

1 **KAPLAN FOX & KILSHEIMER LLP**
Laurence D. King (SBN 206423)
2 Blair E. Reed (SBN 316791)
1999 Harrison Street, Suite 1560
3 Oakland, CA 94612
Telephone: (415) 772-4700
4 Facsimile: (415) 772-4707
lking@kaplanfox.com
5 *breed@kaplanfox.com*

6 **KAPLAN FOX & KILSHEIMER LLP**
Robert N. Kaplan (admitted *pro hac vice*)
7 Jeffrey P. Campisi (admitted *pro hac vice*)
Jason A. Uris (admitted *pro hac vice*)
8 800 Third Avenue, 38th Floor
New York, NY 10022
9 Telephone: (212) 687-1980
Facsimile: (212) 687-7714
10 *rkaplan@kaplanfox.com*
jcampisi@kaplanfox.com
11 *juris@kaplanfox.com*

12 *Class Counsel for Lead Plaintiffs Julia Junge and*
13 *Richard Junge and the Class*

14 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
15 **SAN FRANCISCO DIVISION**

16 JULIA JUNGE and RICHARD JUNGE, on
behalf of themselves and a class of similarly
17 situated investors,

18 Plaintiffs,

19 v.

20 GERON CORPORATION and JOHN A.
SCARLETT,

21 Defendants.

Case No. 3:20-cv-00547-WHA (DMR)

Class Action

(Consolidated with Case No. 3:20-cv-01163-
WHA); (Related to Case No. 3:20-cv-02823-
WHA; 3:22-mc-80051-WHA)

**LEAD PLAINTIFFS' REPLY IN
SUPPORT OF MOTION FOR
APPROVAL OF DISTRIBUTION PLAN,
AND FOR APPROVAL OF EPIQ CLASS
ACTION AND CLAIMS SOLUTIONS,
INC.'S ADDITIONAL FEES AND
EXPENSES**

Judge: Hon. William H. Alsup
Courtroom: 12, 19th Floor
Date: January 25, 2024
Time: 8:00 a.m.

22
23
24
25
26
27
28

1 On December 15, 2023, Lead Plaintiffs filed the Motion for Approval of Distribution Plan,
 2 and for Approval of Epiq Class Action and Claims Solutions, Inc.’s Additional Fees and Expenses
 3 (ECF No. 313) (the “Motion”). The Motion requested, *inter alia*, that the Court accept 23 Late but
 4 Otherwise Eligible Claims, and further, under the Order re Motions for Final Approval of Settlement
 5 and Attorneys’ Fees (ECF No. 309), Epiq Class Action and Claims Solutions, Inc. (“Epiq”)
 6 submitted a renewed fee and expense request that sought \$735,949.89 in addition to the \$500,000
 7 awarded to Epiq under ECF No. 309. *See* ECF Nos. 313, at 9; 313-2, ¶71. Of the \$735,949.89 that
 8 Epiq requested, \$648,974 was requested for Epiq’s fees and expenses, and \$86,975.89 was requested
 9 for reimbursement for brokers who provided notice to Class Members. ECF No. 313, at 9.

10 A Copy of the Motion and the Supporting Declaration of Stephanie Amin-Giwner dated
 11 December 15, 2023 were made available on the Settlement website and Lead Counsel’s website.¹

12 **I. Late but Otherwise Eligible Claims**

13 On January 3, 2024, a Class Member contacted the Court and Lead Counsel, and requested
 14 that the Court reject 23 Late but Otherwise Eligible Claims recommended for acceptance by Epiq
 15 through the Motion. *See* Declaration of Jeffrey P. Campisi, dated January 5, 2024, ¶2, Exh. A. While
 16 the Settlement Notice provided that it would be within the Court’s discretion whether to allow or
 17 disallow late claims (ECF No. 247-2, ¶56), Lead Plaintiffs respectfully submit that, when the
 18 equities are balanced, it would be unfair to prevent an otherwise eligible Claim from participating
 19 in the distribution of the Net Settlement Fund solely because it was received after the Court-
 20 approved Claim submission deadline if it were submitted while timely Claims were still being
 21 processed. Since December 4, 2023, the proposed bar date for accepting any further claims, two
 22 additional claims were submitted on January 3, 2024. 1/5 Supplemental Declaration of Stephanie
 23 Amin-Giwner (“1/5 Amin-Giwner Decl.”), ¶4. Of the two claims, one claim would be eligible with
 24 a Recognized Loss of \$12,752.10 and the other is not eligible because the claim did not include any
 25

