#### 18CV329690 Santa Clara – Civil

1	ROBBINS GELLER RUDMAN & DOWD LLP	Electronically Filed by Superior Court of CA,
2	ELLEN GUSIKOFF STEWART (144892) JAMES I. JACONETTE (179565)	County of Santa Clara, on 2/7/2022 3:43 PM
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12	Class Counsel	
13		E STATE OF CALIFORNIA
14		SANTA CLARA
15	MATT WOLTHER, Individually and on Behalf of All Others Similarly Situated,	Lead Case No. 18CV329690 (Consolidated with No. 18CV332463 and
16	Plaintiff,	No. 18CV332644) CLASS ACTION
17	vs.	
18	SHUBHAM MAHESHWARI, et al.,	DECLARATION OF ROSS D. MURRAY REGARDING NOTICE DISSEMINATION,
19	Defendants.	PUBLICATION, AND REQUESTS FOR EXCLUSION RECEIVED TO DATE
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21 22		DATE: April 21, 2022 TIME: 1:30 p.m.
23		JUDGE: Hon. Sunil R. Kulkarni DEPT.: 1
24		Date Action Filed: June 8, 2018
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#### 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. 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.
- 2. Pursuant to this Court's December 1, 2021 Order Preliminarily Approving Settlement and Providing for Notice ("Notice Order"), Gilardi was appointed 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 "Action"). I oversaw the notice services that Gilardi provided in accordance with the Notice Order.
- 3. I submit this declaration in order to provide the Court and the parties to the Action with information regarding: (i) mailing of the Court-approved Notice of Proposed Settlement of Class Action (the "Notice") and Proof of Claim and Release form (the "Proof of Claim") (collectively, the "Claim Package," attached hereto as Exhibit A); (ii) publication of the Summary Notice of Proposed Settlement of Class Action; (iii) establishment of the website and toll-free telephone number dedicated to this Settlement; and (iv) the number of requests for exclusion from the Class received to date by Gilardi.

#### DISSEMINATION OF THE CLAIM PACKAGE

4. Pursuant to the Notice Order, Gilardi is responsible for disseminating the Claim Package to potential Class Members. The Class consists of all persons who acquired Veeco common stock in exchange for Ultratech common stock pursuant to the registration statement and prospectus issued in connection with Veeco's May 26, 2017 Merger with Ultratech. Excluded from the Class are Defendants, the officers and directors of Veeco and Ultratech (at all relevant times), members of their immediate families, and their legal representatives, heirs,

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successors or assigns, and any entity in which any Defendant has a majority ownership. Also excluded from the Class are those Persons who would otherwise be Class Members but who timely and validly exclude themselves therefrom.

- 5. Gilardi received a file via email from Veeco's transfer agent, which contained the names and addresses of potential Class Members. The list was reviewed to identify and eliminate duplicate entries and incomplete data, resulting in a usable mailing list of 164 unique names and addresses. Gilardi had the unique name and address data printed on to Claim Packages, posted the Claim Packages for First-Class Mail, postage prepaid, and delivered 164 Claim Packages on December 22, 2021, to the United States Post Office for mailing.
- In addition, on December 22, 2021, as part of its normal mailing 6. procedures, Gilardi mailed, by First-Class Mail, Claim Packages and cover letters to 281 brokerages, custodial banks, and other institutions ("Nominee Holders") that hold securities in "street name" as nominees for the benefit of their customers who are the beneficial owners of the securities. The Nominee Holders also include a group of filers/institutions who have requested notification of every securities case. These Nominee Holders are included in a proprietary database created and maintained by Gilardi. In Gilardi's experience, the Nominee Holders included in this proprietary database represent a significant majority of the beneficial holders of securities. The cover letter accompanying the Claim Packages advised the Nominee Holders of the proposed Settlement and requested their cooperation in forwarding the Claim Packages to potential Class Members. In the more than three decades that Gilardi has been providing notice and claims administration services in securities class actions, Gilardi has found the majority of potential class members hold their securities in street name and are notified through the Nominee Holders. Gilardi also mailed Claim Packages and cover letters to the 4,448 institutions included on the U.S. Securities and Exchange Commission's ("SEC") list of active brokers and dealers at the time of mailing. A sample of the cover letter mailed to Nominee

Holders and the institutions included on the SEC's list of active brokers and dealers is attached hereto as Exhibit B.

- 7. On December 22, 2021, Gilardi also delivered electronic copies of the Claim Package to 371 registered electronic filers who are qualified to submit electronic claims. These filers are primarily institutions and third-party filers who typically file numerous claims on behalf of beneficial owners for whom they act as trustees or fiduciaries.
- 8. As part of the notice program for this Action, on December 22, 2021, Gilardi also delivered electronic copies of the Claim Package via email to be published by the Depository Trust Company ("DTC") on the DTC Legal Notice System ("LENS"). LENS enables the participating bank and broker nominees to review the Claim Package and contact Gilardi for copies of the Claim Package for their beneficial holders.
- 9. Gilardi has acted as a repository for shareholder and nominee inquiries and communications received in this Action. In this regard, Gilardi has forwarded the Claim Package on request to nominees who held or acquired Veeco common stock for the beneficial interest of other persons. Gilardi has also forwarded the Claim Package directly to beneficial owners upon receipt of the names and addresses from such beneficial owners or nominees.
- 10. Following the initial mailing, Gilardi received 15 responses to the outreach efforts described above, which included computer files containing a total of 5,326 names and addresses of potential Class Members. In addition, 25 institutions requested that Gilardi send them a total of 9,900 Claim Packages for forwarding directly to their clients. Gilardi has also mailed 4 Claim Packages as a result of returned mail for which new addresses were identified for re-mailing to those potential Class Members. Each of these requests has been completed in a timely manner.

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As of February 3, 2022, Gilardi has mailed a total of 20,494 Claim Packages to potential Class Members and nominees.

#### PUBLICATION OF THE SUMMARY NOTICE

In accordance with the Notice Order, on December 30, 2021, Gilardi 12. caused the Summary Notice to be published in The Wall Street Journal and to be transmitted over Business Wire, as shown in the confirmations of publication attached hereto as Exhibit C.

#### TELEPHONE HELPLINE AND WEBSITE

- On December 22, 2021, in conjunction with the mailing of the Notice, 13. Gilardi established and continues to maintain a case-specific, toll-free telephone helpline, 1-866-724-5049, to accommodate potential Class Member inquiries. The toll-free number was set forth in the Notice and on the case website. Gilardi has been and will continue to promptly respond to all inquiries to the toll-free telephone helpline.
- 14. On December 22, 2021, Gilardi established and continues to maintain a website dedicated to this Action (www.VeecoSecuritiesSettlement.com) to provide additional information to Class Members and to provide answers to frequently asked questions. The web address was set forth in the Claim Package and the Summary Notice. The website includes information regarding the Action and the Settlement, including the objection and claim filing deadlines, and the date, time, and location of the Court's Settlement Hearing. Copies of the Notice, Proof of Claim, Amended Stipulation of Settlement, and Notice Order are posted on the website and are available for downloading. Class Members can also complete and submit a Proof of Claim through the website.

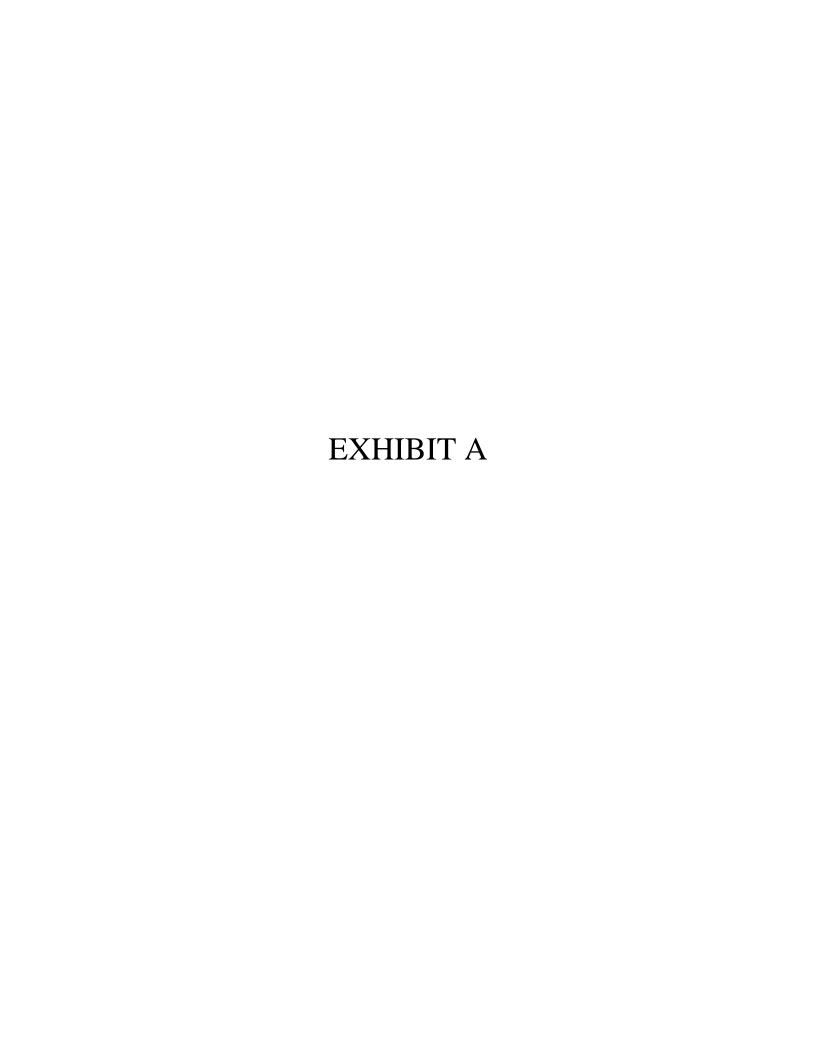
### REQUESTS FOR EXCLUSION RECEIVED TO DATE

The Notice informs potential Class Members that written requests for 15. exclusion from the Class must be mailed to Veeco Securities Settlement, c/o Gilardi

& Co. LLC, EXCLUSIONS, 150 Royall Street, Suite 101, Canton, MA 02021, such that they are postmarked no later than February 21, 2022.

The Notice also sets forth the information that must be included in each 16. request for exclusion. Gilardi has monitored and will continue to monitor all mail delivered to this address. As of the date of this declaration, Gilardi has not received any requests for exclusion.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed this 3rd day of February, 2022, at San Rafael, California.



# SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF SANTA CLARA

MATT WOLTHER, Individually and on Behalf of All Others Similarly Situated,	<ul><li>) Lead Case No. 18CV329690</li><li>) (Consolidated with No. 18CV332463 and</li><li>) No. 18CV332644)</li></ul>
Plaintiff, vs.	) CLASS ACTION
SHUBHAM MAHESHWARI, et al.,	
Defendants.	

#### NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION

TO: ALL PERSONS WHO ACQUIRED VEECO INSTRUMENTS, INC. ("VEECO" OR THE "COMPANY") COMMON STOCK IN EXCHANGE FOR ULTRATECH, INC. ("ULTRATECH") COMMON STOCK PURSUANT TO THE REGISTRATION STATEMENT AND PROSPECTUS (THE "OFFERING DOCUMENTS") ISSUED IN CONNECTION WITH VEECO'S MAY 26, 2017 MERGER WITH ULTRATECH ("MERGER")

IN ORDER TO QUALIFY FOR A SETTLEMENT PAYMENT, YOU MUST TIMELY SUBMIT A PROOF OF CLAIM AND RELEASE FORM ("PROOF OF CLAIM") BY MARCH 22, 2022, AS DESCRIBED MORE FULLY BELOW.

THIS NOTICE WAS AUTHORIZED BY THE COURT. IT IS NOT A LAWYER SOLICITATION. PLEASE READ THIS NOTICE CAREFULLY AND IN ITS ENTIRETY.

