

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IN RE HELIOS AND MATHESON  
ANALYTICS, INC. SECURITIES  
LITIGATION

Case No. 1:18-CV-06965-JGK

**CLASS ACTION**

**SUPPLEMENTAL DECLARATION OF SHANNON L. HOPKINS IN FURTHER  
SUPPORT OF (1) LEAD PLAINTIFF'S MOTION FOR FINAL APPROVAL OF  
CLASS ACTION SETTLEMENT AND PLAN OF ALLOCATION AND FINAL  
CERTIFICATION OF SETTLEMENT CLASS, AND (2) LEAD COUNSEL'S  
MOTION FOR AN AWARD OF ATTORNEYS' FEES, REIMBURSEMENT  
OF EXPENSES, AND INCENTIVE AWARDS TO LEAD PLAINTIFF**

I, Shannon L. Hopkins, pursuant to 28 U.S.C. §1746, hereby declare as follows:

1. I am duly admitted to practice in New York and before this Court. I am a partner at the law firm of Court-appointed Lead Counsel Levi & Korsinsky, LLP (“L&K”), counsel of record for Lead Plaintiff Helios and Matheson Investor Group, comprised of George Hurst, Marcus Washington, Daniel Mercer, Juan Taveras, and Amit Katiyar (collectively, “Plaintiffs” or “Lead Plaintiff”), in the above-captioned securities class action (the “Action”).<sup>1</sup>

2. I respectfully submit this Supplemental Declaration in further support of (1) Lead Plaintiff’s Motion for Final Approval of Class Action Settlement and Plan of Allocation and Final Certification of Settlement Class, and (2) Lead Counsel’s Motion for an Award of Attorneys’ Fees, Reimbursement of Expenses, and Incentive Awards to Lead Plaintiff (the “Motions”).

3. I have personally participated in, overseen, and monitored the prosecution of this Action, and have otherwise been kept informed of developments in this litigation by attorneys working with me and under my supervision. Thus, if called upon, I can testify to the matters set forth herein.

4. The deadline to submit a request for exclusion or an objection was April 15, 2021. *See* ECF No. 129-1 at 2. Lead Plaintiff has only received four requests for exclusion, and three objections to the settlement. None of the requests or objections are valid.

5. As fully described in my Declaration in support of (1) Lead Plaintiff’s Motion for Final Approval of Class Action Settlement and Plan of Allocation and Final Certification of Settlement Class, and (2) Lead Counsel’s Motion for an Award of Attorneys’ Fees, Reimbursement of Expenses, and Incentive Awards to Lead Plaintiff filed with the Court on April

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<sup>1</sup> Unless otherwise noted, all capitalized terms not defined herein shall have the same meaning ascribed to them in the Stipulation and Agreement of Settlement dated December 11, 2020 (ECF No. 126-1, the “Stipulation” or “Stip”).

1, 2021 (ECF No. 136) (“Hopkins Declaration” or “Hopkins Decl.”), the two objections to the Settlement received on March 2, 2021 and March 10, 2021 were via email and neither are valid. Hopkins Decl., ¶¶54-55 and Exhibits 11 and 12 attached thereto,

6. On April 17, 2021, JND was copied on an email sent from an individual named Tim Thomas to Raman Khanna, which is attached hereto as Exhibit 2. While it is unclear whether this letter is intended to be an objection, even if it were, Mr. Thomas’s purported objection does not comply with the Preliminary Approval Order (ECF No. 128 at ¶ 120) or the Notice (ECF No. 129-1 at ¶ 49) because the objection, *inter alia*: i) was not filed with the Court and served on defense counsel; ii) was not signed; iii) fails to identify what provision of the Settlement, if any, Mr. Thomas objects to; iv) fails to provide any legal or evidentiary basis for the objection; v) fails to provide documentation to discern whether Mr. Thomas is a Settlement Class member; and vi) was dated after the April 15, 2017 objection and exclusion deadline.

7. As of April 28, 2021, no objections have been filed with the Court as required by this Court’s Preliminary Approval Order (ECF No. 128 at ¶20) and the Notice (ECF No. 129-1 at ¶49).

8. In total, four requests for exclusion have been received, none of which are valid.

9. As fully described in the Hopkins Declaration, three requests for exclusion were received as of April 1, 2021, none of which are valid. Hopkins Declaration, ¶¶50-53. *See also* ECF No. 136-1, Ex. E (copies of the three requests).

10. On April 3, 2021, JND received a request for exclusion from an individual named Daniel Bozarth. Supplemental Declaration of Luiggy Segura Regarding (A) Mailing of the Postcard Notice; (B) Report on Requests for Exclusion Received to Date; and (C) Report on Claims Received to Date (“Suppl. Segura Decl.”), attached hereto as Exhibit 1, at Ex. A. Mr.

Bozarth's request does not comply with the Preliminary Approval Order (ECF No. 128 at ¶18) or the Notice (ECF No. 129-1 at ¶¶42-43) because the request, *inter alia*: i) was submitted by email when the Preliminary Approval Order requires submission by first class mail; ii) fails to provide Mr. Bozarth's telephone number; iii) was not signed by Mr. Bozarth; and, iv) lacks any documentation to discern whether Mr. Bozarth is a Settlement Class member, including, but not limited to: the date(s), price(s), and number(s) of shares of all purchases or acquisitions of Helios common stock during the Class Period.

11. The proposed Final Judgement and Order (ECF No. 132-1), which was negotiated by the Parties and filed as part of the Stipulation as Exhibit B thereto (ECF No. 126-7), provides that the Settlement Class excludes, *inter alia*, Persons who or which have timely and validly sought exclusion allowed by the Court. ECF No. 132-1, ¶3.

12. Attached hereto as Exhibit 3 is the [Proposed] Order and Final Judgment.

13. Attached hereto for the Court's convenience as Exhibit 4 is a schedule setting forth three (3) of the four requests for exclusion,<sup>2</sup> and which may be appended to the proposed Final Order and Judgment as Exhibit A thereto as contemplated in ¶3 of the proposed Final Judgment and Order, should the Court find the exclusions timely and valid.

14. Lead Plaintiff has not received a single objection to the Plan of Allocation. Furthermore, Lead Counsel has not received a single objection to Lead Counsel's requested attorneys' fees and expenses, or the proposed awards to Lead Plaintiff.

15. Attached hereto as Exhibit 5 is the [Proposed] Order Approving Plan of Allocation.

16. Attached hereto as Exhibit 6 is the [Proposed] Order Awarding Attorneys' Fees, Reimbursement of Expenses, and Incentive Awards to Lead Plaintiff.

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<sup>2</sup> No name was given for one of the four requests for exclusion and therefore is not listed on the Exhibit.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 29, 2021

/s/ Shannon L. Hopkins  
Shannon L. Hopkins

**CERTIFICATE OF SERVICE**

I, Shannon L. Hopkins, hereby certify that this document was filed through the CM/ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on this 29th day of April, 2021.

*/s/ Shannon L. Hopkins*

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Shannon L. Hopkins