#### UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

LEONARD HOWARD, individually and on behalf of all others similarly situated,	
Plaintiff,	Civil Action No. 14-1183 (BAH)
v.	Chief Judge Beryl A. Howell
LIQUIDITY SERVICES INC., WILLIAM P. ANGRICK, III, AND JAMES M. RALLO,	
Defendants.	

#### ORDER APPROVING NOTICE AND SUMMARY NOTICE OF PENDENCY OF CLASS <u>ACTION</u>

Upon consideration of the Class Representatives' Motion for Approval of Form and

Content of Notice of Pendency and Method for Providing Notice to the Class ("Pls.' Mot."), ECF

No. 109, the memoranda and declaration submitted in support, and the entire record herein, the

Class Representatives' motion is GRANTED.

On September 6, 2017, the Court certified the above-captioned action (the "Action") to proceed as a class action on behalf of a class consisting of all persons and entities who purchased or otherwise acquired the publicly traded common stock of Liquidity Services, Inc. ("LSI") during the period from February 1, 2012, through May 7, 2014 (the 'Class Period'), and who were damaged thereby (the "Class").<sup>1</sup> Plaintiffs Caisse de dépôt et placement du Québec

<sup>&</sup>lt;sup>1</sup> The definition of exclusions from the Class is hereby modified to specifically exclude Jacobs Trading, LLC, and its officers, directors, subsidiaries, and affiliates, because while Jacobs Trading was a subsidiary of LSI during the Class Period, it has since been sold. Accordingly, excluded from the Class by definition are: Defendants LSI, William P. Angrick, III, and James M. Rallo; members of the immediate family of each of the Individual Defendants; any subsidiary or affiliate of LSI, including any employee retirement and/or benefit plan(s) of LSI or its subsidiaries; Jacobs Trading, LLC, and its subsidiaries or affiliates; the directors and officers of LSI or its subsidiaries or affiliates; the directors and officers of Jacobs Trading, LLC; any entity in which any excluded person has a controlling interest; and the legal representatives, heirs, successors, and assigns of any excluded person. Also excluded from the Class is any person or entity that timely and validly seeks exclusion.

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("Caisse") and the City of Newport News Employees' Retirement Fund ("NNERF") (collectively, "Class Representatives") have moved the Court, pursuant to Federal Rule of Civil Procedure 23, for an Order approving the proposed form and content of notices of pendency to be disseminated to the Class, as well as the proposed method for dissemination of these notices (the "Motion"). Pls.' Mot. at 2. The defendants do not oppose this motion. The Court has reviewed the proposed notices submitted by the Class Representatives and has good cause for entering the following Order. Accordingly, it is hereby

**ORDERED** that the Class Representatives' Motion for Approval of Form and Content of Notice of Pendency and Method for Providing Notice to the Class is GRANTED and the Court approves the form, substance, and requirements of the Notice of Pendency of Class Action (the "Notice") and the Summary Notice of Pendency of Class Action (the "Summary Notice") (collectively, the "Notices"), with updated links to the website designated for this lawsuit, once established, attached hereto as Exhibits 1 and 2, respectively; and it is further

**ORDERED** that the proposed form and content of the Notice meet the requirements of Rule 23(c)(2)(B) as it clearly and concisely states in plain and easily understood language all of the following: (a) the nature of the action; (b) the definition of the class certified; (c) the class claims, issues, or defenses; (d) a class member's right to enter an appearance through an attorney if the member so desires; (e) a class member's right to be excluded from the class; (f) the time and manner for requesting exclusion; and (g) the binding effect of a judgment on class members under Federal Rule of Civil Procedure 23(c)(3). The Notice, the Summary Notice, and the method and schedule set forth below for notifying the Class of the pendency of the action as a class action meet the requirements of Rule 23 and of due process, constitute the best notice

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practicable under the circumstances, and shall constitute due and sufficient notice to all persons and entities entitled thereto; and it is further

**ORDERED** that the Court approves the retention of The Garden City Group, LLC, as the notice administrator ("Administrator"); and it is further

**ORDERED** that no later than ten (10) business days after entry of this Order, LSI shall use reasonable efforts to, and at no cost to the Class, have its transfer agent provide, or cause to be provided, to the Administrator, shareholder records (consisting of the shareholder names and addresses) to the extent they exist, in electronic form, such as Excel, identifying all persons or entities who purchased or otherwise acquired the publicly traded common stock of LSI during the period from February 1, 2012, through May 7, 2014; and it is further

