

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

NEW ENGLAND BIOLABS, INC.,

Plaintiff and Counterclaim Defendant,

v.

RALPH T. MILLER,

Defendant and Counterclaim Plaintiff

Case No. 1:20-cv-11234-RGS

RALPH T. MILLER

Third-Party Plaintiff,

v.

COMMITTEE OF NEW ENGLAND
BIOLABS, INC. EMPLOYEES' STOCK
OWNERSHIP PLAN, PERSONAL
REPRESENTATIVE OF DONALD COMB,
JAMES V. ELLARD, RICHARD IRELAND,
and BRIAN TINGER,

Third Party Defendants,

and

NEW ENGLAND BIOLABS, INC.
EMPLOYEE STOCK OWNERSHIP PLAN &
TRUST

Nominal Defendant

JUDGMENT

STEARNS, D.J.

It is hereby ORDERED, ADJUDGED AND DECREED: For the reasons stated in the Court's Order Granting Final Approval of Class Action Settlement ("Final Approval Order") dated March 1, 2023 (Doc. No. 213), Count I of Defendant Ralph T. Miller's Amended Counterclaim (ECF No. 124) (the "Class Claim") is dismissed with prejudice.

1. Pursuant to Rule 23(c), the members of the Class for purposes of this Judgment are the following:

All persons who are former employees of New England Biolabs, Inc. and who are or were participants in the New England Biolabs, Inc. Employee Stock Ownership Plan and Trust and whose accounts were liquidated on or after September 30, 2016, through October 31, 2019, and the beneficiaries of such participants.

Excluded from the Class are (a) the Third Party Defendants; (b) officers and directors of NEB; (c) beneficiaries of such persons or (d) immediate family members of any of the foregoing excluded persons, and (e) the legal representatives, successors, and assigns of any such excluded persons.

2. Without affecting the finality of this Judgment in any way, this Court expressly retains exclusive jurisdiction as to all matters relating to (a) implementation of the Class Action Settlement Agreement; (b) disposition of the Settlement Fund and distributions from the Settlement Fund; (c) enforcement and administration of the Class Action Settlement Agreement.

3. The Class Claim is dismissed with prejudice. The Court further determines that there is no just reason for delaying entry of final judgment on the Class Claim, and therefore enters final judgment on that claim pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

Dated: March 21, 2023

/s/ Arnold Pacho
Deputy Clerk