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12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 In re NUTANIX, INC. SECURITIES
LITIGATION

) Case No. 3:19-cv-01651-WHO
) Case No. 3:21-cv-04080-WHO

) CLASS ACTION

18 JOHN P. NORTON, ON BEHALF OF THE
NORTON FAMILY LIVING TRUST UAD
19 11/15/2002, Individually and On Behalf of All
Others Similarly Situated,

) SUPPLEMENTAL DECLARATION OF
) ROSS D. MURRAY REGARDING NOTICE
) DISSEMINATION, REQUESTS FOR
) EXCLUSION RECEIVED TO DATE, AND
) CLAIMS RECEIVED TO DATE

20 Plaintiff,

21 vs.

) DATE: October 4, 2023
) TIME: 2:00 p.m. (via videoconference)
) JUDGE: Honorable William H. Orrick

22 NUTANIX, INC., DHEERAJ PANDEY, and
23 DUSTON M. WILLIAMS,

24 Defendants.
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1 I, ROSS D. MURRAY, declare and state as follows:

2 1. I am employed as a Vice President of Securities by Gilardi & Co. LLC (“Gilardi”),
3 located at 1 McInnis Parkway, Suite 250, San Rafael, California. Pursuant to this Court’s May 19,
4 2023 Order Preliminarily Approving Settlement and Providing for Notice as Amended (“Notice
5 Order”) (*Nutanix* Action ECF 311; *Norton* Action ECF 121), Gilardi was appointed as the Claims
6 Administrator in connection with the proposed Settlement of the above-captioned actions (the
7 “Actions”). I oversaw the notice services that Gilardi provided in accordance with the Notice
8 Order.

9 2. I submit this declaration as a supplement to my earlier declaration, the Declaration
10 of Ross D. Murray Regarding Notice Dissemination, Publication, and Requests for Exclusion
11 Received to Date (the “Initial Mailing Declaration”) (ECF 319-4; *Norton* Action ECF 132-4). The
12 following statements are based on my personal knowledge and information provided to me by
13 other Gilardi employees and if called to testify I could and would do so competently.

14 **UPDATE ON DISSEMINATION OF THE CLAIM PACKAGE**

15 3. As more fully detailed in the Initial Mailing Declaration, as of August 29, 2023,
16 Gilardi had mailed or emailed 154,004 copies of the Court-approved Postcard Notice and mailed
17 47 copies of the Court-approved Notice of Pendency and Proposed Settlement of Class Actions
18 (the “Notice”) and Proof of Claim and Release Form (the “Proof of Claim”) (collectively, the
19 “Claim Package) to potential Class Members and their nominees. Additionally, Gilardi received
20 a message from one institution noting that they anticipated sending Postcard Notices via email to
21 68,013 potential Class Members. *See* Initial Mailing Declaration, ¶11.

22 4. Since August 29, 2023, Gilardi has mailed an additional 720 copies of the Postcard
23 Notice, and two copies of the Claim Package in response to requests from potential Class
24 Members, brokers, and nominees and as a result of mail returned as undeliverable for which new
25 addresses were identified and re-mailed to those new addresses. Therefore, as of September 26,
26 2023, Gilardi has mailed or emailed a total of 154,724 Postcard Notices and mailed 49 Claim
27 Packages to potential Class Members and nominees.

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