

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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| DAVID N. ZIMMERMAN,<br>Individually and on Behalf of All Others<br>Similarly Situated, | ) | Civ. No. 2:16-cv-14005-AC-SDD                                   |
|  | ) | Hon. Avern Cohn   |
| Plaintiff,   | ) | <u>CLASS ACTION</u>   |
| vs.  | ) | SUPPLEMENTAL DECLARATION<br>OF CAROLE K. SYLVESTER              |
| DIPLOMAT PHARMACY, INC., et al.,   | ) | REGARDING NOTICE  |
| Defendants.  | ) | DISSEMINATION AND REQUESTS<br>FOR EXCLUSION RECEIVED TO<br>DATE |

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I, CAROLE K. SYLVESTER, declare:

1. I am employed as the Director of Notice by Gilardi & Co. LLC (“Gilardi”), located at 3301 Kerner Blvd., San Rafael, California. The Court’s Order Preliminarily Approving Settlement and Providing for Notice (the “Notice Order”) authorized Lead Counsel to retain Gilardi to supervise and administer the notice procedure as well as the processing of claims in connection with the proposed settlement of the above-captioned action (the “Litigation”). I oversaw the notice services that Gilardi provided in accordance with the Notice Order. I am over 21 years of age and am not party to this Litigation. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

2. I previously submitted a declaration in connection with the administration of the settlement of the Litigation, which was executed on July 16, 2019 (the “Initial Declaration”) (ECF No. 69). I submit this supplemental declaration in order to provide the Court and the parties to the Litigation with updated information regarding: (i) the mailing of the Court-approved Notice of Pendency and Proposed Settlement of Class Action (the “Notice”) and the Proof of Claim and Release form (the “Proof of Claim”) (collectively, the “Notice Package”), and (ii) the receipt of requests for exclusion from the Class received by Gilardi to date.<sup>1</sup>

#### **UPDATE ON THE DISSEMINATION OF THE NOTICE PACKAGE**

3. As more fully detailed in the Initial Declaration, as of July 16, 2019, Gilardi had mailed 25,442 Notice Packages to potential Class Members and nominees. Initial Declaration, ¶11. Since July 16, 2019, Gilardi has mailed an additional 2,937 copies of the Notice Package in response to additional requests

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<sup>1</sup> Unless otherwise defined herein, all capitalized terms shall have the same meanings as set forth in the Stipulation of Settlement, dated April 22, 2019 (the “Stipulation”).

from potential Class Members, brokers, and nominees. Therefore, as of August 12, 2019, Gilardi has mailed a total of 28,379 Notice Packages to potential Class Members and nominees.

4. Gilardi continues to maintain a website dedicated to this settlement ([www.DiplomatSecuritiesSettlement.com](http://www.DiplomatSecuritiesSettlement.com)) to provide additional information to 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 Litigation and the settlement, including the exclusion, objection, and claim filing deadlines, and the date, time, and location of the Court's Settlement Hearing. Copies of all papers in support of approval of the settlement, the Plan of Allocation, and Lead Counsel's fee and expense application were posted on the settlement website within three days of filing and are available for downloading. Class Members can also complete and submit a Proof of Claim through the website.

#### **REQUESTS FOR EXCLUSION RECEIVED TO DATE**

5. Pursuant to this Court's Notice Order, the Notice informed potential Class Members that any written requests for exclusion from the Class must be mailed to Gilardi and postmarked no later than July 30, 2019. As reported in the Initial Declaration, as of July 16, 2019, Gilardi had not received any requests for exclusion.

6. 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 12th day of August, 2019, at San Rafael, California.

  
\_\_\_\_\_  
CAROLE K. SYLVESTER

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on August 12, 2019, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses on the attached Electronic Mail Notice List, and I hereby certify that I caused the mailing of the foregoing via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

s/ELLEN GUSIKOFF STEWART  
ELLEN GUSIKOFF STEWART

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## Mailing Information for a Case 2:16-cv-14005-AC-SDD Zimmerman v. Diplomat Pharmacy, Inc. et al

### Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

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### Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)