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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

RxSIGHT, INC., RON KURTZ, and
SHELLEY THUNEN,

Defendants.

) Case No.

) CLASS ACTION

) COMPLAINT FOR VIOLATIONS OF
THE FEDERAL SECURITIES LAWS

) DEMAND FOR JURY TRIAL

1 Plaintiff (“plaintiff”) alleges the following based upon personal
2 knowledge as to plaintiff and plaintiff’s own acts, and upon information and belief
3 as to all other matters based on the investigation conducted by and through plaintiff’s
4 attorneys, which included, among other things, a review of U.S. Securities and
5 Exchange Commission (“SEC”) filings of RxSight, Inc. (“RxSight” or the
6 “Company”), the Company’s press releases and conference calls, and analyst
7 reports, media reports, and other publicly disclosed information about the Company.
8 Plaintiff believes that substantial additional evidentiary support will likely exist for
9 the allegations set forth herein after a reasonable opportunity for discovery.

10 JURISDICTION AND VENUE

11 1. This Court has jurisdiction over the subject matter of this action
12 pursuant to 28 U.S.C. §1331 and §27 of the Securities Exchange Act of 1934 (“1934
13 Act”), 15 U.S.C. §78aa, as the claims asserted herein arise under and pursuant to
14 §§10(b) and 20(a) of the 1934 Act, 15 U.S.C. §§78j(b) and 78t(a), and Rule 10b-5
15 promulgated thereunder, 17 C.F.R. §240.10b-5.

16 2. Venue is proper in this District pursuant to 28 U.S.C. §1391(b) and §27
17 of the 1934 Act because RxSight is headquartered in this District at 100 Columbia,
18 Aliso Viejo, California 92656, certain of the defendants reside in this District, and
19 defendants’ wrongful acts occurred in this District. Most of the evidence exists in
20 this District and the harm caused by defendants emanated from and had effects in
21 this District.

22 3. In connection with the acts and conduct alleged in this complaint,
23 defendants, directly or indirectly, used the means and instrumentalities of interstate
24 commerce, including, but not limited to, the U.S. mail, interstate telephone
25 communications, and the facilities of the national securities exchanges and markets.

26 INTRODUCTION

27 4. This is a securities fraud class action on behalf of all purchasers of
28 RxSight common stock between May 7, 2024 and July 8, 2025, both dates inclusive

1 (the “Class Period”), against RxSight, its Chief Executive Officer (“CEO”), and its
2 Chief Financial Officer (“CFO”) for violations of §§10(b) and 20(a) of the 1934 Act
3 and SEC Rule 10b-5 promulgated thereunder.

4 5. RxSight is a commercial-stage medical technology company focused
5 on the treatment of cataracts. RxSight’s principal product is the RxSight Light
6 Adjustable Lens system, which is comprised of an intraocular light adjustable lens
7 (“LAL”) and a light delivery device (“LDD”). The Company claims that its
8 proprietary technology enables a treating physician to customize a patient’s visual
9 acuity after surgery.

10 6. To use the RxSight system, a doctor first performs a standard cataract
11 procedure to implant an LAL within a patient’s eye. Two to three weeks following
12 the surgery, the patient returns to the doctor’s office and receives a diagnostic eye
13 exam to determine the appropriate lens prescription. Using ultra-violet light
14 generated by an LDD, the doctor customizes the shape of the implanted LAL within
15 the patient’s eye to optimize the patient’s vision. A patient may return to the doctor’s
16 office to receive up to three adjustments to the LAL. In the event that no change to
17 the LAL is required, the LAL is “locked-in,” which prevents the LAL from being
18 further adjusted.

19 7. Prospective RxSight customers (*i.e.*, ophthalmology practices) face
20 significant start-up costs when electing to install the Company’s technology at their
21 practices. For example, RxSight sells each LDD for an average selling price of
22 \$130,000 and sells each LAL for \$1,000. In addition, managing physicians must
23 ensure their practices are adequately staffed and trained to perform the postoperative
24 diagnostic assessments and to administer all follow-on adjustments and lock-ins.

25 8. RxSight’s business follows a “razor/razor-blade” model: grow the
26 installed base of high-priced LDDs to drive recurring, higher-margin LAL
27 procedures. Successful adoption depends on effective post-operative workflow,
28 training, and ongoing field support.

