UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

Joseph Kelly v. Evan Spiegel, Derek Andersen, Robert Murphy, Michael Lynton, Kelly Coffey, Joanna Coles, Liz Jenkins, Jim Lanzone, Scott D. Miller, Patrick Spence, Poppy Thorpe, and Fidel Vargas

Kelly v. Spiegel · No. 2:25-cv-08654-RGK-KS · Decided September 30, 2025

OPINION

Joseph Kelly v. Evan Spiegel

PER CURIAM.

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UNITED STATES DISTRICT COURT

4 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

5

JOSEPH KELLY, No. 2:25-cv-08654-RGK-KS

6 derivatively on behalf of SNAP INC.,

[PROPOSED] ORDER OF

7 Plaintiffs, VOLUNTARY DISMISSAL

8 v. WITHOUT PREJUDICE

PURSUANT TO FED. R. CIV. P. 9

EVAN SPIEGEL, DEREK 41(A)(1)(A)(ii) AND 23.1(C)

10 ANDERSEN, ROBERT MURPHY,

MICHAEL LYNTON, KELLY [13]

11 COFFEY, JOANNA COLES, LIZ Assigned to: Judge R. Gary Klausner

12 JENKINS, JIM LANZONE, SCOTT

D. MILLER, PATRICK SPENCE,

13 POPPY THORPE, and FIDEL

14 VARGAS,

Defendants, 15 and 16 SNAP INC. 17 Nominal Defendant. 18 19 WHEREAS, on September 12, 2025 Plaintiff Joseph Kelly (“Plaintiff”) filed a 20 shareholder derivative action in this Court purportedly on behalf of Nominal 21 Defendant Snap Inc. (“Snap” or the “Company”) against Evan Spiegel, Derek 22 Andersen, Robert Murphy, Michael Lynton, Kelly Coffey, Joanna Coles, Liz Jenkins, 23 Jim Lanzone, Scott D. Miller, Patrick Spence, Poppy Thorpe, and Fidel Vargas, 24 (collectively, the “Defendants”) (collectively with Plaintiff and Snap, the “Parties”); 25

WHEREAS, following a meet and confer between the Parties, Plaintiff agreed to voluntarily dismiss this action in order to pursue remedies under Delaware law; and WHEREAS, Rule 23.1 requires the Court's approval for a voluntary dismissal "when one or more shareholders or members of a corporation or an unincorporated association bring a derivative action to enforce a right that the corporation or association may properly assert but has failed to enforce." Fed.R. Civ. P. 23.1(a).

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT: 1. Pursuant to Federal Rules of Civil Procedure 41(a)(1)(A)(ii) and 23.1(c), the action is dismissed without prejudice as to all claims and causes of action, with each party bearing their own attorneys' fees and costs; and 2. Notice to shareholders of this stipulation of voluntary dismissal is not required under Federal Rule of Civil Procedure 23.1(c) because: (i) there has been no settlement or compromise of this Action; (ii) there has been no collusion among the Parties, and Plaintiff seeks dismissal in order to pursue remedies under Delaware law; (iii) no compensation in any form has passed directly or indirectly from any of the Defendants to Plaintiff or Plaintiff's attorneys, and no promise to give any such compensation has been made; (iv) the voluntary dismissal is made without prejudice and therefore will not have any preclusive effect on any other action or the ability of any other Snap Inc. shareholder to pursue claims; and (v) Defendants will not suffer any prejudice as they do not oppose this voluntary dismissal, see, e.g., Indiana State Dist. Council of Laborers & Hod Carriers Pension Fund on Behalf of Elecs. for Imaging, Inc. v. Gecht, 2007 WL 9822669, at *1 (N.D. Cal. Apr. 3, 2007) ("case law indicates that [notice under Rule 23.1(c)] may be obviated if the corporation will not suffer prejudice and there is no trace of collusion between the plaintiff(s) and the defendant(s)"); and /// /// /// 3. The Court finds that the Parties have each complied with their ‖ obligations under Rule 11 of the Federal Rules of Civil Procedure. ORDERED. ‖ Dated: 9/30/2025 (i Hawa

UNITED STATES DISTRICT JUDGE