

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CHASE MORTIMER, Individually and on	)	Case No. 1:19-cv-01735
Behalf of All Others Similarly Situated,	)	<b>(Consolidated)</b>
	)	
Plaintiff,	)	<u>CLASS ACTION</u>
	)	
vs.	)	Honorable John F. Kness
	)	
DIPLOMAT PHARMACY, INC., et al.,	)	
	)	
Defendants.	)	
	)	
_____	)	

DECLARATION OF MICHAEL RANDICK AND RICHARD J. SAWHILL IN SUPPORT OF  
SETTLEMENT AND AWARD OF ATTORNEYS' FEES AND EXPENSES

Michael Randick and Richard J. Sawhill, declare as follows:

1. We are respectively the Chairman and Secretary of Iron Workers Local No. 25 Pension Fund (“Lead Plaintiff” or the “Pension Fund”) and are authorized to submit this declaration on its behalf. On July 19, 2019, the Court appointed the Pension Fund as Lead Plaintiff in this case. The Pension Fund is a multi-employer pension plan governed by ERISA that has over 5,000 participants and over \$600 million in assets under management. As set forth in the certification of the Pension Fund previously filed with the Court, it purchased Diplomat common stock during the Class Period and suffered damages as a result. We respectfully submit this declaration in support of final approval of the proposed Settlement of the above-captioned class action for \$15.5 million (the “Settlement”), and approval of Lead Counsel’s motion for an award of attorneys’ fees and expenses.<sup>1</sup>

2. The Pension Fund understands that the Private Securities Litigation Reform Act of 1995 was enacted to encourage institutional investors and others with meaningful losses to manage and direct securities fraud class actions. The Pension Fund is such a sophisticated institutional investor, and at all times during this Litigation was and is committed to its diligent prosecution.

3. Throughout this Litigation, the Pension Fund kept fully informed regarding case developments and procedural matters, including engagement with Robbins Geller Rudman & Dowd LLP (“Robbins Geller”) concerning the ongoing investigation and development of the case, the filing of the Consolidated Complaint for Violations of the Federal Securities Laws, the briefing of Defendants’ motion to dismiss, and the potential resolution of the Litigation. In its capacity as the Lead Plaintiff, the Pension Fund also: (a) reviewed pleadings and briefs and detailed

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<sup>1</sup> Any capitalized terms used in this Declaration that are not otherwise defined herein shall have the meanings ascribed to them in the Amended Stipulation of Settlement, dated January 24, 2022.

correspondence concerning the status of the Litigation; and (b) participated in conference calls with Robbins Geller during the Litigation.

4. The Pension Fund has also evaluated the significant risks and uncertainties of continuing litigation, including the possibility of a nominal recovery or even no recovery at all, and believes the \$15,500,000 Settlement is fair and reasonable, represents a very good recovery, and is in the best interests of Class Members.

5. The Pension Fund takes very seriously its representative role to ensure that the attorneys' fees are fair in light of the result achieved for the Class. While the Pension Fund recognizes that any determination of attorneys' fees and expenses is left to the Court, the Pension Fund believes that Lead Counsel's request for fees of 25% of the Settlement Amount and expenses not to exceed \$25,000, plus interest on both amounts, is fair and reasonable, as this Settlement would not have been possible without their diligent and aggressive prosecutorial efforts.

6. The Pension Fund respectfully requests that the Court grant final approval of the Settlement and approve Lead Counsel's motion for an award of attorneys' fees and expenses.


I, Michael Randick, declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief, and that this declaration was executed this 2nd day of ~~April~~<sup>May</sup>, 2022, in \_\_\_\_\_, \_\_\_\_\_.



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MICHAEL RANDICK, CHAIRMAN

I, Richard J. Sawhill, declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief, and that this declaration was executed this 2 day of ~~April~~, 2022, in Fontana, GA.

*May*  


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RICHARD J. SAWHILL, SECRETARY

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on May 2, 2022, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the email addresses on the attached Electronic Mail Notice List, and I hereby certify that I caused the mailing of the foregoing via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

s/ FRANK A. RICHTER

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FRANK A. RICHTER

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## Mailing Information for a Case 1:19-cv-01735 Iron Workers Local No. 25 Pension Fund, et al., v. Diplomat Pharmacy, Inc. et al

### Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

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### Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)