

EXHIBIT A

1 ROBBINS GELLER RUDMAN
 & DOWD LLP
 2 SHAWN A. WILLIAMS (213113)
 DANIEL J. PFEFFERBAUM (248631)
 3 Post Montgomery Center
 One Montgomery Street, Suite 1800
 4 San Francisco, CA 94104
 Telephone: 415/288-4545
 5 415/288-4534 (fax)
 shawnw@rgrdlaw.com
 6 dpfefferbaum@rgrdlaw.com
 - and -
 7 ELLEN GUSIKOFF STEWART (144892)
 PATTON L. JOHNSON (320631)
 8 655 West Broadway, Suite 1900
 San Diego, CA 92101
 9 Telephone: 619/231-1058
 619/231-7423 (fax)
 10 elleng@rgrdlaw.com
 pjohnson@rgrdlaw.com
 11
 Lead Counsel for Plaintiffs

12
 13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 OAKLAND DIVISION

16 LOGAN HESSEFORT, Individually and on)	Lead Case No. 4:18-cv-00838-JST
17 Behalf of All Others Similarly Situated,)	
)	<u>CLASS ACTION</u>
18 Plaintiff,)	
)	DECLARATION OF JOHN HEIM IN
19 vs.)	SUPPORT OF LEAD PLAINTIFF'S
)	MOTION FOR FINAL APPROVAL OF
20 SUPER MICRO COMPUTER, INC., et al.,)	CLASS ACTION SETTLEMENT AND
)	AWARD OF ATTORNEYS' FEES AND
21 Defendants.)	EXPENSES

22 JUDGE: Hon. Jon S. Tigar
 23 DATE: March 2, 2023
 24 TIME: 2:00 p.m.
 (via videoconference)

25
 26
 27
 28

1 I, JOHN HEIM, declare as follows:

2 1. I am the Chief Financial Officer (“CFO”) for Lead Plaintiff New York Hotel Trades
3 Council & Hotel Association of New York City, Inc. Pension Fund (“Lead Plaintiff” or the
4 “Fund”). The Fund has directly participated in this action as Lead Plaintiff since its appointment
5 by the Court on May 25, 2018. I was responsible for overseeing the litigation on behalf of the
6 Fund from the time of my appointment as CFO on November 11, 2020. Prior to my appointment
7 as CFO, my predecessor Harry Veras, was responsible for overseeing the litigation on behalf of
8 the Fund. I respectfully submit this declaration in support of final approval of the \$18,250,000 all-
9 cash settlement (the “Settlement”).¹

10 2. The Fund was established in 1952, and its purpose is to provide pension benefits to
11 participants (and beneficiaries) of the New York Hotel Trades Council & Hotel Association of
12 NYC Inc. Pension Fund. The Fund provides services and benefits to approximately 48,716
13 participants. Members’ benefits are established through a collective bargaining agreement by and
14 between the Hotel & Gaming Trades Council, AFL-CIO, a labor union representing thousands of
15 workers employed in the hotel industry in the metropolitan New York City area, and the Hotel
16 Association of New York City, Inc., a multi-employer bargaining association.

17 3. The Fund understands that the Private Securities Litigation Reform Act of 1995
18 was intended to encourage institutional investors to direct securities class actions. Following
19 appointment as Lead Plaintiff, the Fund has monitored the progress of the litigation, including
20 engagement with Lead Counsel Robbins Geller Rudman & Dowd LLP regarding case
21 developments, litigation strategy, and potential resolution of the Action. In fulfillment of its
22 responsibilities on behalf of all members of the Class, the Fund has: (a) engaged in meetings, phone
23 conferences, and correspondence with Lead Counsel; (b) participated in the Action and provided
24 input into the prosecution of the case; (c) kept informed regarding case status; (d) reviewed
25 pleadings filed with the Court in this Action; (e) responded to requests for production; (f) searched
26

27
28 ¹ All capitalized terms used in this Declaration that are not otherwise defined herein have the same meaning as set forth in the Stipulation of Settlement (ECF 154) (the “Stipulation”).

1 for and produced documents in discovery; and (g) prepared to give deposition testimony in
2 connection with the litigation.

3 4. The Fund has also evaluated the risks of continuing this Litigation and authorized
4 Lead Counsel to settle this Action for \$18,250,000. In this regard, my colleagues and I reviewed,
5 considered, and evaluated the merits of this case, including the law governing the allegations and
6 facts developed through Lead Counsel's investigation. In making its determination that the
7 Settlement represented a fair, reasonable, and adequate amount for the Class, the Fund weighed
8 the substantial benefits to the Class against the significant risks and uncertainties of continued
9 litigation. The Fund believes the recovery represents an excellent result for the Class and that
10 approval of the Settlement is in the best interest of the Class.

11 5. While I recognize that any determination of attorneys' fees is left to the Court, the
12 Fund believes the fee application for 25% of the Settlement Amount and expenses in an amount
13 not to exceed \$310,000 is fair, reasonable, and appropriate given the facts and circumstances of
14 this case, the strong result achieved, and Lead Counsel's vigorous and diligent prosecution of the
15 Action.

16 6. The Fund also respectfully requests that the Court approve the Settlement as well
17 as Lead Counsel's application for an award of attorneys' fees and expenses.

18 I declare, under penalty of perjury, that the foregoing is true and correct. Executed on
19 January 18, 2023, at New York, New York.

20 
21 _____
22 JOHN HEIM
23
24
25
26
27
28