

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CHRISTOPHER L. SAYCE, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

FORESCOUT TECHNOLOGIES, INC., *et al.*,

Defendants.

CASE NO.: 3:20-cv-00076-SI

**[Proposed] ORDER GRANTING
PLAINTIFFS' UNOPPOSED
MOTION FOR AN ORDER
ESTABLISHING A PROGRAM AND
SCHEDULE FOR NOTICE TO THE
CLASS**

Courtroom: 1 – 17th Floor
Judge: Hon. Susan Illston
Trial Date: November 10, 2025

By Order dated May 28, 2024 (ECF No. 227, the “Class Cert Order”), this Court certified the following Class in this Action:

**ALL PERSONS AND ENTITIES WHO PURCHASED OR OTHERWISE
ACQUIRED FORESCOUT TECHNOLOGIES, INC., COMMON STOCK
BETWEEN MAY 10, 2019 AND MAY 15, 2020, BOTH DATES INCLUSIVE (THE
“CLASS PERIOD”).**

**Excluded from the class are Defendants, officers and directors of Forescout, any
entity in which the Defendants have or had a controlling interest; and affiliates, family
members, legal representatives, heirs, successors or assigns of any of the above.**

Class Cert Order at 8 n.2, 38. Capitalized terms undefined herein are defined in the Class Cert Order.

The Court hereby establishes the following program and schedule for notice to the Class of the pending class action:

1. The Court approves the forms of individual Notice of Pendency of Class Action (the “Notice”) and published Summary Notice, filed with Plaintiffs’ motion as Exhibits A and B, respectively, to the Declaration of Brian P. O’Connell. No further changes, other than formatting or proofing changes, may be made to Exhibits A and B without meeting and conferring with

1 Defendants. Defendants shall respond to any proposed changes within five business days.

2 2. The proposed procedures for giving notice to the certified Class comply with the
3 requirements of due process and with Rule 23 of the Federal Rules of Civil Procedure and
4 constitute the best notice practicable under the circumstances.

5 3. Within seven days after the entry of this Order, Forescout will request that its
6 transfer agent provide Plaintiffs with a list of stockholders who purchased or otherwise acquired
7 Forescout common stock between May 10, 2019 and May 15, 2020, both dates inclusive (the
8 “Transfer List”).

9 4. Within 21 days of receipt of the Transfer List, Class Counsel shall cause to be
10 mailed, by first class mail, the individual Notice to all Class Members who can be identified
11 through reasonable effort (the “Notice Date”) and shall cause the Notice to be posted to its case
12 website.

13 5. The firm of A.B. Data, Ltd. (“A.B. Data”) is appointed as Notice Administrator and
14 is authorized to administer and assist in the providing of class notice.

15 6. Class Counsel shall cause the Summary Notice to be disseminated via *PR Newswire*
16 10 business days after the mailings of the individual Notice. The Summary Notice shall reference
17 the existence of the case website and the Notice.

18 7. The Notice shall provide an address for the purpose of receiving requests for
19 exclusion from the Class and requests for additional copies of the Notice from nominee purchasers
20 of Forescout common stock.

21 8. The Notice and Summary Notice shall identify the date by which requests for
22 exclusion by Class members shall be postmarked (the “Exclusion Deadline”). The Exclusion
23 Deadline shall be 60 days from the Notice Date. Requests for exclusion shall be made by
24 submitting a written request for exclusion as set forth in the Notice.

25 9. Class Counsel will direct A.B. Data to notify Defendants’ counsel of record of all
26 requests for exclusion it has received, including the name and address of the person or entity, the
27 number of shares purchased and, if sold, the date those purchased shares were sold. A.B. Data,

1 Ltd. will create images of the requests for exclusion for Class Counsel and Defendants' counsel.
2 A.B. Data shall provide via email reports of exclusion requests received to Class Counsel and to
3 Defendants' counsel within 14 days of receipt of the request for exclusion. A.B. Data will maintain
4 original requests in its files.

5 10. Within 15 days following the deadline for requesting exclusion, the Notice
6 Administrator shall submit a declaration setting forth its notification efforts and summarizing the
7 exclusion requests that it received.

8 11. Within 15 days following the deadline for requesting exclusion, Class Counsel shall
9 file the Notice Administrator's declaration and all requests for exclusion with the Court.

10 12. The costs of the foregoing shall be borne by Plaintiffs and Class Counsel, not
11 Defendants, without prejudice to Plaintiffs' and Class Counsel's recovery of the costs from any
12 common fund.

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14 **IT IS SO ORDERED.**

15 DATED: September 20_____, 2024.

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18 THE HONORABLE SUSAN ILLSTON
19 United States District Judge
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