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*Class Counsel*

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

MATT WOLTHER, Individually and on  
Behalf of All Others Similarly Situated,  
  
Plaintiff,

vs.

SHUBHAM MAHESHWARI, et al.,  
  
Defendants.

) Lead Case No. 18CV329690  
) (Consolidated with No. 18CV332463 and  
) No. 18CV332644)

CLASS ACTION

) SUPPLEMENTAL DECLARATION OF  
) ROSS D. MURRAY REGARDING NOTICE  
) DISSEMINATION, REQUESTS FOR  
) EXCLUSION RECEIVED TO DATE,  
) INTERIM CLAIMS PROCESSING, AND  
) ADMINISTRATION FEES AND EXPENSES

DATE: April 21, 2022  
TIME: 1:30 p.m.  
JUDGE: Hon. Sunil R. Kulkarni  
DEPT.: 1  
Date Action Filed: June 8, 2018

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

2 1. I am employed as a Vice President of Securities by Gilardi & Co. LLC  
3 (“Gilardi”), located at 1 McInnis Parkway, Suite 250, San Rafael, California. The  
4 following statements are based on my personal knowledge and information provided  
5 to me by other Gilardi employees and if called to testify I could and would do so  
6 competently.

7 2. Pursuant to this Court’s December 1, 2021 Order Preliminarily  
8 Approving Settlement and Providing for Notice (“Notice Order”), Gilardi was  
9 appointed to supervise and administer the notice procedure as well as the processing  
10 of claims in connection with the proposed Settlement of the above-captioned action  
11 (the “Action”). I oversaw the notice services that Gilardi provided in accordance  
12 with the Notice Order.

13 3. I submit this declaration as a supplement to my earlier declaration, the  
14 Declaration of Ross D. Murray Regarding Notice Dissemination, Publication, and  
15 Requests for Exclusion Received to Date (the “Initial Mailing Declaration”).

16 **UPDATE ON DISSEMINATION OF THE CLAIM PACKAGE**

17 4. As more fully detailed in the Initial Mailing Declaration, as of February  
18 3, 2022, Gilardi had mailed 20,494 copies of the Court-approved Notice of Proposed  
19 Settlement of Class Action (the “Notice”) and Proof of Claim and Release form (the  
20 “Proof of Claim”) (collectively, the “Claim Package”) to potential Class Members  
21 and their nominees. *See* Initial Mailing Declaration, ¶11.

22 5. Since February 3, 2022, Gilardi has mailed an additional 956 copies of  
23 the Claim Package in response to requests from potential Class Members, brokers,  
24 and nominees and as a result of mail returned as undeliverable for which new  
25 addresses were identified and re-mailed to those new addresses. Therefore, as of  
26 April 13, 2022, Gilardi has mailed a total of 21,450 Claim Packages to potential  
27 Class Members and nominees.

28

## REQUESTS FOR EXCLUSION RECEIVED TO DATE

6. Pursuant to the Notice Order, the Notice informed potential Class Members that written requests for 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. At the time of the Initial Mailing Declaration, Gilardi had not received any requests for exclusion from the Class at this mailing address. *See* Initial Mailing Declaration, ¶16.

7. Since the Initial Mailing Declaration was executed, and as of the date of this declaration, Gilardi has received two timely requests for exclusion, redacted copies of which are attached hereto as Exhibit A.

## INTERIM CLAIMS PROCESSING

8. The Notice informed potential Class Members that in order to be eligible to receive a payment from the settlement they must complete and submit their Proof of Claim to Gilardi so that it is postmarked or submitted online no later than March 22, 2022.

9. As of April 13, 2022, Gilardi has received and partially processed a total of 3,113 Proofs of Claim. Claims processing is ongoing and these claims are being reviewed by analysts to approve valid claims and to resolve errors in data entered on the claims and identify claims with other types of deficiencies or issues such as duplicate submissions and claims which lack the supporting documentation required. Furthermore, if any deficiency in a claim exists and it is not able to be resolved by an analyst, the claimant will be notified of that deficiency and provided with an opportunity to respond with further information or documentation to resolve the issue. As these reviews and amendments to claims often impact the status and recognized loss of the claim, the total number of valid claims, recognized loss of those claims, and amount of average per share payment is not available until claims processing is complete. We estimate that given the complexity of the claims review


1 process, if there are no requests for Court review of deficient or rejected claims, the  
2 initial distribution of the Net Settlement Fund will take place in approximately 9  
3 months.

4 **ADMINISTRATION FEES AND EXPENSES**

5 10. During the administration of the Notice and claims process, Gilardi  
6 submits periodic invoices to Plaintiffs' Counsel for their review and approval. The  
7 invoices detail and document the time spent and expenses incurred. To date, Gilardi  
8 has invoiced a total of \$116,768.29 in connection with the Notice and claims  
9 administration and has incurred \$30,274.79 in as-yet unbilled fees and expenses.  
10 True and correct copies of the invoices submitted to date are collectively attached  
11 hereto as Exhibit B.

