investors that had considerable financial incentive to object had they believed the requested fees were excessive”, but did not do so, supported approval of the fee request); *In re Bisysec. Litig.*, 2007 WL 2049726, at *1 (S.D.N.Y. July 16, 2007) (noting that there was only one objection from an individual—and none from any institutions—“even though the class included numerous institutional investors who presumably had the means, the motive, and the sophistication to raise objections if they thought the [requested] fee was excessive”).

Accordingly, the overwhelmingly favorable reaction of the Settlement Class strongly supports approval of the Settlement, Plan of Allocation, and the fee and expense request.

III. CONCLUSION

For the foregoing reasons, and those set forth in their opening papers, Lead Plaintiff and Lead Counsel respectfully request that the Court approve the Settlement, the Plan of Allocation, and the request for attorneys’ fees and Litigation Expenses. Copies of the (i) proposed Judgment Approving Class Action Settlement, (ii) proposed Order Approving Plan of Allocation of Net Settlement Fund, and (iii) proposed Order Awarding Attorneys’ Fees and Litigation Expenses are attached hereto as Exhibits 2, 3, and 4.

Dated: April 16, 2024

Respectfully submitted,

**BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP**

/s/ Salvatore J. Graziano

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Liaison Counsel for Lead Plaintiff

Exhibit 1

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

In re BOSTON SCIENTIFIC
CORPORATION SECURITIES
LITIGATION

Master File No. 1:20-cv-12225-ADB

**SUPPLEMENTAL DECLARATION OF LUIGGY SEGURA REGARDING:
(A) MAILING OF THE NOTICE AND CLAIM FORM AND
(B) REPORT ON REQUESTS FOR EXCLUSION AND CLAIM FORMS RECEIVED**

I, LUIGGY SEGURA, hereby declare under penalty of perjury as follows:

1. I am the Vice President of Securities Operations at JND Legal Administration (“JND”). Pursuant to the Court’s December 27, 2023 Order Preliminarily Approving Settlement and Authorizing Dissemination of Notice of Settlement (ECF No. 155) (the “Preliminary Approval Order”), JND was appointed to supervise and administer the notice procedure as well as the processing of claims in connection with the Settlement of the above-captioned action (the “Action”).¹ I submit this Declaration as a supplement to my earlier declaration, the Declaration of Luiggy Segura Regarding: (A) Mailing of the Notice and Claim Form; (B) Publication of the Summary Notice; and (C) Report on Requests for Exclusion Received to Date, dated March 19, 2024 (ECF No. 160-4) (the “Initial Mailing Declaration”). I am over 21 years of age and am not a party to the Action. I have personal knowledge of the facts stated in this declaration and, if called as a witness, could and would testify competently thereto.

¹ Unless otherwise defined herein, all capitalized terms have the meanings set forth in the Stipulation and Agreement of Settlement, dated December 14, 2023 (ECF No. 152-1) (the “Stipulation”).

CONTINUED MAILING OF THE NOTICE PACKET

2. Since the execution of the Initial Mailing Declaration, JND has continued to disseminate copies of the Notice and Claim Form (together, the “Notice Packet”) in response to additional requests from potential Settlement Class Members and nominees. As of the date of this Declaration, JND has mailed a total of 128,813 Notice Packets to potential Settlement Class Members and nominees.

TELEPHONE HELPLINE AND WEBSITE

3. JND continues to maintain the toll-free telephone helpline (1-877-595-0084) and interactive voice response system to accommodate inquiries from Settlement Class Members. JND also continues to maintain the dedicated website for the Action (www.BostonScientificSecuritiesLitigation.com) in order to assist Settlement Class Members. On March 19, 2024, JND posted to the website copies of the papers filed in support of Lead Plaintiff’s Motion for Final Approval of Class Action Settlement and Plan of Allocation and Lead Counsel’s Motion for Attorneys’ Fees and Litigation Expenses. JND will continue to maintain and, as appropriate, update the Settlement website and toll-free telephone helpline until the conclusion of this administration.

REPORT ON REQUESTS FOR EXCLUSION RECEIVED

4. The Notice informed potential members of the Settlement Class that requests for exclusion from the Settlement Class were to be sent to the Claims Administrator so that they are received no later than April 2, 2024. The Notice also sets forth the information that must be included in each request for exclusion. As of the date of this Declaration, JND has received three requests for exclusion, all of which were received before April 2, 2024. Exhibit 1 attached hereto lists the names of the persons and entities who requested exclusion from the Settlement Class and

their city and state. Copies of the requests for exclusion are attached hereto as Exhibits 2, 3, and 4.²

I declare, under penalty of perjury under the laws of the United States, that the foregoing is true and correct. Executed this 15th day of April 2024, at New Hyde Park, New York.

