

**IN THE SUPERIOR COURT OF FULTON COUNTY  
BUSINESS CASE DIVISION  
STATE OF GEORGIA**

IN RE ENDOCHOICE HOLDINGS, INC.  
SECURITIES LITIGATION

Civil Action File No. 2016 CV 277772

(Consolidated with Civil Action No.  
2016 CV 281193)

CLASS ACTION

**NOTICE OF FILING SUPPLEMENTAL HUGHES AFFIDAVIT**

Please take notice that Plaintiffs Jesse L. Bauer and Kenneth T. Raczewski hereby submit the following materials in further support of the proposed Class Action Settlement:

SUPPLEMENTAL AFFIDAVIT OF JUSTIN R. HUGHES REGARDING  
(A) MAILING OF THE NOTICE AND PROOF OF CLAIM FORM; AND  
(B) REPORT ON REQUESTS FOR EXCLUSION RECEIVED TO DATE

Respectfully submitted this 8th day of June, 2020.

DATED: June 8, 2020

**LAW OFFICES OF DAVID A. BAIN, LLC**

*/s/ David A. Bain*

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-and-

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*Co-Lead Counsel for the Plaintiff Class*

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day caused the foregoing NOTICE OF FILING SUPPLEMENTAL HUGHES AFFIDAVIT to be filed with the Clerk of Court through the Odyssey eFileGA system and serve a true and correct copy of the same by electronic mail upon the following:

Michael R. Smith  
Ben Lee  
KING & SPALDING LLP  
1180 Peachtree Street, NE  
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Atlanta, GA 30309  
john.bielema@bclplaw.com  
michael.carey@bclplaw.com

This 8<sup>th</sup> day of June, 2020.

*/s/David A. Bain*  
\_\_\_\_\_  
David A. Bain

*Counsel for the Plaintiff Class*

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**SUPPLEMENTAL AFFIDAVIT OF JUSTIN R. HUGHES REGARDING  
(A) MAILING OF THE NOTICE AND PROOF OF CLAIM FORM; AND  
(B) REPORT ON REQUESTS FOR EXCLUSION RECEIVED TO DATE**

I, Justin R. Hughes, declare and state as follows<sup>1</sup>:

1. I am a Vice President of Class Actions at Kurtzman Carson Consultants LLC (“KCC”). Pursuant to the Court’s February 11, 2020 Preliminary Approval Order, KCC was appointed Claims Administrator with regard to the proposed Settlement of this Action. I have personal knowledge of the matters stated herein, and if called upon could and would testify thereto.

**MAILING OF THE NOTICE PACKET**

2. Since executing the Initial Mailing Affidavit on May 8, 2020, KCC has continued to receive requests from potential Class Members and nominees for copies of the Notice Packet. As a result, in addition to the 9,600 Notice Packets that KCC originally mailed, KCC has mailed 724 additional Notice Packets, such that as of the close of business on June 5, 2020, KCC has now mailed a total of 10,324 Notice Packets to potential Class Members or their nominees.<sup>2</sup>

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<sup>1</sup> All capitalized terms not otherwise defined herein have the meanings given them in the Stipulation of Settlement, dated January 30, 2020 (the “Stipulation”) and/or the Affidavit of Justin R. Hughes Regarding (A) Mailing of Notice and Proof of Claim Form; (B) Publication of Summary Notice; (C) Establishment of Telephone Hotline (D) Establishment of Settlement Website; (E) KCC Request for Fees and Expenses; and (F) Report on Requests for Exclusion, dated May 8, 2020 (the “Initial Mailing Affidavit”).

<sup>2</sup> This figure includes 70 Notice Packets that were initially returned as undeliverable by the U.S. Postal Service, but re-mailed based on updated addresses provided by the Postal Service or obtained through a third-party vendor.

3. As detailed in the Initial Mailing Affidavit, the Court-approved Notice (attached as an exhibit thereto) sets forth detailed information concerning: the proposed Settlement; the Plan of Allocation; Class Counsel's requested attorneys' fees and expenses; Class Members' rights to either "opt out" from the Settlement or to submit objections to any aspect of the Settlement, Plan of Allocation or requested fee and expenses; and the procedures and deadlines for exercising those rights. The Notice also advised Class Members that copies of all papers filed in support of final approval of the Settlement, Plan of Allocation and Class Counsel's fee and expense application would be posted on the Settlement Website promptly after they were filed.<sup>3</sup>

#### **THE SETTLEMENT WEBSITE**

4. As previously reported, the Settlement Website was established beginning on March 2, 2020. Since that date, the Settlement Website ([www.endochoicesecuritieslitigation.com](http://www.endochoicesecuritieslitigation.com)) has been fully operational, containing, *inter alia*, links to copies of the Stipulation, the Preliminary Approval Order, and the Notice, all of which can be downloaded by potential Class Members. The Settlement Website was also updated on the evening of May 22, 2020 -- in compliance with the Court's May 22, 2020 Order Reimposing Deadlines and Providing that June 15, 2020 Final Approval Hearing be Conducted by Telephone Conference -- to prominently display on its home screen a message to visitors of an "Important Updated Information Related to Final Approval of Hearing. That prominently displayed message (a) advised that any interested persons could attend the June 15, 2020 Final Approval Hearing telephonically, (b) contained information about how to dial-in to the hearing, and (c) provided a link to the Court's May 22, 2020 Order (as well as bolded language that encouraged Class Members to download and read that Order in its entirety).

#### **REPORT ON EXCLUSION REQUESTS RECEIVED TO DATE**

5. The Notice informed potential Class Members that requests for exclusion (or "opt-

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<sup>3</sup> KCC duly posted these filings on the Settlement Website on May 12, 2020.

out requests”) from the Class had to be addressed to EndoChoice Securities Litigation, EXCLUSIONS, c/o KCC Class Action Services, 3301 Kerner Boulevard, San Rafael, CA 94901, and mailed so that they would *received* by no later than May 25, 2020. The Notice also set forth the information that should be included in each request for exclusion. As of the close of business on June 5, 2020, KCC can confirm that it has received no requests for exclusion.

6. Although the Notice advised that Class Members were to send any *objections* (as opposed to opt-out requests) to counsel and the Clerk of the Court, sometimes Class Members will also send objections to the claims administrator in a case. As of the close of business on June 5, 2020, KCC can also confirm that it has received no any objections to the Settlement, the Plan of Allocation, Class Counsel’s fee and expense application, or any aspects thereof.

I declare under penalty of perjury under the laws of the United States of America, California and Georgia that the foregoing is true and correct.

Executed in San Francisco, CA on June 8, 2020

  
Justin R. Hughes

STATE OF CALIFORNIA     )  
  )  
COUNTY OF SAN FRANCISCO   )

ss:

On the 8<sup>th</sup> day of June, 2020, before me, the undersigned, a Notary Public in and for said State, appeared JUSTIN R. HUGHES, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, who acknowledged to me that he executed the same, and that by his signature on the instrument, he executed the instrument.

  
Notary Public

# ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of San Francisco )

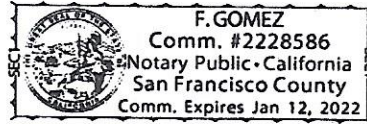
On June 8, 2020 before me, F. Gomez, notary public  
(insert name and title of the officer)

personally appeared Justin Robert Hughes \_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

Signature *F. Gomez*



(Seal)