

# Exhibit 2

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

RICHARD GOODMAN, *Individually And As  
Trustee of the Richard M. Goodman  
Revocable Living Trust, And On Behalf Of  
All Others Similarly Situated,*

Plaintiff,

vs.

UBS FINANCIAL SERVICES INC.,

Defendant.

Case No.: 2:21-cv-18123-KM-MAH

**DECLARATION OF PLAINTIFF RICHARD GOODMAN IN  
SUPPORT OF: (1) PLAINTIFF'S MOTION FOR FINAL APPROVAL OF  
CLASS ACTION SETTLEMENT AND PLAN OF ALLOCATION;  
AND (2) SERVICE AWARD**

I, Richard Goodman, declare as follows:

1. I, individually and as Trustee of the Richard M. Goodman Revocable Living Trust, am the named plaintiff (“Plaintiff”) in the above-captioned class action (the “Action”).<sup>1</sup> See ECF No. 1. By Order dated July 12, 2023, the Court appointed me to serve as the Class Representative for the Settlement Class. See ECF No. 60. I respectfully submit this declaration in support of (a) Plaintiff’s motion for final approval of the proposed Settlement and approval of the proposed Plan of Allocation; and (b) my request for a service award for the time and effort I devoted to representing the Settlement Class in the prosecution of this Action.

2. I have personal knowledge of the matters set forth in this declaration, as I have been directly involved in monitoring and overseeing the prosecution of the Action, as well as the negotiations leading to the Settlement, and I could and would testify competently to these matters.

3. I am an attorney licensed to practice law in the State of Michigan. I have been practicing law since December 30, 1958 and I have never been the subject of any disciplinary actions by either the state bar or any court. I have never been sanctioned by a court. In my 65-year career as an attorney, my practice has focused primarily on automotive products liability, medical malpractice, drug products liability, insurance bad faith, and insurance coverage litigation.

**I. PLAINTIFF’S OVERSIGHT OF THE LITIGATION**

4. In fulfillment of my responsibilities as a Plaintiff on behalf of all class members in this Action, I worked closely with Plaintiff’s Counsel regarding the initiation, litigation and resolution of this case.

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<sup>1</sup> All capitalized terms used herein that are not otherwise defined have the meanings ascribed to them in the Stipulation and Agreement of Settlement dated June 8, 2023. ECF No. 55-1.

5. My personal broker for forty years, Brian Edgar, and I have developed a high degree of respect for each other's judgment and integrity. When he first advised me of his discovery that UBS had mishandled my assets and his disagreement with its policy of non-notification of UBS customers who were unaware of the UBS reporting error, he spoke with me as to what he needed to do. It was a very tough decision for him because UBS was in the wrong. He considered his choices and the pros and cons. I told him I was totally in support of whatever he decided. I told him that I would support him fully in his plan and would remain his customer regardless of what he decided. That commitment between us remained in effect throughout this entire painful process.

6. In the end, my broker left UBS. He went to Wells Fargo, and I followed him there. This process of disclosure and departure lasted for more than a year. He and I often discussed the rights and wrongs of his leaving UBS. My unqualified support and encouragement over the period of at least a year was significant in my opinion, and contributed to my broker's commitment to fully disclose what he knew. The information Mr. Edgar provided was, in my opinion, essential evidence in this case.

7. Throughout my involvement in this litigation, I received periodic status reports from Plaintiff's Counsel on case developments, and participated in regular discussions concerning the prosecution of the Action, the strengths of and risks to the claims, and potential settlement. Among other things, I: (a) assisted counsel in investigating the case and in the preparation of the Complaint, including by arranging and participating in multiple investigative interviews between Plaintiff's Counsel and Mr. Edgar; (b) supplied documentation to support the claims asserted in the Complaint, including my UBS account opening documents and 1099 tax forms; (c) reviewed and commented on all significant pleadings and briefs filed in the Action; (d) reviewed the Court's

orders and discussed them with Plaintiff's Counsel; (e) discussed Defendant's requests for the production of documents with Plaintiff's Counsel, and responded and objected to the same; (f) reviewed and commented on the mediation briefs; (g) produced relevant tax returns and other relevant documents to UBS as part of the pre-mediation exchange of information, and coordinated between Plaintiff's Counsel and my accountants to obtain the same; (h) remotely attended the mediation session overseen by Robert Meyers, Esq. of JAMS; (i) stayed abreast of the settlement negotiations; and (j) evaluated and approved the proposed Settlement.

## **II. APPROVAL OF THE SETTLEMENT**

8. As detailed in the paragraphs above, through my active participation, I was both well informed of the status and progress of the litigation and the mediation, and was kept informed of the progress of the settlement negotiations in the Action.

9. Based on my involvement in the prosecution and resolution of the claims asserted in the Action, I believe the Settlement is an outstanding result for the Settlement Class, particularly in light of the risks of continued litigation. Thus, I believe the proposed Settlement is fair, reasonable, and adequate to the Settlement Class and I endorse approval of the Settlement by the Court.

## **III. REQUEST FOR SERVICE AWARD**

10. It is my understanding that "[c]ourts have ample authority to award incentive or service payments to particular class members where the individual provided a benefit to the class or incurred risks during the course of litigation." *Bredbenner v. Liberty Travel, Inc.*, 2011 WL 1344745, \*23 (D.N.J. Apr. 8, 2011) (internal quotation marks omitted) (collecting cases). I was promised no excess compensation for serving as a representative Plaintiff in this Action. Nevertheless, I invested a substantial amount of time and energy in the litigation. I was also required to produce confidential information related to my personal finances to UBS as part of the

mediation process, which I would otherwise have not disclosed. Accordingly, in connection with Plaintiff's Counsel's request for reimbursement of Litigation Expenses, I am seeking a service award in the amount of \$25,000.

11. As set forth above, I am an attorney and generally practice in the areas of automotive products liability, medical malpractice, drug products liability, insurance bad faith, and insurance coverage litigation. Prior to, and over the course of, this litigation, I devoted significant time to furthering the interests of the Settlement Class in this Action, which was time that I otherwise would have spent engaged in the practice of law, investing, or on other personal or business activities and, thus, represented a cost to me. I conservatively estimate that I devoted approximately 50 hours to the litigation-related activities described above. It is my belief that this request for reimbursement is fair and reasonable and that the time and effort I devoted to this litigation was necessary to help achieve an excellent result for the Settlement Class under the circumstances.

#### IV. CONCLUSION

12. In conclusion, I endorse the Settlement as fair, reasonable, and adequate. I appreciate the Court's attention to the facts presented in my declaration and respectfully request that the Court approve: (a) Plaintiff's motion for final approval of the proposed Settlement and approval of the Plan of Allocation; and (b) my request for a service award for the time and effort I expended on behalf of the Settlement Class.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed this October 26 2023 in Detroit, Michigan.

*Richard Goodman*  
Richard Goodman