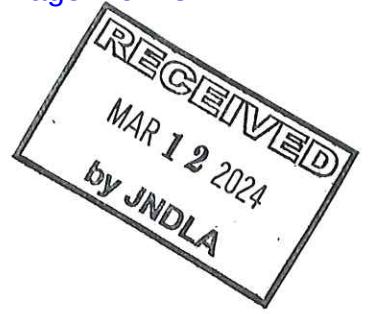

LUGGY SEGURA

² In the interest of privacy, the requests for exclusion have been redacted to remove the requesters' street addresses and telephone numbers.

Exhibit 1

1. Gilbert Dlugy, Trustee and
Monique Dlugy, Trustee
U/A DTD 1/16/2006
Wilmington, NC
2. Malta Pension Investments
St. Julians, MALTA
3. Wilbanks, Smith & Thomas
Norfolk, VA

Exhibit 2



March 6, 2024

Boston Scientific Securities Litigation, EXCLUSION,
% JND Legal Administration
P.O Box 91477
SEATTLE, WA 098111

Sir,

We hereby notify you that we request our EXCLUSION from the Settlement Class in In re
Boston Scientific Corporation Securities Litigation, Master File No 1:20-cv-12225-ADB.

Please take note of this and respect our decision.

Sincerely,

Handwritten signature of Gilbert Dlugy in black ink.

GILBERT DLUGY TTE

Handwritten signature of Monique Dlugy in black ink.

MONIQUE DLUGY TTE

U/ADTD 01/16/2006

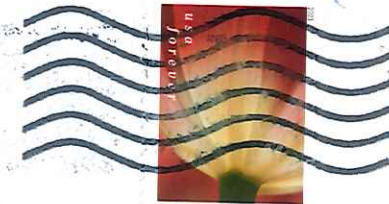
BY GILBERT DLUGY ET AL

██████████, WILMINGTON NC 28409

Cell: ██████████

Mr. Gilbert Dlugy
Wilmington, NC 28409

RALEIGH NC 275
Research Triangle Region
7 MAR 2024 PM 4 L



Boston Scientific Securities Litigation, EXCLUSION
c/o JND Legal Administration
P.O. Box 91477
SEATTLE, WA 098111

MAR 12 2024

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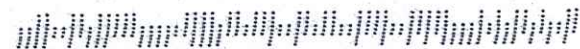


Exhibit 3

**Malta Pension
Investments**

Date 14th February, 2024

Malta Pension Investments

██████████
██████████, St. Julian's STJ 3140, Malta

Boston Scientific Securities Litigation
EXCLUSIONS
c/o JND Legal Administration
P.O. Box 91477
Seattle, WA 98111

Received
MAR 01 2024
by JNDLA

Request exclusion from the Settlement Class in *In re Boston Scientific Corporation Securities Litigation*, Master File No. 1:20-cv-12225-ADB

Name: MALTA PENSION INVESTMENTS

Address: ██████████

██████████

St. Julians STJ3140

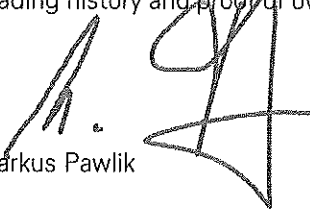
Malta

Contact: Markus Pawlik, Managing Director

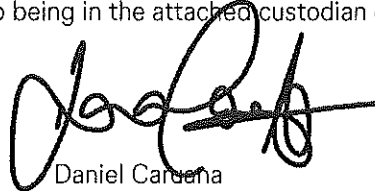
Email: ██████████

Telephone: ██████████

Trading history and proof of ownership being in the attached custodian certificate.



Markus Pawlik
Managing Director



Daniel Caruana
Authorised Signatory

Phone [REDACTED]

VAT number MT 15998221

Corporate Headquarters
Lufthansa Malta Pension Holding Ltd., Malta

Company registration number LPA 13

Executive Management
Markus Pawlik
Daniel Caruana



49, avenue J.F. Kennedy
L-1855 Luxembourg

T +352 464 010 1
R.C.S. Luxembourg B. 148186

www.statestreet.com

Luxembourg, FEB 13th, 2024

Re: Statement of positions Envision Healthcare Corporation
For the Claimant: Malta Pension Investments

To Whom It May Concern,

We, State Street Bank International GmbH, Luxembourg branch, act or acted as the custodian bank for the securities listed in the attached Exhibit. We hereby certify that the transactions and holdings for the securities shown in the attached Exhibit are accurate for the dates indicated therein.

The Claimant is/was the legal and beneficial owner of the securities listed in the attached Exhibit and holds all rights and obligations relating to these securities.

