

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

Mark Smilovits, Individually and on Behalf  
of All Others Similarly Situated,

Plaintiff,

vs.

First Solar, Inc., Michael J. Ahearn, Robert  
J. Gillette, Mark R. Widmar, Jens  
Meyerhoff, James Zhu, Bruce Sohn and  
David Eaglesham,

Defendants.

No. 2:12-cv-00555-DGC

CLASS ACTION

SUPPLEMENTAL DECLARATION OF  
ROSS D. MURRAY REGARDING  
NOTICE DISSEMINATION AND  
EXCLUSIONS RECEIVED TO DATE

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  
3 (“Gilardi”), located at 3301 Kerner Blvd., San Rafael, California. Pursuant to this Court’s  
4 March 2, 2020 Order Granting Preliminary Approval Pursuant to Fed. R. Civ. P. 23(E)(1)  
5 and Permitting Notice to the Class (“Preliminary Approval Order”)<sup>1</sup>, Gilardi was appointed  
6 to supervise and administer the notice procedure as well as the processing of claims in  
7 connection with the proposed Settlement of the above-captioned litigation (the  
8 “Litigation”). I oversaw the notice services that Gilardi provided in accordance with the  
9 Preliminary Approval Order.

10 2. I submit this declaration as a supplement to my earlier declaration, the  
11 Declaration of Ross D. Murray Regarding Notice Dissemination, Publication, and  
12 Distribution of the Net Settlement Fund, dated April 23, 2020 (the “Initial Mailing  
13 Declaration”). The following statements are based on my personal knowledge and  
14 information provided to me by other Gilardi employees and, if called to testify I could and  
15 would do so competently.

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

17 3. As more fully detailed in the Initial Mailing Declaration, as of April 23, 2020,  
18 Gilardi had mailed 780,314 copies of the Notice of Proposed Settlement of Class Action  
19 (the “Notice”) and the Proof of Claim and Release form (the “Proof of Claim”)  
20 (collectively, the “Claim Package”) to potential Class Members and their nominees. *See*  
21 Initial Mailing Declaration, ¶11.

22 4. Since April 23, 2020, Gilardi has mailed an additional 67,845 copies of the  
23 Claim Package in response to additional requests from potential Class Members, brokers,  
24 and nominees and as a result of mail returned as undeliverable for which new addresses  
25 were identified and re-mailed to those new addresses. Therefore, as of June 23, 2020,  
26

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27 <sup>1</sup> Unless otherwise defined herein, all capitalized terms shall have the same meanings as  
28 set forth in the Stipulation of Settlement, dated February 13, 2020.

1 Gilardi has mailed a total of 848,159 Claim Packages to potential Class Members and  
2 nominees.

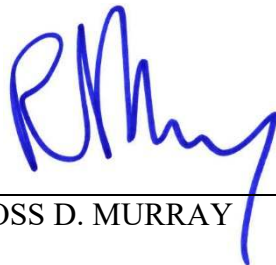
3 **REQUESTS FOR EXCLUSION RECEIVED TO DATE**

4 5. Gilardi was responsible for disseminating the Notice of Pendency of Class  
5 Action (the “Notice of Pendency”) beginning on December 31, 2013. The Notice of  
6 Pendency informed potential Class Members that written requests for exclusion from the  
7 Class were to be mailed to *First Solar Securities Litigation*, Notice Administrator, c/o  
8 Gilardi & Co. LLC, P.O. Box 8040, San Rafael, CA 94912-8040, such that they were  
9 postmarked no later than March 13, 2014. As reported in the Declaration of Carole K.  
10 Sylvester Setting Forth Class Notification Efforts and Summarizing Exclusion Requests  
11 (the “Sylvester Declaration”), as of March 28, 2014, Gilardi had received 228 timely  
12 requests for exclusion and three late requests for exclusion from the Class at this mailing  
13 address. *See* Sylvester Declaration, ¶11 (ECF 193-1).

14 6. Since the Sylvester Declaration was executed, and as of the date of this  
15 declaration, Gilardi has received three additional timely requests for exclusion, redacted  
16 copies of which are attached hereto as Exhibit A. These requests were postmarked by  
17 March 13, 2014 but were not received by Gilardi in time to be recorded in the Sylvester  
18 Declaration. Gilardi has also received eight additional late requests for exclusion, redacted  
19 copies of which are attached hereto as Exhibit B.

