

# **EXHIBIT B**

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13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 OAKLAND DIVISION

16 LOGAN HESSEFORT, Individually and on )  
Behalf of All Others Similarly Situated, )  
17 Plaintiff, )  
18 vs. )  
19 SUPER MICRO COMPUTER, INC., et al., )  
20 Defendants. )

Lead Case No. 4:18-cv-00838-JST  
CLASS ACTION  
DECLARATION OF ROSS D. MURRAY  
REGARDING NOTICE DISSEMINATION,  
PUBLICATION, AND REQUESTS FOR  
EXCLUSION RECEIVED TO DATE  
JUDGE: Hon. Jon S. Tigar  
DATE: March 2, 2023  
TIME: 2:00 p.m.  
(via videoconference)

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1 I, ROSS D. MURRAY, declare and state as follows:

2 1. I am employed as a Vice President of Securities by Gilardi & Co. LLC (“Gilardi”),  
3 located at 1 McInnis Parkway, Suite 250, San Rafael, California. The following statements are  
4 based on my personal knowledge and information provided to me by other Gilardi employees and  
5 if called to testify I could and would do so competently.

6 2. Pursuant to this Court’s November 8, 2022 Order Preliminarily Approving  
7 Settlement and Providing for Notice (“Notice Order”) (ECF 159), Gilardi was appointed as the  
8 Claims Administrator in connection with the proposed Settlement of the above-captioned litigation  
9 (the “Litigation”).<sup>1</sup> I oversaw the notice services that Gilardi provided in accordance with the  
10 Notice Order.

11 3. I submit this declaration in order to provide the Court and the parties to the  
12 Litigation with information regarding: (i) mailing of the Court-approved Notice of Pendency and  
13 Proposed Settlement of Class Action (the “Notice”) and Proof of Claim Form (the “Proof of  
14 Claim”) (collectively, the “Claim Package,” attached hereto as Exhibit A); (ii) publication of the  
15 Summary Notice; (iii) establishment of the website and toll-free telephone number dedicated to  
16 this Settlement; and (iv) exclusions or objections received to date.

17 **DISSEMINATION OF THE CLAIM PACKAGE**

18 4. Pursuant to the Notice Order, Gilardi is responsible for disseminating the Claim  
19 Package to potential Class Members. The Class consists of all Persons that purchased or acquired  
20 Super Micro Computer, Inc. (“Super Micro”) common stock between August 5, 2016 and January  
21 30, 2018, inclusive. Excluded from the Class are: (i) Defendants; (ii) members of the immediate  
22 families of the Individual Defendants; (iii) Super Micro’s subsidiaries; (iv) the officers and  
23 directors of Super Micro during the Class Period; (v) any entity in which any Defendant has a  
24 controlling interest; and (vi) the legal representatives, heirs, successors and assigns of any such  
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26 \_\_\_\_\_  
27 <sup>1</sup> Any capitalized terms used that are not otherwise defined herein shall have the meanings ascribed to them  
28 in the Stipulation of Settlement dated April 8, 2022 (the “Stipulation”) (ECF 154), which is available on  
the website established for the Settlement at [www.SuperMicroSecuritiesSettlement.com](http://www.SuperMicroSecuritiesSettlement.com).

1 excluded person or entity. Also excluded from the Class will be any Person who timely and validly  
2 seeks exclusion from the Class.

3 5. Gilardi received a file via email from Super Micro’s transfer agent, which contained  
4 the names and addresses of potential Class Members. The list was reviewed to identify and  
5 eliminate duplicate entries and incomplete data, resulting in a usable mailing list of 27 unique  
6 names and addresses. Gilardi had the unique name and address data printed on to Claim Packages,  
7 posted the Claim Packages for First-Class Mail, postage prepaid, and delivered 27 Claim Packages  
8 on November 28, 2022, to the United States Post Office for mailing.

9 6. In addition, on November 28, 2022, as part of its normal mailing procedures,  
10 Gilardi mailed, by First-Class Mail, Claim Packages and cover letters to 279 brokerages, custodial  
11 banks, and other institutions (“Nominee Holders”) that hold securities in “street name” as  
12 nominees for the benefit of their customers who are the beneficial owners of the securities. The  
13 Nominee Holders also include a group of filers/institutions who have requested notification of  
14 every securities case. These Nominee Holders are included in a proprietary database created and  
15 maintained by Gilardi. In Gilardi’s experience, the Nominee Holders included in this proprietary  
16 database represent a significant majority of the beneficial holders of securities. The cover letter  
17 accompanying the Claim Packages advised the Nominee Holders of the proposed Settlement and  
18 requested their cooperation in forwarding the Claim Packages to potential Class Members. In the  
19 more than three decades that Gilardi has been providing notice and claims administration services  
20 in securities class actions, Gilardi has found the majority of potential class members hold their  
21 securities in street name and are notified through the Nominee Holders. Gilardi also mailed Claim  
22 Packages and cover letters to the 4,441 institutions included on the U.S. Securities and Exchange  
23 Commission’s (“SEC”) list of active brokers and dealers at the time of mailing. A sample of the  
24 cover letter mailed to Nominee Holders and the institutions included on the SEC’s list of active  
25 brokers and dealers is attached hereto as Exhibit B.

26 7. On November 28, 2022, Gilardi also delivered electronic copies of the Claim  
27 Package to 373 registered electronic filers who are qualified to submit electronic claims. These  
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1 filers are primarily institutions and third-party filers who typically file numerous claims on behalf  
2 of beneficial owners for whom they act as trustees or fiduciaries.

3 8. As part of the notice program for this Settlement, on November 28, 2022, Gilardi  
4 also delivered electronic copies of the Claim Package via email to be published by the Depository  
5 Trust Company (“DTC”) on the DTC Legal Notice System (“LENS”). LENS enables the  
6 participating bank and broker nominees to review the Claim Package and contact Gilardi for copies  
7 of the Claim Package for their beneficial holders.

8 9. Gilardi has acted as a repository for shareholder and nominee inquiries and  
9 communications received in this Settlement. In this regard, Gilardi has forwarded the Claim  
10 Package on request to nominees who purchased or acquired Super Micro common stock for the  
11 beneficial interest of other persons. Gilardi has also forwarded the Claim Package directly to  
12 beneficial owners upon receipt of the names and addresses from such beneficial owners or  
13 nominees.

14 10. Following the initial mailing, Gilardi received 12 responses to the outreach efforts  
15 described above, which included computer files containing a total of 2,578 names and addresses  
16 of potential Class Members. In addition, 29 institutions requested that Gilardi send them a total  
17 of 12,184 Claim Packages for forwarding directly to their clients. Each of these requests has been  
18 completed in a timely manner.

19 11. As of January 25, 2023, Gilardi has mailed a total of 20,512 Claim Packages to  
20 potential Class Members and nominees.

21 12. As of January 25, 2023, 351 Claim Packages have been returned by the United  
22 States Postal Service to Gilardi as undeliverable as addressed (“UAA”). No updated addresses  
23 were located for these Claim Packages, so no Claim Packages were remailed.

24 **PUBLICATION OF THE SUMMARY NOTICE**

25 13. In accordance with the Notice Order, on December 5, 2022, Gilardi caused the  
26 Summary Notice to be published in *The Wall Street Journal* and to be transmitted over *Business*  
27 *Wire*, as shown in the confirmations of publication attached hereto as Exhibit C.

1 **TELEPHONE HELPLINE AND WEBSITE**

2 14. On November 28, 2022, Gilardi established and continues to maintain a case-  
3 specific, toll-free telephone helpline, 1-888-859-1906, to accommodate potential Class Member  
4 inquiries. The toll-free number was set forth in the Claim Package, Summary Notice, and on the  
5 case website. Gilardi has been and will continue to promptly respond to all inquiries to the toll-  
6 free telephone helpline.

7 15. On November 28, 2022, Gilardi established and continues to maintain a website  
8 dedicated to this Settlement ([www.SuperMicroSecuritiesSettlement.com](http://www.SuperMicroSecuritiesSettlement.com)) to provide additional  
9 information to Class Members and to provide answers to frequently asked questions. The web  
10 address was set forth in the Claim Package and the Summary Notice. The website includes  
11 information regarding the Litigation and the Settlement, including the objection and claim filing  
12 deadlines, and the date, time, and Zoom link to the Court’s Settlement Hearing. Copies of the  
13 Notice, Proof of Claim, Stipulation, and Notice Order are posted on the website and are available  
14 for downloading. Class Members can also complete and submit a Proof of Claim through the  
15 website.

16 **EXCLUSION REQUESTS AND OBJECTIONS**

17 16. The Notice informs potential Class Members that written requests for exclusion  
18 from the Class must be mailed to *Super Micro Securities Settlement*, EXCLUSIONS, c/o Gilardi  
19 & Co. LLC, P.O. Box 5100, Larkspur, CA 94977-5100, such that they are received no later than  
20 February 9, 2023.

21 17. The Notice also sets forth the information that must be included in each request for  
22 exclusion. Gilardi has monitored and will continue to monitor all mail delivered to this address.  
23 As of the date of this declaration, Gilardi has not received any requests for exclusion.

24 18. Additionally, the Notice directed Class Members to submit their objections to the  
25 Court so that the request was filed or postmarked by February 9, 2023, and not to Gilardi as Claims  
26 Administrator. However, Gilardi has checked for receipt of any objections and is not aware of any  
27 having been received as of the date of this declaration.

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I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 25th day of January, 2023, at San Rafael, California.



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ROSS D. MURRAY

# EXHIBIT A



UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

LOGAN HESSEFORT, Individually and on Behalf of All Others Similarly Situated,	)	Lead Case No. 4:18-cv-00838-JST
	)	<u>CLASS ACTION</u>
Plaintiff,	)	NOTICE OF PENDENCY AND PROPOSED
vs.	)	SETTLEMENT OF CLASS ACTION
SUPER MICRO COMPUTER, INC., et al.,	)	
Defendants.	)	

**A Federal Court authorized this Notice. This is not a solicitation from a lawyer.**

**NOTICE OF PENDENCY OF CLASS ACTION:** Please be advised that your rights may be affected by the above-captioned class action lawsuit pending in this Court (the “Litigation”) if you purchased or otherwise acquired the common stock of Super Micro Computer, Inc. (“Super Micro” or the “Company”) from August 5, 2016 through January 30, 2018, inclusive (the “Class Period”).

**NOTICE OF SETTLEMENT:** Please also be advised that the Lead Plaintiff New York Hotel Trades Council & Hotel Association of New York City, Inc. Pension Fund (“Lead Plaintiff”), on behalf of the Class (as defined in ¶1 below), has reached a proposed settlement of the Litigation for a total of \$18.25 million in cash that will resolve all claims in the Litigation (the “Settlement”).

**This Notice explains important rights you may have, including your possible receipt of cash from the Settlement. Your legal rights will be affected whether or not you act. Please read this Notice carefully!**

1. **Description of the Litigation and the Class:** This Notice relates to a proposed Settlement of a class action lawsuit pending against the following defendants: Super Micro, Charles Liang, Howard Hideshima, and Yih-Shyan (Wally) Liaw (“Defendants”) (collectively, with Lead Plaintiff, the “Settling Parties”). The proposed Settlement, if approved by the Court, will apply to the following Class (the “Class”): all Persons that purchased or acquired Super Micro common stock during the Class Period. Excluded from the Class are: (i) Defendants; (ii) members of the immediate families of the Individual Defendants; (iii) Super Micro’s subsidiaries; (iv) the officers and directors of Super Micro during the Class Period; (v) any entity in which any Defendant has a controlling interest; and (vi) the legal representatives, heirs, successors and assigns of any such excluded person or entity. Also excluded from the Class will be any Person who timely and validly seeks exclusion from the Class. Anyone with questions as to whether or not they are excluded from the Class may call the Claims Administrator toll-free at 1-888-859-1906.