26 ¹ The Motion further requested that the Court reject Claimant 1543’s request that the Court allow his
 27 claim. ECF No. 313, at 3-4. As set forth in the Motion, Claimant 1543 does not have a recognized
 28 loss under the Plan of Allocation. *Id.* Lead Counsel served ECF No. 313 on Claimant 1543 by email
 and Federal Express, and advised him of the noticed hearing date in the event he wishes to attend.
 Lead Counsel is unaware of any response of Claimant 1543 to the Motion.

1 eligible purchases during the Class Period. *Id.* ¶4. As discussed below, courts routinely accept late
 2 but otherwise eligible claims and Lead Plaintiffs request that the Court allow the 24 late but
 3 otherwise eligible claims.²

4 While it is in the Court’s discretion to accept or reject late claims, there is little to no
 5 prejudice in allowing late but otherwise eligible claims. *Mauss v. NuVasive, Inc.*, 2019 WL
 6 13179077, at *1 (S.D. Cal. June 3, 2019) (“The court grants Plaintiffs’ request to accept claims filed
 7 after the original cutoff date but received by March 26, 2019, as it will not result in delay, allows
 8 additional class members to recover under the terms of the settlement, and does not impose any
 9 further obligation on Defendants.”) (citation omitted); *Sudunagunta v. Nantkwest, Inc.*, 2019 WL
 10 13060483, at *2 (C.D. Cal. Dec. 9, 2019) (same). Courts in this District, including this Court, have
 11 allowed for the acceptance of late claims through a specific set date as of the filing of the motion
 12 for distribution. *See In re Diamond Foods, Inc., Sec. Litig.*, 2015 WL 12942208, at *1 (N.D. Cal.
 13 Dec. 14, 2015) (Alsup, J.); 1/5 Amin-Giwner Decl., ¶7 (collecting cases).

14 Furthermore, courts have accepted late, but otherwise eligible claims when the total
 15 recognized loss of all claims is not significantly affected. *Sudunagunta*, 2019 WL 13060483, at *2
 16 (“The total Recognized Loss for these 171 late but otherwise eligible claims is \$5,555,304.53, less
 17 than 4% of the total Recognized Loss of all claims recommended for payment.”). That is the case
 18 here.

19 Epiq previously recommended for acceptance, in whole or in part, of 4,282 Submitted
 20 Claims representing a total Recognized Loss of \$70,855,587.63 as calculated under the Plan of
 21 Allocation. 1/5 Amin-Giwner Decl., ¶5 (citing 12/15 Amin-Giwner Decl. (ECF No. 313-2), ¶64);
 22 *see also* Exhibit AA-1 to the 12/15 Amin-Giwner Decl. (ECF No. 313-29). Since December 4, 2023,
 23 the proposed bar date for accepting any further claims, Epiq received two additional claims on
 24 January 3, 2024. 1/5 Amin-Giwner Decl., ¶4. Of the two claims, one claim would be eligible with a
 25 Recognized Loss of \$12,752.10 and the other is not eligible because the claim did not include any
 26

27 _____
 28 ² Defendants’ counsel has informed Lead Plaintiffs’ counsel that Defendants take no position on this
 issue.

1 eligible purchases during the Class Period. *Id.* Epiq now recommends for acceptance, in whole or
2 in part, 4,283 Submitted Claims representing a total Recognized Loss of \$70,868,339.73. *Id.*, ¶5.

