

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re AMERICAN REALTY CAPITAL	:	Civil Action No. 1:15-mc-00040-AKH
PROPERTIES, INC. LITIGATION	:	
_____	:	<u>CLASS ACTION</u>
	:	
This Document Relates To:	:	
	:	
ALL ACTIONS.	:	
_____	X	

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

I, MISHKA FERGUSON, declare:

1. I am employed as Vice President of Securities by Gilardi & Co. LLC (“Gilardi”), located at 3301 Kerner Blvd., San Rafael, California. Pursuant to this Court’s October 4, 2019 Order Granting Preliminary Approval Pursuant to Fed. R. Civ. P. 23(e)(1) and Permitting Notice to the Class (“Preliminary Approval 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 litigation (the “Litigation”).¹

2. I submit this declaration as a supplement to the previous declaration regarding notice dissemination provided in support of Lead Plaintiff’s Motion for Final Approval of Settlement and Plan of Allocation, the Declaration of Carole K. Sylvester Regarding Notice Dissemination, Publication, and Requests for Exclusion Received to Date, dated December 16, 2019 (the “Mailing Declaration”) (ECF No. 1290). The following statements are based on my personal knowledge and information provided to me by other Gilardi employees and, if called to testify I could and would do so competently.

UPDATE ON THE DISSEMINATION OF THE CLAIM PACKAGE

3. As more fully detailed in the Mailing Declaration, as of December 16, 2019, Gilardi had mailed 243,438 copies of the Notice of Proposed Settlement of Class Action (the “Notice”) and the Proof of Claim and Release (the “Proof of Claim”) (collectively, the “Claim Package”) to potential Class Members and their nominees. *See* Mailing Declaration, ¶12.

4. Since December 16, 2019, Gilardi has mailed an additional 2,777 copies of the Claim Package in response to additional requests from potential Class Members, brokers, and

¹ Unless otherwise defined herein, all capitalized terms shall have the same meanings as set forth in the Stipulation of Settlement dated September 30, 2019 (the “Stipulation”).

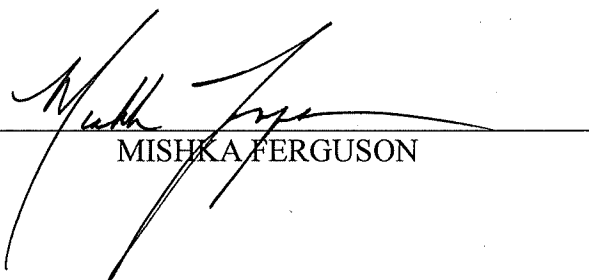
nominees. Therefore, as of January 13, 2020, Gilardi has mailed a total of 246,215 Claim Packages to potential Class Members and nominees.

REQUESTS FOR EXCLUSION RECEIVED TO DATE

5. The Notice of Pendency of Class Action informed potential Class Members that written requests for exclusion from the Class were to be mailed to *ARCP Securities Litigation*, Notice Administrator, c/o Gilardi & Co. LLC, EXCLUSIONS, 3301 Kerner Blvd., San Rafael, CA 94901, such that they were postmarked no later than October 28, 2019.

6. As detailed in the Mailing Declaration, as of December 16, 2019, Gilardi had received 74 requests for exclusion. Since the date of the Mailing Declaration, Gilardi has not received any further requests for exclusion.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 13th day of January, 2020, at San Rafael, California.


MISHKA FERGUSON

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on January 14, 2020, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses on the attached Electronic Mail Notice List, and I hereby certify that I caused the mailing of the foregoing via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

s/ Debra J. Wyman

DEBRA J. WYMAN

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Mailing Information for a Case 1:15-mc-00040-AKH In re American Realty Capital Properties, Inc. Litigation

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