#### WHY SHOULD I READ THIS NOTICE?

This Notice is given pursuant to an order issued by the Superior Court of California, County of Santa Clara ("Court"). This Notice serves to inform you of the proposed settlement of the above-captioned class action lawsuit ("Settlement") and the hearing ("Settlement Fairness Hearing") to be held by the Court to consider the fairness, reasonableness, and adequacy of the Settlement, as set forth in the Amended Stipulation of Settlement dated November 30, 2021 ("Stipulation"), by and between Class Representatives Iron Workers District Council of New England Pension Fund and Construction Workers Pension Trust Fund – Lake County and Vicinity (collectively, "Class Representatives"), on behalf of themselves and the Class (as defined below), and Defendants Veeco, Shubham Maheshwari, John R. Peeler, John P. Kiernan, Kathleen A. Bayless, Richard A. D'Amore, Gordon Hunter, Keith D. Jackson, Peter J. Simone, and Thomas St. Dennis (collectively, "Defendants").1

This Notice is intended to inform you about how this lawsuit and proposed Settlement may affect your rights and what steps you may take in relation to it. This Notice is NOT an expression of any opinion by the Court as to the merits of the claims or defenses asserted in the lawsuit or whether Defendants engaged in any wrongdoing.

#### WHAT IS THIS LAWSUIT ABOUT?

#### I. THE ALLEGATIONS

Veeco designs and manufactures thin film equipment used to make electronic devices. Plaintiffs allege that Defendants violated §§11, 12(a)(2), and 15 of the Securities Act of 1933 (the "Securities Act") by reason of material misrepresentations and omissions in the Offering Documents issued in connection with Veeco's merger with Ultratech in May 2017. Specifically, Plaintiffs allege that the Offering Documents misrepresented and omitted material facts about Veeco's and Ultratech's businesses and the competitive landscape in China, including that: (1) Veeco was being decimated by one of its main competitors, AMEC; (2) several factors were

<sup>&</sup>lt;sup>1</sup> The Stipulation can be viewed and/or downloaded at www.VeecoSecuritiesSettlement.com. All capitalized terms used herein have the same meaning as the terms defined in the Stipulation.

making it very difficult for Veeco to compete in China, including in the MOCVD<sup>2</sup> market (*e.g.*, increased pricing pressure and reduced margins); (3) Veeco was already in an acrimonious IP dispute with AMEC and its supplier, SGL; (4) the Chinese government's role in the China market made it very difficult for Veeco to retain market share; and (5) many risks that Veeco characterized as hypothetical had already materialized at the time of the Merger.

Defendants deny all of Plaintiffs' allegations and deny that there was any violation of the Securities Act.

THE COURT HAS NOT RULED AS TO WHETHER DEFENDANTS ARE LIABLE. THIS NOTICE IS NOT INTENDED TO BE AN EXPRESSION OF ANY OPINION BY THE COURT WITH RESPECT TO THE TRUTH OF THE ALLEGATIONS IN THIS ACTION OR THE MERITS OF THE CLAIMS OR DEFENSES ASSERTED. THIS NOTICE IS SOLELY TO ADVISE YOU OF THE PROPOSED SETTLEMENT OF THIS ACTION AND YOUR RIGHTS IN CONNECTION WITH THAT SETTLEMENT.

#### II. PROCEDURAL HISTORY

Commencing on June 8, 2018, three related actions were filed against Defendants in the Superior Court of the State of California for the County of Santa Clara ("Court").

On November 30, 2018, the Court consolidated the three actions and appointed Bottini & Bottini, Inc. and Robbins Geller Rudman & Dowd LLP as co-lead counsel for Plaintiffs. On December 11, 2018, Plaintiffs filed a consolidated complaint ("Complaint"). On January 10, 2019, Defendants filed a demurrer to the Complaint. By order dated May 3, 2019, the Court overruled the demurrer in its entirety.

On August 28, 2020, Plaintiffs filed a motion for class certification. Defendants took discovery in connection with that motion, including propounding interrogatories and requests for production of documents and deposing representatives of each of the Class Representatives. By order dated April 14, 2021, the Court granted the motion certifying the Class, appointing Plaintiffs Iron Workers District Council of New England Pension Fund and Construction Workers Pension Trust Fund – Lake County and Vicinity as co-Class Representatives and appointing Robbins Geller Rudman & Dowd LLP and Bottini & Bottini, Inc. as co-Class Counsel.

Following the resolution of the demurrer, the Parties have engaged in extensive discovery efforts. In response to Plaintiffs' discovery requests, Veeco has produced and Plaintiffs' Counsel have reviewed over 182,000 pages of documents. The Parties also engaged in numerous meet-and-confer conferences regarding discovery and several informal discovery conferences with the Court.

On May 27, 2020, the Parties participated in a Zoom mediation before the Honorable Jay C. Gandhi (Ret.) of JAMS. Prior to the mediation, the Parties prepared, exchanged and provided to Judge Gandhi detailed mediation statements and exhibits setting forth their respective positions on the merits and damages. Although the Parties negotiated in good faith, no settlement was reached and litigation continued. In June 2021, the Parties renewed their efforts to resolve the case. On June 23, 2021, the Parties attended a second full-day Zoom mediation with Judge Gandhi. The Parties exchanged and provided to Judge Gandhi updated mediation statements and exhibits prior to that mediation. Although no agreement was reached at the June 23, 2021 mediation session, negotiations continued through Judge Gandhi. Thereafter, Judge Gandhi presented a mediator's proposal for the monetary terms for a settlement of the Action on a class-wide basis. On July 7, 2021, the Parties accepted the mediator's proposal and thereafter engaged in negotiations regarding the complete terms of the Settlement, which are set forth in the Stipulation and which are subject to approval by the Court.

#### HOW DO I KNOW IF I AM A CLASS MEMBER?

If you acquired Veeco common stock in exchange for your Ultratech common stock in the Merger between the companies, you are a Class Member. As set forth in the Stipulation, excluded from the Class are: Defendants, the officers and directors of Veeco and Ultratech (at all relevant times), members of their immediate families, and their legal representatives, heirs, successors or assigns, and any entity in which any Defendant has a majority ownership. Also excluded from the Class are those Persons who would otherwise be Class Members but who timely and validly exclude themselves therefrom.

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<sup>&</sup>quot;MOCVD" refers to metal organic chemical vapor deposition equipment.

**PLEASE NOTE:** Receipt of this Notice does not mean that you are a Class Member or that you will be entitled to receive a payment from the Settlement. If you are a Class Member and you wish to be eligible to participate in the distribution of proceeds from the Settlement, you are required to submit the Proof of Claim that is being distributed with this Notice and the required supporting documentation as set forth therein postmarked or submitted online on or before March 22, 2022.

#### WHAT IS THE MONETARY VALUE OF THE PROPOSED SETTLEMENT?

The Settlement, if approved, will result in the creation of a cash settlement fund of \$15,000,000 ("Settlement Fund"). The Settlement Fund, plus accrued interest and minus the costs of this Notice and all costs associated with the administration of the Settlement Fund, as well as attorneys' fees and expenses, and the payment to Class Representatives for representing the Class, as approved by the Court ("Net Settlement Fund"), will be distributed to eligible Class Members pursuant to the Plan of Allocation that is described in the next section of this Notice.

#### WHAT IS THE PROPOSED PLAN OF ALLOCATION?

The objective of the Plan of Allocation is to equitably distribute the Net Settlement Fund among Class Members based on their respective economic losses resulting from the alleged securities law violations set forth in the Complaint.

The Claims Administrator shall determine each Class Member's share of the Net Settlement Fund based upon the recognized loss formula ("Recognized Claim") described below. A Recognized Claim will be calculated for each share of Veeco common stock acquired in the Merger. The calculation of a Recognized Claim will depend upon several factors, including the number of shares acquired, whether the shares were ever sold, and, if so, when they were sold and for what amounts. The Recognized Claim is not intended to estimate the amount a Class Member might have been able to recover after a trial, nor to estimate the amount that will be paid to Class Members pursuant to the Settlement. The Recognized Claim is the basis upon which the Net Settlement Fund will be proportionately allocated to Class Members.

Your share of the Net Settlement Fund will depend on the number of valid Proofs of Claim that Class Members send in and how many shares of Veeco common stock you acquired in the Merger, and whether you sold any of those shares and when you sold them.

The calculation of claims below is not an estimate of the amount you will receive. It is a formula for allocating the Net Settlement Fund among all Authorized Claimants. Furthermore, if any of the formulas set forth below yield an amount less than \$0.00, the claim per share is \$0.00.

#### PLAN OF ALLOCATION

#### Claims for the May 26, 2017 Merger with Ultratech, Inc.

Veeco per share value:

\$31.75 per share

Closing price on the date the lawsuit was filed:<sup>3</sup>

\$18.25 per share

For shares of Veeco common stock acquired in exchange for Ultratech common stock pursuant to the registration statement and prospectus issued in connection with Veeco's May 26, 2017 merger with Ultratech, and

- 1) sold prior to June 8, 2018, the claim per share is \$31.75 less the Sales Price.
- 2) retained on June 8, 2018, or sold on or after June 8, 2018, the claim per share is \$13.50 (\$31.75 minus \$18.25).

Any sale of Veeco common stock shall be deemed to have occurred on the "contract" or "trade" date as opposed to the "settlement" or "payment" date. All sale prices shall exclude any fees and commissions. The receipt or grant by gift, devise, or operation of law of Veeco common stock shall not be deemed an acquisition or sale of Veeco common stock for the calculation of a claimant's Recognized Claim nor shall it be deemed an assignment of any claim relating to the acquisition of such share unless specifically provided in the instrument

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<sup>&</sup>lt;sup>3</sup> The initial Class Action Complaint was filed on June 8, 2018.

of gift or assignment. The receipt of Veeco common stock in exchange for securities of any corporation or entity other than Ultratech shall not be deemed an acquisition of Veeco common stock.

The total of all profits shall be subtracted from the total of all losses from transactions during the relevant period to determine if a Class Member has a Recognized Claim. Only if a Class Member had a net market loss, after all profits from transactions in Veeco common stock during the relevant period are subtracted from all losses, will such Class Member be eligible to receive a distribution from the Net Settlement Fund.

If an Authorized Claimant has an overall market gain, the Recognized Claim for that Authorized Claimant will be \$0.00. If an Authorized Claimant has an overall market loss, that Authorized Claimant's Recognized Claim will be limited to the amount of overall market loss. The Claims Administrator shall allocate to each Authorized Claimant a *pro rata* share of the Net Settlement Fund based on his, her, or its Recognized Claim as compared to the total Recognized Claims of all Authorized Claimants. No distribution shall be made to Authorized Claimants who would otherwise receive a distribution of less than \$10.00.

Distributions will be made to Authorized Claimants after all claims have been processed, after the Court has finally approved the Settlement, and after any appeals are resolved. If there is any balance remaining in the Net Settlement Fund after at least six (6) months from the initial date of distribution of the Net Settlement Fund (whether by reason of tax refunds, uncashed checks, or otherwise), the Claims Administrator shall, if feasible, reallocate such balance among Authorized Claimants in an equitable and economic fashion. These redistributions shall be repeated until the balance remaining in the Net Settlement Fund is no longer economically feasible to distribute to Class Members. Thereafter, subject to distribution to state entities, as required by California Code of Civil Procedure §384(b)(3), any balance that still remains in the Net Settlement Fund shall be donated to the Legal Aid Society of Santa Clara County.

Please contact the Claims Administrator or Class Counsel if you disagree with any determinations made by the Claims Administrator regarding your Proof of Claim. If you are dissatisfied with the determinations, you may ask Class Counsel to request that the Court, which retains jurisdiction over all Class Members and the claims administration process, decide the issue.

The Court has reserved jurisdiction to allow, disallow, or adjust the claim of any Class Member on equitable grounds.

Payment pursuant to the Plan of Allocation set forth above shall be conclusive against all Authorized Claimants. No Person shall have any claim against Class Representatives, Plaintiffs' Counsel, Claims Administrator, any other Person designated by Plaintiffs' Counsel, or any of the Released Parties or Defendants' Counsel based on the distributions made substantially in accordance with the Stipulation and the Settlement contained therein, the Plan of Allocation, or further orders of the Court. All Class Members who fail to complete and submit a valid and timely Proof of Claim shall be barred from participating in distributions from the Net Settlement Fund (unless otherwise ordered by the Court), but otherwise shall be bound by all of the terms of the Stipulation, including the terms of any judgment entered and the releases given.

# DO I NEED TO CONTACT PLAINTIFFS' COUNSEL IN ORDER TO PARTICIPATE IN DISTRIBUTION OF THE SETTLEMENT FUND?

No. If you have received this Notice and timely submit your Proof of Claim to the designated address, you need not contact Plaintiffs' Counsel. If your address changes, please contact the Claims Administrator at:

Veeco Securities Settlement c/o Gilardi & Co. LLC P.O. Box 43384 Providence, RI 02940-3384 Telephone: 1-866-724-5049 www.VeecoSecuritiesSettlement.com

#### THERE WILL BE NO PAYMENTS IF THE STIPULATION IS TERMINATED

The Stipulation may be terminated under several circumstances outlined in it. If the Stipulation is terminated, the Action will proceed as if the Stipulation had not been entered into.