State Street Bank International GmbH, Luxembourg Branch

Rui Machado

Digitally signed by Rui Machado
Date: 2024.02.14 12:54:51
+01'00'

Name:

Title:

FUND	FUND NAME	CUSIP	CUSIP DESCRIPTION	CONT SETL DATE	TRADE (begm eff) DATE	STL LOC	TRAN TYPE	SHARES	LOCAL NET AMOUNT	LOCAL COMMISSION	LOCAL NET AMOUNT LESS LOCAL COMMISSION	LOCAL NET AMOUNT LESS INTEREST	AS OF SHARE / PAR POSITION	BEG LIT DATE	END LIT DATE	BROKER NAME	UNIT PRICE	LOCAL FEES	TAKES
					16-Sep-20			Opening balance					0.00						
MP78	Us Equity (Ubs)	101137107	BOSTON SCIENTIFIC CORP COMMON STOCK USD.01	Mon, 05-Oct-20	Mon, 23-Oct-23	DT C	BUY	18,809.000	948,257.62	141.07	948,116.55		18,809.000			MORGAN STANLEY CO INCORPORATED	50.41	0.00	0.00
MP78	Us Equity (Ubs)	101137107	BOSTON SCIENTIFIC CORP COMMON STOCK USD.01	Wed, 04-Nov-20	Tue, 24-Oct-23	DT C	BUY	4,694.000	239,402.91	35.20	239,367.71		23,503.000			J.P. MORGAN SECURITIES LLC	50.99	0.00	0.00
MP78	Us Equity (Ubs)	101137107	BOSTON SCIENTIFIC CORP COMMON STOCK USD.01	Wed, 02-Dec-20	Thu, 04-Jun-20	DT C	BUY	35,181.000	1,319,333.24	527.72	1,318,805.52		35,181.000			PIPER JAFFRAY & CO.	37.49	0.00	0.00
MP78	Us Equity (Ubs)	101137107	BOSTON SCIENTIFIC CORP COMMON STOCK USD.01	Fri, 04-Dec-20	Wed, 17-Jun-20	DT C	BUY	2,192.000	80,868.36	5.48	80,862.88		37,373.000			GOLDMAN SACHS + CO LLC	36.89	0.00	0.00
MP78	Us Equity (Ubs)	101137107	BOSTON SCIENTIFIC CORP COMMON	Fri, 14-May-21	Wed, 13-Jan-21	DT C	BUY	15,061.000	543,506.30	225.91	543,280.39		52,434.000			PERSHING LLC	36.07	0.00	0.00

State Street Bank International GmbH
Aufsichtsratsvorsitzender: Jörg Anbrüst
Geschäftsführer: Stefan Gmür, Fabienne Baker, Denis Drelaku, James Fagan,
Andreas Hellhaus, Kris Völterpauz
Sitz: München, Brienner Str. 59, D-80333 München, Registergericht München HRB 12872

			STOCK USD.01																
MP7 8	Us Equity (Ubs)	10113710 7	BOSTON SCIENTIFIC CORP COMMON STOCK USD.01	Thu, 08-Jul- 21	Fri, 29- Jan-21	DT C	BUY	972.000	34,450.11	2.43	34,447.68		53,406.00 0		CITIGROUP GLOBAL MARKETS INC	35.44	0.00	0.00	L
MP7 8	Us Equity (Ubs)	10113710 7	BOSTON SCIENTIFIC CORP COMMON STOCK USD.01	Wed, 16- Mar- 22	Fri, 30- Apr-21	DT C	SELL	(17,005.000)	-740,660.90	-255.07	-740,405.83		36,401.00 0		CREDIT SUI SSE SECURITIES (USA) LLC	43.57	-3.78	0.00	L
MP7 8	Us Equity (Ubs)	10113710 7	BOSTON SCIENTIFIC CORP COMMON STOCK USD.01	Mon, 28- Mar- 22	Fri, 25- Jun-21	DT C	SELL	(8,756.000)	-385,479.18	-131.34	-385,347.84		27,645.00 0		WELLS FARG O SECURITIES, LLC	44.04	-1.97	0.00	L
MP7 8	Us Equity (Ubs)	10113710 7	BOSTON SCIENTIFIC CORP COMMON STOCK USD.01	Thu, 05- May- 22	Tue, 06- Jul-21	DT C	SELL	(3,764.000)	-164,175.43	-9.41	-164,166.02		23,881.00 0		MORGAN STA NLEY CO INCORPORATED	43.62	-0.84	0.00	L
MP7 8	Us Equity (Ubs)	10113710 7	BOSTON SCIENTIFIC CORP COMMON STOCK USD.01	Mon, 06- Jun-22	Mon, 26- Jul-21	DT C	SELL	(23,881.000)	#####	-179.11	1,050,281.02		0.000		J.P. MORGAN SECURITIES LLC	44.00	-5.36	0.00	L
					16-Nov- 20		Closing balance						0.00						

Information Classification: Limited Access

State Street Bank International GmbH
 Aufsichtsratsvorsitzender: Jörg Ambrosius
 Geschäftsführer: Stefan Götz, Fabienne Baker, Denis Collaku, James Fagan,
 Andreas Nikolaus, Pils Wulfspalte
 Sitz München, Brienner Str. 59, D-80333 München, Registergericht München HRB 42872

MAR 01 2024

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MaltaPost p.l.c. 16-Feb-2024

Stamps Affixed
€ 0.00 Foreign Post - Letters Registered

Total Postage Value
€ 7.40

Destination: USA

WEIGHT 0.037 Kg
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12-54-02



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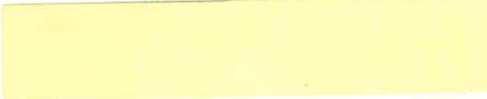
MAR 01 2024



RR Registered Item
RR437918273MT



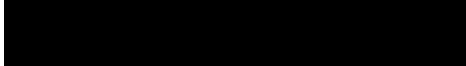
USA



RR437918273MT

Customer's Signature and ID.

