

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

PAIGE MCMURTRIE, derivatively on behalf of
FIGS, INC.,

Plaintiff,

vs.

HEATHER HASSON, CATHERINE SPEAR,
JEFFREY D. LAWRENCE, DANIELLA
TURENSHINE, J. MARTIN WILLHITE, A.G.
LAFLEY, JEFFREY WILKE, KENNETH LIN,
MICHAEL SOENEN, SHEILA ANTRUM,
CHRISTOPHER VARELAS, and TULCO LLC,

Defendants,

and

FIGS, INC.,

Nominal Defendant.

Case No.: 1:23-cv-00628-MN

**JOINT STIPULATION AND
[PROPOSED] ORDER
CONSOLIDATING RELATED
SHAREHOLDER DERIVATIVE
ACTIONS AND APPOINTING CO-LEAD
COUNSEL**

ANDREW WUBBEN, derivatively on behalf of
FIGS, INC.,

Plaintiff,

v.

HEATHER HASSON, CATHERINE SPEAR,
JEFFREY D. LAWRENCE, DANIELLA
TURENSHINE, J. MARTIN WILLHITE, A.G.
LAFLEY, JEFFREY WILKE, KENNETH LIN,
MICHAEL SOENEN, SHEILA ANTRUM,
CHRISTOPHER VARELAS, and TULCO LLC,

Defendants,

and

FIGS, INC.,

Nominal Defendant.

Case No. 1:23-cv-00755-MN

JOINT STIPULATION AND [PROPOSED] ORDER CONSOLIDATING RELATED SHAREHOLDER DERIVATIVE ACTIONS AND APPOINTING CO-LEAD COUNSEL

Pursuant to Rule 42(a) of the Federal Rules of Civil Procedure (“Rule 42(a)”), Plaintiff Paige McMurtrie (“Plaintiff McMurtrie”), Plaintiff Andrew Wubben (“Plaintiff McMurtrie”) (collectively “Plaintiffs”), nominal defendant FIGS, Inc. (“FIGS”), and defendants Heather Hasson, Catherine Spear, Jeffrey D. Lawrence, Daniella Turenshine, J. Martin Willhite, A.G. Lafley, Jeffrey Wilke, Kenneth Lin, Michael Soenen, Sheila Antrum, Christopher Varelas, and Tulco LLC, (collectively, and with FIGS, “Defendants,” and with Plaintiffs, the “Parties”) jointly submit this stipulation to consolidate the above captioned shareholder derivative actions (“Stipulation”) and in support thereof state as follows:

WHEREAS, on June 9, 2023, Plaintiff McMurtrie commenced a shareholder derivative action on behalf of FIGS against Defendants alleging, among other things, violations of federal law and breaches of fiduciary duty (the “McMurtrie Action”);

WHEREAS, on July 11, 2023, Plaintiff Wubben commenced a shareholder derivative action on behalf of FIGS against Defendants alleging, among other things, violations of federal law and breaches of fiduciary duty based upon the same facts and misconduct underlying the McMurtrie Action (the “Wubben Action” and collectively with the McMurtrie Action, the “Derivative Actions”);

WHEREAS, the Derivative Actions challenge substantially the same alleged conduct by the same Company directors and executive officers, involve substantially the same questions of law and fact, and are based on the same factual allegations;

WHEREAS, the Parties agree that the Derivative Actions should be consolidated for all purposes, including pre-trial proceedings and trial, into a single consolidated action (hereinafter referred to as the “Consolidated Derivative Action”), in order to avoid duplication of effort and

potentially conflicting results, and to conserve party and judicial resources;

WHEREAS, in order to realize the efficiencies made possible by consolidation of the Derivative Actions, Plaintiffs agree that Rigrodsky Law, P.A. and The Rosen Firm, P.A., the respective resumes of which are attached hereto as Exhibits A and B, shall be designated as Co-Lead Counsel representing plaintiffs in the Consolidated Derivative Action;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the Parties hereto, through their undersigned counsel, as follows:

1. The Derivative Actions are hereby consolidated for all purposes, including pre-trial proceedings and trial, into the Consolidated Derivative Action.
2. Every pleading filed in the Consolidated Derivative Action, or in any separate action later consolidated with this action, shall bear the following caption:

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

IN RE FIGS, INC. STOCKHOLDER DERIVATIVE LITIGATION)	Lead Case No. 1:23-cv-00628-MN
This Document Relates To:)	(Consolidated with Case No. 1:23-cv-
ALL ACTIONS.)	00755-UNA)
)	

3. The files of the Consolidated Derivative Action shall be maintained in one file under Master File No. 1:23-cv-00628-MN. All documents previously filed and/or served in the Derivative Actions shall be deemed a part of the record in the Consolidated Derivative Action.

4. This Order shall apply to each purported derivative action arising out of the same or substantially the same transactions or events as the Consolidated Derivative Action that is subsequently filed in, removed to, or transferred to this Court. When a case which properly belongs as part of *In re FIGS, Inc. Stockholder Derivative Litigation*, Lead Case No. 1:23-cv-

00628-MN, is hereafter filed in, remanded to, or transferred to this Court, counsel for the Parties shall call such filing, remand, or transfer to the attention of the Clerk of the Court for purposes of moving the Court for an order consolidating such case(s) with *In re FIGS, Inc. Stockholder Derivative Litigation*, Lead Case No. 1:23-cv-00628-MN. Unless otherwise ordered, the terms of all orders, rulings, and decisions in the Consolidated Action shall apply to all later shareholder derivative actions filed in this Court, removed to this Court, reassigned to this Court, or transferred to this Court from another court.

5. Co-Lead Counsel for plaintiffs for the conduct of the Consolidated Derivative Action shall be:

RIGRODSKY LAW, P.A.
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6. Plaintiffs' Co-Lead Counsel shall have the sole authority to speak for Plaintiffs in all matters regarding pre-trial procedure, trial, and settlement negotiations and shall make all work assignments in such manner as to facilitate the orderly and efficient prosecution of this litigation and to avoid duplicative or unproductive effort.

7. Co-Lead Counsel shall be responsible for coordinating all activities and appearances on behalf of Plaintiffs. No motion, request for discovery, or other pre-trial or trial

proceedings will be initiated or filed by any plaintiffs except through Co-Lead Counsel.

8. Defendants' counsel may rely upon all agreements made with Co-Lead Counsel, or other duly authorized representative of Co-Lead Counsel, and such agreements shall be binding on all plaintiffs. Defendants otherwise take no position on the appointment of Co-Lead Counsel.

9. Pursuant to Fed. R. Civ. P. 5(b)(2)(E)-(F), service by e-mail transmission shall be permitted in addition to service via ECF notification. For non-CM/ECF participants, service shall be deemed effective upon transmission of e-mail.

Dated: July 31, 2023

RIGRODSKY LAW, P.A.

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Counsel for Plaintiff Paige McMurtrie

Dated: July 31, 2023

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Dated: July 31, 2023

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Dated: July 31, 2023

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Counsel for Defendant Tulco LLC

* * * *

SO ORDERED this 2nd day of August, 2023.

Maryellen Noreika
The Honorable Maryellen Noreika
United States District Court Judge