#### WHAT ARE THE REASONS FOR SETTLEMENT?

The Settlement was reached after highly contested motion practice directed to the sufficiency of Class Representatives' claims and whether the proposed Class could be certified. The Parties conducted extensive document discovery. Nevertheless, the Court has not reached any final decisions in connection with Class Representatives' claims against Defendants. Instead, Class Representatives and Defendants have agreed to this Settlement, which was reached with the substantial assistance of Judge Jay C. Gandhi, a highly respected former judge with extensive experience in the mediation of complex class actions. In reaching the Settlement, the Parties have avoided the cost, delay and uncertainty of further litigation, as detailed below.

As in any litigation, Class Representatives and the proposed Class would face an uncertain outcome if they did not agree to the Settlement. The Parties expected that the case could continue for a lengthy period of time and that even if Class Representatives succeeded, Defendants would file appeals that would postpone final resolution of the case. Continuation of the Action against Defendants could also result in no recovery at all or a judgment that is less than the amount of the Settlement. Conversely, with regard to Defendants, continuing the case could result in a judgment in an amount greater than this Settlement. Accordingly, both Class Representatives and Defendants have determined that Settlement on the terms set forth in the Stipulation was in their best interests in light of the facts and procedural posture of the Action and the uncertainty of continued litigation.

Class Representatives and Plaintiffs' Counsel believe that the proposed Settlement is fair and reasonable to the members of the Class. They have reached this conclusion for several reasons. Specifically, if the Settlement is approved, the Class will receive a certain and immediate monetary recovery. Additionally, Plaintiffs' Counsel believe that the significant and immediate benefits of the Settlement, when weighed against the significant risk, delay and uncertainty of continued litigation, are a very favorable result for the Class.

#### WHO REPRESENTS THE CLASS?

The following attorneys are counsel for the Class:

Ellen Gusikoff Stewart
James I. Jaconette
ROBBINS GELLER RUDMAN &
DOWD LLP
655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: 1-800-449-4900

Francis A. Bottini, Jr. Yury A. Kolesnikov BOTTINI & BOTTINI, INC. 7817 Ivanhoe Avenue, Suite 102 La Jolla, CA 92037 Telephone: 1-858-914-2001

If you have any questions about the Action, or the Settlement, you may consult with Class Counsel by contacting counsel at the phone numbers listed above.

You may obtain a copy of the Stipulation by contacting the Claims Administrator at:

Veeco Securities Settlement c/o Gilardi & Co. LLC P.O. Box 43384 Providence, RI 02940-3384 Telephone: 1-866-724-5049 www.VeecoSecuritiesSettlement.com

#### **HOW WILL THE PLAINTIFFS' LAWYERS BE PAID?**

Class Counsel will file a motion for an award of attorneys' fees and expenses on behalf of all Plaintiffs' Counsel that will be considered at the Settlement Fairness Hearing. Class Counsel will apply for an attorneys' fee award for Plaintiffs' Counsel in the amount of up to 33-1/3% of the Settlement Fund (or \$5,000,000), plus payment of Plaintiffs' Counsel's expenses incurred in connection with this Action in an amount not to exceed \$175,000. In addition, Class Representatives may seek a payment of up to \$20,000 in the aggregate for their efforts in representing the Class, and Notice and Administration Expenses are estimated to be \$350,000. Such sums as may be approved by the Court will be paid from the Settlement Fund. Class Members are not personally liable for any such fees or expenses.

The attorneys' fees and expenses requested will be the only payment to Plaintiffs' Counsel for their efforts in achieving this Settlement and for their risk in undertaking this representation on a wholly contingent basis. The fees requested will compensate Plaintiffs' Counsel for their work in achieving the Settlement. The Court will decide what constitutes a reasonable fee award and may award less than the amount requested by Class Counsel.

#### CAN I EXCLUDE MYSELF (OPT OUT) FROM THE SETTLEMENT?

Yes. If you want to keep the right to sue or continue to sue Defendants on your own about the legal issues in this case, then you must take steps to get out of the Class. This is called excluding yourself from, or "opting out" of, the Class. If you are requesting exclusion because you want to bring your own lawsuit based on the matters alleged in this Action, you may want to consult an attorney and discuss whether any individual claim that you may wish to pursue would be time-barred by the applicable statutes of limitation or repose.

To exclude yourself from the Class, you must send a signed letter by mail saying that you want to be excluded from the Class in the following Action: *Wolther v. Maheshwari*, Lead Case No. 18CV329690 (Cal. Super. Ct., Cnty. of Santa Clara). Be sure to include your name, address, telephone number and the number of shares of Veeco common stock that you acquired in the Merger with Ultratech. Your exclusion request must be **postmarked no later than February 21, 2022**, and sent to the Claims Administrator at:

Veeco Securities Settlement c/o Gilardi & Co. LLC EXCLUSIONS 150 Royall Street, Suite 101 Canton, MA 02021

You cannot exclude yourself by phone or by email. If you make a proper request for exclusion, you will not receive a settlement payment, and you cannot object to the Settlement. If you make a proper request for exclusion, you will not be legally bound by anything that happens in this lawsuit.

#### **CAN I OBJECT TO THE SETTLEMENT?**

Yes. If you are a Class Member, you may object to any or all of the following: the terms of the Settlement, the requested attorneys' fees, costs and expenses, Class Representatives' request for payment for representing the Class and/or the Plan of Allocation. You can either submit a written objection or you can attend the Settlement Fairness Hearing to make an oral objection.

In order for any written objection to be considered, it must (a) clearly identify the case name and number (*Wolther v. Maheshwari*, Lead Case No. 18CV329690) and include proof of Class membership; (b) be submitted to the Court either by mailing the objection to: Clerk of the Court, Superior Court of California, County of Santa Clara, 191 North First Street, San Jose, CA 95113, or by filing in person at the same location; (c) also be mailed to Class Counsel and Defendants' Counsel listed below; and (d) be filed or postmarked **on or before February 21, 2022**.

Class Counsel's addresses are Robbins Geller Rudman & Dowd LLP, 655 West Broadway, Suite 1900, San Diego, CA 92101, c/o Ellen Gusikoff Stewart, and Bottini & Bottini, Inc., 7817 Ivanhoe Avenue, Suite 102, La Jolla, CA 92037, c/o Francis A. Bottini, Jr.; Defendants' Counsel's address is O'Melveny & Myers LLP, 400 South Hope Street, 18th Floor, Los Angeles, CA 90071, c/o Matthew W. Close.

If you submit a written objection, attendance at the Settlement Fairness Hearing is not necessary.

You can also make an oral objection by appearing at the Settlement Fairness Hearing. You do not have to file a written objection in order to appear at the Settlement Fairness Hearing for the purpose of presenting an oral objection.

# WHAT IS THE DIFFERENCE BETWEEN OBJECTING AND EXCLUDING MYSELF FROM THE SETTLEMENT?

Objecting is telling the Court that you do not like something about the proposed Settlement, the Plan of Allocation, Plaintiffs' Counsel's request for an award of attorneys' fees and expenses, and/or Class Representatives' request for payment for representing the Class. You can object only if you stay in the Class. Excluding yourself is telling the Court that you do not want to be part of the Class. If you exclude yourself, you have no basis to object because the case no longer applies to you.

#### WHAT ARE MY RIGHTS AND OBLIGATIONS UNDER THE SETTLEMENT?

If you are a Class Member and you do not exclude yourself from the Class, you may receive the benefit of, and you will be bound by, the terms of the Settlement described in this Notice, upon approval by the Court.

#### **HOW CAN I GET A PAYMENT?**

In order to qualify for a payment, you must timely complete and return the Proof of Claim that accompanies this Notice. A Proof of Claim is enclosed with this Notice and also may be downloaded at www.VeecoSecuritiesSettlement.com. Read the instructions carefully; fill out the Proof of Claim; sign it; and mail or submit it online so that it is **postmarked (if mailed) or received (if submitted online) no later than March 22, 2022.** The Proof of Claim may be submitted online at www.VeecoSecuritiesSettlement.com. If you do not submit a timely Proof of Claim with all of the required information, you will not receive a payment from the Settlement Fund; however, unless you expressly exclude yourself from the Class as described above, you will still be bound in all other respects by the Settlement, the Judgment, and the release contained in them.

#### WHAT CLAIMS WILL BE RELEASED BY THE SETTLEMENT?

If the Settlement is approved by the Court, the Court will enter a Judgment. If the Judgment becomes Final pursuant to the terms of the Stipulation, all Class Members shall be deemed to have, and by operation of the Final Judgment shall have, fully, finally, and forever released, relinquished, and discharged any and all of the Released Parties from all Released Claims.

"Released Claims" means all claims, including "Unknown Claims" as defined in the Stipulation, that both (i) arise out of, are based upon, are connected to, or reasonably relate to any of the allegations, acts, transactions, facts, events, matters, occurrences, statements, representations, misrepresentations or omissions involved, set forth, alleged or referred to, in this Action, or which could have been alleged in, referred to or made part of this Action, and (ii) arise out of, are based upon, are connected to, or reasonably relate to the acquisition of Veeco common stock by Class Members pursuant or traceable to the Offering Documents issued in connection with Veeco's May 26, 2017 Merger with Ultratech. "Released Claims" also includes any and all claims arising out of, relating to, or in connection with the Settlement or resolution of the Action against the Released Parties (including Unknown Claims), except claims to enforce any of the terms of the Stipulation. For the avoidance of doubt, "Released Claims" does not include any claims brought under the federal securities laws against Veeco that are unrelated to the allegations, acts, transactions, facts, events, matters, occurrences, statements, representations, misrepresentations, or omissions involved, set forth, alleged or referred to, in this Action, or which could have been alleged in, referred to or made part of this Action.

THE ABOVE DESCRIPTION OF THE PROPOSED SETTLEMENT AND RELEASES IS ONLY A SUMMARY. The complete terms, including the definitions of "Released Parties" and "Unknown Claims" as used in the preceding paragraph, are set forth in the Stipulation (including its exhibits), which may be obtained at www.VeecoSecuritiesSettlement.com, or by contacting Class Counsel listed on Page 5 above.

#### THE SETTLEMENT FAIRNESS HEARING

The Court will hold a Settlement Fairness Hearing on April 21, 2022, at 1:30 p.m., before the Honorable Sunil R. Kulkarni at the Superior Court of California, County of Santa Clara, Department 1, 191 North First Street, San Jose, CA 95113, for the purpose of determining whether: (1) the Settlement as set forth in the Stipulation should be approved by the Court as fair, reasonable and adequate; (2) Judgment as provided under the Stipulation should be entered; (3) to award Plaintiffs' Counsel attorneys' fees and expenses out of the Settlement Fund and, if so, in what amount; (4) to pay Class Representatives for their efforts in representing the Class out of the Settlement Fund and, if so, in what amount; and (5) the Plan of Allocation should be approved by the Court. The Court may adjourn or continue the Settlement Fairness Hearing without further notice to members of the Class.

Any Class Member may appear at the Settlement Fairness Hearing and be heard on any of the foregoing matters.

Unless otherwise directed by the Court, any Class Member who does not make his, her or its objection in the manner provided herein shall be deemed to have waived all objections to this Settlement and shall be foreclosed from raising (in this or any other proceeding or on any appeal) any objection and any untimely objection shall be barred.

You may (but are not required to) hire an attorney at your own expense to represent you for purposes of objecting. If you do, your attorney must serve a notice of appearance on counsel and file it with the Court, at the addresses listed on Page 6, by no later than April 7, 2022.

Hearings before the judge overseeing this case are again being conducted in person. However, remote appearances are still permitted, and are offered with the assistance of a third-party service provider, CourtCall. If that remains the case at the time of the Settlement Fairness Hearing, Class Members who wish to appear at the Settlement Fairness Hearing remotely should contact Class Counsel to arrange an appearance through CourtCall, at least three days before the hearing if possible. Any CourtCall fees for an appearance by an objecting Class Member shall be paid by Class Counsel.