1 9. Throughout the Class Period, defendants – including CEO Ron Kurtz
2 and CFO Shelley Thunen – touted rising utilization “across the installed base,”
3 claimed newer customer cohorts were adopting as fast as or faster than prior cohorts,
4 and represented that RxSight’s field teams effectively trained and supported
5 practices to accelerate growth.

6 10. These statements were materially false and misleading. In truth,
7 RxSight’s field organization was inadequately structured and underperforming;
8 newer cohorts needed more support than prior cohorts and were adopting more
9 slowly; and utilization across the installed base was declining. As a result,
10 incremental LDD placements did not translate into expected LAL volume,
11 undermining the Company’s growth model.

12 11. Unaware of these adverse facts, investors purchased RxSight common
13 stock at artificially inflated prices. On May 9, 2024, the Company capitalized on
14 this inflation by selling more than 1.7 million shares at \$56 per share, raising nearly
15 \$100 million.

16 12. The truth began to emerge on April 2, 2025, when RxSight disclosed a
17 sequential decline in quarterly LAL sales (from ~29,000 to ~27,600 procedures) and
18 cut full-year revenue guidance by roughly \$24 million. The price of RxSight
19 common stock fell approximately 38% the next day.

20 13. On July 8, 2025, RxSight further revealed that LDD sales had collapsed
21 45% sequentially and LAL sales had declined for a second consecutive quarter.
22 Defendants admitted newer customers had been adopting more slowly because they
23 required more support and announced a “commercial pivot” to overhaul field
24 support. The price of RxSight common stock fell roughly 38% on this disclosure.

25 14. As a result of defendants’ materially false and misleading statements
26 and omissions, and the subsequent partial disclosures, the price of RxSight common
27 stock declined dramatically when the truth was revealed, causing significant damage
28 to investors.

1 **PARTIES**

2 15. Plaintiff purchased RxSight common stock at artificially
3 inflated prices during the Class Period and suffered damage as a result of defendants’
4 alleged misconduct as set forth in the certification attached hereto and incorporated
5 by reference herein.

6 16. Defendant RxSight’s common stock is listed and widely traded on The
7 Nasdaq Stock Market LLC (“NASDAQ”) under the ticker symbol RXST. As of
8 July 31, 2025, there were over 40 million shares of common stock outstanding.

9 17. Defendant Ron Kurtz has served as RxSight’s President and CEO and
10 on RxSight’s Board of Directors since 2016. As CEO, defendant Kurtz spoke on
11 RxSight’s behalf in releases, conference calls, and SEC filings. Pursuant to §906 of
12 the Sarbanes-Oxley Act of 2002, 18 U.S.C. §1350, defendant Kurtz certified the
13 Company’s Forms 10-Q filed with the SEC on May 6, 2024, August 5, 2024,
14 November 7, 2024, and May 7, 2025 and the Form 10-K filed with the SEC on
15 February 25, 2025.

16 18. Defendant Shelley Thunen has served as RxSight’s CFO since
17 February 2017 through July 2024 and as Co-President and CFO since August 2024.
18 In these roles, Thunen spoke on RxSight’s behalf in releases, conference calls, and
19 SEC filings. Pursuant to §906 of the Sarbanes-Oxley Act of 2002, 18 U.S.C. §1350,
20 defendant Thunen certified the Company’s Forms 10-Q filed with the SEC on May
21 6, 2024, August 5, 2024, November 7, 2024, and May 7, 2025 and the Form 10-K
22 filed with the SEC on February 25, 2025.

23 19. Defendants Kurtz and Thunen are collectively referred to herein as the
24 “Individual Defendants.” The Individual Defendants and RxSight are collectively
25 referred to herein as “defendants.”

26 20. During the Class Period, each of the Individual Defendants was directly
27 involved in the management and day-to-day operations of the Company at the
28 highest levels and was privy to confidential and proprietary information concerning

1 the Company, its operations, business prospects, and overall financial condition. By
2 reason of their positions within the Company, the Individual Defendants obtained,
3 had access to, and/or were in possession of material, adverse nonpublic information
4 concerning RxSight via internal corporate documents and communications with
5 other corporate officers and employees, attendance at management and/or Board
6 meetings (and committees thereof), and via the reports, presentations, and other
7 information provided to them in connection therewith. Because of their possession
8 of such information, the Individual Defendants knew or recklessly disregarded that
9 the adverse facts specified herein had not been disclosed to, and were being
10 concealed from, the investing public.