2. **Statement of Class’s Recovery:** Subject to Court approval, and as described more fully in ¶46-52 below, Lead Plaintiff, on behalf of the Class, has agreed to settle all Released Claims (as defined in ¶47 below) against Defendants and other Released Defendant Parties (as defined in ¶49 below) in exchange for a settlement payment of \$18.25 million in cash (the “Settlement Amount”) to be deposited into an escrow account. The Net Settlement Fund (the Settlement Fund less Taxes and Tax Expenses, Notice and Administration Expenses, and attorneys’ fees and litigation expenses and awards to the Lead Plaintiff) will be distributed in accordance with a plan of allocation (the “Plan of Allocation”) that will be approved by the Court and will determine how the Net Settlement Fund shall be distributed to members of the Class. The Plan of Allocation is a basis for determining the relative positions of Class Members for purposes of allocating the Net Settlement Fund. The proposed Plan of Allocation is included in this Notice, and may be modified by the Court without further notice.

3. **Statement of Average Distribution Per Share:** The Settlement Fund consists of the \$18.25 million Settlement Amount plus interest earned. Assuming all potential Class Members elect to participate, the estimated average recovery is \$0.88 per allegedly damaged share before fees and expenses. Class Members may recover more or less than this amount depending on, among other factors, the aggregate value of the Recognized Claims represented by valid and acceptable Claim Forms as explained in the Plan of Allocation; when their shares were purchased or acquired and the price at the time of purchase or acquisition; whether the shares were sold, and if so, when they were sold and for how much. In addition, the actual recovery of Class Members may be further reduced by the payment of fees and costs from the Settlement Fund, as approved by the Court.

4. **Statement of the Parties’ Position on Damages:** Defendants deny all claims of wrongdoing, that they engaged in any wrongdoing, that they are liable to Lead Plaintiff and/or the Class and that Lead Plaintiff or other members of the Class suffered any injury. Moreover, the parties do not agree on the amount of recoverable damages if Lead Plaintiff prevailed on each of the claims. The issues on which the parties disagree include, but are not limited to, whether: (1) the statements made or facts allegedly omitted were material, false or misleading; (2) Defendants are otherwise liable under the securities laws for those statements or omissions or any alleged scheme to defraud; and (3) all or part of the damages allegedly suffered by members of the Class were caused by economic conditions or factors other than the allegedly false or misleading statements or omissions.

5. **Statement of Attorneys’ Fees and Expenses Sought:** Lead Counsel will apply to the Court, on behalf of all Lead Plaintiff’s Counsel, for an award of attorneys’ fees from the Settlement Fund of no more than 25% of the Settlement Amount, plus interest earned at the same rate and for the same period as earned by the Settlement Fund. In addition, Lead Counsel also will apply to the Court for payment from the Settlement Fund for Lead Plaintiff’s Counsel’s litigation expenses (reasonable expenses or charges of Lead Plaintiff’s Counsel in connection with commencing and prosecuting the Litigation), in a total amount not to exceed \$310,000.00, plus interest earned at the same rate and for the same period as earned by the Settlement Fund. If the Court approves Lead Counsel’s fee and expense application, the estimated average cost per allegedly damaged share is \$0.23. In addition, Lead Counsel may apply for awards to the Lead Plaintiff in connection with its representation of the Class in an amount not to exceed \$10,000.00.

6. **Identification of Attorneys’ Representatives:** Lead Plaintiff and the Class are being represented by Robbins Geller Rudman & Dowd LLP (“Lead Counsel”). Any questions regarding the Settlement should be directed to Ellen Gusikoff Stewart, Esq. at Robbins Geller Rudman & Dowd LLP, 655 W. Broadway, Suite 1900, San Diego, CA 92101, 1-800-449-4900, settlementinfo@rgrdlaw.com.

YOUR LEGAL RIGHTS AND OPTIONS IN THE SETTLEMENT	
DO NOTHING	Get no payment. Remain a Class Member. Give up your rights.
REMAIN A MEMBER OF THE CLASS AND SUBMIT A CLAIM FORM POSTMARKED OR SUBMITTED ONLINE NO LATER THAN FEBRUARY 27, 2023	This is the only way to be potentially eligible to receive a payment. If you wish to obtain a payment as a member of the Class, you will need to file a claim form (the “Claim Form” or “Proof of Claim Form”), which is included with this Notice, postmarked or submitted online no later than February 27, 2023. You must submit a Claim Form even if you previously submitted one in connection with Super Micro’s settlement with the Securities and Exchange Commission.
EXCLUDE YOURSELF FROM THE CLASS (OPT OUT) BY SUBMITTING A WRITTEN REQUEST FOR EXCLUSION SO THAT IT IS <b>RECEIVED</b> NO LATER THAN FEBRUARY 9, 2023	Receive no payment from this Settlement. This is the only option that allows you to ever potentially be part of any other lawsuit against any of the Defendants or the other Released Defendant Parties concerning the Released Claims. Should you elect to exclude yourself from the Class, you should understand that Defendants and the other Released Defendant Parties will have the right to assert any and all defenses they may have to any claims that you may seek to assert, including, without limitation, the defense that any such claims are untimely under applicable statutes of limitations and statutes of repose.
OBJECT TO THE SETTLEMENT SO THAT IT IS <b>FILED OR POSTMARKED</b> NO LATER THAN FEBRUARY 9, 2023	Write to the Court about your view on the Settlement, or why you don’t think the Settlement is fair to the Class.  If you do not exclude yourself from the Class, you may object to the Settlement, the Plan of Allocation, or the request for attorneys’ fees and litigation expenses. You must still submit a Claim Form in order to be potentially eligible to receive any money from the Settlement Fund.
ATTEND A HEARING ON MARCH 2, 2023, AT 2:00 P.M., AND FILE A NOTICE OF INTENTION TO APPEAR SO THAT IT IS <b>POSTMARKED</b> NO LATER THAN FEBRUARY 9, 2023	Ask to speak in Court about the fairness of the Settlement, the proposed Plan of Allocation, or the request for attorneys’ fees and litigation expenses.

**WHAT THIS NOTICE CONTAINS**

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**WHY DID I GET THIS NOTICE?**

7. The purpose of this Notice is to inform you about: (a) this Litigation, (b) the certification of the Class, (c) the terms of the proposed Settlement, and (d) your rights in connection with a hearing to be held before the United States District Court, Northern District of California, Oakland Division (the “Court”), on March 2, 2023 at 2:00 p.m., via Zoom at the link available at <https://cand.uscourts.gov/judges/tigar-jon-s-jst/>, to consider the fairness, reasonableness, and adequacy of the Settlement and related matters. This Notice also describes the steps to be taken by those who wish to be excluded from the Class and, for those who remain Class Members, the steps necessary to seek to be potentially eligible to share in the distribution of the Net Settlement Fund in the event the Settlement is approved by the Court.

8. A class action is a type of lawsuit in which the claims of a number of individuals are resolved together, thus providing the class members with both consistency and efficiency. In a class action lawsuit, the Court selects one or more people, known as class representatives, to sue on behalf of all people with similar claims, commonly known as the class or the class members. (For more information on excluding yourself from the Class, please read “What If I Do Not Want To Be A Part Of The Settlement? How Do I Exclude Myself?” located below.) In the Litigation, the Court has appointed Lead Plaintiff New York Hotel Trades Council & Hotel Association of New York City, Inc. Pension Fund as the representatives of the Class and Lead Counsel as Class Counsel, for purposes of the Settlement.

9. The Court in charge of this case is the United States District Court for the Northern District of California, Oakland Division, and the case is known as *Hessefort v. Super Micro Computer, Inc., et al.*, Case No. 4:18-cv-00838-JST. The judge presiding over this case is the Honorable Jon S. Tigar, United States District Judge. The institution which is suing is called Lead Plaintiff, and those who are being sued are called defendants. In this case, the Defendants are Super Micro, Charles Liang, Howard Hideshima, and Yih-Shyan (Wally) Liaw.

10. This Notice explains the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them. The purpose of this Notice is to inform you of this case, that it is a class action, how you might be affected, and how to exclude yourself from the Settlement if you wish to do so. It also is being sent to inform you of the terms of the proposed Settlement, and of a hearing to be held by the Court to consider the fairness, reasonableness, and adequacy of the proposed Settlement, the proposed Plan of Allocation, and the application by Lead Counsel for attorneys’ fees and litigation expenses (the “Settlement Hearing”).

11. The Settlement Hearing will be held on March 2, 2023 at 2:00 p.m., before the Honorable Jon S. Tigar, via Zoom at the link available at <https://cand.uscourts.gov/judges/tigar-jon-s-jst/>, for the following purposes:

- (a) to determine whether the proposed Settlement on the terms and conditions provided for in the Stipulation is fair, reasonable, and adequate and should be approved by the Court;
- (b) to determine whether the Judgment as provided for under the Stipulation of Settlement dated April 8, 2022 (the “Stipulation”) should be entered;
- (c) to determine whether the proposed Plan of Allocation for the net proceeds of the Settlement is fair and reasonable and should be approved by the Court;
- (d) to determine whether the application by Lead Counsel for an award of attorneys’ fees and litigation expenses should be approved; and
- (e) to rule upon such other matters as the Court may deem appropriate.

12. This Notice does not express any opinion by the Court concerning the merits of any claim in the Litigation, and the Court still has to decide whether to approve the Settlement. If the Court approves the Settlement, payments to Authorized Claimants will be made after any appeals are resolved, and after the completion of all claims processing. This process takes time. Please be patient.

**WHAT IS THIS CASE ABOUT? WHAT HAS HAPPENED SO FAR?**

13. This Litigation arises under Sections 10(b) and 20(a) of the Securities Exchange Act of 1934, and alleges that during the period from August 5, 2016 through January 30, 2018, inclusive (the “Class Period”), Defendants Super Micro, Charles Liang, Howard Hideshima, and Yih-Shyan (Wally) Liaw made materially false and misleading statements about Super Micro’s business performance and conditions. More specifically, Lead Plaintiff alleges that during the Class Period, Defendants misled investors regarding Super Micro’s business and financial results.

14. Lead Plaintiff alleges that during the Class Period, Defendants knew or recklessly disregarded that Super Micro’s financial statements contained accounting errors from premature recognition of revenue and that the Company’s internal controls over financial reporting were ineffective, causing Super Micro stock to trade at artificially inflated levels. On October 26, 2017, Super Micro announced, among other things, that the Company was investigating prematurely recognized sales revenue during the quarter ended December 31, 2016, and whether other additional improper transactions existed. On January 30, 2018, Super Micro announced that the Company’s “Audit Committee ha[d] completed the previously disclosed investigation” and that “[a]dditional time [would be] required to analyze the impact, if any, of the results of the investigation on the Company’s historical financial statements, as well as to conduct additional reviews before the Company would be able to finalize its Annual Report on Form 10-K for the fiscal year ended June 30, 2017.” Super Micro also announced the resignations of three of its executives. Following this news, the price of Super Micro stock fell \$1.83 per share, or more than 7%, to close at \$22.83 per share on January 31, 2018. On November 15, 2018, Super Micro disclosed, among other things, that its financial statements from fiscal year 2015 through the first three quarters of fiscal year 2017 should no longer be relied upon because of errors and would be restated. On May 17, 2019, Super Micro filed its 2017 Form 10-K restating financial results for a five-year period from 2013-2017 and disclosed extensive accounting violations, unethical sales practices, and an inappropriate tone at the top focused on increasing quarterly revenues at the expense of compliance. On August 25, 2020, the Securities and Exchange Commission entered three separate cease-and-desist orders against defendants Super Micro, Liang and Hideshima, pertaining to additional events and allegations that occurred during the Class Period.