12  
13 I declare under penalty of perjury under the laws of the State of California that  
14 the foregoing is true and correct and that this declaration was executed this 13th day  
15 of April, 2022, at San Rafael, California.

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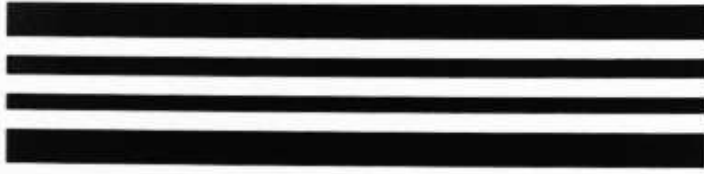


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ROSS D. MURRAY

# EXHIBIT A

\*VEE-EXCL00001\*



RECEIVED  
February 04, 2022  
Claims Center

## Exclusion Cover Page

Case Name: Veeco Securities Settlement

Case Code: VEE

Exclusion Deadline: February 21, 2022 (Must be Postmarked Date)

Name of Person Filing Exclusion: Tracy Curtis

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:

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

*I want to be excluded*  
*Tracy Curtis*  
*01.17*

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**.

*Shares via UBS mutual fund*

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 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](http://www.VeecoSecuritiesSettlement.com)

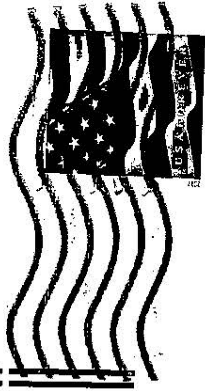
## HOW WILL THE PLAINTIFFS' LAWYERS BE PAID?

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.



Curtis

24 JAN 2022 PM 11



Received

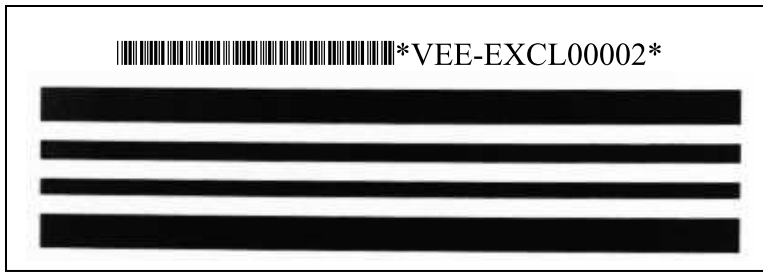
FEB 04 2022

Veeco Securities Settlement  
c/o Gilardi & Co. LLC  
~~P.O. BOX 13384~~  
~~Providence, RI 02940-3384~~

150 Rapall St. #101  
Canton, MA 02021

VEE





RECEIVED  
February 09, 2022  
Claims Center

## Exclusion Cover Page

Case Name: Veeco Securities Settlement

Case Code: VEE

Exclusion Deadline: February 21, 2022 (Must be Postmarked Date)

Name of Person Filing Exclusion: James J Deploey

FEBRUARY 07, 2022  
CLAIMS ADMINISTRATOR  
VEECO SECURITIES SETTLEMENT  
C/O GILARDI & CO. LLC

EXCLUSIONS  
150 ROYALL STREET SUITE 101  
CANTON MA 02021

DEAR CLAIMS ADMINISTRATOR;

WITH THIS LETTER I HEREBY WANT TO BE  
EXCLUDED (OPT OUT) FROM THE CLASS IN  
THE FOLLOWING ACTION: WOLTER V.

MAHESHWAN, LEAD CASE NO. 18CV329690  
(CAL. SUPER. CT., CNTY. OF SANTA CLARA).

SINCERELY,

James J. Deploey

(JAMES J. DEPLOY)

TELEPHONE NUMBER

NUMBER OF SHARES OF VEECO COMMON  
STOCK I ACQUIRED IN THE MERGER  
WITH ULTRATECH: 187.2500

**CERTIFIED MAIL**

Mr. James Deploev



1000

7021 2720 0002 1394 7966



02940

U.S. POSTAGE PAID  
EAGLE LETTERS

FEB 07 22  
AMOUNT

**\$6.80**

R2305M145103-04



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

RECEIVED

FEB 09 2022

By \_\_\_\_\_

RETURN RECEIPT  
REQUESTED

**VEE**



## EXHIBIT B



1 McInnis Pkwy, Suite 250  
San Rafael, CA 94903

25 February 2022

David C. Walton, Esq.  
Robbins Geller Rudman & Dowd LLP  
655 West Broadway, Suite 1900  
San Diego CA 92101