11 21. As senior executive officers and controlling persons of a publicly traded
12 company whose common stock was and is registered with the SEC pursuant to the
13 1934 Act, and was and is traded on the NASDAQ and governed by the federal
14 securities laws, the Individual Defendants each had a duty to promptly disseminate
15 accurate and truthful information regarding the Company's operations, business,
16 financial statements, and financial metrics, and to correct any previously issued
17 statements that had become materially misleading or untrue, so that the market price
18 of RxSight common stock would be based upon truthful and accurate information.
19 Defendants' materially false and misleading misrepresentations during the Class
20 Period violated these specific requirements and obligations.

21 22. The Individual Defendants, because of their positions of control and
22 authority as officers and/or directors of the Company, were able to, and did, control
23 the content of the various SEC filings, press releases, and other public statements
24 pertaining to the Company during the Class Period. Each Individual Defendant was
25 provided with copies of the documents alleged herein to be misleading before or
26 shortly after their issuance, participated in conference calls with investors during
27 which false and misleading statements were made, and/or had the ability and/or
28 opportunity to prevent their issuance or cause them to be corrected. Accordingly,

1 each Individual Defendant is responsible for the accuracy of the public statements
2 detailed herein and is, therefore, primarily liable for the representations contained
3 therein.

4 **DEFENDANTS' MATERIALLY FALSE AND MISLEADING CLASS**
5 **PERIOD STATEMENTS AND OMISSIONS**

6 23. After market close on May 6, 2024, RxSight issued a release
7 announcing the Company's 1Q24 financial results, which quoted defendant Kurtz as
8 highlighting the "continued adoption" of its LALs and stating RxSight was
9 "establishing a new standard" in the premium market. This statement was
10 materially false and misleading when made because adoption was not broadly
11 "continu[ing]" as represented and newer cohorts were lagging and required more
12 support.

13 24. That same day, on the 1Q24 conference call, defendant Kurtz
14 emphasized "positive" adoption trends and claimed RxSight would continue to
15 experience "strong adoption," stating in pertinent part that "the adoption trends
16 continue to be very positive" and "we anticipate continued strong adoption." This
17 statement was materially false and misleading when made because the present-tense
18 assurance of positive adoption across the base omitted internal problems with field
19 support and slower new-cohort ramps, and the touted trajectory proved
20 unsustainable.

21 25. On August 5, 2024, in the 2Q24 release, defendant Kurtz claimed
22 RxSight had "continued to make significant progress in the adoption of adjustability
23 as a new standard in the premium market." This statement was materially false and
24 misleading when made because newer cohorts were adopting more slowly and
25 needed greater support, undercutting the assertion of broad-based, continued
26 progress.

27 26. That same day, on the 2Q24 call, defendant Kurtz stated that "[w]e
28 continue to see growth in monthly utilization across the installed base" to 11 LALs

1 per LDD per month and said this trend had been “accelerated” by the Company’s
2 “strategic clinical and marketing teams.” This statement was materially false and
3 misleading when made because it suggested field-team-driven growth “across the
4 installed base” while concealing cohort underperformance and support shortfalls;
5 later disclosures confirmed prior existing adoption issues and the need to overhaul
6 field support.

7 27. Also on the 2Q24 call, defendant Thunen represented that customers in
8 the 2024 cohort were “adding procedures” a “bit more rapidly” than prior cohorts.
9 This statement was materially false and misleading when made because newer
10 customers had been adopting more slowly and required more support.

11 28. Defendant Thunen further stated that 2023-2024 cohorts had
12 “accelerated faster” and that “all cohorts continue to grow,” attributing this to
13 improved training and account management. This statement was materially false
14 and misleading when made because newer cohorts were not accelerating faster and
15 were not consistently growing as represented, due to inadequate field support and
16 greater support needs.

17 29. On November 7, 2024, in the 3Q24 release, defendant Kurtz
18 highlighted ““ongoing demand and enthusiasm”” for RxSight’s products and said the
19 quarter’s results ““position[ed]”” RxSight ““for a strong finish to 2024 and for
20 continued success in the years to come.”” This statement was materially false and
21 misleading when made because it ignored mounting utilization and adoption issues
22 that soon manifested in sequential LAL declines and guidance cuts.