3 Of those Submitted Claims recommended for acceptance, 24 Submitted Claims representing
4 a total of \$289,496.43 in aggregate Recognized Losses were submitted after the claim filing deadline
5 of July 14, 2023. *Id.* (citing 12/15 Amin-Giwner Decl. (ECF No. 313-2), ¶¶57, 64). These Late but
6 Otherwise Eligible Claims account for 0.56% of the total number of eligible Submitted Claims and
7 0.40% of the total Recognized Loss for all eligible Submitted Claims. *Id.*

8 In addition, Class Members' recoveries as a percentage of the total recognized losses would
9 decrease by one-tenth of a percent (0.10%) if the Late but Otherwise Eligible Claims are allowed.
10 1/5 Amin-Giwner Decl., ¶6. Specifically, without the Late but Otherwise Eligible claims, the pro
11 rata distribution to Claimants who submitted timely claims would amount to approximately 24.8%
12 of their Recognized Losses. *Id.* If the Late but Otherwise Eligible claims are allowed, the pro rata
13 distribution to all eligible Claimants would amount to approximately 24.7% of their Recognized
14 Losses, a decline of less than 1% of total Recognized Losses. *Id.* Thus, the Late but Otherwise
15 Eligible Claims should be allowed because there is little to no prejudice to other Class Members'
16 recovery.

17 **II. Epiq's Amended Request for Reimbursement of Nominee Fees and Expenses**

18 Under the Order re Motions for Final Approval of Settlement and Attorneys' Fees, the Court
19 ruled that "Epiq may receive up to a grand total of \$500,000 for costs. Should Epiq seek additional
20 funds, a new motion must be brought to explain why such funds are merited." ECF No. 309.

21 Through the Motion, Epiq requested an additional payment of \$735,949.89 to be paid from
22 the Settlement Fund on top of the previously granted \$500,000. *See* ECF No. 313, at 9.

23 After the Motion was filed, Epiq learned of an additional invoice from a broker/nominee that
24 sought reimbursement for costs incurred in providing notice of the Settlement. 1/5 Amin-Giwner
25 Decl., ¶9. Accordingly, Epiq amends its request and now seeks an increase of \$31,229.38 for its fees
26 and expenses for a total of \$767,179.27 in addition to the \$500,000 awarded to Epiq under ECF No.
27 309. 1/5 Amin-Giwner Decl., ¶¶9-13.

28

1 **III. Conclusion**

2 For the foregoing reasons, Lead Plaintiffs respectfully request that the Court grant their
3 Motion for Approval of Distribution Plan.

4 DATED: January 5, 2024

Respectfully submitted,

KAPLAN FOX & KILSHEIMER LLP

5 By: /s/ Jeffrey P. Campisi
6 Jeffrey P. Campisi

7 Robert N. Kaplan (admitted *pro hac vice*)
8 Jeffrey P. Campisi (admitted *pro hac vice*)
9 Jason A. Uris (admitted *pro hac vice*)
10 800 Third Avenue, 38th Floor
11 New York, NY 10022
12 Telephone: (212) 687-1980
13 Facsimile: (212) 687-7714
14 *rkaplan@kaplanfox.com*
15 *jcampisi@kaplanfox.com*
16 *juris@kaplanfox.com*

KAPLAN FOX & KILSHEIMER LLP

17 Laurence D. King (SBN 206423)
18 Blair E. Reed (SBN 316791)
19 1999 Harrison Street, Suite 1560
20 Oakland, CA 94612
21 Telephone: (415) 772-4700
22 Facsimile: (415) 772-4707
23 *lking@kaplanfox.com*
24 *breed@kaplanfox.com*

25 *Class Counsel for Lead Plaintiffs Julia Junge and*
26 *Richard Junge and the Class*

1 **KAPLAN FOX & KILSHEIMER LLP**
Laurence D. King (SBN 206423)
2 Blair E. Reed (SBN 316791)
1999 Harrison Street, Suite 1560
3 Oakland, CA 94612
Telephone: (415) 772-4700
4 Facsimile: (415) 772-4707
lking@kaplanfox.com
5 *breed@kaplanfox.com*

6 **KAPLAN FOX & KILSHEIMER LLP**
Robert N. Kaplan (admitted *pro hac vice*)
7 Jeffrey P. Campisi (admitted *pro hac vice*)
Jason A. Uris (admitted *pro hac vice*)
8 850 Third Avenue, 14th Floor
New York, NY 10022
9 Telephone: (212) 687-1980
Facsimile: (212) 687-7714
10 *rkaplan@kaplanfox.com*
jcampisi@kaplanfox.com
11 *juris@kaplanfox.com*

12 *Class Counsel for Lead Plaintiffs Julia Junge and*
13 *Richard Junge and the Proposed Class*

14
15 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
16 **SAN FRANCISCO DIVISION**

17 JULIA JUNGE and RICHARD JUNGE, on
18 behalf of themselves and a class of similarly
19 situated investors,

20 Plaintiffs,

21 v.

