

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

SHEET METAL WORKERS LOCAL 32
PENSION FUND, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

vs.

TEREX CORPORATION, et al.,

Defendants.

) No. 3:09-cv-02083-RNC
) **(Consolidated)**

) CLASS ACTION

) DECLARATION OF MISHKA FERGUSON
) REGARDING NOTICE DISSEMINATION
) AND REQUESTS FOR EXCLUSION
) RECEIVED TO DATE

I, MISHKA FERGUSON, declare:

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

2. A declaration was previously submitted by Carole K. Sylvester in connection with the administration of the settlement of the above-captioned action (the “Action”), which was executed on May 13, 2019 (the “Initial Declaration”) (ECF No. 123). I submit this declaration in order to provide the Court and the parties to the Action with updated information regarding: (i) mailing of the Court-approved Notice of Pendency and Proposed Settlement of Class Action (the “Notice”) and the Proof of Claim and Release (the “Proof of Claim”) (collectively, the “Notice Package”); and (ii) the receipt of requests for exclusion from the Settlement Class received by Gilardi to date.¹

UPDATE ON THE DISSEMINATION OF THE NOTICE PACKAGE

3. As more fully detailed in the Initial Declaration, as of May 13, 2019, Gilardi had mailed 6,541 Notice Packages to potential Settlement Class Members and their nominees. Initial Declaration, ¶10. Since May 13, 2019, Gilardi has mailed an additional 123,367 copies of the Notice Package in response to requests from potential Settlement Class Members, brokers, and nominees, or as a result of returned mail for which a new address was identified and re-mailed. Therefore, as of June 12, 2019, Gilardi has mailed a total of 129,908 Notice Packages to potential Settlement Class Members and nominees.

¹ Unless otherwise defined herein, all capitalized terms shall have the same meanings as set forth in the Settlement Agreement dated March 27, 2019.

4. On April 22, 2019, Gilardi established and continues to maintain a case-specific, toll-free telephone helpline, 1-866-580-1702, to accommodate potential Settlement Class Member inquiries. The toll-free number is on the case website. Gilardi has been and will continue to promptly respond to all inquiries to the toll-free telephone helpline.

5. Gilardi continues to maintain a website dedicated to this Settlement (www.TerexSecuritiesSettlement.com) to provide additional information to Settlement Class Members and to provide answers to frequently asked questions. The web address was set forth in the Notice Package and the Summary Notice. The website includes information regarding the Action and the Settlement, including the exclusion, objection, and claim filing deadlines, and the date, time, and location of the Court's Final Approval Hearing. Copies of the Notice, Proof of Claim, Settlement Agreement, Notice Order and other relevant documents are posted on the website and are available for downloading. Settlement Class Members can also complete and submit a Proof of Claim through the website.

REQUESTS FOR EXCLUSION RECEIVED TO DATE

6. Pursuant to this Court's Notice Order (ECF No. 119), the Notice informed potential Settlement Class Members that written requests for exclusion from the Settlement Class must be mailed to Gilardi, postmarked no later than July 3, 2019. As reported in the Initial Declaration, as of May 13, 2019, Gilardi had not received any requests for exclusion.

7. Since the Initial 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. Executed this 17th day of June, 2019, at San Rafael, California.


MISHKA FERGUSON