

DISTRICT COURT, DENVER COUNTY, COLORADO Court Address: 1437 Bannock Street, Room 256, Denver, CO, 80202	DATE FILED: December 8, 2023 9:10 AM FILING ID: 85D69064B5152 CASE NUMBER: 2017CV31757
<b>Plaintiff(s)</b> OKLAHOMA POLICE PENSION AND RETIREMENT SYSTEM, Individually and on Behalf of All Others Similarly Situated  v.  <b>Defendant(s)</b> JAGGED PEAK ENERGY INC., et al.	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<b>Attorneys for Plaintiff:</b> SHUMAN, GLENN & STECKER Rusty E. Glenn (Atty. Reg. No. 39183) 600 17th Street, Suite 2800 South, Denver, CO 80202 Tel.: (303) 861-3003; Fax: (303) 536-7849  Scott+Scott Attorneys at Law LLP Deborah Clark-Weintraub ( <i>admitted pro hac vice</i> ) Thomas L. Laughlin, IV ( <i>admitted pro hac vice</i> ) Emilie B. Kokmanian ( <i>admitted pro hac vice</i> ) Mandeep Minhas ( <i>admitted pro hac vice</i> ) 230 Park Ave., 17th Fl., New York, NY 10169 Tel.: (212) 223-6444; Fax: (212) 223-6334	Case Number: 2017CV31757 Division: 209
<b>SUPPLEMENTAL AFFIDAVIT OF ANN CAVANAUGH REGARDING NOTICE          DISSEMINATION, PUBLICATION, AND REQUESTS FOR EXCLUSION          AND OBJECTIONS RECEIVED TO DATE</b>	

I, ANN CAVANAUGH, hereby state under penalty of perjury as follows:

1. I am employed as a Project Manager by A.B. Data, Ltd. (“A.B. Data”), whose principal office is located at 600 A.B. Data Drive, Milwaukee, Wisconsin 53217. The following statements are based on my personal knowledge and information provided to me by other A.B. Data employees and, if called to testify, I could and would do so competently.

2. Pursuant to the Court’s Amended Order Granting Plaintiff’s Unopposed Motion for Preliminary Approval of Class Action Settlement, Approving Form and Manner of Notice, and Setting Date for Hearing on Final Approval of Settlement dated August 23, 2023 (“Preliminary Approval Order”), A.B. Data was authorized to act as the Claims Administrator for the Settlement in the above-captioned action (the “Action”).<sup>1</sup> I oversaw the notice services that A.B. Data provided in accordance with the Preliminary Approval Order.

3. I submit this affidavit as a supplement to my earlier affidavit, the Affidavit of Ann Cavanaugh Regarding Notice Dissemination, Publication, and Requests for Exclusion and Objections Received to Date, dated October 27, 2023 (the “Initial Cavanaugh Affidavit”).

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

4. As stated in the Initial Cavanaugh Affidavit, as of October 26, 2023, A.B. Data has mailed a total of 17,049 of the Court-approved Notice of Pendency and Proposed Settlement of Class Action (the “Notice”) and Proof of Claim form (the “Proof of Claim”) and, together with the Notice, collectively, the “Claim Package”) to potential Settlement Class Members as well as brokerages, custodial banks, and other institutions (collectively, the “Nominee Holders”). *See* Initial Cavanaugh Affidavit, ¶10.

5. Since then, A.B. Data has not received any additional responses from Nominee Holders. Moreover, none of the Claim Packages were returned by the United States Postal Service as undeliverable. As such, as of the close of business on December 7, 2023, the total number of Claim Packages mailed by A.B. Data to potential Settlement Class Members and Nominee Holders remains 17,049.

#### **TELEPHONE HELPLINE AND WEBSITE**

6. As reported in the Initial Cavanaugh Affidavit, a toll-free telephone helpline was established on September 13, 2023 to accommodate potential Settlement Class Member inquiries. *See Id.*, ¶12.

7. A Settlement website ([www.jaggedpeaksecuritiessettlement.com](http://www.jaggedpeaksecuritiessettlement.com)) was also established on September 13, 2023. *See Id.*, ¶13. The Settlement website went live on that date and contains, *inter alia*, information regarding the Action and the Settlement as well as links to

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<sup>1</sup> Capitalized terms not otherwise defined herein have the meanings given to them in the Stipulation of Settlement (“Stipulation”), filed with this Court on August 21, 2023.



copies of the Claim Package, Stipulation of Settlement, and Preliminary Approval Order – all of which can be downloaded. The Settlement website has also been updated to include all documents filed in support of final approval, including Plaintiff’s Motion for Final Approval of the Class Action Settlement and Plan of Allocation, and Memorandum of Law in Support Thereof, Motion for Award of Attorneys’ Fees and Expenses and Award to Plaintiff for Its Representation of the Settlement Class, and Memorandum of Law in Support Thereof, and Declaration of Deborah Clark-Weintraub in Support of (i) Plaintiff’s Motion for Final Approval of Class Action Settlement and Plan of Allocation, and (ii) Motion for Award of Attorneys’ Fees and Expenses and Plaintiff’s Request for an Award for Its Representation of the Settlement Class to which the Initial Cavanaugh Affidavit, Affidavit of Ginger Sigler on behalf of Plaintiff Oklahoma Police Pension and Retirement System, Declaration of Daryl F. Scott on behalf of Scott+Scott Attorneys at Law LLP, and Declaration of Rusty E. Glenn on behalf of Shuman, Glenn & Stecker are appended.

**REPORT ON REQUESTS FOR EXCLUSION & OBJECTIONS RECEIVED TO DATE**

8. The Notice informed potential Settlement Class Members that written requests for exclusion from the Settlement Class must be mailed to Jagged Peak Securities Litigation Settlement, EXCLUSIONS, c/o A.B. Data, Ltd., P.O. Box 173001, Milwaukee, WI 53217, such that they are postmarked no later than November 13, 2023. The Notice also set forth the information that should be included in each request for exclusion. As of the close of business on December 7, 2023, A.B. Data has received no requests for exclusion.

9. Although the Notice advised that potential Settlement Class Members must send any objections (as opposed to opt-out requests) to counsel and the Court, on occasion settlement class members in other cases have sent objections to A.B. Data in its capacity as Claims Administrator. As of the close of business on December 7, 2023, A.B. Data’s records indicate that it has received no objections to the Settlement, the Plan of Allocation, the request for attorneys’ fees and expenses, or Plaintiff’s request for an award for its representation of the Settlement Class.

Executed this 8<sup>th</sup> day of December 2023 at Milwaukee, Wisconsin.

Ann Cavanaugh  
ANN CAVANAUGH

State of Wisconsin )  
County of Milwaukee )

The above and foregoing Affidavit was subscribed and sworn to before me on this 8<sup>th</sup> day of December, 2023 by Ann Cavanaugh.

Eric A. Nordskog  
Notary Public  
My commission expires: Permanent