Re: **Veeco Securities Settlement**  
Client Matter Number: VEE  
Invoice: 2181679

Professional services, publication expenses, and third party expenses from November 1, 2021 through January 31, 2022 in connection with the printing and mailing of the notice and claim form for Veeco Securities Settlement

Summary:	Professional and Clerical Staff	\$47,307.50
	Publication Expenses	\$20,271.92
	Third Party Expenses	\$26,725.93
<b>Invoice Subtotal</b>		<b>\$94,305.35</b>
<b>Total Sales and Use Tax</b>		<b>\$1,144.29</b>
<b>Total Amount Due</b>		<b>\$95,449.64</b>

STAFF	HOURS	RATE	TOTAL
Principal	35.5	\$290.00	\$10,295.00
Director	2	\$235.00	\$470.00
Senior Manager	64	\$185.00	\$11,840.00
Manager	130.75	\$160.00	\$20,920.00
Staff	44.5	\$85.00	\$3,782.50
			<b>\$47,307.50</b>

PUBLICATION EXPENSES	TOTAL
Published Notice	\$20,271.92
	<b>\$20,271.92</b>

THIRD PARTY EXPENSES	TOTAL
Printing and Mailing	\$21,741.67
Postage and Delivery	\$4,356.57
Broker	\$627.69
	<b>\$26,725.93</b>

Please detach and return this portion of the statement with your check to Computershare.

Please reference your Account Number and Invoice Number on your Remittance.

Account Number

Invoice Number

Total Amount Due

Amount Paid

US\_ASG2181679

\$95,449.64

\$

Remit Check Payments to:  
Gilardi & Co LLC  
Dept CH 16639  
Palatine, IL 60055-6639

Wire Payments to:  
Gilardi & Co LLC  
HSBC Bank, NA  
452 Fifth Avenue  
New York, NY 10081  
Account #  
FED ABA #  
ACH Routing #



1 McInnis Pkwy, Suite 250  
San Rafael, CA 94903

08 April 2022

David C. Walton, Esq.  
Robbins Geller Rudman & Dowd LLP  
655 West Broadway, Suite 1900  
San Diego CA 92101

Re: **Veeco Securities Settlement**  
Client Matter Number: VEE  
Invoice: 2234469

Professional services and third party expenses from February 1, 2022 through February 28, 2022 in connection with the claims administration for the  
Veeco Securities Settlement

Summary:	Professional and Clerical Staff	\$10,040.00
	Third Party Expenses	\$11,271.65
<b>Invoice Subtotal</b>		<b>\$21,311.65</b>
<b>Total Sales and Use Tax</b>		<b>\$7.00</b>
<b>Total Amount Due</b>		<b>\$21,318.65</b>



STAFF	HOURS	RATE	TOTAL
Principal	6	\$290.00	\$1,740.00
Director	1.25	\$235.00	\$293.75
Senior Manager	6.5	\$185.00	\$1,202.50
Manager	27.25	\$160.00	\$4,360.00
Staff	28.75	\$85.00	\$2,443.75
			<b>\$10,040.00</b>

THIRD PARTY EXPENSES	TOTAL
Printing and Mailing	\$194.54
Broker	\$11,077.11
	<hr/>
	<b>\$11,271.65</b>
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Please detach and return this portion of the statement with your check to Computershare.

Please reference your Account Number and Invoice Number on your Remittance.

Account Number

Invoice Number

Total Amount Due

Amount Paid

US\_ASG2234469

\$21,318.65

\$

Remit Check Payments to:

Wire Payments to:

Gilardi & Co LLC  
Dept CH 16639  
Palatine, IL 60055-6639

Gilardi & Co LLC  
HSBC Bank, NA  
452 Fifth Avenue  
New York, NY 10081  
Account #  
FED ABA #  
ACH Routing #

- 1
- 2
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I hereby declare that on April 14, 2022, I caused to be served the attached Supplemental Declaration of Ross D. Murray Regarding Notice Dissemination, Requests for Exclusion Received to Date, Interim Claims Processing, and Administration Fees and Expenses on the parties in the within action by emailing a copy to the addresses below:

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)  <i>Co-Lead Counsel for Plaintiffs</i>	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)  <i>Co-Lead Counsel for Plaintiffs</i>	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)  <i>Additional Counsel for Plaintiffs</i>	dhall@hedinhall.com
David Bricker	THORNTON LAW FIRM LLP 1 Lincoln Street Boston, MA 02111 Telephone: 617/720-1333  <i>Additional Counsel for Plaintiffs</i>	dbricker@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)  <i>Attorneys for Defendants</i>	mclose@omm.com jwaxman@omm.com

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 14, 2022, at San Diego, California.



TERESA HOLINDRAKE