20 I declare under penalty of perjury that the foregoing is true and correct and that this  
21 declaration was executed this 23rd day of June, 2020, at San Rafael, California.


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ROSS D. MURRAY

## EXHIBIT A

	*FIRSTSLR- EXCL00229*
[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	

**RECEIVED *EC***

**MAR 28 2014**

**CLAIMS CENTER**

## Exclusion Cover Page

Case Name: First Solar

Case Code: FIRSTSLR

Exclusion Deadline: 3/13/14 (Postmark Date)

Name of Person Filing Exclusion: Misel Ladisic

MIŠEL LADIŠIĆ



**To:**

**First Solar Securities Litigation  
Notice Administrator  
c/o Gilardi & Co., LLC  
Post Office Box 8040  
San Rafael, CA 94912-8040  
United States of America**

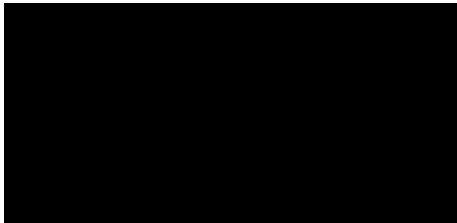
**REQUEST FOR EXCLUSION**

I wish to be excluded from the Class *Mark Smilovits, et al. v. First Solar, Inc., et al.*,  
Class No. CV12-00555-PHX-DGC.

MIŠEL LADIŠIĆ



NISEL LADISIC








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06 2870 1 18.02.14 12:21:58 27.60

R 20000  
RB 34 189 980 8 HR



RECEIVED PR  
MAR 28 2014  
CLAIMS CENTER

FIRST SOLAR SECURITIES LITIGATION  
NOTICE ADMINISTRATOR  
c/o GILARDI & CO., LLC  
POST OFFICE BOX 8040  
SAN RAFAEL CA 94912-8040  
UNITED STATES OF AMERICA

 *FIRSTSLR- EXCL00230*    
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**RECEIVED EC**

**MAR 12 2014**

**CLAIMS CENTER**

## Exclusion Cover Page

Case Name: First Solar

Case Code: FIRSTSLR

Exclusion Deadline: 3/13/14 (Postmark Date)

Name of Person Filing Exclusion: Gerald Alan Wyeth



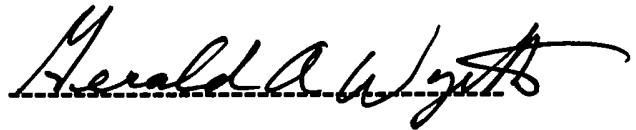
OUTLINE  
EXCLUSION

**First Solar Securities Litigation  
Notice Administrator  
c/o Gilardi & Co., LLC  
Post Office Box 8040  
San Rafael, California  
Zip Code 94912-8040**

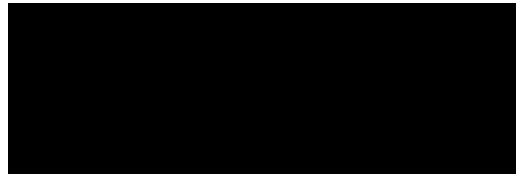
**March 10, 2014**

**In regards to your recent letter concerning the Class Action Suit involving First Solar Inc. stocks shares vs. Mark Similarly and others, NO. 2: 12-cv-00555-DGC. I, Gerald Alan Wyeth do not want to be included in the Class Action suit.**

**Sincerely**

A handwritten signature in black ink, appearing to read "Gerald Alan Wyeth", written over a horizontal dashed line.

**Gerald Alan Wyeth**



Gerald A Wyeth



RECEIVED **PR**

MAR 12 2014

CLAIMS CENTER

**First Solar Securities Litigation  
Notice Administrator  
c/o Gilardi & Co., LLC  
Post Office Box 8040  
San Rafael, California  
Zip Code 94912-8040**

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONAMARK SMILOVITS, Individually and on Behalf of  
All Others Similarly Situated,

Plaintiff,

vs.

FIRST SOLAR, INC., et al.,

Defendants.

