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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

In re CHEMBIO DIAGNOSTICS, INC. SECURITIES LITIGATION This Document Relates To: ALL ACTIONS.

Civil Action No. 2:20-cv-02706-ARR-JMW <u>CLASS ACTION</u> NOTICE OF MOTION AND MOTIONS FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND APPROVAL OF PLAN OF ALLOCATION AND AN AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES AND AN AWARD TO LEAD PLAINTIFF PURSUANT TO 15 U.S.C. §78u-4(a)(4)

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

PLEASE TAKE NOTICE that Lead Plaintiffs Municipal Employees' Retirement System of Michigan ("MERS"), Special Situations Fund III QP, L.P., Special Situations Cayman Fund, L.P., and Special Situations Private Equity Fund, L.P., on behalf of the Class, through counsel, will move this Court on June 5, 2023, at 11:00 a.m., before the Honorable Allyne R. Ross for entry of orders and judgments, pursuant to Rule 23 of the Federal Rules of Civil Procedure: (1) granting final approval of the proposed Settlement; (2) approving the proposed Plan of Allocation; and (3) awarding attorneys' fees and expenses and an award to Lead Plaintiff MERS. These motions are based on (i) the Memorandum of Law in Support of Motion for Final Approval of Class Action Settlement and Approval of Plan of Allocation; (ii) the Memorandum of Law in Support of Motion for an Award to Lead Plaintiff Pursuant to 15 U.S.C. §78u-4(a)(4); (iii) the Joint Declaration of Lawrence M. Rolnick and David A. Rosenfeld; (iv) the Declaration of Jed D. Melnick, Esq.; (v) the Declaration of Brian LaVictoire; (vi) the Declaration of Ross D. Murray; (viii) the Declaration of Ross D.

David A. Rosenfeld Filed on Behalf of Robbins Geller Rudman & Dowd LLP; (ix) the Declaration

of Lawrence M. Rolnick Filed on Behalf of Rolnick Kramer Sadighi LLP; (x) the Stipulation and

Agreement of Settlement; and (ix) all other proceedings herein.

Proposed orders will be submitted with Lead Plaintiffs' reply submission on or before May 26, 2023.

DATED: April 24, 2023

Respectfully submitted,

ROBBINS GELLER RUDMAN & DOWD LLP SAMUEL H. RUDMAN DAVID A. ROSENFELD

> s/ David A. Rosenfeld DAVID A. ROSENFELD

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Co-Lead Counsel for Lead Plaintiffs

CERTIFICATE OF SERVICE

I, David A. Rosenfeld, hereby certify that on April 24, 2023, I authorized a true and correct copy of the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such public filing to all counsel registered to receive such notice.

/s/ David A. Rosenfeld DAVID A. ROSENFELD