Malta Pension Investments



St. Julians STJ 3140, Malta

Exhibit 4



WILBANKS
SMITH &
THOMAS

[REDACTED]
Norfolk, VA 23510

Office: [REDACTED]
Fax: [REDACTED]
www.wstam.com

February 7, 2024

Boston Scientific Securities Litigation, Exclusions
c/o JND Legal Administration
P.O. Box 91477, Seattle, WA 98111

Received
FEB 15 2024
by JNDLA

Dear JND Legal Administration,

Wilbanks, Smith & Thomas requests exclusion from the Settlement Class in "In re Boston Scientific Corporation Securities Litigation, Master File No. 1:20-cv-12225-ADB."

We are requesting exclusion from 500 shares of Boston Scientific common stock. These were owned as of 9/16/2020. Our clients' accounts did not purchase/acquire/sell these shares during the period 9/16/2020 – 2/12/2021.

Let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Tim McDaniel".

Tim McDaniel

Operations Associate
[REDACTED]

WST WILBANKS
SMITH &
THOMAS



Norfolk, VA 23510

BSC 4

RICHMOND VA 230

7 FEB 2024 PM 1 L

FIRST-CLASS



US POSTAGE TM PITNEY BOWES



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FEB 15 2024

Boston Scientific Securities Litigation, Exclusions
c/o JND Legal Administration
P.O. Box 91477
Seattle, WA 98111

JND 02/15/24

98111-019677

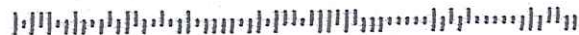


Exhibit 2

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re BOSTON SCIENTIFIC
CORPORATION SECURITIES
LITIGATION

Master File No. 1:20-cv-12225-ADB

[PROPOSED] JUDGMENT APPROVING CLASS ACTION SETTLEMENT

WHEREAS, a consolidated securities class action is pending in this Court entitled *In re Boston Scientific Corporation Securities Litigation*, Master File No. 1:20-cv-12225-ADB (the “Action”);

WHEREAS, lead plaintiff Union Asset Management Holding AG (“Lead Plaintiff”), on behalf of itself and the Settlement Class (defined below); and (b) defendant Boston Scientific Corporation (“Boston Scientific” or the “Company”), and defendants Michael F. Mahoney, Daniel J. Brennan, Shawn McCarthy, Ian Meredith, Joseph M. Fitzgerald, Kevin Ballinger, and Susan Vissers Lisa (collectively, the “Individual Defendants”, and, together with Boston Scientific, “Defendants”, and together with Lead Plaintiff, the “Parties”) have entered into a Stipulation and Agreement of Settlement dated December 14, 2023 (the “Stipulation”), that provides for a complete dismissal with prejudice of the claims asserted against Defendants in the Action on the terms and conditions set forth in the Stipulation, subject to the approval of this Court (the “Settlement”);

WHEREAS, unless otherwise defined in this Judgment, the capitalized terms herein shall have the same meaning as they have in the Stipulation;

WHEREAS, by Order dated December 27, 2023 (the “Preliminary Approval Order”), this Court: (a) found, pursuant to Rule 23(e)(1)(B) of the Federal Rules of Civil Procedure, that it

(i) would likely be able to approve the Settlement as fair, reasonable, and adequate under Rule 23(e)(2) and (ii) would likely be able to certify the Settlement Class for purposes of the Settlement; (b) ordered that notice of the proposed Settlement be provided to potential Settlement Class Members; (c) provided Settlement Class Members with the opportunity either to exclude themselves from the Settlement Class or to object to the proposed Settlement; and (d) scheduled a hearing regarding final approval of the Settlement;

WHEREAS, due and adequate notice has been given to the Settlement Class;

WHEREAS, the Court conducted a hearing on April 23, 2024 (the “Settlement Hearing”) to consider, among other things, (a) whether the terms and conditions of the Settlement are fair, reasonable, and adequate to the Settlement Class, and should therefore be approved; and (b) whether a judgment should be entered dismissing the Action with prejudice as against the Defendants; and

WHEREAS, the Court having reviewed and considered the Stipulation, all papers filed and proceedings held herein in connection with the Settlement, all oral and written comments received regarding the Settlement, and the record in the Action, and good cause appearing therefor;

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

1. **Jurisdiction** – The Court has jurisdiction over the subject matter of the Action, and all matters relating to the Settlement, as well as personal jurisdiction over all of the Parties and each of the Settlement Class Members.

2. **Incorporation of Settlement Documents** – This Judgment incorporates and makes a part hereof: (a) the Stipulation filed with the Court on December 15, 2023; and (b) the Notice and the Summary Notice, both of which were filed with the Court on March 19, 2024.