No. 2:12-cv-00555-DGC

CLASS ACTION

## NOTICE OF PENDENCY OF CLASS ACTION

TO: ALL PERSONS WHO PURCHASED OR OTHERWISE ACQUIRED PUBLICLY TRADED SECURITIES OF FIRST SOLAR, INC. DURING THE PERIOD FROM APRIL 30, 2008, THROUGH AND INCLUDING FEBRUARY 28, 2012:

This Notice is given pursuant to Rule 23 of the Federal Rules of Civil Procedure and an order of the United States District Court for the District of Arizona. The purpose of this Notice is to inform you of the pendency of this lawsuit, how it might affect your rights and what steps you may take in relation to it. This Notice is not an expression of any opinion by the Court as to the merits of any of the claims or defenses asserted by any party in this litigation.

A plaintiff class (the "Class") has been certified by the Court in this case consisting of **all persons who purchased or otherwise acquired the publicly traded common stock ("Shares") of First Solar, Inc. ("First Solar") between April 30, 2008, and February 28, 2012 (the "Class Period"), inclusive, and were damaged thereby**, excluding defendants and their families, the officers and directors of First Solar, at all relevant times, members of their immediate families and their legal representatives, heirs, successors or assigns and any entity in which defendants have or had a controlling interest.

If you or someone acting on your behalf purchased First Solar Shares during the Class Period, you are or may be a member of the Class. You may be entitled to participate in any benefits that may eventually be obtained for the Class as a result of this lawsuit.

This Notice provides a summary of the lawsuit, describes who is eligible to be included in the Class and the effect of participating in this class action, and explains how to request exclusion from the Class.

**I. DESCRIPTION OF THE LAWSUIT**

This is securities class action against First Solar and certain First Solar executives (the "Defendants") for alleged violations of the Federal Securities laws during the Class Period.

First Solar is the largest manufacturer of solar modules in the United States. Throughout the Class Period, First Solar Shares traded on the NASDAQ stock exchange under the ticker symbol "FSLR."

The First Amended Complaint for Violation of the Federal Securities Laws (the "Complaint"), filed on August 17, 2012, alleges that Defendants made a number of false and misleading statements during the Class Period that artificially inflated the price of First Solar Shares. For example, the Complaint alleges that Defendants made false and misleading statements related to the nature and extent of major manufacturing and design defects in their solar modules. The Complaint further alleges that as the truth regarding the Defendants' allegedly false or misleading statements was revealed, artificial inflation was removed from the price of First Solar Shares, causing the share price to drop and damaging the Class. The Lead Plaintiffs seek to recover money and other relief for the Class.

The Defendants deny that they did anything wrong. They assert that none of the Defendants made any materially misleading statements about alleged manufacturing or design defects. The Defendants contend that First Solar's stock fell along with the rest of the solar industry due to outside influences. The Defendants filed an answer to the Complaint on January 29, 2013, denying all material allegations and asserting multiple defenses.

The case is presently pending before United States District Judge David G. Campbell and is styled *Mark Smilovits, et al. v. First Solar, Inc., et al.*, No. CV12-00555-PHX-DGC (the "Litigation"). On July 23, 2012, the Court appointed the Mineworkers' Pension Scheme and British Coal Staff Superannuation Scheme as "Lead Plaintiffs" pursuant to the requirements of the Private Securities Litigation Reform Act of 1995. The Court has not decided whether the Defendants or the Lead Plaintiffs are correct. By establishing the Class and issuing this Notice, the Court is not suggesting that the Lead Plaintiffs will win or lose this case. Litigation is ongoing.

Complete copies of the pleadings, orders and other documents filed in this Litigation may be examined and copied at any time during regular office hours at the office of the **Clerk of the Court, United States District Court for the District of Arizona, Sandra Day O'Connor U.S. Courthouse, Suite 130, 401 West Washington Street, SPC 1, Phoenix, AZ 85003-2118.**

**II. CLASS DEFINITION**

On October 8, 2013, the Court entered an order certifying a Class and appointing Lead Plaintiffs as Class Representatives. The Class is defined as follows:

All persons who purchased or otherwise acquired the publicly traded common stock of First Solar, Inc. between April 30, 2008, and February 28, 2012, inclusive, and were damaged thereby, excluding defendants and their families, the officers and directors of First Solar, at all relevant times, members of their immediate families and their legal representatives, heirs, successors or assigns and any entity in which defendants have or had a controlling interest.