#### **HOW DO I OBTAIN ADDITIONAL INFORMATION?**

This Notice contains only a summary of the terms of the proposed Settlement. For the precise terms and conditions of the Settlement, you are referred to the detailed Stipulation, which is on file with the Clerk of the Court. The pleadings and other records in this Action, including the Stipulation, may be examined (a) online on the Superior Court of California, County of Santa Clara's Electronic Filing and Service Website at www.scscourt.org, or (b) in person at Records, Superior Court of California, County of Santa Clara, 191 North First Street, San Jose, CA 95113, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays and closures. In addition, all of the Settlement documents, including the Stipulation, this Notice, the Proof of Claim and proposed Judgment may be obtained by contacting the Claims Administrator at notifications@gilardi.com or:

Veeco Securities Settlement c/o Gilardi & Co. LLC P.O. Box 43384 Providence, RI 02940-3384

In addition, you may contact Rick Nelson, Shareholder Relations, Robbins Geller Rudman & Dowd LLP, 655 West Broadway, Suite 1900, San Diego, CA 92101, 1-800-449-4900, if you have any questions about the Action or the Settlement.

# PLEASE DO NOT WRITE TO OR TELEPHONE THE COURT OR DEFENDANTS' COUNSEL FOR INFORMATION REGARDING THIS SETTLEMENT OR THE CLAIMS PROCESS.

#### SPECIAL NOTICE TO BANKS, BROKERS, AND OTHER NOMINEES

If you hold any Veeco common stock acquired in the Merger between Veeco and Ultratech, as a nominee for a beneficial owner, then, within fourteen (14) business days after you receive this Notice, you must either: (1) send a copy of this Notice by First-Class Mail to all such Persons; or (2) provide a list of the names and addresses of such Persons to the Claims Administrator at notifications@gilardi.com or:

Veeco Securities Settlement c/o Gilardi & Co. LLC P.O. Box 43384 Providence, RI 02940-3384

If you choose to mail the Notice and Proof of Claim yourself, you may obtain from the Claims Administrator (without cost to you) as many additional copies of these documents as you will need to complete the mailing.

Regardless of whether you choose to complete the mailing yourself or elect to have the mailing performed for you, you may obtain reimbursement for or advancement of reasonable administrative costs actually incurred or expected to be incurred in connection with forwarding the Notice and which would not have been incurred but for the obligation to forward the Notice, upon submission of appropriate documentation to the Claims Administrator.

DATED: December 1, 2021

BY ORDER OF THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

#### SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF SANTA CLARA

MATT WOLTHER, Individually and on Behalf of All Others Similarly Situated,  Plaintiff,	<ul><li>) Lead Case No. 18CV329690</li><li>) (Consolidated with No. 18CV332463 and</li><li>) No. 18CV332644)</li></ul>
vs.	) CLASS ACTION
SHUBHAM MAHESHWARI, et al.,	
Defendants.	)
	)

#### PROOF OF CLAIM AND RELEASE

#### I. GENERAL INSTRUCTIONS

- 1. To recover as a Class Member based on the claims in the action entitled *Wolther v. Maheshwari*, Lead Case No. 18CV329690 ("Action"),<sup>1</sup> you must complete and, on page 5 hereof, sign this Proof of Claim. If you fail to file a properly addressed (as set forth in paragraph 3 below) Proof of Claim, your claim may be rejected and you may be precluded from any recovery from the Net Settlement Fund created in connection with the proposed Settlement.
- 2. Submission of this Proof of Claim, however, does not assure that you will share in the proceeds of the Settlement of the Action.
- 3. YOU MUST MAIL OR SUBMIT ONLINE YOUR COMPLETED AND SIGNED PROOF OF CLAIM, ACCOMPANIED BY COPIES OF THE DOCUMENTS REQUESTED HEREIN, **ON OR BEFORE MARCH 22, 2022**, ADDRESSED AS FOLLOWS:

Veeco Securities Settlement c/o Gilardi & Co. LLC P.O. Box 43384 Providence, RI 02940-3384

Online Submissions: www.VeecoSecuritiesSettlement.com

If you are NOT a Class Member, as defined in the Notice of Proposed Settlement of Class Action ("Notice"), DO NOT submit a Proof of Claim.

4. If you are a Class Member and you do not timely request exclusion, you are bound by the terms of any judgment entered in the Action, including the releases provided therein, WHETHER OR NOT YOU SUBMIT A PROOF OF CLAIM.

#### II. CLAIMANT IDENTIFICATION

You are a Class Member if you acquired shares of Veeco Instruments, Inc. ("Veeco" or the "Company") common stock pursuant or traceable to the registration statement and prospectus issued in connection with Veeco's May 26, 2017 merger with Ultratech, Inc. ("Ultratech") (the "Merger").

Use Part I of this form entitled "Claimant Identification" to identify each acquirer of record ("nominee") of the Veeco common stock that forms the basis of this claim. THIS CLAIM MUST BE FILED BY THE ACTUAL BENEFICIAL ACQUIRER(S) OR THE LEGAL REPRESENTATIVE OF SUCH ACQUIRER(S) OF THE VEECO COMMON STOCK UPON WHICH THIS CLAIM IS BASED.

All joint acquirers must sign this claim. Executors, administrators, guardians, conservators, and trustees must complete and sign this claim on behalf of persons represented by them and their authority must accompany this claim and their titles or capacities must be stated. The last four digits of the Social

This Proof of Claim and Release ("Proof of Claim") incorporates by reference the definitions in the Amended Stipulation of Settlement ("Stipulation"), which can be obtained at www.VeecoSecuritiesSettlement.com.

Security (or taxpayer identification) number and telephone number of the beneficial owner may be used in verifying the claim. Failure to provide the foregoing information could delay verification of your claim or result in rejection of the claim.

If you are acting in a representative capacity on behalf of a Class Member (for example as an executor, administrator, trustee, or other representative), you must submit evidence of your current authority to act on behalf of that Class Member. Such evidence would include, for example, letters testamentary, letters of administration, or a copy of the trust documents. By signing the Proof of Claim, you will be swearing that you are expressly authorized to act on behalf of the owner of the shares.

One claim should be submitted for each separate legal entity. Separate Proofs of Claim should be submitted for each separate legal entity (e.g., a claim from joint owners should not include separate transactions of just one of the joint owners, and an individual should not combine his or her IRA transactions with transactions made solely in the individual's name). Conversely, a single Proof of Claim should be submitted on behalf of one legal entity including all transactions made by that entity on one Proof of Claim, no matter how many separate accounts that entity has (e.g., a corporation with multiple brokerage accounts should include all transactions made in all accounts on one Proof of Claim).

#### III. CLAIM FORM

Use Part II of this form entitled "Schedule of Transactions in Veeco Common Stock" to supply all required details of your transaction(s). If you need more space or additional schedules, attach separate sheets giving all of the required information in substantially the same form. Sign and print or type your name on each additional sheet.

On the schedules, provide all of the requested information with respect to **all** of your acquisitions of Veeco common stock that you received in the Merger and **all** of your sales of Veeco common stock on or after May 26, 2017, through June 8, 2018, whether such transactions resulted in a profit or a loss. You must also provide all of the requested information with respect to the number of shares of Veeco common stock you held at the close of trading on May 25, 2017 and June 8, 2018. Failure to report all such transactions may result in the rejection of your claim.

List each transaction separately and in chronological order, by trade date, beginning with the earliest. You must accurately provide the month, day, and year of each transaction you list.

COPIES OF BROKER CONFIRMATIONS OR OTHER DOCUMENTATION OF YOUR TRANSACTIONS IN VEECO COMMON STOCK SHOULD BE ATTACHED TO YOUR CLAIM. FAILURE TO PROVIDE THIS DOCUMENTATION COULD DELAY VERIFICATION OF YOUR CLAIM OR RESULT IN REJECTION OF YOUR CLAIM.

**PLEASE NOTE:** As set forth in the Plan of Allocation, each Authorized Claimant shall receive his, her, or its *pro rata* share of the Net Settlement Fund. If the prorated payments to any Authorized Claimant calculates to less than \$10.00, it will not be included in the calculation and no distribution will be made to that Authorized Claimant.

If you have any questions concerning the Proof of Claim, or need additional copies of the Proof of Claim or the Notice, you may contact the Claims Administrator, Gilardi & Co. LLC, at the address on the first page on the Proof of Claim, by email at info@veecosecuritiessettlement.com, or by toll-free phone at 1-866-724-5049, or you can visit the website, www.VeecoSecuritiesSettlement.com, where copies of the Proof of Claim and Notice are available for downloading.

NOTICE REGARDING ELECTRONIC FILES: Certain claimants with large numbers of transactions may request, or may be requested, to submit information regarding their transactions in electronic files. All such claimants MUST also submit a manually signed paper Proof of Claim whether or not they also submit electronic copies. If you wish to submit your claim electronically, you must contact the Claims Administrator at edata@gilardi.com to obtain the required file layout. No electronic files will be considered to have been properly submitted unless the Claims Administrator issues to the claimant a written acknowledgment of receipt and acceptance of electronically submitted data.

Official Office Use Only



Must Be Postmarked (if Mailed) or Received (if Submitted Online) No Later Than March 22, 2022

**VEE** 

#### SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF SANTA CLARA

Wolther v. Maheshwari, et al. Lead Case No. 18CV329690

#### PROOF OF CLAIM AND RELEASE

<u>Please Type or Print in the Boxes Below</u> Do <u>NOT</u> use Red Ink, Pencil, or Staples

PART I: CLAIMANT IDENTIFICATION		
Last Name	M.	I. First Name
Last Name (Co-Beneficial Owner)	M.	I. First Name (Co-Beneficial Owner)
IRA Joint Tenancy	Employee Ind	dividual Other
Company Name (Beneficial Owner—If Claimant	is not an Individual) or C	ustodian Name if an IRA (specify)
Trustee/Asset Manager/Nemines/Record Owns	r's Name (If Different from	Panaficial Owner Listed Above)
Trustee/Asset Manager/Nominee/Record Owne	r s Name (ii Dillerent nom	Denencial Owner Listed Above)
Account#/Fund# (Not Necessary for Individual F	ilers)	
Last Farm Digita of Casial Casumity Number	Taynayar Idantification	Nivershore
Last Four Digits of Social Security Number	Taxpayer Identification	Number
or Dation	Talantana Namalan	/All
Telephone Number (Primary Daytime)	Telephone Number	(Alternate)
Email Address		
MAILING INFORMATION		
Address		
Address		
City		State ZIP Code
Foreign Province	Foreign Postal Code	Foreign Country Name/Abbreviation
ATP ATP	BE FL OP	
FOR CLAIMS PROCESSING ONLY  CB  KE ICI	DR ME RE EM ND SH	MM/DD/YYYYY  FOR CLAIMS PROCESSING ONLY



REMEMBER TO ATTACH COPIES OF BROKER CONFIRMATIONS OR OTHER DOCUMENTATION OF YOUR TRANSACTIONS IN VEECO COMMON STOCK. FAILURE TO PROVIDE THIS DOCUMENTATION COULD DELAY VERIFICATION OF YOUR CLAIM OR RESULT IN REJECTION OF YOUR CLAIM.

#### PART II: SCHEDULE OF TRANSACTIONS IN VEECO COMMON STOCK

the close of trading on May 25, 2017:	cheid at		Y N						
B. Shares of Veeco common stock acquired i	B. Shares of Veeco common stock acquired in the Merger:  Proof Enclosed?  Y N								
C. Sales of Veeco common stock (May 26, 26	017 - June 8, 2018, inclusive):								
Total Sales Price (Excluding Commissions, Taxes and Fees). Proof of Trade Date(s) of Shares Number of Shares Please round off to Sales (List Chronologically) Sold the nearest whole dollar Enclosed?									
M M D D Y Y Y Y		Φ.	00 OY						
1. / /		\$	00 N						
2. / /		\$	■ 00 Y						
3. / /		\$	00 O N						
4. / /		\$	00 ON						
5. / /		\$	00 Y						
D. Number of shares of Veeco common stock at the close of trading on June 8, 2018:	c held		Proof Enclosed? Y N						

# YOU MUST READ AND SIGN THE RELEASE ON PAGE 5. FAILURE TO SIGN THE RELEASE MAY RESULT IN A DELAY IN PROCESSING OR THE REJECTION OF YOUR CLAIM.

#### IV. SUBMISSION TO JURISDICTION OF COURT AND ACKNOWLEDGMENTS

I (We) submit this Proof of Claim under the terms of the Stipulation described in the Notice. I (We) also submit to the jurisdiction of the Superior Court of the State of California, County of Santa Clara, with respect to my (our) claim as a Class Member and for purposes of enforcing the release set forth herein. I (We) further acknowledge that I am (we are) bound by and subject to the terms of any judgment that may be entered in the Action. I (We) agree to furnish additional information to the Claims Administrator to support this claim if requested to do so. I (We) have not submitted any other claim covering the same acquisitions or sales of Veeco common stock during the relevant period and know of no other person having done so on my (our) behalf.