15. On October 14, 2020, Lead Plaintiff filed its Fourth Amended Consolidated Class Action Complaint for Violation of the Federal Securities Laws. On October 28, 2020, Defendants supplemented their existing motions to dismiss, Lead Plaintiff filed a supplemental brief in opposition to the motion to dismiss on November 12, 2020. On November 25, 2020, Defendants filed supplemental reply briefs. On March 29, 2021, the Court issued an order granting in part, and denying in part, the motions to dismiss the Complaint.

16. Following the Court’s order on the motion to dismiss, Lead Plaintiff and Defendants commenced fact discovery, including document requests directed to the parties and subpoenas *duces tecum* directed to third parties. The parties negotiated and provided to the Court a [Proposed] Joint Stipulated Protective Order, which was entered by the Court on June 24, 2021.

17. On September 1, 2021, Lead Plaintiff filed its motion to certify the class, appoint class representative, and appoint class counsel. Defendants requested and received documents from Lead Plaintiff and its investment manager. Defendants took the deposition of Lead Plaintiff’s investment manager on December 8, 2021, and of Lead Plaintiff’s expert on market efficiency on January 21, 2022.

18. In the course of the Litigation, the Settling Parties engaged the services of Michelle Yoshida, of Phillips ADR, a nationally recognized mediator. The Settling Parties engaged in a mediation session with Ms. Yoshida on December 2, 2021. In advance of the mediation, the parties exchanged and provided to Ms. Yoshida detailed confidential mediation briefs with supporting exhibits. While the Settling Parties did not reach an agreement to settle the Litigation at the mediation, the Settling Parties continued settlement negotiations with the assistance of Ms. Yoshida. On March 11, 2022, the Settling Parties executed a term sheet setting forth their agreement in principle to resolve the Litigation.

**HOW DO I KNOW IF I AM AFFECTED BY THE SETTLEMENT?**

19. If you are a member of the Class, you are subject to the Settlement unless you timely request to be excluded. The Class consists of all Persons that purchased or acquired Super Micro common stock from August 5, 2016 through January 30, 2018, inclusive. Excluded from the Class are: (i) Defendants; (ii) members of the immediate families of the Individual Defendants; (iii) Super Micro’s subsidiaries; (iv) the officers and directors of Super Micro during the Class Period; (v) any entity in which any Defendant has a controlling interest; and (vi) the legal representatives, heirs, successors and assigns of any such excluded person or entity. Also excluded from the Class will be any Person who timely and validly seeks exclusion from the Class. Anyone with questions as to whether or not they are excluded from the Class may call the Claims Administrator toll-free at 1-888-859-1906. (See “What If I Do Not Want To Be A Part Of The Settlement? How Do I Exclude Myself?,” below.)

RECEIPT OF THIS NOTICE DOES NOT NECESSARILY MEAN THAT YOU ARE A CLASS MEMBER OR THAT YOU ARE ENTITLED TO RECEIVE PROCEEDS FROM THE SETTLEMENT. IF YOU WISH TO BE POTENTIALLY ELIGIBLE TO RECEIVE A DISTRIBUTION OF THE SETTLEMENT PROCEEDS, YOU MUST COMPLETE, SIGN, AND SUBMIT THE ENCLOSED CLAIM FORM POSTMARKED NO LATER THAN FEBRUARY 27, 2023. YOU MAY ALSO SUBMIT A CLAIM FORM ONLINE AT [WWW.SUPERMICROSECURITIESSETTLEMENT.COM](http://WWW.SUPERMICROSECURITIESSETTLEMENT.COM) BY FEBRUARY 27, 2023.

**WHAT ARE LEAD PLAINTIFF'S REASONS FOR THE SETTLEMENT?**

20. Lead Plaintiff and Lead Counsel believe that the claims asserted against Defendants have merit. Lead Plaintiff and Lead Counsel recognize, however, the expense and length of continued proceedings necessary to pursue their claims against Defendants through trial and appeals, as well as the difficulties in establishing liability, obtaining class certification and establishing damages. Lead Plaintiff and Lead Counsel have considered the amount of the Settlement, as well as the uncertain outcome and risk in complex lawsuits like this one. Such risks include, in particular, the risk that Lead Plaintiff would be unsuccessful in proving that the remaining Defendants' alleged misstatements were materially false and misleading, made with scienter (that is, the requisite state of mind), or caused compensable damages to the Class.

21. In light of the amount of the Settlement and the immediacy of recovery to the Class, Lead Plaintiff and Lead Counsel believe that the proposed Settlement is fair, reasonable and adequate, and in the best interests of the Class. Lead Plaintiff and Lead Counsel believe that the Settlement provides a substantial benefit now, namely \$18.25 million in cash (less the various deductions described in this Notice), as compared to the risk that the claims would produce a smaller recovery, or no recovery after summary judgment, trial and appeals, possibly years in the future.

22. Defendants have denied and continue to deny each and all of the claims alleged by Lead Plaintiff in the Litigation. Defendants expressly have denied and continue to deny all charges of wrongdoing or liability against them arising out of any of the conduct, statements, acts or omissions alleged, or that could have been alleged, in the Litigation. Defendants also have denied and continue to deny, among other things, the allegations that Lead Plaintiff or the Class have suffered any damage, or that Lead Plaintiff or the Class were harmed by the conduct alleged in the Litigation.

**WHAT MIGHT HAPPEN IF THERE WERE NO SETTLEMENT?**

23. If there were no Settlement and Lead Plaintiff failed to establish any essential legal or factual element of the alleged claims, neither Lead Plaintiff nor the Class would recover anything from Defendants. If Lead Plaintiff was not to succeed in obtaining class certification, Defendants may have asserted the defense that the claims of Class Members were untimely under applicable statutes of limitations and statutes of repose. Also, if Defendants were successful in proving any of their defenses, the Class likely would recover substantially less than the amount provided in the Settlement, or nothing at all.

**HOW MUCH WILL MY PAYMENT BE?**

24. Defendants have agreed to cause to be paid Eighteen Million, Two Hundred and Fifty Thousand Dollars (\$18,250,000.00) in cash into escrow for the benefit of the Class. At this time, it is not possible to make any determination as to how much individual Class Members may receive from the Settlement. Lead Plaintiff has proposed a plan for allocating the Net Settlement Fund to those Class Members who timely submit valid Proof of Claim Forms. The Plan of Allocation proposed by Lead Plaintiff is set forth below, and additional information is available on the website created for purposes of this Settlement, [www.SuperMicroSecuritiesSettlement.com](http://www.SuperMicroSecuritiesSettlement.com).

25. Payment pursuant to the Plan of Allocation shall be conclusive against all Authorized Claimants. No person or entity shall have any claim based on distributions made substantially in accordance with the Stipulation and the Settlement contained therein, the Plan of Allocation, or further order(s) of the Court against Lead Plaintiff's Counsel, the Lead Plaintiff, Class Members, the Claims Administrator, Defendants and the other Released Defendant Parties (defined below), or any person or entity designated by Lead Counsel. All members of the Class who fail to timely submit an acceptable Claim Form by the deadline set by the Court, or such other deadline as may be ordered by the Court, or otherwise allowed, shall be forever barred from receiving any payments pursuant to the Settlement, but will in all other respects be subject to and bound by the terms of the Settlement, including Class Members' release of all Released Claims.

26. The Court has reserved jurisdiction to allow, disallow, or adjust on equitable grounds the claim of any member of the Class.

27. The Plan of Allocation set forth below is the proposed plan submitted by Lead Plaintiff and Lead Counsel for the Court's approval. The Court may approve this plan as proposed or it may modify it without further notice to the Class.

28. Each claimant shall be deemed to have submitted to the jurisdiction of the United States District Court for the Northern District of California, Oakland Division, with respect to his, her or its Claim Form.

29. Persons and entities that exclude themselves from the Class will not be eligible to receive a distribution from the Net Settlement Fund and should not submit Proof of Claim Forms.

**PLAN OF ALLOCATION**

30. The objective of the Plan of Allocation is to equitably distribute the settlement proceeds to those Class Members who suffered economic losses as a proximate result of the alleged wrongdoing. In developing the Plan of Allocation, Lead Plaintiff's damages consultant calculated the potential amount of estimated alleged artificial inflation in Super Micro common stock which allegedly was proximately caused by Defendants' alleged false and misleading statements and material omissions. In calculating the estimated alleged artificial inflation allegedly caused by Defendants' alleged misrepresentations and omissions, Lead Plaintiff's damages consultant considered the market and industry adjusted price changes in Super Micro's stock price following certain corrective disclosures regarding Super Micro and the allegations in the Fourth Amended Complaint.

31. The calculations made pursuant to the Plan of Allocation are not intended to be estimates of, nor indicative of, the amounts that Class Members might have been able to recover after a trial. Nor are the calculations pursuant to the Plan of Allocation intended to be estimates of the amounts that will be paid to Authorized Claimants pursuant to the Settlement. The computations under the Plan of Allocation are only a method to weigh the claims of Authorized Claimants against one another for the purposes of making *pro rata* allocations of the Net Settlement Fund.

**CALCULATION OF RECOGNIZED LOSS AMOUNTS**

32. In order to have recoverable damages, a disclosure of the alleged truth omitted or concealed by the misrepresentations must be the cause of the decline in the price of Super Micro common stock. In this case, Lead Plaintiff alleges that Defendants made false statements and omitted material facts during the Class Period, which had the effect of artificially inflating the prices of Super Micro common stock.

33. Based on the formula set forth below, a "Recognized Loss Amount" will be calculated for each purchase or acquisition of Super Micro common stock during the Class Period that is listed in the Proof of Claim Form and for which adequate documentation is provided. In the calculations below, if a Recognized Loss Amount calculates to a negative number, that Recognized Loss Amount shall be zero.

34. The allocation below is based on the following inflation per share amounts for Class Period share purchases and sales as well as the statutory PSLRA 90-day look-back amount of \$16.43.

<b>Inflation Period</b>	<b>Inflation per Share</b>
August 5, 2016 – August 29, 2017	\$12.20
August 30, 2017 – September 14, 2017	\$10.69
September 15, 2017 – September 17, 2017	\$8.75
September 18, 2017 – October 26, 2017	\$6.55
October 27, 2017 – January 30, 2018	\$5.13
January 31, 2018 – March 18, 2018	\$3.32
March 19, 2018 – August 21, 2018	\$2.70

For shares of Super Micro common stock purchased, or acquired, on or from August 5, 2016 through and including January 30, 2018, the claim per share shall be as follows:

- (a) If sold prior to August 30, 2017, the claim per share is \$0.00.
- (b) If sold on or between August 30, 2017 through August 21, 2018, the claim per share shall be the lesser of: (i) the inflation per share at the time of purchase less the inflation per share at the time of sale; and (ii) the difference between the purchase price and the selling price.
- (c) If retained at the end of August 21, 2018 and sold on or before November 19, 2018, the claim per share shall be the least of: (i) the inflation per share at the time of purchase; (ii) the difference between the purchase price and the selling price; and (iii) the difference between the purchase price and the average closing price up to the date of sale as set forth in Table A below.
- (d) If retained at the end of November 19, 2018, or sold thereafter, the claim per share shall be the lesser of: (i) the inflation per share at the time of purchase; and (ii) the difference between the purchase price and \$16.43.