22 GERON CORPORATION and JOHN A.
SCARLETT,

23 Defendants.

Case No. 3:20-cv-00547-WHA (DMR)

Class Action

(Consolidated with Case No. 3:20-cv-01163-WHA)

(Related to Case No. 3:20-cv-02823-WHA;
3:22-mc-80051-WHA)

**DECLARATION OF EFFREY P.
CAMPISI IN SUPPORT OF LEAD
PLAINTIFFS' REPLY IN SUPPORT OF
MOTION FOR APPROVAL OF
DISTRIBUTION PLAN, AND FOR
APPROVAL OF EPIQ CLASS ACTION
AND CLAIMS SOLUTIONS, INC.'S
ADDITIONAL FEES AND EXPENSES**

1 I, Jeffrey P. Campisi, declare under 28 U.S.C. 1746 as follows:

2 1. I am an attorney at Kaplan Fox Kilsheimer LLP, Lead Counsel for Lead Plaintiffs
3 and Class Representatives Julia Junge and Richard Junge (“Lead Plaintiffs”) and the Class in the
4 above-captioned action (the “Action”).

5 2. I submit this Declaration in Support of Lead Plaintiffs’ Reply in Support of Motion
6 for Approval of Distribution Plan, and For Approval of Epiq Class Action and Claims Solutions,
7 Inc.’s Additional Fees and Expenses (“Reply”). I have personal knowledge of the facts stated in
8 this Declaration and, if called a witness, I could and would testify competently to them.

9 3. Attached hereto as **Exhibit A** is a true and correct copy of a January 3, 2024 email
10 (with two attached files) from Claimant 800000954 to the Court and Lead Counsel. The email
11 requests that the Court reject 23 late but otherwise eligible claims recommended for acceptance
12 through the Motion.

13 I declare under penalty of perjury under the laws of the United States of America that the
14 foregoing is true and correct. Executed this 5th day of January, 2024.

15
16
17
18
19
20
21
22
23
24
25
26
27
28

/s/ Jeffrey P. Campisi
Jeffrey P. Campisi

EXHIBIT A

From: [Vlasic, Tom P](#)
To: whapo@cand.uscourts.gov; whacrd@cand.uscourts.gov
Cc: [info_GeronSecuritiesLitigati](#); [Robert Kaplan](#); [Jeff Campisi](#); [Jason A. Uris](#); [Laurence King](#); [Kathleen Herkenhoff](#); [Blair Reed](#); [Vlasic, Tom P](#); [Tom Vlasic](#)
Subject: [External] Case 3:20-cv-00547-WHA
Date: Wednesday, January 3, 2024 5:20:37 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[Geron Late Claims.pdf](#)
[\[EXTERNAL\] RE Urgent Updated Email - Responding by June 11, 2023 Deadline.pdf](#)
Importance: High

Dear Honorable Judge William H. Alsup:

I am writing this email regarding the motion of approval of distribution plan to be heard by you on, January 25, 2024 at 8:00am PST.

In the documents provided to the court was a list of late claims filed but otherwise eligible (Exhibit AA-2).

The total number of claims totaled 23 with an overall amount of \$276,744.33.

I am asking the Court to reject these claims as they were filed or received after the court approved deadline of July 14, 2023.

I as well others were held to a deadline (Claim # 800000954) and so shall they.

Additionally, by allowing these late filers, this will further diminish the payout the shareholders who filed timely shall receive.

Thank you for your time and attention to this matter.