23 30. That same day, on the 3Q24 call, defendant Kurtz touted RxSight’s
24 “robust growth in our LDD installed base, surpassing typical seasonal expectations”
25 and praised the “high quality efforts” of the Company’s commercial and operations
26 teams. This statement was materially false and misleading when made because it
27 misstated the effectiveness of field support execution and omitted organizational
28 deficiencies that impeded adoption.

1 31. During the same call, defendant Thunen said clinical applications
2 people are “very important to adoption” because “their job . . . [is] to get the practice
3 going and ensuring that their doctors and the staff are trained adequately.”
4 Defendant Thunen further said the “newer accounts” tended to achieve the same
5 adoption rates “a bit quicker” than older customer cohorts. This statement was
6 materially false and misleading when made because training/support were not
7 adequate and newer accounts had not ramped quicker; they required more support.

8 32. Defendant Thunen added that “more recent installs get to the same
9 place a little bit more quicker,” citing internal cohort data and training
10 improvements. This statement was materially false and misleading when made
11 because newer cohorts actually required more time and support and were adopting
12 more slowly.

13 33. During the call, defendant Kurtz stated that “utilization has grown over
14 time and it continues to grow,” that “overall the directionally that the numbers are
15 going in the right direction,” and described field teams’ day-to-day efforts to make
16 practices “grow faster.” This statement was materially false and misleading when
17 made because utilization was not broadly continuing to grow and field support
18 efforts were insufficient while newer cohorts lagged.

19 34. On January 12, 2025, RxSight issued its 4Q24 preliminary financial
20 results and provided 2025 revenue guidance of \$185 million to \$197 million. This
21 guidance statement was materially false and misleading when made because it
22 assumed sustained utilization/adoption and effective field support that did not exist;
23 RxSight later cut guidance twice.

24 35. On February 25, 2025, RxSight repeated the 2025 guidance in the
25 January 12, 2025 4Q24 preliminary results release. This guidance statement was
26 materially false and misleading when made for the same reasons stated in ¶34.

27 36. That same day, on the 4Q24 call, defendant Kurtz claimed that RxSight
28 could “durably grow” through its “traditional and innovative adoption models.” This

1 statement was materially false and misleading when made because durability
2 depended on functioning field support and consistent cohort adoption, which
3 RxSight lacked.

4 37. Defendant Thunen also represented that RxSight “expect[ed]”
5 utilization within the Company’s 2024 customer cohort to “continue to be
6 consistent” with prior customer cohorts, which she claimed all “end up in just about
7 the same place.” This statement was materially false and misleading when made
8 because newer cohorts were not consistent with prior cohorts and did not end up in
9 the same place without additional support; adoption was slower.

10 38. In addition, defendant Kurtz represented that RxSight was “always
11 focused” on providing “the highest level of clinical training” and “field support” to
12 customers and that the Company had “expand[ed]” efforts to drive adoption. This
13 statement was materially false and misleading when made because field support was
14 inadequately organized and failed to deliver necessary interventions.

15 39. On April 2, 2025, RxSight issued a press release reporting preliminary
16 1Q25 financial results, revealing a surprise revenue shortfall that materially missed
17 consensus estimates by 5%. In addition, the 1Q25 preliminary results release
18 unexpectedly revealed that LAL sales declined sequentially in the quarter. During
19 the corresponding conference call on April, 3, 2025, defendant Kurtz attributed the
20 revenue and LAL sales miss to a “weakened” premium intraocular lens market,
21 competitive sequential launches of new intraocular lenses, and abrupt changes in
22 consumer sentiment, which he claimed resulted in the Company’s “first year-over-
23 year drop in same-store LAL sales.” As a result, RxSight slashed its annual revenue
24 guidance for fiscal 2025 from a range of \$185 million to \$197 million to a range of
25 \$160 million to \$175 million, representing a reduction of nearly \$24 million at the
26 midpoint. On this news, the price of RxSight common stock declined from \$26.12
27 per share on April 2, 2025 to \$16.21 per share on April 3, 2025, representing a
28 decline of nearly 38%, on above-average trading volume. However, the price of

1 RxSight common stock remained artificially inflated as defendants misattributed
2 causation to external factors while omitting internal drivers – slower new-cohort
3 adoption and deficient field support – later admitted by defendants and evidenced
4 by continued utilization deterioration.