### **III. RIGHTS OF CLASS MEMBER**

#### **A. Remaining a Class Member**

This Notice is sent to you in the belief that you may be a Class member in this Litigation; mere receipt of the Notice, however, should not be construed to indicate that a determination has been made that you are a member of the Class. To remain a Class member, you are not required to do anything. If you remain a Class member, you will be bound by any judgment in this Litigation, whether it is favorable or unfavorable. If you choose to remain a Class member, you may not pursue a lawsuit on your own with regard to any of the claims asserted or issues decided in this Litigation. As a Class member, you will be represented by Class Counsel (see §V.) You will not be charged a fee for the services of Class Counsel. If the case results in a recovery, however, Class Counsel will apply to the Court to be paid some portion of whatever they recover for you and other Class members. The amount of any fee and expense award will ultimately be determined by the Court.

#### **B. Exclusion from the Class**

If you want to be excluded from the Class, you must state your request in writing (including your full name and address) and sign your name. If you are signing on behalf of a Class member (such as an estate, corporation or partnership), please indicate your full name and the basis of your authority. Your request for exclusion must be mailed to:

**First Solar Securities Litigation  
Notice Administrator  
c/o Gilardi & Co., LLC  
Post Office Box 8040  
San Rafael, CA 94912-8040**

To be effective, your request for exclusion must be signed by you, state that you wish to be excluded, set forth your full name and address and be postmarked no later than March 13, 2014. Facsimile and email requests for exclusion are not acceptable. Requests for exclusion that do not comply with the above requirements will be invalid, and you will not be excluded from the Class.

If you properly exclude yourself from the Class, you will not be bound by any judgment in this Litigation, but you will also not be entitled to share any recovery that may result from it. If you properly request exclusion, it will be for you to decide whether to pursue any individual lawsuit, claim or remedy that you may have, at your own expense.

Do not request exclusion if you wish to be a Class member in this lawsuit. You may also enter an appearance in this case through counsel of your own choosing and at your expense, if you so desire.

### **IV. SECURITIES BROKERS AND NOMINEES**

Nominees who purchased or otherwise acquired First Solar Shares during the Class Period for the beneficial ownership of another are requested to send this Notice to all such beneficial owners no later than ten days after receipt of this Notice. Additional copies of this Notice will be provided to such nominees upon written request sent to:

**First Solar Securities Litigation  
Notice Administrator  
c/o Gilardi & Co., LLC  
Post Office Box 8040  
San Rafael, CA 94912-8040**

In the alternative, nominees are requested to send a list of the names and addresses of such beneficial owners to Gilardi & Co. LLC at the above address no later than 10 days after receipt of this Notice. Gilardi & Co. LLC will thereafter mail copies of this Notice directly to all such beneficial owners. Plaintiffs' counsel offers to prepay the reasonable costs of preparing a list of the names and addresses of such beneficial owners or of forwarding this Notice to beneficial owners in those cases where a nominee elects to forward notice, rather than provide a list of names and addresses to Gilardi & Co. LLC.

### **V. CLASS COUNSEL**

The Court approved the Lead Plaintiffs' choice of the law firm of **Robbins Geller Rudman & Dowd LLP** as Lead Counsel for the Class. If you have any questions concerning the matter raised in this Notice, you may address them in writing to the address below or by telephone:

**Jason A. Forge  
Robbins Geller Rudman & Dowd LLP  
655 West Broadway, Suite 1900  
San Diego, CA 92101  
619-231-1058**

### **VI. NOTICE ADMINISTRATOR**

If you have any corrections or changes of name or address, you may address them in writing to:

**First Solar Securities Litigation  
Notice Administrator  
c/o Gilardi & Co., LLC  
Post Office Box 8040  
San Rafael, CA 94912-8040  
877-253-5972**

**PLEASE DO NOT TELEPHONE OR CONTACT THE COURT OR CLERK OF THE COURT REGARDING THIS NOTICE.**

DATED: December 3, 2013

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BY ORDER OF THE COURT  
THE HONORABLE DAVID G. CAMPBELL  
UNITED STATES DISTRICT JUDGE

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Schedule package |  
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AMOUNT\$2.70  
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RMLY



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Flat Rate Envelope

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declarations (PS Form 2976, or 2976A).