Sincerely,

Thomas P. Vlasic

1214 W. Foster Avenue, Unit 1C

Chicago, IL 60640

Phone : 773-981-1711

Claim # 800000954

Tom P. Vlasic, LPN, PAHM
Claim Adjudication Manager, Agency Worksite



111 E. Wacker, Chicago, IL 60601

thomas.vlasic@combined.com combinedinsurance.com

Follow us:     



This email (including any attachments) is intended for the designated recipient(s) only, and may be confidential, non-public, proprietary, and/or protected by the attorney-client or other privilege. Unauthorized reading, distribution, copying or other use of this communication is prohibited and may be unlawful. Receipt by anyone other than the intended recipient(s) should not be deemed a waiver of any privilege or protection. If you are not the intended recipient or if you believe that you have received this email in error, please notify the sender immediately and delete all copies from your computer system without reading, saving, printing, forwarding or using it in any manner. Although it has been checked for viruses and other malicious software ("malware"), we do not warrant, represent or guarantee in any way that this communication is free of malware or potentially damaging defects. All liability for any actual or alleged loss, damage, or injury arising out of or resulting in any way from the receipt, opening or use of this email is expressly disclaimed.

From: [info_GeronSecuritiesLitigati](#)
To: [Vlasic, Thomas P](#); [Vlasic, Thomas P](#); tomvlasic@yahoo.com
Subject: [EXTERNAL] RE: Urgent Updated Email - Responding by June 11, 2023 Deadline
Date: Tuesday, June 13, 2023 6:12:54 PM
Importance: High

Dear Thomas P. Vlasic,

Thank you for your patience.

This is to confirm that we have received your updates and submitted them for processing. If you would like to check on the status of your claims going forward, you may check in periodically after you receive this confirmation of receipt. All claims are in process. We thank you for your patience.

Sincerely,

Ana .

Geron Securities Litigation

Claims Administrator

----- Original Message -----

From: Thomas.Vlasic@combined.com
Received: 6/6/2023 8:33 AM
To: info@GeronSecuritiesLitigation.com; Thomas.Vlasic@combined.com; tomvlasic@yahoo.com
Subject: Urgent Updated Email - Responding by June 11, 2023 Deadline

Thomas P. Vlasic
1214 W. Foster Avenue, Unit 1C
Chicago, IL 60640
Phone : 773-981-1711
Email : tomvlasic@yahoo.com

Geron Securities Litigation
C/O Epiq
PO Box 4574
Portland, OR 97208-4574
Email: info@geronsecuritieslitigation.com

Claim #'s: 1934 & 800000954

Dear Sir/Madam:

This letter is in response to your letters dated May 22, 2023, requesting additional information to perfect my claim. When I submitted my claim, I provided you my August and September 2018 Fidelity statements which now I see I should have provided you April 2018 to September 2018 statements.

Attached you will now find the following:

1. Closed portfolio positions by account that lists all of my Geron Shares purchased and sold in 2018
2. Fidelity statements for the period of April 2018 to September 2018

As you can see, I purchased my Geron shares on 6/19/18 and 9/7/18 (see highlighted in yellow) that were eventually sold (total 38,182) on 9/27/18 at a loss of \$62,737.43.

If you need anything else, please let me know.
Thank you,

Thomas P. Vlastic

Tom P. Vlastic, LPN, PAHM
Claim Adjudication Manager, Group A&H Insurance

111 E. Wacker, Chicago, IL 60601
thomas.vlastic@combined.com combinedinsurance.com

This email (including any attachments) is intended for the designated recipient(s) only, and may be confidential, non-public, proprietary, and/or protected by the attorney-client or other privilege. Unauthorized reading, distribution, copying or other use of this communication is prohibited and may be unlawful. Receipt by anyone other than the intended recipient(s) should not be deemed a waiver of any privilege or protection. If you are not the intended recipient or if you believe that you have received this email in error, please notify the sender immediately and delete all copies from your computer system without reading, saving, printing, forwarding or using it in any manner. Although it has been checked for viruses and other malicious software ("malware"), we do not warrant, represent or guarantee in any way that this communication is free of malware or potentially damaging defects. All liability for any actual or alleged loss, damage, or injury arising out of or resulting in any way from the receipt, opening or use of this email is expressly disclaimed.

EXHIBIT AA-2

Junge v. Geron Securities Litigation
Late But Otherwise Eligible Submitted Claims
Exhibit AA-2

#	Claim Number	Account Holder	Recognized Loss
1	800003125		\$ 124,241.60
2	2292		\$ 27,000.00
3	2291		\$ 26,990.15
4	800003123		\$ 16,880.38
5	800003120		\$ 15,453.90
6	800003127		\$ 11,298.38
7	800003111		\$ 7,303.37
8	800003106		\$ 7,199.96
9	800003121		\$ 6,206.08
10	2295		\$ 5,787.90
11	800003109		\$ 5,620.00
12	2289		\$ 5,620.00
13	2290		\$ 5,620.00
14	2284		\$ 5,132.16
15	2288		\$ 2,810.00
16	2241		\$ 1,168.88
17	800003110		\$ 1,034.08
18	800003119		\$ 613.73
19	800003134		\$ 350.55
20	800003126		\$ 189.42
21	800003135		\$ 133.23
22	800003124		\$ 88.13
23	800003113		\$ 2.46
Total			\$ 276,744.33

KAPLAN FOX & KILSHEIMER LLP

Laurence D. King (SBN 206423)
Blair E. Reed (SBN 316791)
1999 Harrison Street, Suite 1560
Oakland, CA 94612
Telephone: (415) 772-4700
Facsimile: (415) 772-4707
lking@kaplanfox.com
breed@kaplanfox.com

KAPLAN FOX & KILSHEIMER LLP

Robert N. Kaplan (admitted *pro hac vice*)
Jeffrey P. Campisi (admitted *pro hac vice*)
Jason A. Uris (admitted *pro hac vice*)
800 Third Avenue, 38th Floor
New York, NY 10022
Telephone: (212) 687-1980
Facsimile: (212) 687-7714
rkaplan@kaplanfox.com
jcampisi@kaplanfox.com
juris@kaplanfox.com

*Class Counsel for Lead Plaintiffs Julia Junge and
Richard Junge and the Class*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

JULIA JUNGE and RICHARD JUNGE, on
behalf of themselves and a class of similarly
situated investors,

Plaintiffs,

v.

GERON CORPORATION and JOHN A.
SCARLETT,

Defendants.

Case No. 3:20-cv-00547-WHA (DMR)

Class Action
(Consolidated with Case No. 3:20-cv-01163-
WHA)

(Related to Case No. 3:20-cv-02823-WHA;
3:22-mc-80051-WHA)

**SUPPLEMENTAL DECLARATION OF
STEPHANIE AMIN I NER IN
SUPPORT OF LEAD PLAINTIFFS’
MOTION FOR APPROVAL OF
DISTRIBUTION PLAN, AND IN
SUPPORT OF EPIQ CLASS ACTION
AND CLAIMS SOLUTIONS, INC.’S
APPROVAL OF ADDITIONAL FEES
AND EXPENSES**

Judge: Hon. William H. Alsup
Courtroom: 12, 19th Floor
Date: January 25, 2024
Time: 8:00 a.m.

1 I, Stephanie Amin-Giwner, declare as follows:

2 1. I am a Director for Epiq Class Action and Claims Solutions, Inc. (“Epiq”). I submit this
3 declaration in the above captioned action (the “Action”) in further support of Lead Plaintiffs’ motion for
4 Approval of Distribution Plan, which was filed on December 15, 2023 (“Motion”).¹

5 2. I submit this Declaration as a supplement to my previously filed declaration, the
6 Declaration of Stephanie Amin-Giwner in Support of Lead Plaintiffs’ Motion for Approval of
7 Distribution Plan, and in Support of Epiq Class Action and Claims Solutions, Inc.’s Motion for Approval
8 of Additional Fees and Expenses, dated December 15, 2023 (ECF No. 313-2) and referred to hereinafter
9 as the “12/15 Amin-Giwner Declaration” or the “12/15 Amin-Giwner Decl.”).