5 40. For example, on the April 3, 2025 call, an analyst questioned whether
6 utilization was really being impacted by market trends or whether it was “just a
7 utilization issue specifically to LAL,” noting that “we’re not necessarily hearing all
8 of those market trends called out by your peers.” In response, defendant Kurtz
9 reiterated that macro/competitor dynamics, not RxSight-specific utilization issues,
10 drove underperformance. This statement was materially false and misleading when
11 made because it omitted Company-specific adoption and support problems.

12 41. Defendant Thunen similarly asserted that the weakening premium
13 market and competitor launches were “really masked by our own performance,”
14 implying the issues were external rather than RxSight-specific. This statement was
15 materially false and misleading when made because it omitted internal utilization
16 headwinds and support failures that were impacting results.

17 42. On May 7, 2025, in the 1Q25 release, defendant Kurtz emphasized
18 RxSight’s ““strong customer”” interest and said the Company was ““well-positioned
19 to lead the next chapter of growth in the IOL market.”” This statement was
20 materially false and misleading when made because it overstated positioning while
21 internal adoption/support issues persisted and utilization had already declined.

22 43. On the 1Q25 call that same day, defendant Kurtz emphasized the results
23 of a customer survey, stating that most respondents cited negative macroeconomic
24 headwinds as the key reason for reduced LAL procedure volumes, that “almost all
25 practices expressed a desire to expand their LAL and LAL+ volumes,” and that some
26 noted a “desire for additional clinical and marketing guidance.” This statement was
27 materially false and misleading when made because it minimized Company-specific
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1 causes – support deficits and slower new-cohort adoption – and misled investors
2 about the primary drivers of underperformance.

3 44. During the call, an analyst asked for further specificity regarding the
4 customer workload challenges defendant Kurtz identified during his prepared
5 remarks. In response, defendant Kurtz claimed the referenced workload issues were
6 “just staffing challenges in practices.” This statement was materially false and
7 misleading when made because RxSight’s own field-support shortcomings and
8 cohort-specific needs – not merely customer staffing – had been depressing adoption
9 and utilization.

10 45. Defendant Kurtz further represented that the business trends that
11 impacted RxSight’s first quarter results had “roughly stabilized” by the end of April,
12 which he claimed “was something that we also saw in our numbers.” This statement
13 was materially false and misleading when made because RxSight was then-
14 experiencing declines in LALs and a drop in LDDs of more than 40%, contradicting
15 his claims of stabilization.

16 46. Then, on July 8, 2025, RxSight issued a release reporting preliminary
17 2Q25 financial results. Contrary to defendants’ statements that business trends had
18 “stabilized,” the 2Q25 preliminary results release revealed that RxSight’s LDD sales
19 had cratered to 40 units, down from 73 units in the prior quarter, representing a
20 decline of nearly 45%. In addition, the 2Q25 preliminary results release reported
21 that RxSight’s sales of LAL in the quarter had fallen sequentially in the first quarter
22 to less than 27,400 units in the second quarter, revealing that utilization of the
23 Company’s system had continued to deteriorate for the second quarter in a row. As
24 a result, RxSight cut its annual revenue guidance for a second time, adjusting it
25 downward by more than \$27 million at the midpoint to a range of \$120 million to
26 \$130 million from a range of \$160 million to \$175 million, confirming that
27 utilization trends would continue to deteriorate.

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1 50. The Individual Defendants were each provided with or had access to
2 the information alleged herein to be false and/or misleading prior to or shortly after
3 its issuance and had the ability and opportunity to prevent its issuance or cause it to
4 be corrected. Because of their positions and access to material, nonpublic
5 information, the Individual Defendants knew or recklessly disregarded that the
6 adverse facts specified herein had not been disclosed to and were being concealed
7 from the public and that the positive representations that were being made were false
8 and misleading. As a result, each of the defendants is responsible for the accuracy
9 of RxSight’s corporate statements and is, therefore, responsible and liable for the
10 representations contained therein.

