

Garth Spencer (*pro hac vice*)  
*gspencer@glancylaw.com*  
GLANCY PRONGAY & MURRAY LLP  
1925 Century Park East, Suite 2100  
Los Angeles, California 90067  
(310) 201-9150

*Attorneys for Plaintiff Richard Goodman  
and the Proposed Settlement Class*

**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-SDW-  
MAH

Hon. Michael A. Hammer

**Class Action**

**Motion Day:** December 7, 2023

**SUPPLEMENTAL DECLARATION OF GARTH SPENCER IN SUPPORT  
OF: (I) PLAINTIFF'S UNOPPOSED MOTION FOR FINAL APPROVAL  
OF CLASS ACTION SETTLEMENT AND PLAN OF ALLOCATION; AND  
(II) LEAD COUNSEL'S MOTION FOR AN AWARD OF ATTORNEYS'  
FEES AND REIMBURSEMENT OF LITIGATION EXPENSES**

I, Garth Spencer, declare, pursuant to 28 U.S.C. § 1746, as follows:

1. I am a partner in the law firm of Glancy Prongay & Murray LLP (“GPM” or “Lead Plaintiff’s Counsel”). GPM and Goodman Hurwitz & James, P.C. and GPM (collectively, “Plaintiff’s Counsel”) are counsel for the Plaintiff Richard Goodman (“Plaintiff”) in this matter.<sup>1</sup> I have personal knowledge of the matters set forth herein based on my participation in the prosecution and settlement of the claims asserted on behalf of the Settlement Class in this Action.

2. On October 31, 2022, in connection with the mediation in this action, UBS produced data to Plaintiff identifying relevant securities transactions by UBS clients. That data contained transactions in 2,288 accounts. On March 15, 2023, in connection with the Parties’ agreement in principle to settle this action, UBS produced certain additional data to Plaintiff identifying relevant securities transactions by UBS clients. Again, that data reflected transactions in 2,288 accounts. Based on my review of this data, and my discussions with the Settlement Administrator and counsel for UBS, I understand that the owners of each of these 2,288 accounts are eligible for inclusion as a Settlement Class Member.

3. I understand that following the Court’s July 12, 2023 Order Preliminarily Approving Settlement and Providing for Notice (ECF No. 60), UBS

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<sup>1</sup> Unless otherwise defined, all capitalized terms herein have the same meanings as set forth in the Stipulation and Agreement of Settlement, dated June 8, 2023 (the “Stipulation”). ECF No. 55-1.

produced to the Settlement Administrator data including “each Settlement Class Member’s name, UBS account number (last four digits only), last-known address, and last-known e-mail address as may be identified in UBS’s records through reasonable effort.” ECF No. 60 at ¶7(a). I am informed that such data reflected 2,481 potential Settlement Class Members, and that the Settlement Administrator used this list to distribute Notice of the Settlement to potential Settlement Class Members. *See* ECF No. 68-1 at ¶¶4-6.

4. On November 7, 2023, UBS produced certain additional data concerning the 2,481 potential Settlement Class Members. Based on my review of this data, and my discussions with the Settlement Administrator and counsel for UBS, I understand that this list contains the owner of each of the 2,288 accounts identified in UBS’s previous productions, along with certain additional accounts. I am informed by UBS’s counsel that the reason for the presence of the additional accounts in the new data is because UBS’s previous productions appropriately took steps to remove accounts that are not taxable in the United States, but the more recent productions inadvertently did not.

5. I am further informed by counsel for UBS that, for the substantial majority of the additional accounts—with the exception of 31 accounts for which UBS no longer has complete data—UBS has been able to determine based on data

in its possession that such accounts are not taxable in the United States, and therefore those accounts' owners are not Settlement Class Members.

I declare under penalty of perjury under the laws of the United States of America that the foregoing facts are true and correct.

Executed this 30th day of November, 2023, at Wilmington, North Carolina.

  
GARTH SPENCER