**TABLE A**

<b>Date</b>	<b>Price</b>	<b>Average Closing Price</b>
8/22/2018	\$15.65	\$15.65
8/23/2018	\$17.24	\$16.45
8/24/2018	\$16.38	\$16.42
8/27/2018	\$17.25	\$16.63
8/28/2018	\$19.48	\$17.20
8/29/2018	\$20.15	\$17.69
8/30/2018	\$20.65	\$18.11
8/31/2018	\$20.51	\$18.41
9/4/2018	\$20.45	\$18.64
9/5/2018	\$19.75	\$18.75
9/6/2018	\$20.00	\$18.86
9/7/2018	\$20.24	\$18.98
9/10/2018	\$20.03	\$19.06
9/11/2018	\$19.77	\$19.11
9/12/2018	\$19.80	\$19.16
9/13/2018	\$20.00	\$19.21
9/14/2018	\$20.10	\$19.26
9/17/2018	\$20.47	\$19.33
9/18/2018	\$20.55	\$19.39
9/19/2018	\$20.67	\$19.46
9/20/2018	\$21.20	\$19.54
9/21/2018	\$20.70	\$19.59
9/24/2018	\$19.91	\$19.61
9/25/2018	\$21.32	\$19.68
9/26/2018	\$21.00	\$19.73
9/27/2018	\$20.56	\$19.76
9/28/2018	\$20.61	\$19.79
10/1/2018	\$21.50	\$19.85
10/2/2018	\$21.46	\$19.91
10/3/2018	\$21.40	\$19.96
10/4/2018	\$12.60	\$19.72
10/5/2018	\$12.40	\$19.49

<b>Date</b>	<b>Price</b>	<b>Average Closing Price</b>
10/8/2018	\$14.75	\$19.35
10/9/2018	\$12.46	\$19.15
10/10/2018	\$12.80	\$18.97
10/11/2018	\$13.05	\$18.80
10/12/2018	\$13.11	\$18.65
10/15/2018	\$13.77	\$18.52
10/16/2018	\$13.34	\$18.39
10/17/2018	\$13.55	\$18.27
10/18/2018	\$13.38	\$18.15
10/19/2018	\$14.10	\$18.05
10/22/2018	\$14.70	\$17.97
10/23/2018	\$14.65	\$17.90
10/24/2018	\$14.70	\$17.83
10/25/2018	\$14.76	\$17.76
10/26/2018	\$14.40	\$17.69
10/29/2018	\$13.30	\$17.60
10/30/2018	\$13.00	\$17.50
10/31/2018	\$13.10	\$17.41
11/1/2018	\$13.79	\$17.34
11/2/2018	\$13.75	\$17.27
11/5/2018	\$12.36	\$17.18
11/6/2018	\$12.37	\$17.09
11/7/2018	\$12.07	\$17.00
11/8/2018	\$11.65	\$16.91
11/9/2018	\$12.14	\$16.82
11/12/2018	\$11.78	\$16.73
11/13/2018	\$11.74	\$16.65
11/14/2018	\$12.05	\$16.57
11/15/2018	\$12.42	\$16.51
11/16/2018	\$14.30	\$16.47
11/19/2018	\$13.75	\$16.43

**ADDITIONAL PROVISIONS**

35. The Net Settlement Fund will be allocated among all Authorized Claimants based on the amount of each Authorized Claimant's Recognized Claim (defined below).

36. If a Class Member has more than one purchase/acquisition or sale of Super Micro common stock, purchases/acquisitions and sales shall be matched on a First In, First Out ("FIFO") basis. Class Period sales will be matched first against any holdings at the beginning of the Class Period, and then against purchases/acquisitions in chronological order, beginning with the earliest purchase/acquisition made during the Class Period.

37. A claimant's "Recognized Claim" under the Plan of Allocation shall be the sum of his, her or its Recognized Loss Amounts.

38. The Net Settlement Fund will be distributed to Authorized Claimants on a *pro rata* basis based on the relative size of their Recognized Claims. Specifically, a "Distribution Amount" will be calculated for each Authorized Claimant, which shall be the Authorized Claimant's Recognized Claim divided by the total Recognized Claims of all Authorized Claimants, multiplied by the total amount in the Net Settlement Fund. If any Authorized Claimant's Distribution Amount calculates to less than \$10.00, it will not be included in the calculation and no distribution will be made to such Authorized Claimant.

39. Purchases or acquisitions and sales of Super Micro common stock shall be deemed to have occurred on the "contract" or "trade" date as opposed to the "settlement" or "payment" date. The receipt or grant by gift, inheritance or operation of law of Super Micro common stock during the Class Period shall not be deemed a purchase, acquisition or sale of Super Micro common stock for the calculation of an Authorized Claimant's Recognized Loss Amount, nor shall the receipt or grant be deemed an assignment of any claim relating to the purchase/acquisition of any Super Micro common stock unless (i) the donor or decedent purchased or otherwise acquired such Super Micro common stock during the Class Period; (ii) no Claim Form was submitted by or on behalf of the donor, on behalf of the decedent, or by anyone else with respect to those shares; and (iii) it is specifically so provided in the instrument of gift or assignment.

40. The date of covering a "short sale" is deemed to be the date of purchase or acquisition of the Super Micro common stock. The date of a "short sale" is deemed to be the date of sale of the Super Micro common stock. Under the Plan of Allocation, however, the Recognized Loss Amount on "short sales" is zero. In the event that a claimant has an opening short position in Super Micro common stock, the earliest Class Period purchases or acquisitions of Super Micro common stock shall be matched against such opening short position, and not be entitled to a recovery, until that short position is fully covered.

41. Option contracts are not securities eligible to participate in the Settlement. With respect to Super Micro common stock purchased or sold through the exercise of an option, the purchase/sale date of the common stock is the exercise date of the option and the purchase/sale price of the common stock is the exercise price of the option.

42. To the extent a claimant had a market gain with respect to his, her, or its overall transactions in Super Micro common stock during the Class Period, the value of the claimant's Recognized Claim shall be zero. Such claimants shall in any event be bound by the Settlement. To the extent that a claimant suffered an overall market loss with respect to his, her, or its overall transactions in Super Micro common stock during the Class Period, but that market loss was less than the total Recognized Claim calculated above, then the claimant's Recognized Claim shall be limited to the amount of the actual market loss.

43. After the initial distribution of the Net Settlement Fund, the Claims Administrator shall make reasonable and diligent efforts to have Authorized Claimants cash their distribution checks. To the extent any monies remain in the fund within a reasonable time after the initial distribution, if Lead Counsel, in consultation with the Claims Administrator, determine that it is cost-effective to do so, the Claims Administrator shall conduct a re-distribution of the funds remaining after payment of any unpaid fees and expenses incurred in administering the Settlement, including for such re-distribution, to Authorized Claimants who have cashed their initial distributions and who would receive at least \$10.00 from such re-distribution. Additional re-distributions to Authorized Claimants who have cashed their prior checks and who would receive at least \$10.00 on such additional re-distributions may occur thereafter if Lead Counsel, in consultation with the Claims Administrator, determine that additional re-distributions, after the deduction of any additional fees and expenses incurred in administering the Settlement, including for such re-distributions, would be cost-effective. At such time as it is determined that the re-distribution of funds remaining in the Net Settlement Fund is not cost-effective, the remaining balance shall be contributed to the Investor Protection Trust.

44. Payment pursuant to the Plan of Allocation, or such other plan of allocation as may be approved by the Court, shall be conclusive against all Authorized Claimants. No person shall have any claim against the Lead Plaintiff, Lead Counsel, Lead Plaintiff's damages consultant, or the Claims Administrator or other agent designated by Lead Counsel, or the Defendants' releasees and/or their respective counsel, arising from distributions made substantially in accordance with the Stipulation, the Plan of Allocation approved by the Court, or further orders of the Court. The Lead Plaintiff, and Defendants, their respective counsel, Lead Plaintiff's damages consultant, and all other releasees shall have no responsibility or liability whatsoever for the investment or distribution of the Settlement Fund, the Net Settlement Fund, the



Plan of Allocation, or the determination, administration, calculation, or payment of any Claim Form or nonperformance of the Claims Administrator, the payment or withholding of taxes (including interest and penalties) owed by the Settlement Fund, or any losses incurred in connection therewith.

45. The Plan of Allocation set forth herein is the plan that is being proposed to the Court for its approval by Lead Plaintiff after consultation with its damages consultant. The Court may approve this plan as proposed or it may modify the Plan of Allocation without further notice to the Class. Any orders regarding any modification of the Plan of Allocation will be posted on the Settlement website.

#### WHAT RIGHTS AM I GIVING UP BY AGREEING TO THE SETTLEMENT?

46. If the Settlement is approved, the Court will enter a judgment (the "Judgment"). The Judgment will dismiss with prejudice the claims against Defendants and will provide that Lead Plaintiff, and all other Released Plaintiff Parties (as defined in ¶50 below) shall have waived, released, discharged, and dismissed each and every one of the Released Claims (as defined in ¶47 below), including Unknown Claims (as defined in ¶51 below), against each and every one of the Released Defendant Parties (as defined in ¶49 below) and shall forever be barred and enjoined from commencing, instituting, prosecuting, or maintaining any and all of the Released Claims against any and all of the Released Defendant Parties, whether or not they execute and deliver the Claim Form or share in the Settlement Fund. Claims to enforce the terms of the Settlement are not released.

47. "Released Claims" means any and all claims, rights, liabilities, and causes of action of every nature and description, including both known claims and Unknown Claims (as defined below), whether contingent or absolute, asserted or unasserted, mature or unmature, discoverable or undiscoverable, liquidated or unliquidated, accrued or unaccrued, including those that are concealed or hidden, regardless of legal or equitable theory, that both (i) arise out of, are based upon, or are related in any way to the allegations, acts, facts, matters, occurrences, disclosures, filings, statements, representations, or omissions that were or could have been alleged by Lead Plaintiff and all other Class Members in the Litigation whether arising under federal, state, local, common or foreign law, or any other law, rule, or regulation, whether class or individual in nature, and (ii) relate to the purchase or acquisition of Super Micro common stock during the Class Period. Notwithstanding the foregoing, "Released Claims" does not include claims relating to the enforcement of the Settlement, or claims asserted in any derivative action based on similar allegations, or claims under or against the Super Micro Computer, Inc. Fair Fund.

48. "Released Defendants' Claims" means all claims and causes of action of every nature and description, including both known claims and Unknown Claims (as defined below), whether arising under federal, state, common or foreign law, or any other law, that Defendants could have asserted against any of the Released Plaintiff Parties, including Lead Plaintiff's Counsel and Class Members, that arise out of or relate in any way to the institution, prosecution, or settlement of the claims in the Litigation, except for claims relating to the enforcement of the Settlement.

49. "Released Defendant Parties" means each and all of the Defendants, and each of their Related Persons.

50. "Released Plaintiff Parties" means the Lead Plaintiff, each and every Class Member, Lead Plaintiff's Counsel, and each of their respective past or present trustees, officers, directors, partners, employees, contractors, auditors, principals, agents, attorneys, predecessors, successors, assigns, insurers, parents, subsidiaries, general or limited partners or partnerships, and limited liability companies; and the spouses, members of the immediate families, representatives, and heirs of any Released Plaintiff Party who is an individual, as well as any trust of which any Released Plaintiff Party is the settlor or which is for the benefit of any of their immediate family members. Released Plaintiff Parties does not include any Person who timely and validly seeks exclusion from the Class.