#### V. RELEASE

- 1. I (We) hereby acknowledge full and complete satisfaction of, and do hereby fully, finally, and forever settle, release, and discharge from the Released Claims each and all of the "Released Parties," defined as Defendants and each and all of their Related Parties, as defined in the Stipulation.
- 2. "Released Claims" means all claims, including "Unknown Claims" as defined in the Stipulation, that both (i) arise out of, are based upon, are connected to, or reasonably relate to any of the allegations, acts, transactions, facts, events, matters, occurrences, statements, representations, misrepresentations or omissions involved, set forth, alleged or referred to, in this Action,



or which could have been alleged in, referred to or made part of this Action, and (ii) arise out of, are based upon, are connected to, or reasonably relate to the acquisition of Veeco common stock by Class Members pursuant or traceable to the Offering Documents issued in connection with Veeco's May 26, 2017 Merger with Ultratech. "Released Claims" also includes any and all claims arising out of, relating to, or in connection with the Settlement or resolution of the Action against the Released Parties (including Unknown Claims), except claims to enforce any of the terms of the Stipulation. For the avoidance of doubt, "Released Claims" does not include any claims brought under the federal securities laws against Veeco that are unrelated to the allegations, acts, transactions, facts, events, matters, occurrences, statements, representations, misrepresentations or omissions involved, set forth, alleged or referred to, in this Action, or which were or could have been alleged, referred to or made part of this Action.

- 3. I (We) hereby warrant and represent that I (we) have not assigned or transferred or purported to assign or transfer, voluntarily or involuntarily, any matter released pursuant to this release or any other part or portion thereof.
- 4. I (We) hereby warrant and represent that I (we) have included information about all of my (our) transactions in Veeco common stock that occurred during the relevant period as well as the number of shares held by me (us) at the close of trading on May 25, 2017 and June 8, 2018.

I (We) declare under penalty of perjury under the laws of the State of California that all of the foregoing information supplied on this Proof of Claim by the undersigned is true and correct.

Executed this o	lay of(Month/Year)	in (City/State/Country)	
	(Month real)	(Oity/State/Country)	
(Sign your name here)		(Sign your name here)	_
(Type or print your name here)		(Type or print your name here)	_
(Capacity of person(s) signing, e. Beneficial Acquirer, Executor or A		(Capacity of person(s) signing, e.g., Beneficial Acquirer, Executor or Administrator)	_

# ACCURATE CLAIMS PROCESSING TAKES A SIGNIFICANT AMOUNT OF TIME. THANK YOU FOR YOUR PATIENCE.

#### Reminder Checklist:

- 1. Please sign the above release and acknowledgment.
- 2. If this claim is being made on behalf of Joint Claimants, then both must sign.
- 3. Remember to attach copies of supporting documentation, if available.
- 4. **Do not send** originals of certificates or other documentation as they will not be returned.
- 5. Keep a copy of your Proof of Claim and all supporting documentation for your records.
- If you desire an acknowledgment of receipt of your Proof of Claim, please send it Certified Mail, Return Receipt Requested.
- 7. If you move, please send your new address to the address below.
- 8. **Do not use red pen or highlighter** on the Proof of Claim or supporting documentation.

# THIS PROOF OF CLAIM MUST BE SUBMITTED ONLINE OR MAILED NO LATER THAN MARCH 22, 2022, ADDRESSED AS FOLLOWS:

Veeco Securities Settlement c/o Gilardi & Co. LLC P.O. Box 43384 Providence, RI 02940-3384

Online submissions: www.VeecoSecuritiesSettlement.com



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1 McInnis Parkway Suite 250 San Rafael, CA 94903 P: (415) 458-3015

December 22, 2021

«FirstName» «LastName» «Company» «Addr1» «Addr2» South Bend, IN 46601 «FCountry»

**Re: Veeco Securities Settlement** 

Dear «GENDER» «LastName»:

Please find enclosed the Notice of Proposed Settlement of Class Action and Proof of Claim and Release for the above referenced litigation. Please note the designated eligible securities described on page one of the Notice, specifically the inclusion of all persons who acquired Veeco Instruments, Inc. ("Veeco" or the "company") common stock in exchange for Ultratech, Inc. ("Ultratech") common stock pursuant to the registration statement and prospectus (the "Offering Documents") issued in connection with Veeco's May 26, 2017 merger with Ultratech (the "Merger"). In addition, the Notice provides that the Exclusion Deadline is February 21, 2022, and the Claim Filing Deadline is March 22, 2022.

Please pay particular attention to the "Special Notice to Banks, Brokers and Other Nominees" on page eight of the Notice which states, in part: "If you hold any Veeco common stock acquired in the Merger between Veeco and Ultratech, as a nominee for a beneficial owner, then, within fourteen (14) business days after you receive this Notice, you must either: (1) send a copy of this Notice by First-Class Mail to all such Persons; or (2) provide a list of the names and addresses of such Persons to the Claims Administrator at notifications@gilardi.com or: Veeco Securities Settlement, c/o Gilardi & Co. LLC, P.O. Box 43384, Providence, RI 02940-3384. If you choose to mail the Notice and Proof of Claim yourself, you may obtain from the Claims Administrator (without cost to you) as many additional copies of these documents as you will need to complete the mailing."

Please do not make your own copies of the Proof of Claim Form, as copies may not be accepted for processing. Additional copies of the appropriate documents may be requested by contacting us at the above address and/or phone number. If we conduct the necessary mailing on your behalf, please submit names and addresses either via email to <a href="Motifications@Gilardi.com">Motifications@Gilardi.com</a>, via CD Rom to the above address or contact us to obtain secure FTP transmission instructions. Mailing labels will be accepted, but you may be requested to provide an additional copy of the address information you send. Do not include any confidential information that should not appear on a mailing label.

The data provided must be in one of the following formats:

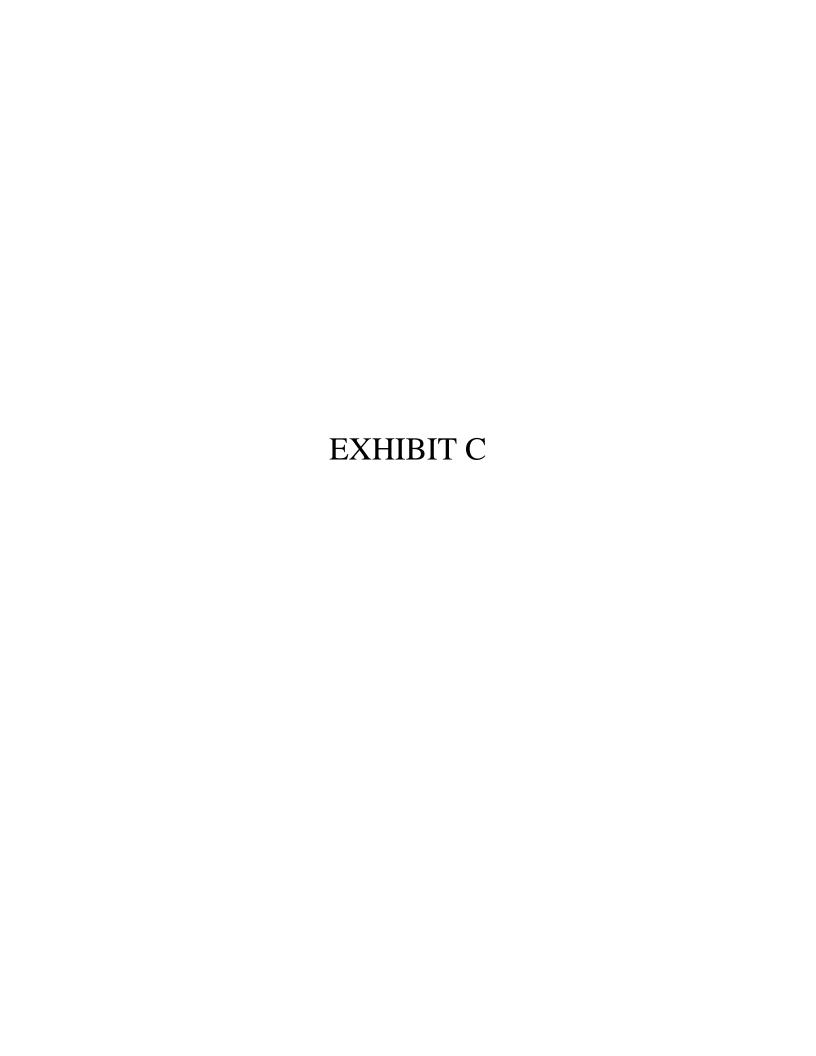
- ASCII Fixed Length file
- ASCII Tab Delimited file
- Microsoft Excel spreadsheet

Your request must also specify the case name and Control Total(s) (for example, the total number of name and address records provided) for each file submission.

If you have any questions, please call email Notifications@Gilardi.com.

Sincerely,

Gilardi and Co., LLC



SHUBHAM MAHESHWARI, et al.,

Defendants.

Costco COST 567.77 CoterraEnergy CTRA 20.01

CoupaSoftware COUP 159.23

-0.52

Equitable

EquityLife

**B6** | Thursday, December 30, 2021

TylerTech

UBS Group UDR UGI UWM

UPS B

VailResorts

VeriSign

Viatris Visa Vistra VMware

Vodafone

WPP

Walmart WarnerMusic WMG

WasteConnection

WasteMgt Waters Watsco

Watsco B

VulcanMatIs

Ubiquiti UI 311.48
Uipath PATH 43.28
UltaBeauty ULTA 405.30
UnderArmour C UA 17.94
UnderArmour A UAA 21.08

Unilever UL 53.62 UnionPacific UNP 251.03 UnitedAirlines UAL 44.43 UnitedMicro UMC 11.70

US Bancorp USB 56.60 UnitedTherap UTHR 215.02 UnitedHealth UNH 505.58 UnitySoftware U 144.55

UniversalHealthB **UHS** 131.00 Upstart **UPST** 147.90 VF **VFC** 72.39 VICI Prop **VICI** 29.45

UnitedRentals URI

**UPS** 214.60

MTN 331.62

**VALE** 13.53 **VLO** 74.65 VLO

VRSN 255.93 VeriskAnalytics VRSK 229.30 
 Vertizon
 VZ
 52.36

 VertxPharm
 VRTX
 223.32

 Vertiv
 VRT
 25.00

 ViacomCBS
 B VIAC
 29.99

VTRS 13.56 V 218.17

**VOD** 15.29 **VMC** 208.97

ViacomCBS A VIACA 33.28 -0.09

WEC Energy **WEC** 96.92

Wayfair W 191.72
WellsFargo WFC 48.45
Welltower WELL 85.11
WestFraserTimber WFG 95.24

WestPharmSvcs WST 467.99

WestAllianceBcp WAL 108.04 WesternDigital WDC 66.13 WesternMidstrm WES 21.19 WestlakeChem WLK 97.25

WestpacBanking **WBK** WestRock **WRK** 

Weyerhaeuser WY
WheatonPrecMet WPM
Whirlpool WHR

WynnResorts WYNN
XP
XPO Logistics XPO
XcelEnergy XEL

Williams-Sonoma WSM 169.67

WillisTowers WLTW 238.43 
 WillScotMobile
 WSC
 40.97

 Wipro
 WIT
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 Wix.com
 WIX
 153.29

Williams

Wolfspeed

Workday

Xilinx XPeng Xylem

Yandex

YumBrands

YumChina ZTO Expre ZebraTech Zendesk

Zillow C Zillow A

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WPP

s WBA 52.25 WMT 142.71

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**WSOB** 306.82

r WY 40.68 t WPM 42.45 WHR 233.08 WMB 26.04

**WOLF** 109.02

XLNX 217.62

YUM 138.66 YUMC 47.39 ZTO 26.75 ZBRA 601.12 ZEN 102.44

Z ZG

ZM 181.81

net **ZBH** 128.23

60.97 -0.76 59.21 -0.79

43.30

-0.07 0.15 0.46 0.55 3.52 1.22

0.03 0.13

0.56 0.39 0.73 0.82 -0.07 -0.11

-0.06 0.53 0.01 0.09

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334.12

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MMM 178.41

TOST 37.11 BLD 278.46

100.25

76.19 -0.3

50.97 -0.2

202.51 1.0

630.51 119.35

**TRV** 157.50

TREX 134.36

**TRMB** 87.40

TorontoDomBk **TD**TotalEnergies **TTE** 

ToyotaMotor TM

TradeDesk

Tradeweb

TraneTech

Travelers

Trex

| ToyotaMotor | TM | 183.68 | | 183.68 | | 183.68 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 183.69 | | 1