E 9997504785US

Place

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ORIGIN (POSTAL SERVICE USE ONLY)			
PO ZIP Code	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> 2nd <input type="checkbox"/> 2nd Del. Day	Postage \$	
Date Accepted	Scheduled Date of Delivery	Return Receipt Fee \$	
Mo Day Year	Month Day	COD Fee \$	Insurance Fee \$
Time Accepted <input type="checkbox"/> AM <input type="checkbox"/> PM	Scheduled Time of Delivery <input type="checkbox"/> Noon <input type="checkbox"/> 3 PM	Total Postage & Fees \$	
Flat Rate <input type="checkbox"/> or Weight	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Int'l Alpha Country Code	
Int'l Alpha Country Code	Acceptance Emp. Initials		

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**EMS**



UNITED STATES POSTAL SERVICE®

Addressee Copy  
Label 11-B, March 2004

Post Office To Addressee

DELIVERY (POSTAL USE ONLY)			
Delivery Attempt	Time	<input type="checkbox"/> AM	Employee Signature
Mo Day		<input type="checkbox"/> PM	
Delivery Attempt	Time	<input type="checkbox"/> AM	Employee Signature
Mo Day		<input type="checkbox"/> PM	
Delivery Date	Time	<input type="checkbox"/> AM	Employee Signature
Mo Day		<input type="checkbox"/> PM	

**CUSTOMER USE ONLY**

☐ **WARRANTY OF SIGNATURE (Domestic Mail Only)**  
Additional merchandise insurance is void if customer requests waiver of signature. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location and I authorize that delivery employee's signature constitutes valid proof of delivery).

**NO DELIVERY**  
☐ Weekend ☐ Holiday ☐ Mailer Signature

TO: (PLEASE PRINT) PHONE ( )

ZIP + 4 (U.S. ADDRESSES ONLY. DO NOT USE FOR FOREIGN POSTAL CODES)

FOR INTERNATIONAL DESTINATIONS, WRITE COUNTRY NAME BELOW.



Recycle

082708\_LM\_EP13F OCTOBER 2012

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**EXTREMELY URGENT**

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	*FIRSTSLR- EXCL00231*
	
	
	
	

## Exclusion Cover Page

Case Name: First Solar

Case Code: FIRSTSLR

Exclusion Deadline: 3/13/14 (Postmark Date)

Name of Person Filing Exclusion: Laura Lucca

To: First Solar Securities Litigation  
Notice Administrator  
c/o Gilardi & Co., LLC  
Post Office Box 8040  
San Rafael, CA 94912-8040

From: Lucca Laura



**Subject:** Class Action No. 2:12-cv-00555-DGC notice of pendency of Class  
Action (FIRST SOLAR, INC., et al.,)

The undersigned Laura Lucca, [REDACTED]  
[REDACTED]; in reference to subject matter, hereby asks to be excluded from  
the "Class Action".

Best regards  
Laura Lucca

A handwritten signature in black ink, appearing to read 'Laura Lucca'.

[REDACTED] March 6<sup>th</sup> 2014

ON TIME  
Exclusion



**Proforma Invoice - Fattura Proforma**Sender - Mittente<sup>(1)</sup>

LAURA WCCA

VAT Registration Number/Tax Number - P. IVA/Cod. Fisc.

AWB - LdV/Bollettino di Spedizione:

Consignee - Destinatario<sup>(2)</sup>

GILARDI &amp; C. LLC

POST OFFICE BOX 8040

LCCLRA74E67C933M

Date - Data<sup>(3)</sup>

Phone - Tel.

877 253 5972

N° Units N° Articoli <sup>(4)</sup>	Description Descrizione <sup>(5)</sup>	Unit Value Valore Articolo <sup>(6)</sup>	Total Value Valore Totale <sup>(6b)</sup>
1	CERTIFICATO		
Total Value Valore Totale <sup>(6b)</sup>			

The exporter of the products covered by this document declares that, except where otherwise clearly indicated, these products are of ..... preferential origin.

L'esportatore dichiara che, se non diversamente specificato, i prodotti elencati sono di origine<sup>(7)</sup> .....

Besides, the exporter declares that all information in this invoice is true and correct.

L'esportatore dichiara inoltre, che le informazioni riportate sulla fattura corrispondono al vero.

Name - Cognome e nome<sup>(8)</sup>

LUCCA Laura

Title - Titolo<sup>(9)</sup>Signature - Firma<sup>(10)</sup>

Laura Lucca



**1 KG**

SHP# 11WR 41FW K8N 1 OF 1  
SHP WT 10 KG  
DATE 8 MAR 2014

• