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12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 COUNTY OF SAN FRANCISCO

14 BEAVER COUNTY EMPLOYEES	)	Lead Case No. CGC-14-538355
15 RETIREMENT FUND, et al., Individually and	)	(Consolidated with No. CGC-14-539008)
16 on Behalf of All Others Similarly Situated,	)	<u>CLASS ACTION</u>
17 Plaintiffs,	)	Assigned to: Judge A.C. Massullo
18 vs.	)	DECLARATION OF MISHKA FERGUSON
19 CYAN, INC., et al.,	)	REGARDING NOTICE DISSEMINATION,
20 Defendants.	)	REQUESTS FOR EXCLUSION RECEIVED, AND INTERIM CLAIMS PROCESSING

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21 DATE: June 5, 2019  
22 TIME: 9:00 a.m.  
DEPT: 304

23 DATE ACTION FILED: 04/01/14

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1 I, MISHKA FERGUSON, declare:

2 1. I am employed as a Vice President of Securities by Gilardi & Co. LLC (“Gilardi”),  
3 located at 3301 Kerner Blvd., San Rafael, California. The following statements are based on my  
4 personal knowledge and information provided to me by other Gilardi employees working under my  
5 supervision, and if called on to do so, I could and would testify competently thereto.

6 2. A declaration was previously submitted by Carole K. Sylvester in connection with the  
7 administration of the settlement of the above-captioned action (the “Action”), which was executed on  
8 March 25, 2019 (“Initial Declaration”). I submit this declaration in order to provide the Court and  
9 the parties to the Action with updated information regarding: (i) the mailing of the Court-approved  
10 Notice of Proposed Settlement of Class Action (the “Notice”) and the Proof of Claim and Release  
11 form (the “Proof of Claim”) (collectively, the “Notice Package”), (ii) the receipt of requests for  
12 exclusion, (iii) posting of documents on the settlement website; and (iv) interim claims processing.

13 3. At the time of the Initial Declaration, Gilardi had mailed 13,343 Notice Packages to  
14 potential Class Members and nominees. Initial Declaration, ¶12.

15 **SUPPLEMENTAL MAILING OF NOTICE PACKAGES**

16 4. After the Initial Declaration was executed, Gilardi received additional names and  
17 addresses as well as requests for additional Notice Packages from brokers and nominees and thereafter  
18 mailed an additional 889 Notice Packages. Therefore, as of May 28, 2019, Gilardi has mailed a total  
19 of 14,232 Notice Packages to potential Class Members and nominees.

20 5. As a follow-up to the notification that was sent to Nominal Holders, as discussed in  
21 the Initial Declaration, on March 26, 2019, Gilardi sent a fourth and final supplemental letter to  
22 Nominal Holders who had not responded to the previous letters.

23 **SETTLEMENT WEBSITE**

24 6. In accordance with the December 31, 2018 Order, on March 26, 2019, Gilardi posted  
25 copies of all papers in support of final approval of the settlement, the Plan of Allocation and the  
26 request for an award of attorneys’ fees and expenses.

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**EXCLUSION REQUESTS**

7. The Notice of Pendency that mailed June 8, 2015, informed potential Class Members that written requests for exclusion from the Class must be mailed to Gilardi such that they were postmarked no later than August 7, 2015.

8. As reported in the Initial Declaration, as of March 25, 2019, Gilardi had received 13 requests for exclusion.

9. Since the Initial Declaration was executed, Gilardi has not received any further requests for exclusion.

**INTERIM CLAIMS PROCESSING**

10. The Notice informed potential Class Members that in order to be eligible to receive a payment from the settlement they must complete and submit their Proof of Claim to Gilardi so that it is postmarked or submitted online no later than May 24, 2019.

11. As of May 28, 2019, Gilardi has received and partially processed a total of 1,960 Proofs of Claim.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge. Executed this 28th day of May, 2019, at San Rafael, California.

  
MISHKA FERGUSON

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DECLARATION OF SERVICE BY LEXIS FILE AND SERVE XPRESS

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, a citizen of the United States and employed in the City and County of San Diego, over the age of 18 years, and not a party to or interested party in the within action; that declarant’s business address is 655 West Broadway, Suite 1900, San Diego, California 92101.

2. That on May 29, 2019, declarant served the DECLARATION OF MISHKA FERGUSON REGARDING NOTICE DISSEMINATION, REQUESTS FOR EXCLUSION RECEIVED, AND INTERIM CLAIMS PROCESSING by serving electronically via Lexis File & Serve Xpress to the parties listed on the attached Service List.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 29, 2019, at San Diego, California.

  
\_\_\_\_\_  
JACLYN STARK

CYAN

Service List - 5/29/2019 (14-0050)

Page 1 of 1

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