**ORDERED** that the Administrator shall cause the Notice, substantially in the form attached hereto as Exhibit 1, with updated links to the website designated for this lawsuit, once established, to be mailed, by first-class mail, postage prepaid, not later than twenty (20) business days from entry of this Order ("Notice Date"), to potential Class Members at the addresses set forth in the records provided by LSI pursuant to the previous paragraph or who may otherwise be identified with reasonable effort. The Administrator shall use reasonable efforts to give notice to nominee purchasers such as brokerage firms and other persons and entities who may have, for the beneficial interest of any person or entity other than itself or themselves, purchased or acquired LSI publicly traded common stock from February 1, 2012, through May 7, 2014. Such nominees SHALL EITHER: (a) WITHIN SEVEN (7) CALENDAR DAYS of receipt of the Notice, request from the Administrator sufficient copies of the Notice to forward to all such beneficial owners and WITHIN SEVEN (7) CALENDAR DAYS of receipt of those Notices from the Administrator forward them to all such beneficial owners; or (b) WITHIN SEVEN (7)

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CALENDAR DAYS of receipt of the Notice, provide a list of the names and addresses of all such beneficial owners to the Administrator, and the Administrator is ordered to send the Notice promptly to such identified beneficial owners. Nominees who elect to send the Notice to their beneficial owners SHALL ALSO send a statement to the Administrator confirming that the mailing was made and shall retain their mailing records for use in connection with any further notices that may be provided in the Action. Upon full and timely compliance with these directions, such nominees may seek reimbursement from the Administrator of their reasonable expenses actually incurred by providing the Administrator with proper documentation supporting the expenses for which reimbursement is sought; and it is further

**ORDERED** that contemporaneously with the mailing of the Notice, the Administrator shall cause a copy of the Notice to be posted on the website designated for this lawsuit, from which Class Members may download copies of the Notice; and it is further

**ORDERED** that the Administrator shall cause a copy of the Summary Notice, substantially in the form attached hereto as Exhibit 2, with updated links to the website designated for this lawsuit, once established, to be published once in *Investor's Business Daily* and to be transmitted over *PR Newswire* within fourteen (14) calendar days of the Notice Date; and it is further

**ORDERED** that Class Members shall be bound by all determinations, orders, and judgments in this action, whether favorable or unfavorable, unless such persons and entities request exclusion from the Class in a timely and proper manner, as hereinafter provided. A Class Member wishing to make such a request shall mail the request in written form by first-class mail, postmarked no later than sixty (60) calendar days after the Notice Date, to the address designated in the Notice. Such request for exclusion shall clearly state that the Class Member "requests

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exclusion from the Class in *Howard v. Liquidity Services Inc. et al.*, No. 1:14-cv-1183 (D.D.C.)" and must (i) state the name, address, and telephone number of the person or entity requesting exclusion; (ii) state the number of shares of LSI common stock that the person or entity purchased, acquired, and/or sold during the Class Period, as well as the dates and prices of each such purchase, acquisition, and/or sale; and (iii) be signed by the person or entity requesting exclusion or an authorized representative. 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; and it is further

**ORDERED** that any Class Member who retains separate counsel to represent him, her, or it by appearing in these proceedings must have such counsel enter an appearance pursuant to Rule 23(c)(2) of the Federal Rules of Civil Procedure, as set out in the Notice, no later than sixty (60) calendar days after the Notice Date; and it is further

**ORDERED** that within fifteen (15) business days following the expiration of the exclusion deadline, Class Counsel shall file with the Court proof of mailing of the Notice, proof of publication of the Summary Notice, and an affidavit setting forth a list of all persons and entities who have validly and timely requested exclusion from the Class; and it is further

**ORDERED** that this Order may be modified by the Court upon motion by either or both parties, for good cause shown.

#### SO ORDERED.

Date: November 21, 2017

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# Exhibit 1

#### UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

LEONARD HOWARD, individually and on behalf of all others situated,

Plaintiff,

Case No. 1:14-cv-01183-BAH

Chief Judge Beryl A. Howell

v.

LIQUIDITY SERVICES INC., WILLIAM P. ANGRICK III, and JAMES M. RALLO,

Defendants.

### NOTICE OF PENDENCY OF CLASS ACTION

#### If you purchased or otherwise acquired the publicly traded common stock of Liquidity Services, Inc. during the period from February 1, 2012 through May 7, 2014, a class action lawsuit may affect your rights.

A federal court authorized this Notice. This is not a solicitation from a lawyer. Please read this Notice carefully and in its entirety.

The purpose of this Notice is to inform you of a class action lawsuit now pending in the United States District Court for the District of Columbia (the "Court") under the above caption (the "Action") against Liquidity Services, Inc. ("LSI" or the "Company") and Individual Defendants William P. Angrick, III and James M. Rallo (collectively, "Defendants"). This Notice is intended only to advise you that the Action has been certified by the Court to proceed as a class action on behalf of certain purchasers of LSI common stock and your rights with respect to the Action.

The Court has not decided whether Defendants did anything wrong, and this Notice is not an admission by Defendants or an expression of any opinion of the Court concerning the merits of the Action. There is no settlement or monetary recovery at this time.

# Please do not call or write the Court. If you have questions after reading this Notice, you should contact the Administrator or Class Counsel, as discussed below.

### **BASIC INFORMATION**

#### 1. Why did I get this Notice?

You received this Notice because the Court has certified a Class in this lawsuit and you were identified as a potential Class Member whose rights may be affected. This Notice explains that the Court has allowed, or "certified," a class action lawsuit that may affect you.

A class action is a type of lawsuit in which one or several individuals or entities prosecute claims on behalf of all members of a group of similarly-situated persons and entities (*i.e.* the class) to obtain monetary or other relief for the entire group. Class actions avoid the necessity of each member of a class having to file his, her, or its own separate lawsuit to obtain relief.

The Court decided that this lawsuit can proceed as a class action because it meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal district courts. Specifically, the Court found that a significant number of investors purchased or otherwise acquired the publicly traded common stock of LSI during the Class Period (defined below) and that the claims alleged in the Action are common enough to apply to all of those investors.

Chief Judge Beryl A. Howell of the United States District Court for the District of Columbia is overseeing this class action. The lawsuit is titled *Howard v. Liquidity Services Inc. et al.*, Case No. 1:14-cv-1183-BAH. More information about why the Court is allowing this lawsuit to be a class action is in the Court's Memorandum Opinion, which is available at <u>www.XXXXXXX.com</u>.

#### 2. Who is included in the Class?

The Class, certified by the Court, consists of:

All persons and entities who purchased or otherwise acquired the publicly traded common stock of LSI during the period from February 1, 2012 through May 7, 2014, (the "Class Period"), and who were damaged thereby.

Excluded from the Class, by definition are: Defendants LSI, William P. Angrick, III, and James M. Rallo; members of the immediate family of each of the Individual Defendants; any subsidiary or affiliate of LSI, including any employee retirement and/or benefit plan(s) of LSI or its subsidiaries; Jacobs Trading, LLC, and its subsidiaries or affiliates; the directors and officers of LSI or its subsidiaries or affiliates; the directors and officers of Jacobs Trading, LLC; any entity in which any excluded person has a controlling interest; and the legal representatives, heirs, successors, and assigns of any excluded person. Also excluded from the Class is any person or entity that timely and validly requests exclusion as explained in this Notice.

The Class definition is subject to change by Court order, pursuant to Rule 23 of the Federal Rules of Civil Procedure.

#### 3. What if I'm still not sure if I am included in the Class?

If you are still not sure whether you are included in the Class, you can get additional information at www.XXXXX.com or by contacting the lawyers who were appointed Class Counsel in this Action at the addresses or phone numbers below.

### **OVERVIEW AND STATUS OF THE ACTION**

#### 4. What is this case about and what has happened so far?

This case arises out of allegations that Defendants violated Sections 10(b) and 20(a) of the Securities Exchange of 1934 (the "Exchange Act") and Rule 10b-5 promulgated thereunder. Among other things, the Action alleges that during the Class Period, Defendants made false and misleading statements and failed to disclose material information concerning sales, margins and competition in the Company's retail division.

The initial complaint in the case was filed on July 14, 2014. On October 14, 2014, the Court issued an Order appointing Caisse de dépôt et placement du Québec and the City of Newport News Employees' Retirement Fund as "Lead Plaintiffs" pursuant to the Private Securities Litigation Reform Act of 1995. In the same Order, the Court approved Lead Plaintiffs' selection of Labaton Sucharow LLP and Spector Roseman Kodroff & Willis, P.C. (n/k/a as Spector Roseman & Kodroff, P.C.) as "Co-Lead Counsel" for the Class.

The operative complaint in the Action, the Amended Complaint for Violations of the Securities Laws (the "Complaint"), was filed on December 15, 2014. Lead Plaintiffs claim that Defendants made materially false and misleading statements and failed to disclose information to investors about the financial performance of the Company's retail division in violation of the Exchange Act. Lead Plaintiffs further allege that the false and misleading statements and omissions inflated the price of LSI's common stock and that, when Defendants later disclosed the truth that the retail division was not performing as strongly as previously touted, and that LSI's retail growth could not be sustained, LSI's stock price dropped. The Complaint, which contains all of the Lead Plaintiffs' allegations, and the Court's Order on the Motion to Dismiss, which limits the allegations of the case to the Company's retail division, are available at www.XXXXXX.com.

Defendants moved to dismiss the Complaint on March 2, 2015, and Lead Plaintiffs opposed that motion thereafter. On March 31, 2016, the Court issued a Memorandum Opinion as well as an Order denying in part and granting in part Defendants' motion to dismiss. Defendants moved for reconsideration of the Court's Memorandum Opinion. On December 21, 2106 the Court denied the motion without prejudice to renew it at summary judgment.

On May 16, 2016, Defendants answered the Complaint, denying Lead Plaintiffs' claims and asserting various affirmative defenses.

On September 2, 2016, Lead Plaintiffs filed their motion for class certification. Following briefing on the motion and oral argument, on September 6, 2017, the Court issued a Memorandum Opinion as well as an Order granting Lead Plaintiffs' motion, certifying the Class, appointing Lead Plaintiffs as "Class Representatives," and appointing Class Counsel. The Memorandum and Court's Opinion the Court's Order are available at www.XXXXXXXXX.com.

On April 5, 2017, Defendants filed a motion for partial summary judgment on the issue of Lead Plaintiffs' reliance. The Court denied Defendants' motion on September 6, 2017.

The parties are currently engaged in discovery. No date for a trial has been scheduled.

#### 5. How do Defendants respond to the allegations in the Complaint?

Defendants deny any wrongdoing in the Action and believe that Class Representatives' claims are without merit. Among other things, Defendants contend that they did not make any false or misleading statements; that the alleged misstatements are forward-looking statements and/or contain sufficient cautionary language and risk disclosures; that the alleged misstatements are non-actionable statements of opinion, puffery, or soft information; that Defendants did not act with scienter; and that the Class Representatives cannot show reliance, loss causation or damages.

#### 6. Has the Court decided who is right?

The Court has not decided the claims and there has been no monetary recovery.

If a settlement of the lawsuit is reached, it will be subject to approval by the Court. Class Members will be sent additional notice of any proposed settlement and members of the Class who have not excluded themselves will have an opportunity to object to the proposed settlement and to submit a Proof of Claim form to demonstrate their entitlement to any payment. Similarly, the Court may also direct further notice to the Class following any judgment that may be entered after a trial of this case, or for any other reason that the Court may determine.

#### 7. Is there any money available now?

No money or any other benefits are available now because the Court has not yet decided whether Defendants violated the Exchange Act, and the parties have not settled the case. There is no guarantee that money or any other benefit ever will be obtained. If there is a recovery, you will be notified about how to ask for your share.

# YOUR RIGHTS AND OPTIONS

If you are a Class Member, you have the right to decide whether to stay in the Class or to ask to be excluded from the Class. If you are a member of the Class and wish to be excluded from the Class, you must request exclusion in accordance with the procedure set forth in Question 10 below.

#### 8. What happens if I am a Class Member and I do nothing?

If you are a Class Member and you do nothing, you will stay in the Class. This means you will be legally bound by all of the orders the Court issues and judgments the Court makes in this Action, whether favorable or unfavorable. If you stay in the Class and money is paid to the Class, either through a settlement with Defendants or a judgment of the Court after trial, you may be eligible to receive a share of that recovery. Keep in mind that if you do nothing now, regardless of whether Class Representatives win or lose the case, you will not be able to sue **Defendants in any other lawsuit about the same claims that are the subject of this Action**.

If you choose to remain a member of the Class, you do not have to do anything at this time other than retain your financial records reflecting all of your transactions (purchases and sales) in LSI common stock and any other documents relating to LSI. If there is a recovery in the future, members of the Class will be required to support their requests for payment by demonstrating their membership in the Class and documenting their purchases and sales of LSI publicly traded common stock and their resulting damages. Neither Class Representatives, the Company, nor the Administrator have information about your transactions in LSI common stock. Your broker may not keep your records for as long as you need. For these reasons, please be sure to keep all records of your transactions in LSI common stock and any other documents relating to LSI.

#### 9. If I am a Class Member, why would I ask to be excluded?

If you want to pursue your own lawsuit or claims against Defendants about the conduct in this case, do not want to be bound by what the Court does in this case, or if you simply do not want to be part of the Class pursuing claims against Defendants, *you must ask to be excluded from the Class*. If you exclude yourself from the Class—which means to remove yourself from the Class and is sometimes called "opting-out" of the Class—you will not be legally bound by any past, present, or future Court orders or judgments in this Action, and will keep any right you may have to individually sue Defendants in the future. However, if you exclude yourself, you also will not get any money or any other benefits from this lawsuit, if there are any.

If you start your own lawsuit against Defendants after you exclude yourself, you may have to hire and pay your own lawyer for that lawsuit, and you will have to prove your claims. Please note that if you decide to exclude yourself from the Class, you should consult with an attorney and discuss whether your individual claim would be time-barred by the applicable statutes of limitations or repose.

Pursuant to Rule 23(e)(4) of the Federal Rules of Civil Procedure, it is within the Court's discretion whether to allow a second opportunity to request exclusion from the Class if there is a settlement or judgment in the Action.

10. If I am a Class Member, how do I ask the Court to be excluded from the Class? ("Opt-Out")

If you wish to be excluded from the Class ("opt-out"), you must send a letter by first-class mail stating that you "request exclusion from the Class in *Howard v. Liquidity Services Inc. et al.*, No. 1:14-cv-1183 (D.D.C.)." Your request for exclusion must: (i) state the name, address, and telephone number of the person or entity requesting exclusion; (ii) state the number of shares of LSI common stock that the person or entity requesting exclusion purchased/acquired and/or sold during the Class Period, as well as the dates and prices of each such purchase/acquisition or sale; and (iii) be signed by the person or entity requesting exclusion or an authorized representative. You must mail your exclusion request, *postmarked by no later than [\_\_\_\_]* to:

LSI Securities Litigation c/o Garden City Group

You cannot exclude yourself from the Class by telephone or by email, and a request for exclusion will not be effective unless it contains all the information called for by this paragraph and is postmarked by the date stated above, or is otherwise accepted by the Court.

Only request exclusion if you do not wish to participate in the Action and do not wish to share in any potential recovery that the Class may obtain.

# THE LAWYERS REPRESENTING THE CLASS

#### **11.** Do I have a lawyer in this case?

As a member of the Class, you will be represented by Class Counsel who are:

Jonathan Gardner, Esq. LABATON SUCHAROW LLP 140 Broadway New York, NY 10005 www.labaton.com 888-219-6877

Andrew D. Abramowitz, Esq. **SPECTOR ROSEMAN & KODROFF, P.C.** 1818 Market Street, Suite 2500 Philadelphia, PA 19103 www.srkattorneys.com 215-496-0300

Unless you hire your own personal lawyer, as a Class Member you will not have any direct obligations to pay the costs of this lawsuit. In the event there is a recovery by the Class, all costs and expenses, including Class Counsel's attorneys' fees, will be paid from that recovery in an amount that is approved by the Court. If there is no recovery, Class Counsel will not receive any attorneys' fees.

12. If I am a Class Member, can I get my own lawyer?

You do not need to hire your own lawyer, because Class Counsel are already working on your behalf. However, you have the right to retain your own personal lawyer at your own expense. If you retain separate counsel to represent you in this case, your counsel must enter an appearance on your behalf by filing a Notice of Appearance with the Court and mailing it to Class Counsel at the addresses set forth above on or before [\_\_\_\_].

### **GETTING MORE INFORMATION**

#### **13.** Where can I get more information?

If you want more detailed information, you may contact Class Counsel or visit www.XXXXXX.com, where you will find case-related documents and detailed information regarding the Action. You may also call the Garden City Group (the "Administrator") at 1-. Please do not call or write the Court.