11 51. RxSight’s utilization rates, customer cohorts, and client relationships
12 were among the most important issues facing the Company and the focus of RxSight
13 management, including the Individual Defendants, during the Class Period. The
14 Individual Defendants repeatedly held themselves out as the persons most
15 knowledgeable regarding their customers and their experiences with the Company’s
16 products. For example, during RxSight’s November 7, 2024 earnings call, defendant
17 Thunen represented that she and others at RxSight were “very close to [their
18 customers] week by week, in the field” to assure investors regarding some of the
19 seasonal patterns exhibited by the Company’s results. Defendant Kurtz similarly
20 claimed during the same call that he and others at RxSight were “always . . . looking
21 at individual practices” to assess how the Company could “make them grow faster.”

22 52. Defendants also had the motive and opportunity to defraud investors.
23 Capitalizing on the artificially inflated price of RxSight shares, defendants caused
24 the Company to conduct a secondary offering on May 9, 2024, in which it sold more
25 than 1.7 million shares at \$56 per share for nearly \$100 million in proceeds. The
26 offering was suspiciously timed to occur before the 2024 customer cohort adoption
27 issues were revealed to the market and while the price of RxSight common stock
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1 was at near all-time highs, allowing defendants to take full advantage of their
2 misconduct.

3 **LOSS CAUSATION**

4 53. During the Class Period, as detailed herein, defendants engaged in a
5 scheme and wrongful course of business that was designed to and did artificially
6 inflate the price of RxSight common stock, which misconduct operated as a fraud
7 and deceit on Class Period purchasers of RxSight common stock by failing to
8 disclose and misrepresenting the adverse facts detailed herein. When the falsity of
9 defendants' misrepresentations and fraudulent conduct was revealed, the price of
10 RxSight common stock declined on April 3, 2025 and on July 9, 2025, as detailed in
11 ¶¶39 and 46-48, as the artificial inflation dissipated. As result of their purchases of
12 artificially inflated RxSight common stock during the Class Period, plaintiff and
13 other Class members (defined below) suffered significant damages under the federal
14 securities laws.

15 54. The market for RxSight common stock was open, well-developed, and
16 efficient at all relevant times, with an average daily trading volume of more than
17 680,000 shares during the Class Period. As a result of the materially misleading
18 statements and failures to disclose the true state of the Company's business
19 performance and financial circumstances, RxSight common stock traded at
20 artificially inflated prices. Plaintiff and other Class members purchased RxSight
21 common stock relying upon the integrity of the market relating to RxSight common
22 stock and suffered economic loss as a result thereof.

23 55. Defendants' false or misleading statements had the intended effect and
24 caused RxSight common stock to trade at artificially inflated prices.

25 56. The timing and magnitude of RxSight's significant stock price declines
26 negate any inference that the losses suffered by plaintiff and other Class members
27 were caused by changed market conditions, macroeconomic or industry factors, or
28 Company-specific facts unrelated to defendants' fraudulent conduct.

1 these circumstances, all purchasers of RxSight common stock during the Class
2 Period suffered similar injury through their purchases of RxSight common stock at
3 artificially inflated prices, and a presumption of reliance applies.

4 59. A Class-wide presumption of reliance is also appropriate in this action
5 under the Supreme Court’s holding in *Affiliated Ute Citizens v. United States*, 406
6 U.S. 128 (1972), because the Class’s claims are, in large part, grounded on
7 defendants’ material omissions. Because this action involves defendants’ failure to
8 disclose material adverse information regarding the Company’s business operations
9 and financial prospects – information that defendants were obligated to disclose –
10 positive proof of reliance is not a prerequisite to recovery. All that is necessary is
11 that the facts withheld be material in the sense that a reasonable investor might have
12 considered them important in making investment decisions. Given the importance
13 of the Class Period material misstatements and omissions set forth above, that
14 requirement is satisfied here.

15 **CLASS ACTION ALLEGATIONS**

16 60. Plaintiff brings this action as a class action on behalf of a class
17 consisting of all persons who purchased RxSight common stock during the Class
18 Period (the “Class”). Excluded from the Class are defendants, the Company’s
19 officers and directors at all relevant times, as well as their immediate families, legal
20 representatives, heirs, successors, or assigns, and any entity in which defendants
21 have or had a controlling interest.

