

At IAS Part 53 of the Supreme Court of the State of New York, held in and for the County of New York, at the Courthouse located at 60 Centre Street, New York, New York on the ___ day of August 2022

PRESENT: _____
Justice

_____)	Index No. 651295/2021
In re INFINITY Q DIVERSIFIED ALPHA)	
FUND SECURITIES LITIGATION)	<u>CLASS ACTION</u>
)	
_____)	Part 53: Justice Andrew S. Borrok
This Document Relates To:)	
)	
The Consolidated Action)	
)	
_____)	

[PROPOSED] ORDER TO SHOW CAUSE

Upon reading the annexed Affirmation of Phillip Kim, dated September 7, 2022 (“Kim Affirmation”), and the attached exhibits, and all pleadings and proceedings relevant to this action and the related action, *Dominus Multimanager Fund, Ltd. v. Infinity Q Capital Management, LLC, et al.*, Index No. 652906/2022 (N.Y. Sup. Ct.) (“*Dominus*”),¹ it is hereby:

ORDERED that the parties show cause before this Court, at the Courthouse located at 60 Centre Street, Part 53, Room 238, New York, New York, 10007, on the ___ day of _____, 2022, at ___ __.m., or as soon thereafter as counsel can be heard, why an order should not be issued:

¹ On August 17, 2022, plaintiffs and certain defendants executed a Stipulation of Settlement [NYSCEF 160] and filed an unopposed [Proposed] Order to Show Cause, which sought preliminary approval of that settlement [NYSCEF 158]. Subsequently, the parties reached a global settlement, which is now before the Court.

1. preliminarily approving the parties' Amended Stipulation of Settlement (the "Stipulation"), attached as Exhibit 1 to the Kim Affirmation, which resolves as against all defendants defined in the Stipulation as the Settling Defendants the claims raised in this action and *Dominus* (together, the "State Action") as well as the claims against the Settling Defendants raised in *In re Infinity Q Diversified Alpha Fund and Infinity Q Volatility Alpha Fund Securities Litigation* (formerly known as *Yang v. Trust for Advised Portfolios, et al.*), Case No. 1:21-cv-01047-FB-MMH (E.D.N.Y) (the "Federal Action");

2. entering the proposed Preliminary Approval Order, attached as Exhibit A to the Stipulation, as well as submitted separately with the preliminary approval motion;

3. directing the date and time for a Settlement Hearing at which time the Court will consider whether the Settlement should be finally approved, along with entry of Final Judgment; and

4. granting such other and further relief as the Court deems proper; and it is further ORDERED that no additional submissions are necessary because Settling Defendants do not oppose this motion.

IT IS SO ORDERED.

DATED: _____, 2022

THE HONORABLE ANDREW S. BORROK, J.S.C.