TW TT

 TexasPacLand TPL
 1251.75 - 11.46

 Textron
 TXT
 77.49
 0.30

 ThermoFisherSci TMO
 662.73
 7.35

 ThomsonReuters TRI
 118.63
 0.01

3M

Net Sym Close Chg

TCOM 22.87 -0.42
TFC 58.78 0.03
TWL0 25.73 -1.36
TWT 42.76 -0.67
TYL 534.63 4.02
UDR 59.82 0.33
UWM 6.01 -0.08
UBEN 42.46 -0.08
UBEN 42.46 -0.08
UBEN 42.46 -0.08
UBEN 43.48 1.43
PATH 43.28 -0.60
ULTA 405.30 6.49
ULTA 405.30 6.49
ULTA 405.30 6.71
UAA 21.08 0.15

# **BIGGEST 1,000 STOCKS**

Section   Sect				DIGGE	31 1,000 8			
The content   Property   Proper	Continued From Page B5							Net Stock Sym Close Chg
Septiminal			-					
Standard George		CreditAcceptance CACC 670.27 -9.73	EssentialUtil WTRG 53.46 0.46					
Section   Column								
Secondary   Control   Co		I CrownCastle CCI 207.30 1.00	Etsy ETSY 221.91 0.18					
Part	CadenceDesign CDNS 189.93 -0.15							
Contraction				Heico <b>HEI</b> 144.65 0.13	Knight-Swift KNX 61.65 0.74	MidAmApt MAA 228.31 2.61	PayPal <b>PYPL</b> 189.97 -0.13	ShinhanFin SHG 31.79 -0.16
Contract	Cameco CCJ 22.03 -0.17	CyrusOne <b>CONE</b> 90.19 -0.04	ExactSciences EXAS 72.50 -0.96					
Septiminary Conf. 120 5 20 5 20 5 20 5 20 5 20 5 20 5 20								
Substanting M. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.				HertzGlobal HTZ 24.58 0.01	Kroger KR 44.71 0.97	Moderna MRNA 247.88 6.44	Pentair <b>PNR</b> 73.36 0.54	SimonProperty SPG 158.76 0.99
Part	CanNaturalRes CNQ 41.90 -0.06							
Part			FEIV 2/17 79 1 07					
999 40 40 10 10 10 10 10 10 10 10 10 10 10 10 10			EMC 100 40 -0.17					
Figure   Property	Capri CPRI 64.01 0.97		FactSet FDS 488.85 1.12					
Secondary   Control   Co		DaVita <b>DVA</b> 113.43 0.87	7 Fairisaac <b>FICO</b> 439.63 5.93					
March   Marc			Factoral FAST 64.42 0.54					
March   Marc	CarMax <b>KMX</b> 127.54 0.05		FederalRealty FRT 136.03 0.89					
Personal Control   1974   20								
Part								
Second column   Co	Carvana <b>CVNA</b> 225.29 -8.47							
State   1978   1.04   1.05		DexCom <b>DXCM</b> 535.40 5.90	FifthThirdRncp FITR 43 00 0 12					
series of C 6-64 0.30 0/cs			First Horizon FUN 16 /F 0.00	Hubbell <b>HUBB</b> 210.14 0.77	LiAuto <b>Li</b> 29.42 -0.42	NRG Energy <b>NRG</b> 42.89 0.21		
Septiminary Control 1979   197	Cemex <b>CX</b> 6.64 -0.10		Firstingkity FR 66.48 0.91					
Comparison   Com		1 DiDiGlobal DIDI 4.94 -0.44						
International Composition   1965   1975   19		· Digitalitedity DER 175.20 0.40		HuntingtonBcshs <b>HBAN</b> 15.43 0.01	LibertyGlobal A LBTYA 28.26 -0.27	NationalGrid NGG 73.44 0.78	Prologis <b>PLD</b> 167.68 1.89	StanleyBlackDck <b>SWK</b> 187.21 0.70
Secondary   Color								
Second Professor	CeridianHCM CDAY 105.17 -0.09							
Selection CV II.)  1.				ICL Group ICL 9.87 -0.14		Netflix NFLX 610.54 -0.17	PublicStorage PSA 372.62 2.00	Stellantis STLA 18.89 -0.19
Second Column   18-00   18-0	CharterComms CHTR 656.28 0.49							
Docksign	CheckPoint CHKP 118.61 0.93	dLocal <b>DLO</b> 35.03 -0.22	FomentoEconimex FMX //.44 0.65					
Part				Invesco IVZ 23.36 -0.19	EliLilly <b>LLY</b> 278.42 0.01		Qorvo <b>QRVO</b> 156.91 0.47	SumitomoMits SMFG 6.80 -0.02
Company   Comp		Doib) Lab 75.55 0.75	Frortis FTS 47.80 0.13					
Secondary   Company   Co	Chewy CHWY 57.81 -2.19		Fortive FIV /5.81 0.18					
Supple   S								
Part			FoxB <b>FOX</b> 34.38 -0.39				QuestDiag <b>DGX</b> 170.11 0.77	
Part	ChinaSoAirlines <b>ZNH</b> 28.63 -0.38						R S	
Company   Comp								
Purple   Column   C			FreseniusMed FMS 32.52 0.37		Lowe's <b>LOW</b> 257.57 3.87	NorthropGrum NOC 384.99 -0.34		Sysco <b>SYY</b> 77.94 -0.38
The properties   Color   Col	Church&Dwight CHD 100.98 0.80						I RPM RPM 100.78 0.74	TUV
Contact   Cont				IngersollRand IR 61.40 0.19	LumenTech <b>LUMN</b> 12.64 -0.18	Novavax <b>NVAX</b> 153.25 -2.59		
TAS 44494 0.94 b. Uplont								
Subsystems SUB 93-9 - 93   Dynatrace DT   0.00   -0.99   Gameshop MR   193-39   747   Care DT   193-20   -0.29   Care DT   193-20		DuPont <b>DD</b> 80.59 0.14	Gallagher <b>AJG</b> 169.81 0.49		LyondeliBaseli LYB 92.67 -0.05			
				InteractiveBrkrs IBKR 80.96 -0.48	M N			
trik-systems CTXS 96.96 0.86   EPAM Systems EPAM 677.84 -4.36   Gartner   T 36.30 0.72   IBM   13.35 0.72					M&T Bank MTB 154.10 -0.09			
arrivate CLYF 2.7 -0.11 EQT EQT 2.28 -0.07 General Carrivate CLYF 2.7 -0.11 EASTWESTBERS PEWS 7.98.2 I Sattwactbers Pews 7.99.2 I	CitrixSystems CTXS 96.96 0.86	EPAM Systems <b>EPAM</b> 677.84 -4.36	Gartner IT 336.30 0.72					
Convocation								
Description   Part   1333   0.37   Eastmanchem   Emb   10.27   0.47   General/Milis   Gis   6.702   0.13   Initial time   First   1.71   0.75   0.75   Conco-CloalEuror   CCEP   5.16   0.14   Eastmanchem   Emb   10.27   0.47   General/Motors		Edstrestbilep Ettibe 77.02 2.00				OPQ		
Each of Ethol 17.17   1.								TandemDiabetes <b>TNDM</b> 153.00 -0.23
Figure   Convertion   Convert								
Separate				InvitatHomes INVH 45.17 0.58				
Displace Pallor Cl. 84.9 0.45 1 Edisonint ELX 8.44 0.24 1 Edisonint ELX 8.47 0.24 1 Edisonic EX 8.44 0.24 1 Edisonic EX 8.45 0.25 1 Edisonic E	CognizantTech CTSH 89.59 0.86							
Figure   Control of the Control of	CoinbaseGlbl COIN 252.60 -8.73	1 EdisonInt <b>EIX</b> 68.44 0.24	GileadSciences GILD 73.64 0.67					
Figure   Company   Compa				JKL				
Part							Rockwell <b>ROK</b> 349.06 0.72	Teleflex <b>TFX</b> 333.69 3.6
Figure   Continuent   CFLT   75.08   0.12   Enbridge   EMB   38.39   0.09   GlobalFoundries GFS   63.80   -1.58   Jackhenry   JKHY   167.84   0.46   Marsh&McLen MMC   173.89   0.12   OpendoorTech OPEN   14.11   -0.43   OpendoorTech OPEN   14.11	ConagraBrands CAG 33.88 -0.06	ElectronicArts <b>EA</b> 133.14 -0.33	Global-EOnline GLBE 61.70 -0.69		Marqeta <b>MQ</b> 16.83 -0.09	ON Semi <b>ON</b> 68.93 0.61		
Figure   F	Concentrix CNXC 184.91 2.14							
Endeamer   Figure								
EnergyTransfer ET   8.15   0.12   OldFields   FI   1.74   0.20   July 17.155   1.88   Masimo   MASI 293.00   -1.01   OltsWorldwide OTIS   8.68.2   0.36   RoyalCaribbean RCL   78.22   -0.03   Tenders   TS   2.10   -0.05   Control of the Normal Republic of State   TS   1.75   Control of Tenders   TS   TS   TS   TS   TS   TS   TS   T	ConEd <b>ED</b> 85.10 0.70	1 Endeavor EDR 33.63 -0.39		JamesHardie JHX 41.05 0.40	MarvellTech MRVL 88.54 0.55	Orange <b>ORAN</b> 10.66 0.01	RossStores ROST 113.31 1.15	TempurSealy <b>TPX</b> 47.77 0.58
Indicate the propertion of the properties of the	ConstBrands A STZ 249.78 0.79							
coper COO 420.68 0.27 Entegris ENTG 138.90 -0.61 GoodRx 32.11 -0.90 i JonesLang JLL 272.88 5.35 MatchGroup MTCH 130.00 -2.94 OwensCorning OC 91.10 0.94 RoyalDutchB RDS.8 43.72 -0.25 Teradyne TER 16.6.77 2.10 GoodRx CORT 150.84 1.09 Entergry ETR 112.49 0.60 GRAB 6.96 -0.02 i JuniperNetworks JNPR 35.77 0.66 McKee MCFE 25.74 0.01 PG&E PCG 11.99 -0.07 RoyaltyPharma RPRX 39.95 -0.38 Tesla TSLA 1086.19 -8.32 Tesla 1086.19 Tesla 1086.19 -8.32 Tesla 1086.19								
papart CPRT 150.84 1.09 Entergy ETR 112.49 0.60 GRAB 6.96 -0.02   JuniperNetworks JNPR 35.77 0.66 McAfee MCFE 25.74 0.01 PG&E PCG 11.99 -0.07 RoyaltyPharma RPRX 39.95 -0.38 Tesla TSLA 1086.19 -2.21 Test A 1086.19 Tes								
orteva CTVA 47.35 -0.03 Equifax EFX 294.33 0.32   Grainger GWW 525.39 4.52 KB Fin KB 46.94 -1.26 McCormickVtg MKCV 94.38 -0.18 POSCO PKX 59.85 0.10 Ryanair RYAAY 102.94 -2.02 TevaPharm TEVA 8.43 -0.13	Copart CPRT 150.84 1.09	Entergy <b>ETR</b> 112.49 0.60	Grab <b>GRAB</b> 6.96 -0.02	JuniperNetworks JNPR 35.77 0.66	McAfee <b>MCFE</b> 25.74 0.01	PG&E PCG 11.99 -0.07	RoyaltyPharma RPRX 39.95 -0.38	
						PPG Ind <b>PPG</b> 171.21 0.02		TexasInstruments <b>TXN</b> 190.81 -0.29

### **ADVERTISEMENT**

**HDB** 63.88

Grifols GRFS 11.36
GuardantHealth GH 96.26
Guidewire GWRE 113.82
HCA Healthcare HCA 258.49

HDFC Bank

0.09 0.25 0.40 1.73

ΒZ

KKR KLA **Kanzhun** 

McKesson MedicalProp Medtronic

MercadoLibre MELI 1323.56

BEKE 17.95 -1.82 KKR 74.50 -2.75 KLAC 435.08 2.93

31.71 -3.43

# The Marketplace

SUMMARY NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION

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### **CLASS ACTION**

26.97 33.06 87.48 -0.23 -0.02 0.76 0.65

SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF SANTA CLARA					
MATT WOLTHER, Individually and on Behalf of All Others Similarly Situated, Plaintiff,	) Lead Case No. 18CV329690 (Consolidated with No. 18CV332463 and ) No. 18CV332644)				
vs.	CLASS ACTION				

TO: ALL PERSONS WHO ACQUIRED VEECO INSTRUMENTS, INC. ("VEECO" OR THE "COMPANY") COMMON STOCK IN EXCHANGE FOR ULTRATECH, INC. ("ULTRATECH") COMMON STOCK PURSUANT TO THE REGISTRATION STATEMENT AND PROSPECTUS ISSUED IN CONNECTION WITH VEECO'S MAY 26, 2017 MERGER WITH ULTRATECH

THIS NOTICE WAS AUTHORIZED BY THE COURT. IT IS NOT A LAWYER SOLICITATION. PLEASE READ THIS NOTICE CAREFULLY AND IN ITS ENTIRETY.

