

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: COMMERCIAL DIVISION

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In re LUCKIN COFFEE INC. SECURITIES LITIGATION	:	Index No. 651939/2020
	:	<u>CLASS ACTION</u>
This Document Relates To:	:	Motion Sequence No. 012
THE CONSOLIDATED ACTION.	:	SUPPLEMENTAL AFFIDAVIT OF ROSS D. MURRAY REGARDING NOTICE DISSEMINATION AND REQUESTS FOR EXCLUSION RECEIVED TO DATE
	X	

I, ROSS D. MURRAY, being duly sworn, depose and say:

1. I am employed as a Vice President of Securities by Gilardi & Co. LLC (“Gilardi”), located at 1 McInnis Parkway, Suite 250, San Rafael, California. Pursuant to this Court’s October 11, 2022 Order Preliminarily Approving Settlement and Providing for Notice (“Notice Order”) ([NYSCEF No. 193](#)), Gilardi was appointed as the Claims Administrator in connection with the proposed Settlement of the above-captioned action (the “Action”). I oversaw the notice services that Gilardi provided in accordance with the Notice Order.

2. I submit this affidavit as a supplement to my earlier affidavit, the Affidavit of Ross D. Murray Regarding Notice Dissemination, Publication, and Requests for Exclusion Received to Date (the “Initial Mailing Affidavit”) ([NYSCEF No. 200](#)). The following statements are based on my personal knowledge and information provided to me by other Gilardi employees and if called to testify I could and would do so competently.

UPDATE ON DISSEMINATION OF THE CLAIM PACKAGE

3. As more fully detailed in the Initial Mailing Affidavit, as of December 13, 2022, Gilardi had mailed 5,931 copies of the Court-approved Notice of Proposed Settlement of Class Action (the “Notice”) and Proof of Claim and Release form (the “Proof of Claim”) (collectively, the “Claim Package”) to potential Settlement Class Members and their nominees. *See* Initial Mailing Affidavit, ¶10.

4. Since December 13, 2022, Gilardi has mailed an additional 7 copies of the Claim Package in response to requests from potential Settlement Class Members, brokers, and nominees and as a result of mail returned as undeliverable for which new addresses were identified and re-mailed to those new addresses. Therefore, as of January 23, 2023, Gilardi has mailed a total of 5,938 Claim Packages to potential Settlement Class Members and nominees.

LACK OF EXCLUSION REQUESTS AND OBJECTIONS RECEIVED TO DATE

5. Pursuant to the Notice Order, the Notice informed potential Settlement Class Members that written requests for exclusion from the Settlement Class must be mailed to *Luckin Convertible Notes Settlement*, Claims Administrator, EXCLUSIONS, c/o Gilardi & Co. LLC, P.O.

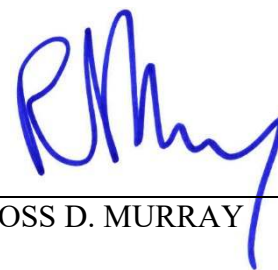
Box 5100, Larkspur, CA 94977-5100, such that they are postmarked no later than December 27, 2022. At the time of the Initial Mailing Affidavit, Gilardi reported that it had not received any requests for exclusion in connection with this Settlement. *See* Initial Mailing Declaration, ¶15.

6. Since the Initial Mailing Affidavit was executed, and as of the date of this affidavit, Gilardi has not received any requests for exclusion.

7. Although the Notice (which also included the proposed Plan of Allocation (“POA”)) instructed Settlement Class Members to submit objections to the Settlement, POA, or the Fee and Expense Application to the Court and to counsel (rather than to Gilardi), at the time of the Initial Mailing Affidavit, Gilardi reported that it had not received any objections. *See* Initial Mailing Affidavit, ¶16.

8. Since the Initial Mailing Affidavit was executed, and as of the date of this affidavit, Gilardi has received one piece of correspondence which styles itself as an objection.

I state under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 23rd day of January, 2023, at San Rafael, California.



ROSS D. MURRAY

Subscribed and sworn to before

me this 23rd day of January, 2023

Notary Public

SEE ATTACHED
CERTIFICATE

California Jurat Certificate

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

State of California

County of Marin

} S.S.

Subscribed and sworn to (or affirmed) before me on this 23rd day of Jan.,
Month

2023, by Ross D. Murray and
Name of Signer (1)

[Signature], proved to me on the basis of
Name of Signer (2)

satisfactory evidence to be the person(s) who appeared before me.

[Signature]
Signature of Notary Public



For other required information (Notary Name, Commission No. etc.)

Seal

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this jurat to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The certificate is attached to a document titled/for the purpose of

[Empty box for description of attached document]

containing _____ pages, and dated _____

Additional Information

Method of Affiant Identification

Proved to me on the basis of satisfactory evidence:
 form(s) of identification credible witness(es)

Notarial event is detailed in notary journal on:

Page # _____ Entry # _____

Notary contact: _____

Other

Affiant(s) Thumbprint(s) Describe: _____

PRINTING SPECIFICATIONS STATEMENT

1. Pursuant to 22 N.Y.C.R.R. §202.70(g), Rule 17, the undersigned counsel certifies that the foregoing affidavit was prepared on a computer using Microsoft Word. A proportionally spaced typeface was used as follows:

Name of Typeface: Times New Roman
Point Size: 12
Line Spacing: Double

2. The total number of words in the affidavit, inclusive of point headings and footnotes and exclusive of the caption, signature block, and this Certification, is 533 words.

DATED: January 24, 2023

ROBBINS GELLER RUDMAN
& DOWD LLP
BRIAN E. COCHRAN



BRIAN E. COCHRAN

655 West Broadway, Suite 1900
San Diego, CA 92101-8498
Telephone: 619/231-1058
619/231-7423 (fax)
bcochran@rgrdlaw.com