

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:15-cv-02546-RM-MEH
Consolidated with Civil Action Nos. 15-cv-02547-RM-MEH,
15-cv-02697-RM-MEH, and 16-cv-00459-RM-MEH

SONNY P. MEDINA, *et al.*,

Plaintiffs,

v.

CLOVIS ONCOLOGY, INC., *et al.*,

Defendants.

**LEAD PLAINTIFF'S NOTICE OF MOTION AND MOTION FOR FINAL APPROVAL
OF CLASS ACTION SETTLEMENT AND PLAN OF ALLOCATION**

TO: All Counsel of Record

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 23(e) and this Court's Order Preliminarily Approving Proposed Settlement and Providing for Notice entered July 14, 2017 (Dkt. No. 160), and upon (i) the Declaration of John C. Browne in Support of (I) Lead Plaintiff's 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; (ii) the Memorandum of Law in Support of Lead Plaintiff's Motion for Final Approval of Class Action Settlement and Plan of Allocation; and (iii) all other papers and proceedings herein, Lead Plaintiff M.Arkin (1999) LTD and Arkin Communications LTD ("Lead Plaintiff"), on behalf of itself and the Settlement Class, will and does hereby move this Court, before the Raymond P. Moore, on October 26, 2017 at 10:00 a.m., in Courtroom A601 of the United States District Court

for the District of Colorado, Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado 80294, or at such other location and time as set by the Court, for entry of a Judgment approving the Settlement as fair, reasonable, and adequate and for entry of an Order approving the proposed Plan of Allocation as fair, reasonable, and adequate. A proposed Judgment and Order granting the requested relief will be submitted with Lead Plaintiff's reply papers after the deadlines for objecting to the Settlement and requesting exclusion from the Settlement Class have passed.

The Settling Parties have entered into an Amendment to the Stipulation and Agreement of Settlement (Dkt. No. 156-1) (the "Amendment"). A copy of the Amendment is attached hereto as Exhibit 1.

Dated: September 21, 2017

**BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP**

/s/ John C. Browne _____

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*Liaison Counsel for Lead Plaintiff M.Arkin
(1999) LTD and Arkin Communications LTD*

CERTIFICATE OF SERVICE

I, Abraham Alexander, an attorney, hereby certify that on September 21, 2017, I caused a true and correct copy of the foregoing **LEAD PLAINTIFF'S NOTICE OF MOTION AND MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND PLAN OF ALLOCATION** to be filed with the Clerk of the Court using the CM/ECF system which will send a Notice of Electronic Filing to all counsel of record.

I certify under perjury that the foregoing is true and correct.

/s/ Abe Alexander

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EXHIBIT 1

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SONNY P. MEDINA, *et al.*,

Plaintiffs,

v.

CLOVIS ONCOLOGY, INC., *et al.*,

Defendants.

AMENDMENT TO STIPULATION AND AGREEMENT OF SETTLEMENT

WHEREAS, this Amendment to the Stipulation and Agreement of Settlement (Dkt. No. 156-1) (the “Stipulation”) is entered into between (a) Lead Plaintiff M.Arkin (1999) LTD and Arkin Communications LTD (collectively, “Lead Plaintiff”), on behalf of itself and the Settlement Class; and (b) defendants Clovis Oncology, Inc., Patrick J. Mahaffy, Erle T. Mast, Andrew Allen, and Gillian Ivers-Read (collectively, the “Settling Defendants,” and together with Lead Plaintiff, the “Settling Parties”), by and through their respective undersigned counsel, subject to the approval of the Court;

WHEREAS, the Settling Parties have agreed to amend the Stipulation as set forth below;

WHEREAS, this Amendment to the Stipulation shall not in any way impact any of the terms and conditions of the Stipulation or the obligations of the parties set forth therein, other than as set forth below; and

WHEREAS, all terms with initial capitalization not otherwise defined herein shall have the meanings ascribed to them in the Stipulation.

NOW THEREFORE, it is hereby STIPULATED AND AGREED, by and among the undersigned Settling Parties, that the Stipulation shall be amended as follows:

1. AMENDMENT NO. 1: Subject to and in accordance with the other terms of the Stipulation, in the event that Lead Counsel chooses to sell the Settlement Shares, it shall be required to liquidate all shares of Clovis common stock – both the Settlement Shares attributable to the Settlement Class and any attributable to Plaintiffs’ Counsel’s Court-awarded attorneys’ fees – together. Once all of the Settlement Shares are liquidated, Lead Counsel may collect its share of any Court-awarded fees from the net cash proceeds received from the sale of the entire lot of shares, and the remaining balance of the cash proceeds will be deposited in the Escrow Account for distribution to the Class in accordance with the terms of the Stipulation;

2. AMENDMENT NO. 2: Notwithstanding any other provision of the Stipulation, Lead Counsel shall act as fiduciaries for the Settlement Class in connection with administration of the Settlement, including, without limitation, the funds held in the Escrow Account and the distribution of the Net Settlement Fund to Authorized Claimants.

3. AMENDMENT NO. 3: In paragraph 8(c) of the Stipulation, the reference to “no later than twenty (120) days after the Valuation Date” is corrected to read “no later than One Hundred Twenty (120) days after the Valuation Date”.

IN WITNESS WHEREOF, the Settling Parties hereto have caused this Amendment to the Stipulation to be executed, by their duly authorized attorneys, as of September 20, 2017.

**BERNSTEIN LITOWITZ BERGER &
GROSSMANN LLP**

By: 

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and the Settlement Class*

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