10 3. The following statements are based on my personal knowledge, a review of Epiq’s files
11 and records related to its work in the Action, and information provided to me by other Epiq employees
12 working under my supervision, and if called on to do so, I could and would testify competently thereto.

13 **Response to anuar , email from Thomas P. Vlastic**

14 4. On January 3, 2024, Class Counsel forwarded to me an email sent by a class member,
15 Thomas P. Vlastic asking the Court to reject the 23 late but otherwise eligible claims recommended for
16 acceptance Exhibit AA-2 to the 12/15 Amin-Giwner Decl., ¶¶63-64. (ECF No. 313-2; ECF No. 313-
17 29). Since December 4, 2023, the proposed bar date for accepting any further claims, we received two
18 additional claims on January 3, 2024. Of the two claims, one claim would be eligible with a Recognized
19 Loss of \$12,752.10 and the other is not eligible because the claim did not include any eligible purchases
20 during the Class Period.

21 5. Epiq previously recommended for acceptance, in whole or in part, of 4,282 Submitted
22 Claims representing a total Recognized Loss of \$70,855,587.63 as calculated pursuant to the Plan of
23 Allocation. Amin-Giwner Decl., ¶64 (ECF No. 313-2); *see also* Exhibit AA-1. (ECF No. 313-29). Epiq
24 now recommends for acceptance, in whole or in part, 4,283 Submitted Claims representing a total
25

26 _____
27 ¹ Capitalized terms that are not otherwise defined herein shall have the same meaning as set forth in the Stipulation and
28 Agreement of Settlement dated September 2, 2022 (the “Stipulation”) (ECF No. 247). Unless otherwise noted, all
emphasis is added, and all internal citations and quotation marks are omitted.

1 Recognized Loss of \$70,868,339.73. Of those Submitted Claims recommended for acceptance, 24
2 Submitted Claims representing a total of \$289,496.43 in aggregate Recognized Losses were submitted
3 after the claim filing deadline of July 14, 2023. *Id.*, ¶¶57, 64. These Late but Otherwise Eligible Claims
4 account for 0.56% of the total number of eligible Submitted Claims and 0.40% of the total Recognized
5 Loss for all eligible Submitted Claims.

6 6. In addition, class members' recoveries as a percentage of the total recognized losses
7 would decrease by one-tenth of a percent (0.10%) if the Late but Otherwise Eligible Claims are allowed.
8 Specifically, without the Late but Otherwise Eligible claims, the pro rata distribution to the claimants
9 who submitted timely claims would amount to approximately 24.8% of their Recognized Losses. If the
10 Late but Otherwise Eligible claims are allowed, the pro rata distribution to all eligible claimants would
11 amount to approximately 24.7% of their Recognized Losses.

12 7. Courts in this District, including this Court, have allowed for the acceptance of late claims
13 through a specific set date as of the filing of the motion for distribution. For example, in *S*
14 *Management, v. Symantec Corp.*, Case No. 3:18 cv 02902-WHA (N.D. Cal.), 81,437 claims were
15 submitted and processed and 30,535 were deemed eligible. This Court accepted 13,224 late but
16 otherwise eligible claims received after the March 10, 2022, filing deadline and approved a bar date of
17 July 11, 2022. In addition, in *he Police Retirement Systems of St. Louis v. ranite Construction*
18 *Incorporated*, Case No. 3:19-cv-04744-WHA (N.D. Cal.), 33,939 claims were submitted and processed
19 and 14,670 were deemed eligible. This Court accepted 2,492 claims late but otherwise eligible claims
20 deadline and two revisions to otherwise timely claims postmarked after the January 24, 2022, filing.

21 8. In fact, based on Epiq's experience, it is not aware of any securities claims administration
22 cases where the court did not accept late but otherwise eligible claims.

23 **Updated Request for Reimbursement of Nominee Fees and Expenses**

24 9. After the Motion was filed, on December 19, 2023, in response to a communication from
25 Nicholas Gallucci an Epiq Business Analyst, confirming the status of outstanding Broadridge invoices,
26 Broadridge responded and included an excel file of all Broadridge invoices in this matter to date. The
27 excel file listed three invoices for the Supplemental Notice mailing, which included an invoice dated
28

1 May 8, 2023, in the amount was \$43,866.36 that had not been submitted to Epiq for reimbursement.
 2 Accordingly, this invoice was not included in the table of nominee invoices for which Epiq was seeking
 3 approval to pay from the Net Settlement Fund. 12/15 Amin-Giwner Decl. at ¶77 (ECF No. 313-1).

