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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

JAY RABKIN, Individually and on Behalf  
of All Others Similarly Situated,

Plaintiff,

v.

LION BIOTECHNOLOGIES, INC.,  
MANISH SINGH, MICHAEL  
HANDELMAN, and KAMILLA  
BJORLIN,

Defendants.

Case No. 3:17-cv-02086-SI

CLASS ACTION

DECLARATION OF LUIGGY SEGURA  
IN SUPPORT OF LEAD PLAINTIFF'S POST-  
DISTRIBUTION ACCOUNTING

Hon. Susan Illston

1 I, LUIGGY SEGURA, declare and state as follows:

2 1. I am a Senior Director at JND Legal Administration (“JND”).<sup>1</sup> I am over 21 years of age  
3 and am not a party to the above-captioned action (the “Action”). JND was retained by Lead Counsel to  
4 serve as the Claims Administrator in connection with the Settlement of the Action and that retention was  
5 approved by the Court by Order dated November 30, 2018 (ECF No. 129). I submit this Declaration in  
6 order to provide the Court and the Parties to the Action with information regarding the initial distribution  
7 of the Net Settlement Fund (the “Initial Distribution”). I have personal knowledge of the facts set forth  
8 in this Declaration and, if called as a witness, could and would testify competently thereto.

9 2. On June 30, 2021, the Court entered the Order Modifying and Approving Distribution  
10 Plan (ECF No. 152, the “Distribution Order”), granting approval to distribute the Net Settlement Fund  
11 to Authorized Claimants.

12 3. Following entry of the Distribution Order, JND took several steps to prepare for the  
13 Initial Distribution of the Net Settlement Fund. Such steps included, among other things, working with  
14 Lead Counsel to transfer the funds from the Escrow Account to the distribution account, working with  
15 Authorized Claimants to confirm wire instructions to be utilized for electronic payments, performing  
16 research through the Office of Foreign Assets Control (“OFAC”) list to ensure payments would not be  
17 made to any known terrorist and/or drug trafficking groups, working with the Escrow Agent to confirm  
18 the proper amount to be distributed to Authorized Claimants and that the checks to be issued were  
19 compatible with the Escrow Agent’s system, and performing final reviews and audits. In addition, in  
20 determining the distribution amounts for Authorized Claimants, JND eliminated all payments to  
21 Claimants whose *pro rata* share of the Net Settlement Fund calculated to less than \$5.00, as approved  
22 by the Court in the Distribution Order. *See* Distribution Order, at 3.

23 4. On August 12, 2021, JND conducted the Initial Distribution of the Net Settlement Fund  
24 in the manner set forth in the Segura Distribution Declaration and approved by the Court’s Distribution  
25 Order. In total, \$2,226,079.16 (the “Distributable Amount”) was distributed, by check or wire transfer,

26 <sup>1</sup> All terms with initial capitalization not otherwise defined herein shall have the meanings ascribed to  
27 them in the Stipulation of Settlement and Release, dated September 28, 2018 (ECF No. 121) and the  
28 Declaration of Luiggy Segura In Support of Lead Plaintiff’s Motion for Approval of Distribution Plan,  
dated April 15, 2021 (ECF No. 142-1, the “Segura Distribution Declaration”).

1 to 532<sup>2</sup> Authorized Claimants whose Claims were approved for payment by the Distribution Order.  
 2 Specifically, JND mailed 328 checks, accounting for \$1,562,248.96, and sent 15 wire transfers  
 3 (comprising distribution amounts for 204 Authorized Claimants), accounting for \$663,830.20.

4 5. The check-cashing period has only recently begun, and Authorized Claimants have until  
 5 November 10, 2021, to cash their checks. As of September 1, 2021, \$963,396.44, or 43% of the  
 6 Distributable Amount has been cashed or otherwise received. A total of 94 checks, for an aggregate  
 7 value of \$1,262,682.72, remain uncashed. As set forth in the Segura Distribution Declaration, JND will  
 8 conduct an outreach program to Authorized Claimants whose checks remain uncashed advising them  
 9 that their checks must be cashed by the void date on the check or their entitlement to a recovery from  
 10 the Settlement will be irrevocably forfeited. Accordingly, and based on my experience, I expect the  
 11 number of uncashed checks to substantially decline during the next several weeks and months.

12 6. To the extent there are any remaining funds in the Net Settlement Fund by reason of  
 13 uncashed checks or otherwise, after JND has made reasonable and diligent efforts to encourage  
 14 Authorized Claimants who are entitled to a distribution from the Net Settlement Fund to cash their  
 15 distribution checks, those funds will be re-distributed to Authorized Claimants as provided for in the  
 16 Court's Distribution Order. *See* Distribution Order, at 3-4. Moreover, when it is determined that a  
 17 further re-distribution is not cost effective, any funds remaining in the Net Settlement Fund will be  
 18 contributed to the Court-approved *cy pres* recipient, the National Consumer Law Center. *See*  
 19 Distribution Order, at 4. JND expects that if there is a contribution to the National Consumer Law  
 20 Center, it will be minimal.

21 7. I have reviewed the Post-Distribution Accounting prepared and to be submitted to the  
 22 Court by Lead Plaintiff and can confirm that the information provided therein relating to the mailing of  
 23 notices, processing of Claims, distribution of the Net Settlement Fund, and notice and administrative  
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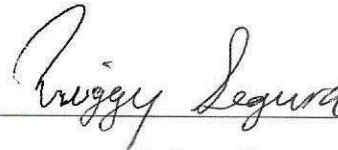
25 <sup>2</sup> Prior to the Initial Distribution, JND received a request from a third-party filer to make adjustments  
 26 to three (3) Claims. The adjustments resulted in these Claims no longer calculating to a Recognized  
 27 Claim pursuant to the Court-approved Plan of Allocation. Therefore, the total number of Authorized  
 28 Claimants receiving a payment in the Initial Distribution is 532, which is three (3) less than the 535  
 Claims previously reported in the Declaration of Luiggy Segura in Further Support of Lead Plaintiff's  
 Motion for Approval of Distribution Plan, dated June 11, 2021 (ECF No. 151, at ¶ 4).

1 costs incurred by JND is accurate based on JND's current records.

2 8. The average recovery per Claimant, the average and median payment per eligible  
3 Claimant, and the largest and smallest payments reported in the Post-Distribution Accounting are based  
4 on Claimants' recoveries in the Initial Distribution. Authorized Claimants may receive additional funds  
5 if there are subsequent distributions as a result of uncashed checks/returned funds. In calculating the  
6 median payment to eligible Claimants, Claims that were not eligible for payment because they fell below  
7 the \$5.00 minimum payment threshold, as provided in the Distribution Order, were excluded from the  
8 analysis.

9 I declare under penalty of perjury under the laws of the United States of America that the  
10 foregoing is true and correct.

11 Executed in New Hyde Park, New York, on September 2<sup>nd</sup>, 2021.

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14 Luiggy Segura  
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