22 61. The Class members are so numerous and geographically dispersed that
23 joinder of all members is impracticable. Throughout the Class Period, RxSight
24 common stock was actively traded on the NASDAQ. While the exact number of
25 Class members is unknown to plaintiff, RxSight reported over 40 million shares
26 outstanding as of July 31, 2025 and Yahoo!Finance reports at least 244 institutions
27 hold RxSight shares. Record owners and other Class members may be identified
28 from records maintained by RxSight or its transfer agent and may be notified of the

1 pendency of this action using the form of notice similar to that customarily used in
2 securities class actions, including being given an opportunity to exclude themselves
3 from the Class. Accordingly, plaintiff reasonably believes that there are hundreds,
4 if not thousands, of Class members.

5 62. Plaintiff's claims are typical of the claims of the members of the Class,
6 as all members of the Class are similarly affected by defendants' wrongful conduct
7 in violation of federal law that is complained of herein.

8 63. Plaintiff will fairly and adequately protect the interests of the members
9 of the Class and has retained counsel competent and experienced in class and
10 securities litigation.

11 64. Common questions of law and fact exist as to all members of the Class
12 and predominate over any questions solely affecting individual members of the
13 Class. Among the questions of law and fact common to the Class are:

14 (a) whether defendants violated the federal securities laws as alleged
15 herein;

16 (b) whether the price of RxSight common stock was artificially
17 inflated during the Class Period; and

18 (c) the extent of injuries sustained by the Class members and the
19 appropriate measure of damages.

20 65. A class action is superior to all other available methods for the fair and
21 efficient adjudication of this controversy since joinder of all members is
22 impracticable. Furthermore, as the damages suffered by individual Class members
23 may be relatively small, the expense and burden of individual litigation make it
24 impossible for members of the Class to individually redress the wrongs done to them.
25 There will be no difficulty in managing this action as a class action.

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COUNT I

**For Violation of §10(b) of the 1934 Act and
Rule 10b-5 Against All Defendants**

66. Plaintiff repeats and realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

67. During the Class Period, defendants disseminated or approved the false statements specified above, which they knew or deliberately disregarded were misleading in that they contained misrepresentations and failed to disclose material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading.

68. Defendants violated §10(b) of the 1934 Act and Rule 10b-5 in that they:

- (a) employed devices, schemes, and artifices to defraud;
- (b) made untrue statements of material fact or omitted to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or
- (c) engaged in acts, practices, and a course of business that operated as a fraud or deceit upon plaintiff and others similarly situated in connection with their purchases of RxSight common stock during the Class Period.

69. Plaintiff and the Class have suffered damages in that, in reliance on the integrity of the market, they paid artificially inflated prices for RxSight common stock. Plaintiff and the Class would not have purchased RxSight common stock at the prices they paid, or at all, if they had been aware that the market price had been artificially and falsely inflated by defendants' misleading statements.

70. As a direct and proximate result of defendants' wrongful conduct, plaintiff and the other members of the Class suffered damages in connection with their purchases of RxSight common stock during the Class Period.

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COUNT II

**For Violation of §20(a) of the 1934 Act
Against All Defendants**

71. Plaintiff repeats and realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

72. During the Class Period, defendants acted as controlling persons of RxSight within the meaning of §20(a) of the 1934 Act. By virtue of their positions and their power to control public statements about RxSight, the Individual Defendants had the power and ability to control the actions of RxSight and its employees. RxSight controlled the Individual Defendants and all of its other officers and employees. Defendants were also culpable participants of the fraudulent scheme as detailed herein. By reason of such conduct, defendants are liable pursuant to §20(a) of the 1934 Act.

PRAYER FOR RELIEF

WHEREFORE, plaintiff prays for relief and judgment, as follows:

A. Determining that this action is a proper class action, designating plaintiff as Lead Plaintiff and certifying plaintiff as a Class representative under Rule 23 of the Federal Rules of Civil Procedure, and plaintiff's counsel as Lead Counsel;

B. Declaring that defendants are liable pursuant to the 1934 Act;

C. Awarding compensatory damages in favor of plaintiff and the Class against defendants, jointly and severally, for damages sustained as a result of defendants' wrongdoing, in an amount to be proven at trial;

D. Awarding plaintiff and the Class pre-judgment and post-judgment interest as well as reasonable attorneys' fees, costs, and expenses incurred in this action; and

E. Awarding such other relief as the Court may deem just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury.

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