51. "Unknown Claims" means any and all Released Claims that Lead Plaintiff or any other Class Member does not know or suspect to exist in his, her, or its favor at the time of the release of the Released Defendant Parties, and any and all Released Defendants' Claims that any Defendant does not know or suspect to exist in his, her or its favor, which if known by him, her or it, might have affected his, her or its decision to enter into this Settlement, execute the Stipulation, and agree to all the various releases set forth herein, or might have affected his, her or its decision not to object to this Settlement or not exclude himself, herself or itself from the Class. Unknown Claims include, without limitation, those claims in which some or all of the facts composing the claim may be unsuspected, undisclosed, concealed, or hidden. With respect to any and all Released Claims and Released Defendants' Claims, the Released Parties stipulate and agree that, upon the Effective Date, Lead Plaintiff and Class Members (as regards the Released Claims) and the Defendants (as regards the Released Defendants' Claims) shall expressly waive and relinquish, and each Class Member shall be deemed to have and by operation of law and of the Judgment shall have, expressly waived and relinquished, to the fullest extent permitted by law, any and all provisions, rights and benefits conferred by California Civil Code §1542, or any law of any state or territory of the United States, or principle of common law or of international or foreign law, which is similar, comparable, or equivalent to Cal. Civ. Code §1542, which provides:

**A general release does not extend to claims which the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release and that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.**

52. The Judgment also will provide that Defendants and each of the other Released Defendant Parties shall be deemed to have waived, released, discharged, and dismissed as against the Released Plaintiff Parties all Released Defendants' Claims, which includes all claims and causes of action of every nature and description, including both known claims and Unknown Claims, whether arising under federal, state, common or foreign law, or any other law, that Defendants could have asserted against any of the Released Plaintiff Parties, including Lead Plaintiff's Counsel, that arise out of or relate in any way to the institution, prosecution, or settlement of the claims in the Litigation, except for claims relating to the enforcement of the Settlement.

#### WHAT PAYMENT ARE THE ATTORNEYS FOR THE CLASS SEEKING? HOW WILL THE LAWYERS BE PAID?

53. Lead Counsel has not received any payment for its services in pursuing claims against Defendants on behalf of the Class, nor has Lead Counsel been paid for its expenses. Before final approval of the Settlement, Lead Counsel intends to apply to the Court for an award of attorneys' fees on behalf of all Lead Plaintiff's Counsel from the Settlement Fund of no more than 25% of the Settlement Amount, plus interest. At the same time, Lead Counsel also intends to apply for the payment from the Settlement Fund for Lead Plaintiff's Counsel's litigation expenses in a total amount not to exceed \$310,000.00, plus interest. The Court will determine the amount of the award of fees and expenses. Lead Counsel may apply for an award to the Lead Plaintiff not to exceed \$10,000.00 in connection with its representation of the Class. Such sums as may be approved by the Court will be paid from the Settlement Fund. Class Members are not personally liable for any such fees or expenses.

#### HOW DO I PARTICIPATE IN THE SETTLEMENT? WHAT DO I NEED TO DO?

54. If you fall within the definition of the Class as described above, and you are not excluded by the definition of the Class and you do not elect to exclude yourself from the Class, then you are a Class Member, and you will be bound by the proposed Settlement if the Court approves it, and by any judgment or determination of the Court affecting the Class. If you are a Class Member, you must submit a Claim Form and supporting documentation to establish your potential entitlement to share in the proceeds of the Settlement. A Claim Form is included with this Notice, or you may go to the website maintained by the Claims Administrator for the Settlement to submit a claim online or to request that a Claim Form be mailed to you. The website is [www.SuperMicroSecuritiesSettlement.com](http://www.SuperMicroSecuritiesSettlement.com). You may also request a Claim Form by calling toll-free 1-888-859-1906. Those who exclude themselves from the Class, and those who do not submit timely and valid Claim Forms with adequate supporting documentation, will not be entitled to share in the proceeds of the Settlement unless otherwise ordered by the Court. Please retain all original records of your ownership of, or transactions in, the shares, as they may be needed to document your claim.

55. As a Class Member, for purposes of the Settlement, you are represented by Lead Plaintiff, and Lead Counsel, unless you enter an appearance through counsel of your own choice at your own expense. You are not required to retain your own counsel, but if you choose to do so, such counsel must file a notice of appearance on your behalf.

56. If you do not wish to remain a Class Member, you may exclude yourself from the Class by following the instructions in the section entitled, "What If I Do Not Want To Be A Part Of The Settlement? How Do I Exclude Myself?" below. If you exclude yourself from the Class, you will not be eligible to receive any benefit from the Settlement and you should not submit a Claim Form, but you will retain the right to be a part of any other lawsuit against any of the Released Defendant Parties (as defined in ¶49 above) with respect to any of the Released Claims (as defined in ¶47 above).

57. If you wish to object to the Settlement or any of its terms, the proposed Plan of Allocation, or Lead Counsel's application for attorneys' fees and litigation expenses, and if you do not exclude yourself from the Class, you may present your objections by following the instructions in the section entitled, "When And Where Will The Court Decide Whether To Approve The Settlement?" below. If you exclude yourself from the Class, you are not entitled to submit an objection.

#### WHAT IF I DO NOT WANT TO BE A PART OF THE SETTLEMENT? HOW DO I EXCLUDE MYSELF?

58. Each Class Member will be bound by all determinations and judgments in this lawsuit concerning the Settlement, whether favorable or unfavorable, unless such person or entity mails, by first-class mail (or its equivalent outside the U.S.), or otherwise delivers a written request for exclusion from the Class, addressed to *Super Micro Securities Settlement*, EXCLUSIONS, c/o Gilardi & Co. LLC, P.O. Box 5100, Larkspur, CA 94977-5100. The exclusion request must be **received no later than February 9, 2023**. Each request for exclusion must clearly indicate the full name of the person or entity seeking exclusion, that the sender requests to be excluded from the Class in *Hessefort v. Super Micro Computer, Inc., et al.*, Case No. 4:18-cv-00838-JST, and must be signed by such person. The request for exclusion shall not be effective unless it provides the required information and is made within the time stated above, or the exclusion is otherwise accepted by the Court. Should you elect to exclude yourself from the Class, you should understand that Defendants and the other Released Defendant Parties will have the right to assert any and all defenses they may have to any claims that you may seek to assert, including, without limitation, the defense that any such claims are untimely under applicable statutes of limitations and statutes of repose.

59. If you do not want to be part of the Class, you must follow these instructions for exclusion even if you have pending, or later file, another lawsuit, arbitration, or other proceeding relating to any Released Claim against any of the Released Defendant Parties. Excluding yourself from the Class is the only option that allows you to be part of any other current or future lawsuit against Defendants or any of the other Released Defendant Parties concerning the Released Claims. Please note, however, if you decide to exclude yourself from the Class, you may be time-barred from asserting the claims covered by the Litigation by a statute of repose.

60. If you ask to be excluded, do not submit a Claim Form because you cannot receive any payment from the Net Settlement Fund. If a person or entity requests to be excluded from the Class, that person or entity will not receive any benefit provided for in the Stipulation.

61. If the requests for exclusion from the Settlement exceed a certain amount, as set forth in a separate confidential supplemental agreement between Lead Plaintiff and Defendants (the "Supplemental Agreement"), Super Micro shall have, in its discretion, the option to terminate the Settlement in accordance with the procedures set forth in the Supplemental Agreement.

**WHEN AND WHERE WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT?  
DO I HAVE TO ATTEND THE HEARING?  
MAY I SPEAK AT THE HEARING IF I DON'T LIKE THE SETTLEMENT?**

62. If you do not wish to object in person to the proposed Settlement, the proposed Plan of Allocation, and/or the application for attorneys' fees and litigation expenses, you do not need to attend the Settlement Hearing. You can object to or participate in the Settlement without attending the Settlement Hearing.

63. The Settlement Hearing will be held on March 2, 2023 at 2:00 p.m., before the Honorable Jon S. Tigar, via Zoom at the link available at <https://cand.uscourts.gov/judges/tigar-jon-s-jst/>. The Court reserves the right to approve the Settlement or the Plan of Allocation, Lead Counsel's motion for an award of attorneys' fees and expenses, and/or any other matter related to the Settlement at or after the Settlement Hearing without further notice to the members of the Class.

64. Any Class Member who does not request exclusion such that it is received no later than February 9, 2023, may object to the Settlement, the Plan of Allocation, or Lead Counsel's request for an award of attorneys' fees and litigation expenses. You can ask the Court to deny approval by filing an objection. You cannot ask the Court to order a different settlement; the Court can only approve or reject the Settlement. If the Court denies approval, no settlement payments will be sent out and the lawsuit will continue. If that is what you want to happen, you must object.

65. Any objection to the proposed Settlement must be in writing. If you file a timely written objection, you may, but are not required to, appear at the Settlement Hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for hiring and paying that attorney. All written objections and supporting papers must (a) clearly identify the case name and number (*Hessefort v. Super Micro Computer, Inc., et al.*, Case No. 4:18-cv-00838-JST), (b) be submitted to the Court either by mailing them to the Clerk of the Court, United States District Court for the Northern District of California, Oakland Division, 1301 Clay Street, Oakland, CA 94612, or by filing them in person at any location of the United States District Court for the Northern District of California, and (c) be filed or postmarked on or before February 9, 2023.

66. The notice of objection must include the basis for the objecting Person's belief that they are a member of the Class, and contain a statement of reasons for the objection and the objector's signature, even if represented by counsel.

67. You may not object to the Settlement or any aspect of it, if you exclude yourself from the Class.

68. You may file a written objection without having to appear at the Settlement Hearing. You may not appear at the Settlement Hearing to present your objection, however, unless you have first filed a written objection in accordance with the procedures described above, unless the Court orders otherwise.

69. You are not required to hire an attorney to represent you in making written objections or in appearing at the Settlement Hearing. If you decide to hire an attorney, which will be at your own expense, however, he or she must file a notice of appearance with the Court by February 9, 2023.

70. The Settlement Hearing may be adjourned by the Court without further written notice to the Class, other than a posting of the adjournment on the Settlement website, [www.SuperMicroSecuritiesSettlement.com](http://www.SuperMicroSecuritiesSettlement.com). If you plan to attend the Settlement Hearing, you should confirm the date and time with Lead Counsel.

**Unless the Court orders otherwise, any Class Member who does not object in the manner described above will be deemed to have waived any objection and shall be forever foreclosed from making any objection to the proposed Settlement, the proposed Plan of Allocation, or Lead Counsel's request for an award of attorneys' fees and litigation expenses. Class Members do not need to appear at the hearing or take any other action to indicate their approval.**

**WHAT IF I BOUGHT SHARES ON SOMEONE ELSE'S BEHALF?**

71. Nominees who purchased or acquired Super Micro common stock for beneficial owners who are Class Members are directed to: (a) request within seven (7) calendar days of receipt of this Notice additional copies of the Notice and the Claim Form from the Claims Administrator for such beneficial owners; or (b) send a list of the names and addresses of such beneficial owners to the Claims Administrator within seven (7) calendar days after receipt of this Notice. If a nominee elects to send the Notice to beneficial owners, such nominee is directed to mail the Notice via First Class Mail within seven (7) calendar days of receipt of the additional copies of the Notice from the Claims Administrator, and upon such mailing, the nominee shall send a statement to the Claims Administrator confirming that the mailing was made as directed, and the nominee shall retain the list of names and addresses for use in connection with any possible future notice to the Class. Upon full compliance with these instructions, including the timely mailing of the Notice to beneficial owners, such nominees may seek reimbursement of their reasonable expenses actually incurred in complying with these instructions by providing the Claims Administrator with proper documentation supporting the expenses for which reimbursement is sought and reflecting compliance with these instructions, including timely mailing of the Notice, if the nominee elected or elects to do so. Such properly documented expenses incurred by nominees in compliance with the terms of these instructions will be paid from the Settlement Fund. Copies of this Notice may also be obtained by contacting the Claims Administrator at [notifications@gilardi.com](mailto:notifications@gilardi.com) or *Super Micro Securities Settlement*, Claims Administrator, c/o Gilardi & Co. LLC, P.O. Box 6181 Novato, CA 94948-6181.

**CAN I SEE THE COURT FILE? WHOM SHOULD I CONTACT IF I HAVE QUESTIONS?**

72. This Notice contains only a summary of the terms of the proposed Settlement. More detailed information about the matters involved in the Litigation is available at [www.SuperMicroSecuritiesSettlement.com](http://www.SuperMicroSecuritiesSettlement.com), including, among other documents, copies of the Stipulation and Proof of Claim Form. This Notice summarizes the proposed Settlement. For the precise terms and conditions of the Settlement, please see the settlement agreement available at [www.SuperMicroSecuritiesSettlement.com](http://www.SuperMicroSecuritiesSettlement.com), or by contacting Lead Counsel below. You may also access the Court docket in this case, for a fee, through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the Northern District of California, Oakland Division, 1301 Clay Street, Oakland, CA 94612, between 9:00 a.m. and 1:00 p.m., Monday through Friday, excluding Court holidays. All inquiries concerning this Notice or the Claim Form should be directed to:

*Super Micro Securities Settlement*  
Claims Administrator  
c/o Gilardi & Co. LLC  
P.O. Box 6181  
Novato, CA 94948-6181

-or-

Ellen Gusikoff Stewart, Esq.  
ROBBINS GELLER RUDMAN  
& DOWD LLP  
655 W. Broadway, Suite 1900  
San Diego, CA 92101  
1-800-449-4900  
[settlementinfo@rgrdlaw.com](mailto:settlementinfo@rgrdlaw.com)  
Lead Counsel

**DO NOT CALL OR WRITE THE COURT, DEFENDANTS, DEFENDANTS' COUNSEL,  
OR THE OFFICE OF THE CLERK OF COURT TO INQUIRE ABOUT  
THIS SETTLEMENT OR THE CLAIM PROCESS.**

Dated: November 8, 2022

By Order of the Court  
United States District Court  
Northern District of California  
Oakland Division

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

LOGAN HESSEFORT, Individually and on Behalf of All Others Similarly Situated,	)	Lead Case No. 4:18-cv-00838-JST
	)	<u>CLASS ACTION</u>
Plaintiff,	)	PROOF OF CLAIM FORM
vs.	)	
SUPER MICRO COMPUTER, INC., et al.,	)	
Defendants.	)	

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**Super Micro Securities Settlement**  
**c/o Gilardi & Co. LLC**  
**P.O. Box 6181**  
**Novato, CA 94948-6181**  
**Toll-Free Number: 1-888-859-1906**  
**Email: [info@SuperMicroSecuritiesSettlement.com](mailto:info@SuperMicroSecuritiesSettlement.com)**  
**Website: [www.SuperMicroSecuritiesSettlement.com](http://www.SuperMicroSecuritiesSettlement.com)**

To be eligible to receive a share of the Net Settlement Fund in connection with the Settlement of this Litigation, you must complete and sign this Proof of Claim Form (“Claim Form”) and mail it by first-class mail to the above address, **postmarked no later than February 27, 2023 or submit it online at the above website on or before February 27, 2023.**<sup>1</sup>

Failure to submit your Claim Form by the date specified will subject your claim to rejection and may preclude you from being eligible to receive any money in connection with the Settlement.

**Do not mail or deliver your Claim Form to the Court, the parties to the Litigation, or their counsel. Submit your Claim Form only to the Claims Administrator at the address or website set forth above.**

**I. INSTRUCTIONS**

**A. GENERAL INSTRUCTIONS**

1. **To recover as a member of the Class based on your claims in the action entitled *Hessefort v. Super Micro Computer, Inc., et al.*, Case No. 4:18-cv-00838-JST (the “Litigation”), you must complete and, on page 8 hereof, sign this Proof of Claim Form (“Claim Form”). If you fail to file a properly addressed (as set forth in paragraph 3 below) Claim Form, your claim may be rejected, and you may be precluded from any recovery from the Net Settlement Fund created in connection with the proposed settlement of the Litigation.**

2. Submission of this Claim Form, however, does not assure that you will share in the proceeds of settlement in the Litigation.

3. **YOU MUST MAIL OR SUBMIT ONLINE YOUR COMPLETED AND SIGNED CLAIM FORM ON OR BEFORE FEBRUARY 27, 2023, ADDRESSED AS FOLLOWS:**

*Super Micro Securities Settlement*  
c/o Gilardi & Co. LLC  
P.O. Box 6181  
Novato, CA 94948-6181  
[www.SuperMicroSecuritiesSettlement.com](http://www.SuperMicroSecuritiesSettlement.com)

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<sup>1</sup> You must submit a Claim Form even if you previously submitted one in connection with the SEC’s settlement with Super Micro (Super Micro Computer, Inc. Fair Fund ([smcfairfund.com](http://smcfairfund.com))).

If you are NOT a member of the Class, as defined below and in the Notice of Pendency and Proposed Settlement of Class Action (the "Notice"), DO NOT submit a Claim Form.

4. If you are a member of the Class and you do not timely and validly request exclusion from the Class, you are bound by the terms of any judgment entered in the Litigation, including the releases provided therein, WHETHER OR NOT YOU SUBMIT A CLAIM FORM.

5. It is important that you completely read and understand the Notice that accompanies this Claim Form, including the Plan of Allocation of the Net Settlement Fund set forth in the Notice. The Notice describes the proposed Settlement, how Class Members are affected by the Settlement, and the manner in which the Net Settlement Fund will be distributed if the Settlement and Plan of Allocation are approved by the Court. The Notice also contains the definitions of many of the defined terms (which are indicated by initial capital letters) used in this Claim Form. By signing and submitting this Claim Form, you will be certifying that you have read and that you understand the Notice, including the terms of the releases described therein and provided for herein.

## **B. CLAIMANT IDENTIFICATION**

1. If you purchased or acquired Super Micro common stock and held the certificate(s) in your name, you are the beneficial purchaser or acquirer as well as the record purchaser or acquirer. If, however, the certificate(s) were registered in the name of a third party, such as a nominee or brokerage firm, you are the beneficial purchaser and the third party is the record purchaser.

2. Use Part II of this form entitled "Claimant Identification" to identify the beneficial owner(s) of Super Micro common stock. The complete name(s) of the beneficial owner(s) must be entered. If you held the eligible Super Micro common stock in your own name, you are the beneficial owner as well as the record owner. If, however, your shares of eligible Super Micro common stock were registered in the name of a third party, such as a nominee or brokerage firm, you are the beneficial owner of these shares, but the third party is the record owner. THIS CLAIM MUST BE FILED AND SIGNED BY THE ACTUAL BENEFICIAL PURCHASER(S) OR ACQUIRER(S) OR THE LEGAL REPRESENTATIVE OF SUCH PURCHASER(S) OR ACQUIRER(S) OF THE SUPER MICRO COMMON STOCK UPON WHICH THIS CLAIM IS BASED.

3. All joint purchasers must sign this Claim Form and be identified in Part II. The Social Security (or taxpayer identification) number and telephone number of the beneficial owner may be used in verifying the claim. Failure to provide the foregoing information could delay verification of your claim or result in rejection of the claim.

4. **One Claim should be submitted for each separate legal entity.** Separate Claim Forms should be submitted for each separate legal entity (e.g., a claim from joint owners should not include separate transactions of just one of the joint owners, and an individual should not combine his or her IRA transactions with transactions made solely in the individual's name). Conversely, a single Claim Form should be submitted on behalf of one legal entity including all transactions made by that entity on one Claim Form, no matter how many separate accounts that entity has (e.g., a corporation with multiple brokerage accounts should include all transactions made in all accounts on one Claim Form).

5. Agents, executors, administrators, guardians, and trustees must complete and sign the Claim Form on behalf of persons represented by them, and they must:

- (a) expressly state the capacity in which they are acting;
- (b) identify the name, account number, Social Security Number (or taxpayer identification number), address, and telephone number of the beneficial owner of (or other person or entity on whose behalf they are acting with respect to) the Super Micro common stock; and
- (c) furnish herewith evidence of their authority to bind to the Claim Form the person or entity on whose behalf they are acting. (Authority to complete and sign a Claim Form cannot be established by stockbrokers demonstrating only that they have discretionary authority to trade securities in another person's accounts.)

6. By submitting a signed Claim Form, you will be swearing that you:
  - (a) own or owned the Super Micro common stock you have listed in the Claim Form; or
  - (b) are expressly authorized to act on behalf of the owner thereof.

### C. CLAIM FORM

1. Use Part III of this form entitled "Schedule of Transactions in Super Micro Common Stock" to supply all required details of your transaction(s) in Super Micro common stock. If you need more space or additional schedules, attach separate sheets giving all of the required information in substantially the same form. Sign and print or type your name on each additional sheet.

2. On the schedules, provide all of the requested information with respect to all of your purchases and acquisitions and all of your sales of Super Micro common stock that took place at any time on or between and including August 5, 2016 through November 19, 2018, whether such transactions resulted in a profit or a loss. Failure to report all such transactions may result in the rejection of your claim. Also, list the number of shares of Super Micro common stock held at the close of trading on August 4, 2016, January 30, 2018, and November 19, 2018.

3. List each transaction in the Class Period separately and in chronological order, by trade date, beginning with the earliest. You must accurately provide the month, day and year of each transaction you list.

4. You are required to submit genuine and sufficient documentation for all of your transactions in and holdings of Super Micro common stock set forth in the Claim Form. Documentation may consist of copies of brokerage confirmation slips or monthly brokerage account statements, or an authorized statement from your broker containing the transactional and holding information found in a broker confirmation slip or account statement. The parties and the Claims Administrator do not independently have information about your investments in Super Micro common stock. **IF SUCH DOCUMENTS ARE NOT IN YOUR POSSESSION, PLEASE OBTAIN COPIES OF THE DOCUMENTS OR EQUIVALENT DOCUMENTS FROM YOUR BROKER. FAILURE TO SUPPLY THIS DOCUMENTATION MAY RESULT IN THE REJECTION OF YOUR CLAIM. DO NOT SEND ORIGINAL DOCUMENTS. Please keep a copy of all documents that you send to the Claims Administrator. Also, do not highlight any portion of the Claim Form or any supporting documents.**

5. The above requests are designed to provide the minimum amount of information necessary to process the simplest claims. The Claims Administrator may request additional information as required to efficiently and reliably calculate your losses. In the event the Claims Administrator cannot perform the calculation accurately or at a reasonable cost to the Class with the information provided, the Claims Administrator may condition acceptance of the claim upon the production of additional information and/or the claimant's responsibility for any increased costs due to the nature and/or scope of the claim.

6. If the Court approves the Settlement, payments to eligible Authorized Claimants pursuant to the Plan of Allocation (or such other plan of allocation as the Court approves) will be made after any appeals are resolved, and after the completion of all claims processing. The claims process will take substantial time to complete fully and fairly. Please be patient.

7. If you have questions concerning the Claim Form, or need additional copies of the Claim Form or the Notice, you may contact the Claims Administrator, Gilardi & Co. LLC, at the address on the first page of the Claim Form, by email at [info@SuperMicroSecuritiesSettlement.com](mailto:info@SuperMicroSecuritiesSettlement.com), or by toll-free phone at 1-888-859-1906, or you can visit the website, [www.SuperMicroSecuritiesSettlement.com](http://www.SuperMicroSecuritiesSettlement.com), where copies of the Claim Form and Notice are available for downloading.

**NOTICE REGARDING ELECTRONIC FILES:** Certain claimants with large numbers of transactions may request, or may be requested, to submit information regarding their transactions in electronic files. To obtain the *mandatory* electronic filing requirements and file layout, you may email the Claims Administrator's electronic filing department at [edata@gilardi.com](mailto:edata@gilardi.com). Any file not in accordance with the required electronic filing format will be subject to rejection. **Only one claim should be submitted for each separate legal entity (see ¶B.4 above) and the *complete* name of the beneficial owner(s) of the securities must be entered where called for (see ¶B.2 above). No electronic files will be considered to have been submitted unless the Claims Administrator issues an email to that effect.** Distribution payments must be made by check or electronic payment payable to the Authorized Claimant (beneficial account owner). The Third-Party Filer shall not be the payee of any distribution payment check or electronic distribution payment. Do not assume that your file has been received until you receive this email. If you do not receive such an email within 10 days of your submission, you should contact the electronic filing department at [edata@gilardi.com](mailto:edata@gilardi.com) to inquire about your file and confirm it was received.



Must Be Postmarked (if Mailed) or Received (if Submitted Online) No Later Than February 27, 2023

SUP

Please Type or Print in the Boxes Below Do NOT use Red Ink, Pencil, or Staples

Official Office Use Only

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA OAKLAND DIVISION

Hessefort v. Super Micro Computer, Inc., et al.

Lead Case No. 4:18-cv-00838-JST

PROOF OF CLAIM AND RELEASE

II. CLAIMANT IDENTIFICATION

Form section for claimant identification including fields for Last Name, First Name, M.I., Co-Beneficial Owner, IRA/Employee/Individual/Other, Company Name, and Trustee/Asset Manager.

Form section for contact information including Social Security Number, Taxpayer Identification Number, Telephone Number (Home/Work), and Email Address.

MAILING INFORMATION

Form section for mailing information including Address, City, State, ZIP Code, Foreign Province, Foreign Postal Code, and Foreign Country Name/Abbreviation.

Footer section with processing codes (OB, CB, ATP, KE, ICI, BE, DR, EM, FL, ME, ND, OP, RE, SH) and a date field MM/DD/YYYY.



III. SCHEDULE OF TRANSACTIONS IN SUPER MICRO COMMON STOCK

Please be sure to include proper documentation with your Claim Form as described in detail in ¶C.4 of the Instructions. Do not include information regarding securities other than Super Micro common stock.

A. Number of shares of Super Micro common stock held at the close of trading on August 4, 2016. (Must be documented.) If none, write "zero":  Proof Enclosed?  Y  N

B. Purchases or acquisitions of Super Micro common stock (August 5, 2016 - November 19, 2018, inclusive) (Must be documented.):

PURCHASES										Total Purchase or Acquisition Price (Excluding commissions, taxes and fees)	Proof of Purchase Enclosed?											
Trade Date(s) (List Chronologically)				Number of Shares Purchased or Acquired																		
M	M	D	D	Y	Y	Y	Y															
1.			/			/				\$										<input type="radio"/> Y	<input type="radio"/> N	
2.			/			/				\$											<input type="radio"/> Y	<input type="radio"/> N
3.			/			/				\$											<input type="radio"/> Y	<input type="radio"/> N
4.			/			/				\$											<input type="radio"/> Y	<input type="radio"/> N
5.			/			/				\$											<input type="radio"/> Y	<input type="radio"/> N

IMPORTANT: (i) If any purchase listed covered a "short sale," please mark Yes:  Yes

(ii) If you received shares through an acquisition or merger, please identify the date, the share amount and the company acquired:

M M D D Y Y Y Y Merger Shares:  Company:

C. Sales of Super Micro common stock (August 5, 2016 - November 19, 2018, inclusive) (Must be documented.):

SALES										Total Sales Price (Excluding commissions, taxes and fees)	Proof of Sales Enclosed?												
Trade Date(s) (List Chronologically)				Number of Shares Sold																			
M	M	D	D	Y	Y	Y	Y																
1.			/			/				\$											<input type="radio"/> Y	<input type="radio"/> N	
2.			/			/				\$												<input type="radio"/> Y	<input type="radio"/> N
3.			/			/				\$												<input type="radio"/> Y	<input type="radio"/> N
4.			/			/				\$												<input type="radio"/> Y	<input type="radio"/> N
5.			/			/				\$												<input type="radio"/> Y	<input type="radio"/> N

D. Number of shares of Super Micro common stock held at the close of trading on January 30, 2018. (Must be documented.) If none, write "zero":  Proof Enclosed?  Y  N

E. Number of shares of Super Micro common stock held at the close of trading on November 19, 2018. (Must be documented.) If none, write "zero":  Proof Enclosed?  Y  N



If you require additional space, attach extra schedules in the same format as above. Sign and print your name on each additional page.

**YOU MUST READ AND SIGN THE RELEASE ON PAGE 8.**

**FAILURE TO SIGN THE RELEASE MAY RESULT IN A DELAY IN PROCESSING OR THE REJECTION OF YOUR CLAIM.**

**IV. SUBMISSION TO JURISDICTION OF COURT AND ACKNOWLEDGMENTS**

I (We) submit this Claim Form under the terms of the Stipulation of Settlement dated April 8, 2022 ("Stipulation") described in the Notice. I (We) also submit to the jurisdiction of the United States District Court for the Northern District of California, Oakland Division, with respect to my (our) claim as a Class Member (as defined in the Notice) and for purposes of enforcing the release set forth herein. I (We) further acknowledge that I am (we are) bound by and subject to the terms of any judgment that may be entered in the Litigation. I (We) agree to furnish additional information to Lead Counsel and/or the Claims Administrator to support this claim if required to do so. I (We) have not submitted any other claim covering the same purchases, acquisitions, or sales of Super Micro common stock during the Class Period and know of no other Person having done so on my (our) behalf.

**V. RELEASE**

1. I (We) hereby acknowledge full and complete satisfaction of, and do hereby fully, finally and forever settle, release, relinquish and discharge all of the Released Claims (including Unknown Claims) against each and all of the Released Defendant Parties, all as defined herein and in the Notice and Stipulation.

2. This release shall be of no force or effect unless and until the Court approves the Stipulation and it becomes effective on the Effective Date.

3. I (We) hereby warrant and represent that I (we) have not assigned or transferred or purported to assign or transfer, voluntarily or involuntarily, any matter released pursuant to this release or any other part or portion thereof and have not submitted any other claim covering the same purchases or acquisitions of Super Micro common stock and know of no other person having done so on my (our) behalf.

4. I (We) hereby warrant and represent that I (we) have included all requested information about all of my (our) purchases or acquisitions of Super Micro common stock during the Class Period, as well as the number of shares held at the close of trading on August 4, 2016, January 30, 2018, and November 19, 2018.

5. The number(s) shown on this form is (are) the correct SSN/TIN(s).

6. I (We) waive the right to trial by jury, to the extent it exists, and agree to the determination by the Court of the validity or amount of this claim, and waive any right of appeal or review with respect to such determination.

7. I (We) certify that I am (we are) NOT subject to backup withholding under the provisions of Section 3406(a)(1)(C) of the Internal Revenue Code.

(NOTE: If you have been notified by the Internal Revenue Service that you are subject to backup withholding, you must cross out Item 7 above.)

I (We) declare under penalty of perjury under the laws of the United States of America that the foregoing information supplied by the undersigned is true and correct.



Executed this \_\_\_\_\_ day of \_\_\_\_\_ in \_\_\_\_\_  
(Month/Year) (City/State/Country)

\_\_\_\_\_  
(Sign your name here)

\_\_\_\_\_  
(Sign your name here)

\_\_\_\_\_  
(Type or print your name here)

\_\_\_\_\_  
(Type or print your name here)

\_\_\_\_\_  
(Capacity of person(s) signing, e.g.,  
Beneficial Purchaser or Acquirer, Executor or Administrator)

\_\_\_\_\_  
(Capacity of person(s) signing, e.g.,  
Beneficial Purchaser or Acquirer, Executor or Administrator)

**ACCURATE CLAIMS PROCESSING TAKES A SIGNIFICANT AMOUNT OF TIME.  
THANK YOU FOR YOUR PATIENCE.**

Reminder Checklist:

1. Please sign the above release and acknowledgement.
2. If this claim is being made on behalf of Joint Claimants, then both must sign.
3. Remember to attach copies of supporting documentation, if available.
4. **Do not send** originals of certificates. Attach only *copies* of acceptable supporting documentation as these documents will not be returned to you.
5. Keep a copy of your Claim Form and all supporting documentation for your records.
6. If you desire an acknowledgment of receipt of your Proof of Claim, please send it Certified Mail, Return Receipt Requested.
7. If you move, please send your new address to the address below.
8. **Do not use red pen or highlighter** on the Claim Form or supporting documentation.
9. If you have any questions or concerns regarding your claim, contact the Claims Administrator at Super Micro Securities Settlement, c/o Gilardi & Co. LLC, P.O. Box 6181, Novato, CA 94948-6181, by email at [info@SuperMicroSecuritiesSettlement.com](mailto:info@SuperMicroSecuritiesSettlement.com), or by toll-free phone at 1-888-859-1906, or you may visit [www.SuperMicroSecuritiesSettlement.com](http://www.SuperMicroSecuritiesSettlement.com). DO NOT call Super Micro, the other Defendants, or their counsel with questions regarding your claim.

**THIS CLAIM FORM MUST BE SUBMITTED ONLINE OR MAILED NO LATER THAN FEBRUARY 27, 2023,  
ADDRESSED AS FOLLOWS:**

*Super Micro Securities Settlement*  
Claims Administrator  
c/o Gilardi & Co. LLC  
P.O. Box 6181  
Novato, CA 94948-6181  
[www.SuperMicroSecuritiesSettlement.com](http://www.SuperMicroSecuritiesSettlement.com)



## **EXHIBIT B**



1 McInnis Parkway  
Suite 250  
San Rafael, CA 94903  
P: (415) 458-3015

November 28, 2022

«FirstName» «LastName»  
«Company»  
«Addr1»  
«Addr2»  
South Bend, IN 46601  
«FCountry»

**Re: Super Micro Securities Settlement**

Dear «GENDER» «LastName»:

Please find enclosed the Notice of Pendency and Proposed Settlement of Class Action and Proof of Claim and Release for the above referenced litigation. Please note both the class period and the designated eligible securities described on page one of the Notice, specifically the inclusion of all persons who purchased or otherwise acquired the common stock of Super Micro Computer, Inc. ("Super Micro") from August 5, 2016 through January 30, 2018, inclusive (the "Class Period"). In addition, **the Notice provides that the Exclusion Deadline is February 9, 2023 and the Claim Filing Deadline is February 27, 2023.**

Please pay particular attention to the "What If I Bought Shares On Someone Else's Behalf" on page twelve of the Notice which states, in part: Nominees who purchased or acquired Super Micro common stock for beneficial owners who are Class Members are directed to: (a) request within seven (7) calendar days of receipt of this Notice additional copies of the Notice and the Claim Form from the Claims Administrator for such beneficial owners; or (b) send a list of the names and addresses of such beneficial owners to the Claims Administrator within seven (7) calendar days after receipt of this Notice. If a nominee elects to send the Notice to beneficial owners, such nominee is directed to mail the Notice via First Class Mail within seven (7) calendar days of receipt of the additional copies of the Notice from the Claims Administrator, and upon such mailing, the nominee shall send a statement to the Claims Administrator confirming that the mailing was made as directed, and the nominee shall retain the list of names and addresses for use in connection with any possible future notice to the Class.