YOU ARE HEREBY NOTIFIED that a hearing will be held on April 21, 2022, at 1:30 p.m., before the Honorable Sunil R. Kulkarni at the Superior Court of California, County of Santa Clara, Department 1, 191 North First Street, Suni R. Kulkarni at the Superior Court of California, County of Santa Clara, Department 1, 191 North First Street, San Jose, CA 95113, to determine whether: (1) the proposed settlement ("Settlement") of the above-captioned action as set forth in the Amended Stipulation of Settlement ("Stipulation") for \$15,000,000 in cash should be approved by the Court as fair, reasonable and adequate; (2) the Judgment as provided under the Stipulation should be entered; (3) to award Plaintiffs' Counsel attorneys' fees and expenses out of the Settlement Fund (as defined in the Notice of Proposed Settlement of Class Action ("Notice"), which is discussed below) and, if so, in what amount; (4) to pay Class Representatives for representing the Class out of the Settlement Fund and, if so, in what amount; and (5) the Plan of Allocation should be approved by the Court as fair, reasonable, and adequate.

This Action is a consolidated securities class action brought on behalf of those persons who acquired Veeco common stock pursuant or traceable to the registration statement and prospectus issued in connection with Veeco's merger with Ultratech, against Veeco and certain of its officers and directors (collectively, "Defendants") for, among other things, allegedly misstating and omitting material facts from the registration statement and prospectus filed in connection with the Merger. Plaintiffs allege that these purportedly false and misleading statements resulted in damage to Class Members when the truth was revealed. Defendants deny all of Plaintiffs' allegations.

IF YOU ACQUIRED VEECO COMMON STOCK IN THE MERGER WITH ULTRATECH, YOUR RIGHTS MAY BE AFFECTED BY THE SETTLEMENT OF THIS ACTION.

To share in the distribution of the Settlement Fund, you must establish your rights by submitting a Proof of Claim and Release form ("Proof of Claim") by mail (postmarked no later than March 22, 2022) or electronically (no later than March 22, 2022). Your failure to timely submit your Proof of Claim will subject your claim to rejection and preclude your receiving any of the recovery in connection with the Settlement of this Action. If you are a member of the Class and do not request exclusion therefrom, you will be bound by the Settlement and any judgment and release entered in the Action, whether or not you submit a Proof of Claim.

If you have not received a copy of the Notice, which more completely describes the Settlement and your rights thereunder (including your right to object to the Settlement), and a Proof of Claim, you may obtain these documents, as well as a copy of the Stipulation (which, among other things, contains definitions for the defined terms used in this Summary Notice) and other settlement documents, online at www.VeecoSecuritiesSettlement.com, or by writing to:

c/o Gilardi & Co. LLC P.O. Box 43384 Providence, RI 02940-3384

Inquiries should NOT be directed to Defendants, the Court, or the Clerk of the Court.

Inquiries, other than requests for the Notice or for a Proof of Claim, may be made to Class Counsel:

ROBBINS GELLER RUDMAN & DOWD LLP Ellen Gusikoff Stewart 655 West Broadway, Suite 1900 San Diego, CA 92101 Telephone: 1-800-449-4900

BOTTINI & BOTTINI, INC. Francis A. Bottini Jr. 7817 Ivanhoe Avenue, Suite 102 La Jolla, CA 92037 Telephone: 1-858-914-2001

IF YOU DESIRE TO BE EXCLUDED FROM THE CLASS, YOU MUST SUBMIT A REQUEST FOR EXCLUSION SUCH THAT IT IS **POSTMARKED BY FEBRUARY 21, 2022**, IN THE MANNER AND FORM EXPLAINED IN THE NOTICE. ALL MEMBERS OF THE CLASS WHO HAVE NOT REQUESTED EXCLUSION FROM THE CLASS WILL BE BOUND BY THE SETTLEMENT EVEN IF THEY DO NOT SUBMIT A TIMELY PROOF OF CLAIM.

IF YOU ARE A CLASS MEMBER, YOU HAVE THE RIGHT TO OBJECT TO THE SETTLEMENT, THE PLAN OF ALLOCATION, THE REQUEST BY PLAINTIFFS' COUNSEL FOR AN AWARD OF ATTORNEYS' FEES OF 33 1/3% OF THE SETTLEMENT FUND (OR \$5,000,000) AND EXPENSES NOT TO EXCEED \$175,000, AND/OR THE PAYMENT TO CLASS REPRESENTATIVES NOT TO EXCEED \$20,000 IN THE AGGREGATE FOR REPRESENTING THE CLASS. ANY WRITTEN OBJECTIONS MUST BE FILED WITH THE COURT AND SENT TO CLASS COUNSEL AND DEFENDANTS' COUNSEL **BY FEBRUARY 21, 2022**, IN THE MANNER AND FORM EXPLAINED IN THE NOTICE. YOU MAY ALSO MAKE AN ORAL OBJECTION AT THE SETTLEMENT FAIRNESS HEARING WITHOUT SUBMITTING A WRITTEN OBJECTION.

DATED: December 1, 2021

BY ORDER OF THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

The Stipulation can be viewed and/or obtained at www.VeecoSecuritiesSettlement.com.

PPL PTC

Paccar

0.61 1.97 0.30 -0.58

MCK 248.46 MPW 23.35 MDT 103.95

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK In re MF GLOBAL HOLDINGS LTD., et al., Debtors Chapter 11 Case No. 11-15059 (MG)

(Jointly Administered) NOTICE OF AMENDMENT TO PLAN TRUST AGREEMENT ATTENTION HOLDERS OF RECORD OF STOCK OF MF GLOBAL HOLDINGS INC. (INCLUDING ANY PERMITTED SUCCESSOR THEREOF) AS OF JUNE 4, 2013:

PLEASE TAKE NOTICE THAT BY UNANIMOUS WRITTEN PLEASE TAKE NOTICE THAT BY UNANIMOUS WRITTEN CONSENT, DATED DECEMBER 9, 2021, THE TRUSTESS UNDER THAT CERTAIN PLAN TRUST AGREEMENT, DATED AND EFFECTIVE AS OF JUNE 4, 2013 (THE "PLAN TRUST AGREEMENT"), BY AND AMONG MF GLOBAL HOLDINGS LTD. AND THE PLAN TRUSTES, VOTED UNANIMOUSLY TO APPROVE AN AMENOMENT TO SECTION 8.1(a) OF THE PLAN TRUST AGREEMENT (THE "PLAN TRUST AMENOMENT") TO PROVIDE THAT THE PLAN TRUST AMENOMENT") TO PROVIDE THAT THE PLAN TRUST SHALL TERMINATE ON THE EARLER OF: (1) THIRTY (30) DAYS AFTER THE FINAL DISTRIBUTION OF ALL OF THE STOCK DISTRIBUTIONS IN ACCORDANCE WITH THE TERMS OF THE TRUST AGREEMENT, THE PLAN THE STOCK DISTRIBUTION OF AND THE CANCELLATION OF THE

CANCELLATION OF THE
PLAN TRUST STOCK AND (II) APRIL 5, 2027.
PLEASE TAKE FURTHER NOTICE THAT UPON THE
MOTION OF MF GLOBAL HOLDINGS ITD. FOR APPROVAL
OF PLAN TRUST AMENDMENT AND THIRD EXTENSION
OF PLAN TRUST TERM (THE "MOTION") (ECF. NO.
2467), ON DECEMBER 27, 2021, THE UNITED STATES
BANKRUPICY COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK, HAVING JURISDICTION OVER THE CHAPTER
IL CASES OF MF GLOBAL HOLDINGS LTD. AND ITS
DEBTOR AFFILIATES, ENTERED AN ORDER (ECF. NO.
2473) APPROVING THE PLAN TRUST AMENDMENT.
PLEASE TAKE FURTHER NOTICE THAT UPON
PUBLICATION OF THIS NOTICE,
PURSUANT TO SECTION 9.1 OF THE PLAN TRUST

PURSUANT TO SECTION 9.1 OF THE PLAN TRUST AGREEMENT, THE AMENDMENT HAS BECOME EFFECTIVE.

Dated: December 29, 2021 New York, New York

MF Global Holdings Ltd., Plan Administrator

### THE WALL STREET JOURNAL.

### THE **MARKETPLACE**

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# **Dividend Changes**

Salesforce.com CRM 254.54

Schlumberger SLB

SPGI 474.55 -0.55 SBAC 384.95 0.22 S SEIC 61.69 -1.47 SKM 27.64 -0.49

SSNC 82.94 -0.05

STOR 34.82 0.21 SIVB 683.19 2.12 SAIA 335.41 5.22

SNY 50.48 SC 42.58 SSL 16.40

SMG 157.74 SE 213.91 STX 115.00

**SGEN** 158.92

-0.9

0.29

1.16

0.12

26.96 -0.58

29.65 -0.4

SCHW 84.96 -0.54

S&P Global SBA Comm SEI Investments SK Telecom

SS&C Tech

Sanofi

Sasol

Seagate

Discount

High

Bid

Offer

13 weeks 26 weeks

Fannie Mae

30 days

**Federal funds** 

Treasury bill auction

171.21 29.79 122.13

**PCAR** 87.63

0.02 -0.21 0.73

No dividend announcements from December 29.

### **Borrowing Benchmarks**

t-data/bonds/benchma

### **Money Rates**

December 29, 2021

Key annual interest rates paid to borrow or lend money in U.S. and international markets. Rates below are a guide to general levels but don't always represent actual transactions.

		ation				Latest	Week ago	—52-' High	WEEK— Low
	Nov. in le		Chg Fron Oct. '21		60 days	2.647	2.675	2.754	1.906
U.S. consui	mer pri	ce inde	x		Othe	er short-	term	rates	
All items Core	277	.948 2.754	0.49 0.40	6.8 4.9		Latest	Week ago	– 52-\ high	Neek – low
Int	ternati	onal r	ates		Call money				
		Week	-52-	-Week –		2.00	2.00	2.00	2.00
	Latest	ago	High	Low	Commercia	al paper (	AA fin	ancial	)
Prime rate	s				90 days	0.18	0.18	0.22	0.04
U.S.	3.25	3.25	3.25	3.25	Libor				
Canada	2.45	2.45	2.45	2.45	One month	0.10425	0.10275	0.14400	0.07263
Japan	1.475	1.475	1.475	1.475	Three month	0.22375	0.21138	0.24125	0.11413
Policy Rate	es				Six month One year	0.35438 0.58600	0.32638 0.55338	0.35438 0.58600	0.14663 0.21950
Euro zone	0.00	0.00	0.00	0.00	Euro Libor				
Switzerland	0.00	0.00	0.00	0.00		-0.643	0.455	-0.569	n 402
Britain	0.25	0.25	0.25	0.10	One month Three month			-0.538	
Australia	0.10	0.10	0.10	0.10	Six month	-0.561		-0.513	

**0.10** 0.10 0.10 0.10 **-0.**484 -0.491 -0.462 -0.511 One year Overnight repurchase **0.03** 0.03 0.11 -0.04 Secured Overnight Financing Rate 0.05 0.05 0.11 0.01 U.S. government rates Value

- 52-Week -Traded High Low Latest DTCC GCF Repo Index

**0.040** 43.100 0.125 -0.008 **0.050** 12.982 0.130 0.002 MBS

#### Notes on data: **U.S. prime rate** is the base rate on corporate

U.S. prime rate is the base rate on corporate loans posted by at least 70% of the 10 largest U.S. banks, and is effective March 16, 2020.

Other prime rates aren't directly comparable; lending practices vary widely by location, Discount rate is effective March 16, 2020.

