# UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

THOMAS S. SWANSON, Individually and on: Behalf of All Others Similarly Situated, :

Plaintiff,

VS.

INTERFACE, INC., DANIEL T. HENDRIX, JAY D. GOULD, BRUCE A. HAUSMANN and PATRICK C. LYNCH,

Defendants.

Civil Action No. 1:20-cv-05518-BMC-RER

### **CLASS ACTION**

SUPPLEMENTAL DECLARATION OF ROSS D. MURRAY REGARDING NOTICE DISSEMINATION AND REQUESTS FOR EXCLUSION RECEIVED TO DATE

#### I, ROSS D. MURRAY, declare and state as follows:

- 1. I am employed as a Vice President of Securities by Gilardi & Co. LLC ("Gilardi"), located at 1 McInnis Parkway, Suite 250, San Rafael, California. Pursuant to this Court's May 26, 2023 Order Granting Preliminary Approval Pursuant to Fed. R. Civ. P. 23 and Authorizing Notice to the Class ("Notice Order") (ECF 80), Gilardi was appointed as the Claims Administrator in connection with the proposed Settlement of the above-captioned litigation (the "Litigation"). I oversaw the notice services that Gilardi provided in accordance with the Notice Order.
- 2. I submit this declaration as a supplement to my earlier declaration, the Declaration of Ross D. Murray Regarding Notice Dissemination, Publication, and Requests for Exclusion Received to Date (the "Initial Mailing Declaration") (ECF 85-11). The following statements are based on my personal knowledge and information provided to me by other Gilardi employees and if called to testify I could and would do so competently.

#### UPDATE ON DISSEMINATION OF THE CLAIM PACKAGE

- 3. As more fully detailed in the Initial Mailing Declaration, as of August 10, 2023, Gilardi had mailed 30,766 copies of the Court-approved Notice of Pendency and Proposed Settlement of Class Action (the "Notice") and Proof of Claim and Release form (the "Proof of Claim") (collectively, the "Claim Package") to potential Settlement Class Members and their nominees. *See* Initial Mailing Declaration, ¶11.
- 4. Since August 10, 2023, Gilardi has mailed an additional 576 copies of the Claim Package in response to requests from potential Settlement Class Members, brokers, and nominees and as a result of mail returned as undeliverable for which new addresses were identified and remailed to those new addresses. Therefore, as of September 11, 2023, Gilardi has mailed a total of 31,342 Claim Packages to potential Settlement Class Members and nominees. Additionally, Gilardi received a message from one institution noting that they planned to send an estimated 4,046 Claim Packages via email directly to their clients.

## REQUESTS FOR EXCLUSION RECEIVED TO DATE

- 5. Pursuant to the Notice Order, the Notice informed potential Settlement Class Members that written requests for exclusion from the Settlement Class must be mailed to *Interface Securities Settlement*, Claims Administrator, c/o Gilardi & Co. LLC, ATTN: EXCLUSIONS, P.O. Box 5100, Larkspur, CA 94977-5100, such that they are postmarked no later than August 28, 2023. At the time of the Initial Mailing Declaration, Gilardi reported that it had not received any requests for exclusion in connection with this Settlement. *See* Initial Mailing Declaration, ¶¶15-16.
- 6. Since the Initial Mailing Declaration was executed, and as of the date of this declaration, Gilardi has not received any requests for exclusion.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 11th day of September, 2023, at San Rafael, California.

ROSS D. MURRAY