#### 14. What if my address has changed?

If this Notice was mailed to you at an old address, or if you move, please advise the Administrator of your current address so that you can receive any future notices and/or Proof of Claim forms. If you are not a member of the Class, you may discard this notice. Any change to your address should be mailed to:

LSI Securities Litigation c/o Garden City Group

# NOTICE TO BROKERS AND CUSTODIANS

If, for the beneficial interest of any person or entity other than yourself, you purchased the publicly traded common stock of LSI during the period from February 1, 2012 through May 7, 2014, you must either: (i) within seven (7) calendar days of receipt of this Notice, request from the Administrator sufficient copies of the Notice to forward to all such beneficial owners and mail them yourself; or (ii) within seven (7) calendar days of receipt of this Notice, provide a list of the names and addresses of all such beneficial owners to the Administrator at *LSI Securities Litigation*, c/o Garden City Group P.O. Box. \_\_\_\_\_\_, \_\_\_\_\_\_. If you choose the first option, you must send a statement to the Administrator confirming that the mailing was made and you must retain your mailing records for use in connection with any further notice that may be provided in the Action. If you choose the second option, the Administrator will send a copy of the Notice to the beneficial owners. Upon full and timely compliance with these directions, such nominees may seek reimbursement of their reasonable expenses actually incurred by providing the Administrator with proper documentation supporting the expenses for which reimbursement is sought.

Dated: \_\_\_\_\_

BY ORDER OF THE COURT UNITED STATES DISTRICT COURT DISTRICT OF COLUMBIA Case 1:14-cv-01183-BAH Document 111 Filed 11/21/17 Page 15 of 17

# Exhibit 2

#### UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

LEONARD HOWARD, individually and on behalf of all others situated,

Plaintiff,

Case No. 1:14-cv-01183-BAH

Chief Judge Beryl A. Howell

v.

LIQUIDITY SERVICES INC., WILLIAM P. ANGRICK III, and JAMES M. RALLO,

Defendants.

### SUMMARY NOTICE OF PENDENCY OF CLASS ACTION

#### To all persons and entities who purchased or otherwise acquired the publicly traded common stock of Liquidity Services, Inc. ("LSI") during the period from February 1, 2012 through May 7, 2014, and were damaged thereby (the "Class").

YOU ARE HEREBY NOTIFIED, pursuant to Rule 23 of the Federal Rules of Civil Procedure and an Order of the United States District Court for the District of Columbia (the "Court"), that the above-captioned action (the "Action") has been certified to proceed as a class action on behalf of the Class defined above, subject to certain exclusions. IF YOU ARE A MEMBER OF THE CLASS, YOUR RIGHTS WILL BE AFFECTED BY THIS ACTION. At this time, there is no judgment, settlement, or monetary recovery.

If you are a Class Member, you have the right to decide whether to remain a member of the Class. **If you choose to stay in the Class,** you do not need to do anything at this time other than retain your documents relating to LSI, including documents reflecting all of your transactions (purchases and sales) in LSI publicly traded common stock during the period from February 1, 2012 through May 7, 2014. You will automatically be included in the Class and all orders or judgments in the Action, whether favorable or unfavorable, will apply to you.

If you **do not** wish to remain a member of the Class, **you must take steps to exclude yourself from the Class.** If you ask to be excluded from the Class, you will not be bound by any order or judgment in the Action, but you will not be eligible to receive a share of any money which might be recovered for the benefit of the Class. To exclude yourself from the Class, you must submit a written request for exclusion *postmarked no later than [DATE]* in accordance with the instructions set forth in the full printed Notice. Pursuant to the Federal Rules of Civil Procedure, it is within the Court's discretion whether to allow a second opportunity to request exclusion from the Class in the event there is a future settlement or judgment in the Action. This notice is only a summary. A full printed Notice of Pendency of Class Action (the "Notice") is currently being mailed to known potential Class Members. If you have not received a copy of the Notice, you may obtain a copy of the Notice by downloading it from www.XXXX.com or by contacting the Administrator at:

LSI Securities Litigation c/o Garden City Group

If you did not receive the Notice by mail, and you are a member of the Class, please send your name and address to the Administrator so that if any future notices are mailed in connection with the Action, you will receive them.

Inquiries, other than requests for the Notice, may be made to Class Counsel:

Jonathan Gardner, Esq. **LABATON SUCHAROW LLP** 140 Broadway New York, NY 10005 www.labaton.com 888-219-6877 Andrew D. Abramowitz, Esq. **SPECTOR ROSEMAN & KODROFF, P.C.** 1818 Market Street, Suite 2500 Philadelphia, PA 19103 www.srkattorneys.com 215-496-0300

#### Please Do Not Call the Court with Questions.

Dated:

, 2017

BY ORDER OF THE COURT United States District Court District of Columbia