Secured Overnight Financing Rate is as of December 28, 2021. DTCC GCF Repo Index is Depository Trust & Clearing Com's weighted. Depository Trust & Clearing Corp.'s weighted average for overnight trades in applicable CUSIPs. Value traded is in billions of U.S. dollars. Federal-funds rates are Tullett Prebon rates as

of 5:30 p.m. ET. Sources: Federal Reserve: Bureau of Labor Statistics; DTCC; FactSet; Tullett Prebon Information, Ltd.

### **IPO Scorecard**

30-year mortgage yields

Performance of IPOs, most-recent listed first

**2.604** 2.632 2.710 1.879

**0.25** 0.25 0.25 0.25

**0.1500** 0.1000 0.2000 0.0700

**0.0500** 0.0500 0.0900 0.0000

**0.0700** 0.0700 0.7000 0.0300

**0.0800** 0.0900 0.1200 0.0500

**0.040** 0.030 0.125 0.000 **0.085** 0.075 0.095 0.015

**0.210** 0.160 0.210 0.030

Effective rate **0.0800** 0.0800 0.1000 0.0500

Secondary market

r cirormance or ir os, most recent iisted in st							
		% Chg	From			% Chg	From
Company <b>SYMBOL</b>	Wed's	Offer	1st-day	Company <b>SYMBOL</b>	Wed's	Offer	1st-day
IPO date/Offer price	close (\$)	price	close	IPO date/Offer price	close (\$)	price	close
Welsbach Technology Metals Acquisition <b>WTMAU</b> Dec. 28/\$10.00		0.1	0.1	NorthView Acquisition <b>NVACU</b> Dec. 20/\$10.00	10.03	0.3	0.3
Arogo Capital Acquisition <b>AOGOU</b> Dec. 27/\$10.00	10.00		-0.2	AP Acquisition <b>APCA.UT</b> Dec. 17/\$10.00	10.10	1.0	0.1
Gardiner Healthcare Acquisitions <b>GDNRU</b> Dec. 22/\$10.00	10.04	0.4	0.2	Revelstone Capital Acquisition RCACU Dec. 17/\$10.00	9.90	-1.0	0.1
Larkspur Health Acquisition LSPRU Dec. 21/\$10.00	10.00		0.2	Ault Disruptive Tech ADRT.UT Dec. 16/\$10.00	10.02	0.2	
Sagaliam Acquisition <b>SAGAU</b> Dec. 21/\$10.00	10.00		0.3	CF Acquisition VII CFFSU Dec. 16/\$10.00	10.02	0.2	-0.1

Sources: Dow Jones Market Data; FactSet

#### **Declaration of Publication**

I, Carla Peak, as Vice President, Legal Notification Services at Gilardi & Co. LLC, a KCC Class Action Services Company in San Rafael, California, hereby certify that I caused the attached notice to be printed in said publication on December 30, 2021:

Name of Publication: The Wall Street Journal

Address: 1211 Avenue of the Americas City, State, Zip: New York, NY 10036

Phone #: 1-800-568-7625

Carla Peak

State of: New York

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 30th day of December 2021, at Sellersville, Pennsylvania.

Carla Peak



# Robbins Geller Rudman & Dowd LLP and Bottini & Bottini, Inc. Announce Proposed Settlement in the Veeco Instruments Securities Settlement

December 30, 2021 08:00 AM Eastern Standard Time

SAN DIEGO--(<u>BUSINESS WIRE</u>)--The following statement is being issued by Robbins Geller Rudman & Dowd LLP and Bottini & Bottini, Inc. regarding the Veeco Instruments Securities Settlement:

# SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF SANTA CLARA

MATT WOLTHER, Individually and on	) Lead Case No. 18CV329690
Behalf of All Others Similarly Situated,	) (Consolidated with No. 18CV332463 and
Plaintiff,	) No. 18CV332644)
vs.	) <u>CLASS ACTION</u>
SHUBHAM MAHESHWARI, et al.,	)
Defendants.	)
	)
	)

TO: ALL PERSONS WHO ACQUIRED VEECO INSTRUMENTS, INC. ("VEECO" OR THE "COMPANY") COMMON STOCK IN EXCHANGE FOR ULTRATECH, INC. ("ULTRATECH") COMMON STOCK PURSUANT TO THE REGISTRATION STATEMENT AND PROSPECTUS ISSUED IN CONNECTION WITH VEECO'S MAY 26, 2017 MERGER WITH ULTRATECH

THIS NOTICE WAS AUTHORIZED BY THE COURT. IT IS NOT A LAWYER SOLICITATION. PLEASE READ THIS NOTICE CAREFULLY AND IN ITS ENTIRETY.

YOU ARE HEREBY NOTIFIED that a hearing will be held on April 21, 2022, at 1:30 p.m., before the Honorable Sunil R. Kulkarni at the Superior Court of California, County of Santa Clara, Department 1, 191 North First Street, San Jose, CA 95113, to determine whether: (1) the proposed settlement ("Settlement") of the above-captioned action as set forth in the Amended Stipulation of Settlement ("Stipulation")<sup>1</sup> for \$15,000,000 in cash should be approved by the Court as fair, reasonable and adequate; (2) the Judgment as provided under the Stipulation should be entered; (3) to award Plaintiffs' Counsel attorneys' fees and expenses out of the Settlement

Fund (as defined in the Notice of Proposed Settlement of Class Action ("Notice"), which is discussed below) and, if so, in what amount; (4) to pay Class Representatives for representing the Class out of the Settlement Fund and, if so, in what amount; and (5) the Plan of Allocation should be approved by the Court as fair, reasonable, and adequate.

This Action is a consolidated securities class action brought on behalf of those persons who acquired Veeco common stock pursuant or traceable to the registration statement and prospectus issued in connection with Veeco's merger with Ultratech, against Veeco and certain of its officers and directors (collectively, "Defendants") for, among other things, allegedly misstating and omitting material facts from the registration statement and prospectus filed in connection with the Merger. Plaintiffs allege that these purportedly false and misleading statements resulted in damage to Class Members when the truth was revealed. Defendants deny all of Plaintiffs' allegations.

IF YOU ACQUIRED VEECO COMMON STOCK IN THE MERGER WITH ULTRATECH, YOUR RIGHTS MAY BE AFFECTED BY THE SETTLEMENT OF THIS ACTION.

To share in the distribution of the Settlement Fund, you must establish your rights by submitting a Proof of Claim and Release form ("Proof of Claim") by mail (postmarked no later than March 22, 2022) or electronically (no later than March 22, 2022). Your failure to timely submit your Proof of Claim will subject your claim to rejection and preclude your receiving any of the recovery in connection with the Settlement of this Action. If you are a member of the Class and do not request exclusion therefrom, you will be bound by the Settlement and any judgment and release entered in the Action, whether or not you submit a Proof of Claim.

If you have not received a copy of the Notice, which more completely describes the Settlement and your rights thereunder (including your right to object to the Settlement), and a Proof of Claim, you may obtain these documents, as well as a copy of the Stipulation (which, among other things, contains definitions for the defined terms used in this Summary Notice) and other settlement documents, online at <a href="https://www.VeecoSecuritiesSettlement.com">www.VeecoSecuritiesSettlement.com</a>, or by writing to:

Veeco Securities Settlement c/o Gilardi & Co. LLC P.O. Box 43384 Providence, RI 02940-3384

Inquiries should NOT be directed to Defendants, the Court, or the Clerk of the Court.

Inquiries, other than requests for the Notice or for a Proof of Claim, may be made to Class Counsel:

ROBBINS GELLER RUDMAN & DOWD LLP
Ellen Gusikoff Stewart
655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: 1-800-449-4900

BOTTINI & BOTTINI, INC. Francis A. Bottini Jr. 7817 Ivanhoe Avenue, Suite 102 La Jolla, CA 92037 Telephone: 1-858-914-2001 IF YOU DESIRE TO BE EXCLUDED FROM THE CLASS, YOU MUST SUBMIT A REQUEST FOR EXCLUSION SUCH THAT IT IS **POSTMARKED BY FEBRUARY 21, 2022**, IN THE MANNER AND FORM EXPLAINED IN THE NOTICE. ALL MEMBERS OF THE CLASS WHO HAVE NOT REQUESTED EXCLUSION FROM THE CLASS WILL BE BOUND BY THE SETTLEMENT EVEN IF THEY DO NOT SUBMIT A TIMELY PROOF OF CLAIM.

IF YOU ARE A CLASS MEMBER, YOU HAVE THE RIGHT TO OBJECT TO THE SETTLEMENT, THE PLAN OF ALLOCATION, THE REQUEST BY PLAINTIFFS' COUNSEL FOR AN AWARD OF ATTORNEYS' FEES OF 33 1/3% OF THE SETTLEMENT FUND (OR \$5,000,000) AND EXPENSES NOT TO EXCEED \$175,000, AND/OR THE PAYMENT TO CLASS REPRESENTATIVES NOT TO EXCEED \$20,000 IN THE AGGREGATE FOR REPRESENTING THE CLASS. ANY WRITTEN OBJECTIONS MUST BE FILED WITH THE COURT AND SENT TO CLASS COUNSEL AND DEFENDANTS' COUNSEL BY FEBRUARY 21, 2022, IN THE MANNER AND FORM EXPLAINED IN THE NOTICE. YOU MAY ALSO MAKE AN ORAL OBJECTION AT THE SETTLEMENT FAIRNESS HEARING WITHOUT SUBMITTING A WRITTEN OBJECTION.

DATED: December 1, 2021

BY ORDER OF THE SUPERIOR
COURT OF CALIFORNIA, COUNTY
OF SANTA CLARA

Contacts

Media:

Robbins Geller Rudman & Dowd LLP Shareholder Relations Rick Nelson 1-619-231-1058

<sup>&</sup>lt;sup>1</sup> The Stipulation can be viewed and/or obtained at www.VeecoSecuritiesSettlement.com.

#### **Declaration of Publication**

I, Carla Peak, as Vice President, Legal Notification Services at Gilardi & Co. LLC, a KCC Class Action Services Company in San Rafael, California, hereby certify that I caused the attached notice to be published as a press release by the following wire service:

Name of Publication: BusinessWire

Address: 101 California Street 20th Floor City, State, Zip San Francisco, CA 94111

Phone #: 415-986-4422

State of: California

The press release was distributed on December 30, 2021 to the following media circuits offered by the above-referenced wire service:

#### 1. US1 National Newsline

ala Peak

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 30th day of December 2021, at Sellersville, Pennsylvania.

Carla Peak

#### **DECLARATION OF SERVICE BY EMAIL**

I, Marianne Maloney, am and was, at all times herein mentioned, a citizen of the United States and a resident of the County of San Diego, over the age of 18 years, and not a party to or interested party in the within action, and have a business address of 655 West Broadway, Suite 1900, San Diego, California 92101.

I hereby declare that on February 7, 2022, I served the attached DECLARATION OF ROSS D. MURRAY REGARDING NOTICE DISSEMINATION, PUBLICATION, AND REQUESTS FOR EXCLUSION RECEIVED TO DATE on the parties in the within action by emailing a copy to the addresses below:

#### **COUNSEL FOR PLAINTIFFS:**

NAME	FIRM	EMAIL
James I. Jaconette Ellen Gusikoff Stewart	ROBBINS GELLER RUDMAN & DOWD LLP 655 West Broadway, Suite 1900 San Diego, CA 92101 Telephone: 619/231-1058 619/231-7423 (fax)	jamesj@rgrdlaw.com elleng@rgrdlaw.com
Francis A. Bottini, Jr. Yury A. Kolesnikov	BOTTINI & BOTTINI, INC. 7817 Ivanhoe Avenue, Suite 102 La Jolla, CA 92037 Telephone: 858/914-2001 858/914-2002 (fax)	fbottini@bottinilaw.com ykolesnikov@bottinilaw.com
David W. Hall	HEDIN HALL LLP Four Embarcadero Center, Suite 1400 San Francisco, CA 94104 Telephone: 415/766-3534 415/402-0058 (fax)  Additional Counsel for Plaintiffs	dhall@hedinhall.com
Guillaume Buell	THORNTON LAW FIRM LLP 1 Lincoln Street Boston, MA 02111 Telephone: 617/720-1333  Additional Counsel for Plaintiffs	gbuell@tenlaw.com

### **COUNSEL FOR DEFENDANTS:**

NAME	FIRM	EMAIL
Matthew W. Close Jonathan B. Waxman	O'MELVENY & MYERS LLP 400 South Hope Street, 18th Floor Los Angeles, CA 90071 Telephone: 213/430-6000 213/430-6407 (fax) Attorneys for Defendants	mclose@omm.com jwaxman@omm.com

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 7, 2022, at San Diego, California.

MARIANNE MALONEY