3. **Class Certification for Settlement Purposes** – The Court hereby certifies, for the purposes of the Settlement only, the Action as a class action pursuant to Rules 23(a) and (b)(3) of the Federal Rules of Civil Procedure on behalf of the Settlement Class consisting of all persons or entities who purchased or otherwise acquired Boston Scientific common stock during the period from September 16, 2020 through November 16, 2020, inclusive (the “Class Period”), and were damaged thereby. Excluded from the Settlement Class are: (i) Defendants; (ii) Immediate Family Members of any Individual Defendant; (iii) any person who was an Officer or director of Boston Scientific during the Class Period and any of their Immediate Family Members; (iv) any parent, subsidiary, or affiliate of Boston Scientific; (v) any firm, trust, corporation, or other entity in which any Defendant or any other excluded person or entity has, or had during the Class Period, a controlling interest; and (vi) the legal representatives, agents, affiliates, heirs, successors-in-interest, or assigns of any such excluded persons or entities. Also excluded from the Settlement Class are the persons and entities listed on Exhibit 1 hereto who or which are excluded from the Settlement Class pursuant to request.

4. **Settlement Class Findings** – For purposes of the Settlement only, the Court finds that each element required for certification of the Settlement Class pursuant to Rule 23 of the Federal Rules of Civil Procedure has been met: (a) the members of the Settlement Class are so numerous that their joinder in the Action would be impracticable; (b) there are questions of law and fact common to the Settlement Class which predominate over any individual questions; (c) the claims of Lead Plaintiff in the Action are typical of the claims of the Settlement Class; (d) Lead Plaintiff and Lead Counsel have and will fairly and adequately represent and protect the interests of the Settlement Class; and (e) a class action is superior to other available methods for the fair and efficient adjudication of the Action.

5. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, and for the purposes of the Settlement only, the Court hereby certifies Lead Plaintiff Union Asset Management Holding AG as Class Representative for the Settlement Class and appoints Lead Counsel Bernstein Litowitz Berger & Grossmann LLP as Class Counsel for the Settlement Class and Liaison Counsel Donnelly, Conroy & Gelhaar, LLP as Liaison Class Counsel for the Settlement Class. The Court finds that Lead Plaintiff and Lead Counsel have fairly and adequately represented the Settlement Class both in terms of litigating the Action and for purposes of entering into and implementing the Settlement and have satisfied the requirements of Federal Rules of Civil Procedure 23(a)(4) and 23(g), respectively.

6. **Notice** – The Court finds that the dissemination of the Notice and the publication of the Summary Notice: (a) were implemented in accordance with the Preliminary Approval Order; (b) constituted the best notice practicable under the circumstances; (c) constituted notice that was reasonably calculated, under the circumstances, to apprise Settlement Class Members of (i) the pendency of the Action; (ii) the effect of the proposed Settlement (including the Releases to be provided thereunder); (iii) Lead Counsel’s motion for attorneys’ fees and Litigation Expenses; (iv) their right to object to any aspect of the Settlement, the Plan of Allocation, and/or Lead Counsel’s motion for attorneys’ fees and Litigation Expenses; (v) their right to exclude themselves from the Settlement Class; and (vi) their right to appear at the Settlement Hearing; (d) constituted due, adequate, and sufficient notice to all persons and entities entitled to receive notice of the proposed Settlement; and (e) satisfied the requirements of Rule 23 of the Federal Rules of Civil Procedure, the United States Constitution (including the Due Process Clause), the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4, as amended, and all other applicable law and rules.

7. **CAFA Notice** – The Court finds that the notice requirements set forth in the Class Action Fairness Act of 2005, 28 U.S.C. § 1715, to the extent applicable to the Action, have been satisfied.

8. **Final Settlement Approval and Dismissal of Claims** – Pursuant to, and in accordance with, Rule 23(e)(2) of the Federal Rules of Civil Procedure, this Court hereby fully and finally approves the Settlement set forth in the Stipulation in all respects (including, without limitation: the amount of the Settlement; the Releases provided for therein; and the dismissal with prejudice of the claims asserted against Defendants in the Action), and finds that the Settlement is, in all respects, fair, reasonable, and adequate to the Settlement Class. Specifically, the Court finds that: (a) Lead Plaintiff and Lead Counsel have adequately represented the Settlement Class; (b) the Settlement was negotiated by the Parties at arm's length; (c) the relief provided for the Settlement Class under the Settlement is adequate taking into account the costs, risks, and delay of trial and appeal; the proposed means of distributing the Settlement Fund to the Settlement Class; and the proposed attorneys' fee award; and (d) the Settlement treats members of the Settlement Class equitably relative to each other. The Parties are directed to implement, perform, and consummate the Settlement in accordance with the terms and provisions contained in the Stipulation.

9. The Action and all of the claims asserted against Defendants in the Action by Lead Plaintiff and the other Settlement Class Members are hereby dismissed with prejudice. The Parties shall bear their own costs and expenses, except as otherwise expressly provided in the Stipulation.

