

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS

STRATHCLYDE PENSION FUND,  
Individually and on Behalf of All Others  
Similarly Situated,

Plaintiff,

vs.

BANK OZK, et al.,

Defendants.

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) No. 4:18-cv-00793-DPM

) CLASS ACTION

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

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

1. I am employed as a Vice President of Securities by Gilardi & Co. LLC (“Gilardi”), located at 1 McInnis Parkway, Suite 250, San Rafael, California. Pursuant to this Court’s June 27, 2022 Order (“Notice Order”), Gilardi was appointed as the Claims Administrator in connection with the proposed Settlement of the above-captioned litigation (the “Litigation”). I oversaw the notice services that Gilardi provided in accordance with the Notice Order.

2. I submit this declaration as a supplement to my earlier declaration, the Declaration of Ross D. Murray Regarding Notice Dissemination, Publication, and Requests for Exclusion Received to Date (the “Initial Mailing Declaration”) (ECF 211). The following statements are based on my personal knowledge and information provided to me by other Gilardi employees and if called to testify I could and would do so competently.

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

3. As more fully detailed in the Initial Mailing Declaration, as of August 15, 2022, Gilardi had mailed 146,479 copies of the Court-approved Notice of (I) Proposed Settlement and Plan of Allocation; (II) Settlement Hearing; and (III) Motion for an Award of Attorneys’ Fees and Litigation Expenses (the “Notice”) and Proof of Claim and Release Form (the “Proof of Claim”) (collectively, the “Claim Package”) to potential Class Members and their nominees. *See* Initial Mailing Declaration, ¶11.

4. Since August 15, 2022, Gilardi has mailed an additional 1,033 copies of the Claim Package in response to requests from potential Class Members, brokers, and nominees and as a result of mail returned as undeliverable for which new addresses were identified and re-mailed to those new addresses. Therefore, as of September 12, 2022, Gilardi has mailed a total of 147,512 Claim Packages to potential Class Members and nominees.

#### **CLAIMS RECEIVED TO DATE**

5. Pursuant to the Notice Order, the Notice informed potential Class Members that Proofs of Claim must be mailed to *OZK Securities Litigation*, Claims Administrator, c/o Gilardi & Co. LLC, P.O. Box 6177, Novato, CA 94948-6177, such that they are postmarked no later than

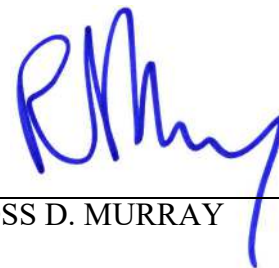
October 6, 2022, or submitted online at [www.OZKSecuritiesClassAction.com](http://www.OZKSecuritiesClassAction.com) no later than October 6, 2022. As of the date of this declaration, Gilardi has received 1,551 Proofs of Claim for processing. In our experience, the vast majority of claims are received in the days leading up to, and just after, the filing deadline. Given that Class Members have more than three weeks left to file timely claims, we anticipate the claim count will rise significantly.

**REQUESTS FOR EXCLUSION RECEIVED TO DATE**

6. Pursuant to the Notice Order, the Notice informed potential Class Members that written requests for exclusion from the Class must be mailed to *OZK Securities Litigation*, c/o Gilardi & Co. LLC, EXCLUSIONS, P.O. Box 5100, Larkspur, CA 94977-5100, such that they are postmarked no later than August 29, 2022. At the time of the Initial Mailing Declaration, Gilardi reported that it had not received any requests for exclusion in connection with this Settlement. *See* Initial Mailing Declaration, ¶16. After the declaration was filed, it was discovered that one timely exclusion had been received and inadvertently overlooked. A redacted copy of this exclusion is attached hereto as Exhibit A.

7. Since the Initial Mailing Declaration was executed, and as of the date of this declaration, Gilardi has not received any additional requests for exclusion.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 12th day of September, 2022, at San Rafael, California.



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ROSS D. MURRAY





**JAMES and KAREN KMETZSCH**



**OZK Securities Litigation  
c/o Gilardi & CO., LLC  
EXCLUSIONS  
P.O. Box 5100  
Larkspur, CA 94977-5100**

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BANK OZK, et al )  
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Defendants )  
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**No. 4:18-cv-00793-DPM**

**CLASS ACTION**

**Gentlemen:**

**My husband and I (in the name of our Trust as set forth herein,) were previous owners of stock in C1 Bank which merged with Bank of the Ozarks on July 21, 2016. As a result of said merger we were issued Bank of the Ozarks, Inc. stock certificate no. 16391 dated July 22, 2016 for 109 shares of common stock WHICH WE STILL OWN. We received this stock certificate together with Bank of the Ozarks Trust Services check no. 055806 in the amount of \$37.90 as full amount due us for our stock previously owned in C1 Bank.**

**The stock certificate is issued in the name of M. J. Kmetzsch Jr. and Karen. S. Kmetzsch, Trustees of the M. J. Kmetzsch Jr. and K. S. Kmetzsch Revocable Living Trust UA 7/9/13.**

**We are sending this letter pursuant to a Notice dated 6/22/2022 issued in the above lawsuit. WE HEREBY “ REQUEST EXCLUSION FROM THE CLASS IN THE OZK SECURITIES LITIGATION.”**


We thank you for your assistance in meeting our request to exclude ourselves from the above and if you need anything further, please do not hesitate to contact us.

  
M. J. KMETZSCH, JR. TRUSTEE  
M. J. KMETZSCH, JR & K. S. KMETZSCH REV.  
LIV TR UA 7/9/13

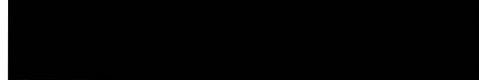
DATED 7-28-2022



CELL PHONE 

  
K. S. KMETZSCH, TRUSTEE  
M. J. KMETZSCH, JR. & K. S. KMETZSCH REV  
LIV TR UA 7/9/13

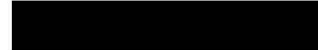
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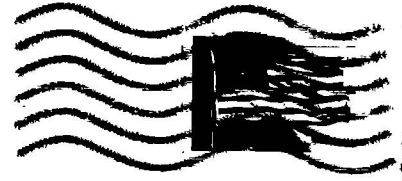


Melvin James Kmetzsch, Jr



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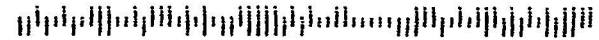
OZK Securities Litigation  
c/o Gilardi & Co, LLC

EXCLUSIONS

P.O. Box 5100

LARKSPUR, CA 94977-5100

4977-510000



OZK