4 10. Although this invoice was not received within one month of completing the mailing as
 5 required by the Settlement Website Nominee Page (ECF No. 262-8, at 44 of 119), Epiq respectfully
 6 requests approval to pay this invoice based on its standard rates for reasonable reimbursement in the
 7 amount of \$31,229.38.

8 11. In the Motion, the total amount requested by Epiq for payment from the Settlement Fund
 9 was \$735,949.89. 12/15 Amin-Giwner Decl. ¶71 (ECF No. 313-2).

10 12. Accordingly, Epiq's updated fees and expenses for its work in connection with this
 11 Settlement are set forth in the chart below to reflect the additional invoice:

	Amount requested in Decl.	Amended Amount Requested
Epiq Fees and Expenses (Notice of Pendency)	\$159,745.01	\$159,745.01
Epiq Fees and Expenses (Settlement) September 1, 2022 thru November 30, 2023	\$912,041.99	\$912,041.99
Epiq's Estimated Fees and Expenses to conduct Initial Distribution	\$77,187.00	\$77,187.00
Total Epiq Fees and Expenses	\$1,148,974.00	\$1,148,974.00
Fees and Expenses approved by Court (ECF No. 309)	(\$500,000)	(\$500,000)
Outstanding Epiq Fees and Expenses	\$648,974.00	\$648,974.00
Amount requested for reimbursement for brokers	\$86,975.89	\$118,205.27
TOTAL amount requested for payment from Net Settlement Fund	\$735,949.89	\$767,179.27

13 13. Below is an updated chart of all Broker invoices for which Epiq recommends
 14 reimbursement for a total of \$118,205.27.² These nominees have not received the requested
 15
 16
 17
 18
 19
 20
 21
 22

23
 24
 25
 26
 27 ² This total includes Epiq's fees for processing and handling the invoices.
 28

1 reimbursement and accordingly, Epiq respectfully requests Court approval to pay these invoices from
 2 the Settlement Fund. Please see the below updated chart for further information on the Broker invoices.

3	Phase	Bro er	In oice Date	Total
4	Original Class Notice	Hilltop Securities	6/1/2022	\$210.00
5	Original Class Notice	Stone	6/2/2022	\$52.50
6	Original Class Notice	Cetera	6/10/2022	\$52.50
7	Original Class Notice	Truist	6/6/2022	\$26.25
8	Original Class Notice	Pershing	6/14/2022	\$36.75
9	Original Class Notice	Apex	6/21/2022	\$6,167.60
10	Original Class Notice	Piper Sandler	6/22/2022	\$21.32
11	Original Class Notice	Charles Schwab	6/23/2022	\$521.54
12	Original Class Notice	Fidelity	8/5/2022	\$775.05
13	Original Class Notice	Broadridge	7/11/2022	\$1,965.16
14	Original Class Notice	Broadridge	7/15/2022	\$22,031.42
15	Original Class Notice	UBS	7/22/2022	\$41.79
16	Settlement	Pershing	11/3/2022	\$36.75
17	Settlement	Broadridge	12/28/2022	\$49,213.61
18	Settlement	Broadridge	12/22/2022	\$2,622.01
19	Settlement	Broadridge	12/29/2022	\$438.08
20	Settlement	BNY Mellon	12/30/2022	\$352.80
21	Settlement	Wells Fargo	1/24/2023	\$26.25
22	Settlement	Broadridge	5/9/2023	\$2,030.19
23	Settlement	Broadridge	5/9/2023	\$354.32
24	Settlement	Broadridge		, .
25	Total Amount Due			, .

1 I declare under the laws of the United States of America that the foregoing is true and correct.

2 Executed this 5th day of January 2024 at Massapequa Park, New York.

3
4 s Stephanie Amin-Giwner
5 Stephanie Amin-Giwner
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28