

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

MARTIN JOSEPH ABADILLA,

Plaintiff

v.

PRECIGEN, INC., et al.,

Defendants

Case No.: 5:20-cv-06936-BLF

CONSOLIDATED CLASS ACTION

*This Document Relates to:*

*ALL CONSOLIDATED ACTIONS*

**SUPPLEMENTAL DECLARATION OF ADAM D. WALTER OF A.B. DATA  
REGARDING (A) MAILING OF THE NOTICE AND (B) REPORT ON EXCLUSIONS  
AND OBJECTIONS**

1 I, Adam D. Walter, declare and state as follows:

2 1. I am a Director at A.B. Data, Ltd.’s Class Action Administration Company  
3 (“A.B. Data”). Pursuant to the Court’s July 7, 2023 Order Granting Plaintiffs’ Motion for  
4 Preliminary Approval of Class Action Settlement, for Issuance of Notice to the Class, and for  
5 Scheduling of Fairness Hearing (ECF No. 135, the “Preliminary Approval Order”), A.B. Data was  
6 appointed to act as the Claims Administrator in connection with the Settlement of the above-  
7 captioned action.<sup>1</sup> I submit this Supplemental Declaration to supplement my Declaration  
8 Regarding: (A) Mailing of Notice and Claim Form; (B) Publication of Summary Notice; and (C)  
9 Report on Requests for Exclusion Received to Date (the “Initial Mailing Declaration”) that was  
10 previously filed with the Court. ECF No. 140. The following statements are based on my personal  
11 knowledge and, if called as a witness, I could and would testify competently thereto.

12 **UPDATE ON DISSEMINATION OF THE NOTICE PACKET**

13 2. Since my original declaration, A.B. Data has continued to disseminate copies of the  
14 Notice and Proof of Claim and Release Form (together, the “Notice Packet”) in response to  
15 requests received from potential Settlement Class Members, brokers, and other nominees.

16 3. As more fully stated in my Initial Mailing Declaration, as of September 11, 2023,  
17 A.B. Data had mailed a total of 72,491 copies of the Notice Packet to potential Settlement Class  
18 Members.

19 4. Since my Initial Mailing Declaration, and as of the date of this declaration, A. B.  
20 Data has caused an additional 80 Notice Packets to be mailed in response to correspondence  
21 received from potential Settlement Class members and/or nominees.

22 5. Therefore, as of the date of this declaration, A.B. data has mailed a total of 72,571  
23 Notice Packets to potential Settlement Class Members.

24  
25 \_\_\_\_\_  
26 <sup>1</sup> Unless otherwise defined herein, all capitalized terms have the meanings set forth in the  
27 Stipulation and Agreement of Settlement dated March 1, 2023 (ECF No. 128, the “Stipulation”).  
28

1 **UPDATE ON TELEPHONE HELPLINE AND WEBSITE**

2 6. A.B. Data established and continues to maintain a case-specific, toll-free telephone  
3 helpline to accommodate potential Settlement Class Members inquiries. This toll free-number,  
4 866-540-4950, became operational on July 28, 2023. A.B. Data has promptly responded to, and  
5 will continue to promptly respond to, all inquiries to the Precigen settlement telephone helpline,  
6 and will update the interactive voice response system with case-specific information.

7 7. To further assist potential Settlement Class Members, A.B. Data established and  
8 maintains a case-specific website, [www.PrecigenSecuritiesLitigation.com](http://www.PrecigenSecuritiesLitigation.com), dedicated to the  
9 Settlement. The settlement website includes general information regarding the case and its current  
10 status, as well as downloadable copies of the Notice, Proof of Claim, and other relevant court  
11 documents, including the Stipulation and Agreement of Settlement, the pending motions in support  
12 of approval of the Settlement, Plan of Allocation, and Fee and Expense Application. It also  
13 provides Class members with the ability to submit their claims online. On September 18, 2023,  
14 A.B. Data posted Lead Plaintiff’s Motion for Final Approval of Settlement and Plan of Allocation  
15 (and related declarations) and Plaintiff’s Counsel’s Motion for Award of Attorneys’ Fees and  
16 Litigation Expenses (and related declarations) on the website.

17 **REQUESTS FOR EXCLUSION AND OBJECTIONS RECEIVED TO DATE**

18 8. The Notice informed potential Settlement Class Members that if they wished to  
19 exclude themselves (“opt-out”) from the Class, they needed to do so in writing and mail their  
20 request for exclusion to the Claims Administrator (at the address specified in the Notice) by  
21 September 26, 2023. The Notice also set forth the information that must be included in each  
22 request for exclusion (such as proof that they would otherwise be members of the Class) in order  
23 for the request to be valid. As of the date of this declaration, A.B. Data has received two (2)  
24 requests for exclusion, which redacted versions are attached hereto as Exhibits A and B, neither of  
25 which satisfy the requirements for opting out because both objectors failed to provide the number  
26 of shares transacted, as well as the dates, prices, and documentation of transactions and share  
27 ownership.

1           9.       As stated in the Notice, Settlement Class Members wishing to object to the  
2 Settlement or any of its terms, the proposed Plan of Allocation of the Net Settlement Fund, and/or  
3 Plaintiff's Counsel's Fee and Expense Application are to submit any written objections to the  
4 Court and mail copies to Plaintiff's Counsel and Defendants' Counsel (rather than to A.B. Data),  
5 so that such papers by September 26, 2023.

6           10.       Nonetheless, for the sake of completeness, I note that, as of the date of this  
7 declaration, A.B. Data has not received any objections, although it is aware (through Plaintiff's  
8 Counsel) of two objections. A.B. Data searched its mailing records to identify information relating  
9 to the mailing of the Notice Packet to both objectors. In both instances, A.B. Data was unable to  
10 identify both objectors' specific name and address information as being provided directly to us by  
11 a nominee. As in most securities cases, if the Claims Administrator is unable to identify a potential  
12 Settlement Class Member's mailing information in their database, it typically means that the  
13 potential Settlement Class Member's broker asked to receive a bulk shipment of the Notice Packets  
14 to mail directly to their clients, and that those individuals receive their Notice Packet directly from  
15 their broker or broker's representative.

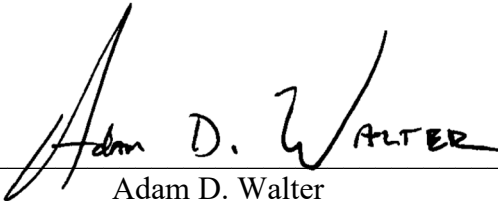
16           11.       In response to certain statements in his objection, A.B. Data reached out via  
17 telephone to Mr. Dean to (i) explain the process of how he received his Notice Packet, (ii) answer  
18 any questions he had related to obtaining documentation from his broker for Precigen transactions  
19 related to this Settlement, and (iii) offer our assistance to help get his claim submitted. Mr. Dean  
20 indicated that he was satisfied with the explanations A.B. Data provided, but he indicated that he  
21 was likely not going to submit a claim in this Settlement because it appeared to him that any  
22 recovery he might receive in this case would not be worth his taking his time to do so.

23           12.       A.B. Data can confirm as of the date of this declaration, we have not received a  
24 claim submitted from either objector.

25           I declare under penalty of perjury under the laws of the United States of America that the  
26 foregoing is true and correct to the best of my knowledge.  
27  
28

Executed on October 4, 2023.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

  
Adam D. Walter