

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID N. ZIMMERMAN,	)	Civ. No. 2:16-cv-14005-AC-SDD
Individually and on Behalf of All Others)	
Similarly Situated,	)	Hon. Avern Cohn
)	
Plaintiff,	)	<u>CLASS ACTION</u>
)	
vs.	)	DECLARATION OF AUSTIN NIBBS
	)	AS REPRESENTATIVE OF THE
DIPLOMAT PHARMACY, INC., et al.,	)	GOVERNMENT EMPLOYEES'
	)	RETIREMENT SYSTEM OF THE
Defendants.	)	VIRGIN ISLANDS IN SUPPORT OF
_____	)	PLAINTIFFS' MOTION FOR FINAL
	)	APPROVAL OF SETTLEMENT

I, AUSTIN NIBBS, declare as follows:

1. I am the Executive Director of the Government Employees' Retirement System of the Virgin Islands ("GERS"). I respectfully submit this declaration in support of final approval of the settlement of the above-captioned action for \$14.1 million (the "Settlement"). I also submit this declaration in support of GERS' request for reimbursement of \$2,157.51 for time spent and expenses that GERS has incurred in carrying out its responsibilities to the Class. I have personal knowledge of the statements herein, and if called as a witness, could competently testify thereto.

2. GERS, as an institutional investor and fiduciary to its members, has an interest in issues related to the integrity of the stock market. GERS, after consultation with its legal counsel, made the decision to become involved in this action as a Lead Plaintiff and understood its responsibility to serve the best interests of the Class.

3. To that end, GERS was an active participant in all important aspects of the litigation. GERS consulted with counsel and engaged in meetings and communications with counsel regarding the litigation, reviewed pleadings and memoranda filed by plaintiffs' counsel, conducted board discussions concerning the litigation, provided input regarding litigation and settlement strategy, searched for and provided documents to Lead Counsel in response to defendants' document requests

and consulted with counsel regarding settlement negotiations that resulted in the Settlement.

4. GERS authorized plaintiffs' counsel to settle this action. In making its determination that the Settlement represented a fair, reasonable and adequate result for the Class, GERS weighed the substantial benefits to the Class against the significant risks and uncertainties of continued litigation. After doing so, GERS believes that the Settlement represents a highly favorable recovery, and believes that final approval of the Settlement is in the best interest of the Class.

5. GERS recognizes that any determination of fees and expenses is ultimately left to the Court. Based on GERS' substantial involvement in the litigation, its understanding of the efforts by Lead Counsel and conversations with Lead Counsel, GERS supports the request for a 30% attorneys' fee award.

6. GERS understands the Court may make an award of reasonable costs and expenses directly relating to the representation of the Class to any representative serving on behalf of the Class. GERS is requesting the amount of \$2,157.51 in connection with its representation of the Class. This request is based on the conservative estimate that GERS devoted more than 31 hours to litigation related activities described above. The hours spent on this case was time that GERS would have otherwise devoted to other professional activities.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 3rd day of June, 2019, at St. Thomas, U.S. Virgin Islands.



AUSTIN NIBBS

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on July 16, 2019, 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/ MATTHEW I. ALPERT

MATTHEW I. ALPERT

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Mailing Information for a Case 2:16-cv-14005-AC-SDD Zimmerman v. Diplomat Pharmacy, Inc. et al

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)