10. **Binding Effect** – The terms of the Stipulation and of this Judgment shall be forever binding on Defendants, Lead Plaintiff, and all other Settlement Class Members (regardless of whether or not any individual Settlement Class Member submits a Claim Form or seeks or obtains a distribution from the Net Settlement Fund), as well as their respective successors and assigns.

The persons and entities listed on Exhibit 1 hereto are excluded from the Settlement Class pursuant to request and are not bound by the terms of the Stipulation or this Judgment.

11. **Releases** – The Releases set forth in paragraphs 5 and 6 of the Stipulation, together with the definitions contained in paragraph 1 of the Stipulation relating thereto, are expressly incorporated herein in all respects. The Releases are effective as of the Effective Date. Accordingly, this Court orders that:

(a) Without further action by anyone, and subject to paragraph 12 below, upon the Effective Date of the Settlement, Lead Plaintiff and each of the other Settlement Class Members, on behalf of themselves, and their respective heirs, executors, administrators, predecessors, successors, and assigns, in their capacities as such, shall be deemed to have, and by operation of law and of this Judgment shall have, fully, finally, and forever compromised, settled, released, resolved, relinquished, waived, and discharged each and every Released Plaintiffs' Claim against Defendants and the other Defendants' Releasees, and shall forever be barred and enjoined from prosecuting any or all of the Released Plaintiffs' Claims against any of the Defendants' Releasees.

(b) Without further action by anyone, and subject to paragraph 12 below, upon the Effective Date of the Settlement, Defendants, on behalf of themselves, and their respective heirs, executors, administrators, predecessors, successors, and assigns, in their capacities as such, shall be deemed to have, and by operation of law and of this Judgment shall have, fully, finally, and forever compromised, settled, released, resolved, relinquished, waived, and discharged each and every Released Defendants' Claim against Lead Plaintiff and the other Plaintiffs' Releasees, and shall forever be barred and enjoined from prosecuting any or all of the Released Defendants' Claims against any of the Plaintiffs' Releasees.

12. Notwithstanding paragraphs 11(a) – (b) above, nothing in this Judgment shall bar any action by any of the Parties to enforce or effectuate the terms of the Stipulation or this Judgment.

13. **Rule 11 Findings** – The Court finds and concludes that the Parties and their respective counsel have complied in all respects with the requirements of Rule 11 of the Federal Rules of Civil Procedure in connection with the institution, prosecution, defense, and settlement of the Action.

14. **No Admissions** – Neither this Judgment, the Term Sheet, the Stipulation (whether or not consummated), including the exhibits thereto and the Plan of Allocation contained therein (or any other plan of allocation that may be approved by the Court), the negotiations leading to the execution of the Term Sheet and the Stipulation, nor any proceedings taken pursuant to or in connection with the Term Sheet, the Stipulation, and/or approval of the Settlement (including any arguments proffered in connection therewith):

(a) shall be offered against any of the Defendants' Releasees as evidence of, or construed as, or deemed to be evidence of any presumption, concession, or admission by any of the Defendants' Releasees with respect to the truth of any fact alleged by Lead Plaintiff or the validity of any claim that was or could have been asserted or the deficiency of any defense that has been or could have been asserted in this Action or in any other litigation, or of any liability, negligence, fault, or other wrongdoing of any kind of any of the Defendants' Releasees, or in any way referred to for any other reason as against any of the Defendants' Releasees, in any arbitration proceeding or other civil, criminal, or administrative action or proceeding, other than such proceedings as may be necessary to effectuate the provisions of the Stipulation;

(b) shall be offered against any of the Plaintiffs' Releasees as evidence of, or construed as, or deemed to be evidence of any presumption, concession, or admission by any of the Plaintiffs' Releasees that any of their claims are without merit, that any of the Defendants' Releasees had meritorious defenses, or that damages recoverable under the Complaint would not have exceeded the Settlement Amount, or with respect to any liability, negligence, fault, or wrongdoing of any kind, or in any way referred to for any other reason as against any of the Plaintiffs' Releasees, in any arbitration proceeding or other civil, criminal, or administrative action or proceeding, other than such proceedings as may be necessary to effectuate the provisions of the Stipulation; or

(c) shall be construed against any of the Releasees as an admission, concession, or presumption that the consideration to be given under the Settlement represents the amount which could be or would have been recovered after trial; *provided, however*, that the Parties and the Releasees and their respective counsel may refer to this Judgment and the Stipulation to effectuate the protections from liability granted hereunder and thereunder or otherwise to enforce the terms of the Settlement.

15. **Retention of Jurisdiction** – Without affecting the finality of this Judgment in any way, this Court retains continuing and exclusive jurisdiction over: (a) the Parties for purposes of the administration, interpretation, implementation, and enforcement of the Settlement; (b) the disposition of the Settlement Fund; (c) any motion for an award of attorneys' fees and/or Litigation Expenses by Lead Counsel in the Action that will be paid from the Settlement Fund; (d) any motion to approve the Plan of Allocation; (e) any motion to approve the Class Distribution Order; and (f) the Settlement Class Members for all matters relating to the Action.