Please do not make your own copies of the Proof of Claim Form, as copies may not be accepted for processing. Additional copies of the appropriate documents may be requested by contacting us at the above address and/or phone number. If we conduct the necessary mailing on your behalf, please submit names and addresses either via email to [Notifications@Gilardi.com](mailto:Notifications@Gilardi.com), via CD Rom to the above address or contact us to obtain secure FTP transmission instructions. Mailing labels will be accepted, but you may be requested to provide an additional copy of the address information you send. Do not include any confidential information that should not appear on a mailing label.

The data provided must be in one of the following formats:

- ASCII Fixed Length file
- ASCII Tab Delimited file
- Microsoft Excel spreadsheet

Your request must also specify the case name and Control Total(s) (for example, the total number of name and address records provided) for each file submission. If you have any questions, please email [Notifications@Gilardi.com](mailto:Notifications@Gilardi.com).

Sincerely,

Gilardi and Company, LLC

## EXHIBIT C

CLOSED-END FUNDS

Listed are the 300 largest closed-end funds as measured by assets. Closed-end funds sell a limited number of shares and invest the proceeds in securities. Unlike open-end funds, closed-end funds generally do not buy their shares back from investors who wish to cash in their holdings. Instead, fund shares trade on a stock exchange. NA signifies that the information is not available or not applicable. NS signifies funds not in existence for the entire period. 12-month yield is computed by dividing income dividends paid (during the previous 12 months for periods ending at month-end or during the previous 52 weeks for periods ending at any time other than month-end) by the latest month-end market price adjusted for capital gains distributions. Depending on the fund category, either 12-month yield or total return is listed.

Source: Lipper

Friday, December 2, 2022

Table with columns: Fund (SYM), NAV, Close, Disc, Ret. Lists various equity funds like Adams Diversified, Central Secs, etc.

A Week in the Life of the DJIA

A look at how the Dow Jones Industrial Average component stocks did in the past week and how much each moved the index. The DJIA gained 82.85 points, or 0.24%, on the week. A \$1 change in the price of any DJIA stock = 6.59-point change in the average. To date, a \$1,000 investment on Dec. 31 in each current DJIA stock component would have returned \$29,159, or a loss of 2.80%, on the \$30,000 investment, including reinvested dividends.

Table showing the week's action for various stocks. Columns include Pct chg, Stock price, Point chg, and Company. Lists major companies like Nike, Microsoft, Cisco, etc.

Table with columns: Fund (SYM), NAV, Close, Disc, Ret. Lists various equity funds like BlackRock, Fidelity, etc.

Table with columns: Fund (SYM), NAV, Close, Disc, Ret. Lists various equity funds like BlackRock, Fidelity, etc.

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Table with columns: Fund (SYM), NAV, Close, Disc, Ret. Lists various equity funds like BlackRock, Fidelity, etc.

Table with columns: Fund (SYM), NAV, Close, Disc, Ret. Lists various equity funds like BlackRock, Fidelity, etc.

ADVERTISEMENT: The Marketplace. To advertise: 800-366-3975 or WSJ.com/classifieds

CLASS ACTION: UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA OAKLAND DIVISION. LOGAN HESSEFORT, Individually and on Behalf of All Others Similarly Situated, vs. SUPER MICRO COMPUTER, INC., et al.

IF YOU PURCHASED OR ACQUIRED SUPER MICRO COMPUTER, INC. ("SUPER MICRO") COMMON STOCK FROM AUGUST 5, 2016 THROUGH JANUARY 30, 2018, INCLUSIVE (THE "CLASS PERIOD"), YOU COULD RECEIVE A PAYMENT FROM A CLASS ACTION SETTLEMENT. CERTAIN PERSONS ARE EXCLUDED FROM THE DEFINITION OF THE CLASS AS SET FORTH IN THE STIPULATION OF SETTLEMENT.

PLEASE READ THIS NOTICE CAREFULLY. YOUR RIGHTS MAY BE AFFECTED BY A CLASS ACTION LAWSUIT PENDING IN THIS COURT. YOU ARE HEREBY NOTIFIED, pursuant to Rule 23 of the Federal Rules of Civil Procedure and Order of the United States District Court for the Northern District of California, Oakland Division, that the above-captioned litigation (the "Litigation") has been certified as a class action for the purposes of settlement only and that a Settlement has been proposed for \$18,250,000.00 in cash.

IF YOU ARE A MEMBER OF THE CLASS DESCRIBED ABOVE, YOUR RIGHTS MAY BE AFFECTED BY THE SETTLEMENT OF THE LITIGATION, AND YOU MAY BE ENTITLED TO SHARE IN THE SETTLEMENT FUND. If you have not received a detailed Notice of Pendency and Proposed Settlement of Class Action (the "Notice") and a copy of the Proof of Claim Form, you may obtain a copy of these documents by contacting the Claims Administrator: Super Micro Securities Settlement, Claims Administrator c/o Gilard & Co. LLC, P.O. Box 6181, Novato, CA 94948-6181. 1-888-859-1906.

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Insider-Trading Spotlight. Trading by 'insiders' of a corporation, such as a company's CEO, vice president or director, potentially conveys new information about the prospects of a company. Insiders are required to report large trades to the SEC within two business days.

Biggest weekly individual trades. Based on reports filed with regulators this past week.

Table with columns: Date(s), Company, Symbol, Insider, Title, No. of shrs in trans (000s), Price range (\$), \$ Value (000s), Close (\$), Ytd (%). Lists trades for companies like Amerco, Energy Transfer, TD Holdings, etc.

Table with columns: Date, Buy/Sell, Symbol, Insider, Price range (\$), \$ Value (000s), Ytd (%). Lists buy and sell orders for companies like Best Buy, Chevron, Airbnb, etc.

\* Half the transactions were indirect \*\* Two day transaction p - Pink Sheets

Buying and selling by sector. Based on actual transaction dates in reports received this past week. Table with columns: Sector, Buying, Selling.



Declaration of Publication

I, Carla Peak, as Vice President, Legal Notification Services at Gilardi & Co. LLC, a KCC Class Action Services Company in San Rafael, California, hereby certify that I caused the attached notice to be printed in said publication on December 5, 2022:

Name of Publication: The Wall Street Journal

Address: 1211 Avenue of the Americas

City, State, Zip: New York, NY 10036

Phone #: 1-800-568-7625

State of: New York

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 5th day of December 2022, at Sellersville, Pennsylvania.

A handwritten signature in black ink that reads "Carla Peak". The signature is written in a cursive style and is positioned above a horizontal line.

Carla Peak



## Robbins Geller Rudman & Dowd LLP Announces Proposed Settlement in the Super Micro Computer, Inc. Securities Litigation

December 05, 2022 08:00 AM Eastern Standard Time

SAN DIEGO--(BUSINESS WIRE)--The following statement is being issued by Robbins Geller Rudman & Dowd LLP regarding the Super Micro Computer, Inc. Securities Litigation:

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

LOGAN HESSEFORT, Individually and on Behalf of All Others	)	Lead Case No. 4:18-cv-00838-JST
Similarly Situated,	)	<u>CLASS ACTION</u>
	)	Plaintiff,
vs.	)	SUMMARY NOTICE
SUPER MICRO COMPUTER, INC., et al.,	)	
	)	Defendants.
	)	
	)	

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**IF YOU PURCHASED OR ACQUIRED SUPER MICRO COMPUTER, INC. (“SUPER MICRO”) COMMON STOCK FROM AUGUST 5, 2016 THROUGH JANUARY 30, 2018, INCLUSIVE (THE “CLASS PERIOD”), YOU COULD RECEIVE A PAYMENT FROM A CLASS ACTION SETTLEMENT. CERTAIN PERSONS ARE EXCLUDED FROM THE DEFINITION OF THE CLASS AS SET FORTH IN THE STIPULATION OF SETTLEMENT.**

PLEASE READ THIS NOTICE CAREFULLY. YOUR RIGHTS MAY BE AFFECTED BY A CLASS ACTION LAWSUIT PENDING IN THIS COURT.

YOU ARE HEREBY NOTIFIED, pursuant to Rule 23 of the Federal Rules of Civil Procedure and Order of the United States District Court for the Northern District of California, Oakland Division, that the above-captioned litigation (the “Litigation”) has been certified as a class action for the purposes of settlement only and that a Settlement has been proposed for \$18,250,000.00 in cash. A hearing will be held on March 2, 2023, at 2:00 p.m., before the Honorable Jon S. Tigar, via Zoom at the link available at <https://cand.uscourts.gov/judges/tigar-jon-s-jst/>, for the purpose of determining whether: (1) the proposed Settlement should be approved by the Court as fair, reasonable and adequate; (2) the proposed Plan of Allocation for distribution of the Settlement proceeds is fair, reasonable and adequate and therefore should be approved; and (3) the application of Lead Counsel for the payment of attorneys’ fees and expenses from the Settlement Fund, including interest earned thereon, should be approved.

**IF YOU ARE A MEMBER OF THE CLASS DESCRIBED ABOVE, YOUR RIGHTS MAY BE AFFECTED BY THE SETTLEMENT OF THE LITIGATION, AND YOU MAY BE ENTITLED TO SHARE IN THE SETTLEMENT FUND.** If you have not received a detailed Notice of Pendency and Proposed Settlement of Class Action (the “Notice”) and a copy of the Proof of Claim, you may obtain a copy of these documents by contacting the Claims Administrator: *Super Micro Securities*

If you are a Class Member, to be eligible to share in the distribution of the Net Settlement Fund, you must submit a Proof of Claim by mail postmarked no later than February 27, 2023, or submit it online by that date. If you are a Class Member and do not submit a valid Proof of Claim, you will not be eligible to share in the distribution of the Net Settlement Fund, but you will still be bound by any judgment entered by the Court in this Litigation (including the releases provided for therein).

To exclude yourself from the Class, you must mail a written request for exclusion so that it is received by February 9, 2023, in accordance with the instructions set forth in the Notice. If you are a Class Member and do not exclude yourself from the Class, you will be bound by any judgment entered by the Court in this Litigation (including the releases provided for therein) whether or not you submit a Proof of Claim. If you submit a written request for exclusion, you will have no right to recover money pursuant to the Settlement.

Any objection to the proposed Settlement, the Plan of Allocation of Settlement proceeds, or the fee and expense application must be filed with the Court no later than February 9, 2023.

**PLEASE DO NOT CONTACT THE COURT, THE CLERK'S OFFICE, DEFENDANTS, OR DEFENDANTS' COUNSEL REGARDING THIS NOTICE.** If you have any questions about the Settlement, or your eligibility to participate in the Settlement, you may contact Lead Counsel at the following address or by calling 1-800-449-4900:

ROBBINS GELLER RUDMAN & DOWD LLP  
ELLEN GUSIKOFF STEWART, ESQ.  
655 West Broadway, Suite 1900  
San Diego, CA 92101  
[settlementinfo@rgrdlaw.com](mailto:settlementinfo@rgrdlaw.com)

DATED: November 8, 2022

BY ORDER OF THE COURT  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

## Contacts

Robbins Geller Rudman & Dowd LLP  
Shareholder Relations Department  
Greg Wood  
(619) 231-1058

Declaration of Publication

I, Carla Peak, as Vice President, Legal Notification Services at Gilardi & Co. LLC, a KCC Class Action Services Company in San Rafael, California, hereby certify that I caused the attached notice to be published as a press release by the following wire service:

Name of Publication: BusinessWire

Address: 101 California Street 20th Floor

City, ST Zip: San Francisco, CA 94111

Phone #: 415-986-4422

State of: California

The press release was distributed on December 5, 2022 to the following media circuits offered by the above-referenced wire service:

1. National Newslite

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 5th day of December 2022, at Sellersville, Pennsylvania.



Carla Peak  
Carla Peak