16. Separate orders shall be entered regarding approval of a plan of allocation and the motion of Lead Counsel for an award of attorneys' fees and Litigation Expenses. Such orders shall in no way affect or delay the finality of this Judgment and shall not affect or delay the Effective Date of the Settlement.

17. **Modification of the Agreement of Settlement** – Without further approval from the Court, Lead Plaintiff and Defendants are hereby authorized to agree to and adopt such amendments or modifications of the Stipulation or any exhibits attached thereto to effectuate the Settlement that: (a) are not materially inconsistent with this Judgment; and (b) do not materially limit the rights of Settlement Class Members in connection with the Settlement. Without further order of the Court, Lead Plaintiff and Defendants may agree to reasonable extensions of time to carry out any provisions of the Settlement.

18. **Termination of Settlement** – If the Settlement is terminated as provided in the Stipulation or the Effective Date of the Settlement otherwise fails to occur, this Judgment shall be vacated and rendered null and void, and shall be of no further force and effect, except as otherwise provided by the Stipulation, and this Judgment shall be without prejudice to the rights of Lead Plaintiff, the other Settlement Class Members, and Defendants, and Lead Plaintiff and Defendants shall revert to their respective positions in the Action as of September 8, 2023, as provided in the Stipulation.

20. **Entry of Final Judgment** – There is no just reason to delay the entry of this Judgment as a final judgment in this Action. Accordingly, the Clerk of the Court is expressly directed to immediately enter this final judgment in this Action.

SO ORDERED this _____ day of _____, 2024.

The Honorable Allison D. Burroughs
United States District Judge

Exhibit 1

1. Gilbert Dlugy, Trustee and
Monique Dlugy, Trustee
U/A DTD 1/16/2006
Wilmington, NC
2. Malta Pension Investments
St. Julians, MALTA
3. Wilbanks, Smith & Thomas
Norfolk, VA

Exhibit 3

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

In re BOSTON SCIENTIFIC
CORPORATION SECURITIES
LITIGATION

Master File No. 1:20-cv-12225-ADB

**[PROPOSED] ORDER APPROVING
PLAN OF ALLOCATION OF NET SETTLEMENT FUND**

This matter came on for hearing on April 23, 2024 (the “Settlement Hearing”) on Lead Plaintiff’s motion to approve the proposed plan of allocation (“Plan of Allocation”) of the Net Settlement Fund created under the Settlement in the above-captioned class action (the “Action”). The Court having considered all matters submitted to it at the Settlement Hearing and otherwise; it appearing that: (i) the Notice of the Settlement Hearing (which included a summary of the Settlement as well as the full text of the proposed Plan of Allocation) (the “Notice”) was mailed to all Settlement Class Members who or which could be identified with reasonable effort substantially in the form approved by the Court and (ii) a summary notice of the hearing substantially in the form approved by the Court was published in *The Wall Street Journal* and over *PR Newswire* pursuant to the specifications of the Court; and the Court having considered and determined the fairness and reasonableness of the proposed Plan of Allocation,

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. This Order approving the proposed Plan of Allocation incorporates by reference the definitions in the Stipulation and Agreement of Settlement dated December 14, 2023 (ECF No. 152-1) (the “Stipulation”) and all terms not otherwise defined herein shall have the same meanings as set forth in the Stipulation.

2. The Court has jurisdiction to enter this Order approving the proposed Plan of Allocation, and over the subject matter of the Action and all Parties to the Action, including all Settlement Class Members.

3. Notice of Lead Plaintiff's motion for approval of the proposed Plan of Allocation was given to all Settlement Class Members who or which could be identified with reasonable effort. The form and method of notifying the Settlement Class of the motion for approval of the proposed Plan of Allocation satisfied the requirements of Rule 23 of the Federal Rules of Civil Procedure, the United States Constitution (including the Due Process Clause), the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4, as amended, and all other applicable laws and rules, constituted the best notice practicable under the circumstances, and constituted due and sufficient notice to all persons and entities entitled thereto.

4. Copies of the Notice, which included the Plan of Allocation, were mailed to over 128,000 potential Settlement Class Members and nominees, and no objections to the Plan of Allocation have been received.

5. The Court hereby finds and concludes that the formula for the calculation of the claims of Claimants as set forth in the Plan of Allocation mailed to Settlement Class Members provides a fair and reasonable basis upon which to allocate the proceeds of the Net Settlement Fund among Settlement Class Members with due consideration having been given to administrative convenience and necessity.

6. The Court hereby finds and concludes that the Plan of Allocation is, in all respects, fair and reasonable to the Settlement Class. Accordingly, the Court hereby approves the Plan of Allocation proposed by Lead Plaintiff.

7. Any appeal or any challenge affecting this Order approving the Plan of Allocation shall in no way disturb or affect the finality of the Judgment.

8. There is no just reason for delay in the entry of this Order, and immediate entry by the Clerk of the Court is expressly directed.

SO ORDERED this _____ day of _____ 2024.

The Honorable Allison D. Burroughs
United States District Judge

Exhibit 4

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

In re BOSTON SCIENTIFIC
CORPORATION SECURITIES
LITIGATION

Master File No. 1:20-cv-12225-ADB

**[PROPOSED] ORDER AWARDING
ATTORNEYS' FEES AND LITIGATION EXPENSES**

This matter came on for hearing on April 23, 2024 (the “Settlement Hearing”) on Lead Counsel’s motion for attorneys’ fees and Litigation Expenses. The Court having considered all matters submitted to it at the Settlement Hearing and otherwise; it appearing that: (i) the Notice of the Settlement Hearing was mailed to all Settlement Class Members who or which could be identified with reasonable effort substantially in the form approved by the Court and (ii) a summary notice of the hearing substantially in the form approved by the Court was published in *The Wall Street Journal* and over *PR Newswire* pursuant to the specifications of the Court; and the Court having considered and determined the fairness and reasonableness of the award of attorneys’ fees and Litigation Expenses requested,

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. This Order incorporates by reference the definitions in the Stipulation and Agreement of Settlement dated December 14, 2023 (ECF No. 152-1) (the “Stipulation”) and all terms not otherwise defined herein shall have the same meanings as set forth in the Stipulation.
2. The Court has jurisdiction to enter this Order and over the subject matter of the Action and all parties to the Action, including all Settlement Class Members.
3. Notice of Lead Counsel’s motion for attorneys’ fees and Litigation Expenses was given to all Settlement Class Members who could be identified with reasonable effort. The form

and method of notifying the Settlement Class of the motion for attorneys' fees and expenses satisfied the requirements of Rule 23 of the Federal Rules of Civil Procedure, the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4(a)(7), due process, and all other applicable law and rules, constituted the best notice practicable under the circumstances, and constituted due and sufficient notice to all persons and entities entitled thereto.

4. Plaintiffs' Counsel are hereby awarded attorneys' fees in the amount of 20% of the Settlement Fund. Plaintiffs' Counsel are also hereby awarded \$391,399.98 for payment of their litigation expenses. These attorneys' fees and expenses shall be paid from the Settlement Fund and the Court finds these sums to be fair and reasonable. Lead Counsel shall allocate the attorneys' fees awarded among Plaintiffs' Counsel in a manner in which it, in good faith, believes reflects the contributions of such counsel to the institution, prosecution, and settlement of the Action.

5. In making this award of attorneys' fees and payment of litigation expenses from the Settlement Fund, the Court has considered and found that:

a. The Settlement has created a fund of \$38,500,000 in cash that has been funded into escrow pursuant to the terms of the Stipulation, and that numerous Settlement Class Members who submit acceptable Claim Forms will benefit from the Settlement that occurred because of the efforts of Plaintiffs' Counsel;

b. The fee sought is based on a retainer agreement entered into by Lead Counsel and Lead Plaintiff at the outset of the litigation and the requested fee has been again reviewed and approved as reasonable by Lead Plaintiff, a sophisticated institutional investor that actively supervised the Action, at the conclusion of the Action;

c. Copies of the Notice were mailed to over 128,000 potential Settlement Class Members and nominees stating that Lead Counsel would apply for attorneys' fees in an

amount not to exceed 20% of the Settlement Fund and payment of Litigation Expenses in an amount not to exceed \$700,000 and no objections to the requested award of attorneys' fees or Litigation Expenses were submitted;

d. Lead Counsel conducted the litigation and achieved the Settlement with skill, perseverance and diligent advocacy;

e. The Action raised a number of complex issues;

f. Had Lead Counsel not achieved the Settlement there would remain a significant risk that Lead Plaintiff and the other members of the Settlement Class may have recovered less or nothing from Defendants;

g. Plaintiffs' Counsel devoted over 17,000 hours, with a lodestar value of approximately \$8.55 million, to achieve the Settlement; and

h. The amount of attorneys' fees awarded and expenses to be paid from the Settlement Fund are fair and reasonable and consistent with awards in similar cases.

6. Lead Plaintiff Union Asset Management Holding AG is hereby awarded \$74,250 from the Settlement Fund for its reasonable costs and expenses directly related to its representation of the Settlement Class.

7. Any appeal or any challenge affecting this Court's approval regarding any attorneys' fees and expense application shall in no way disturb or affect the finality of the Judgment.

8. Exclusive jurisdiction is hereby retained over the Parties and the Settlement Class Members for all matters relating to this Action, including the administration, interpretation, effectuation or enforcement of the Stipulation and this Order.

9. In the event that the Settlement is terminated or the Effective Date of the Settlement otherwise fails to occur, this Order shall be rendered null and void to the extent provided by the Stipulation.

10. There is no just reason for delay in the entry of this Order, and immediate entry by the Clerk of the Court is expressly directed.

SO ORDERED this _____ day of _____ 2024.

The Honorable Allison D. Burroughs
United States District Judge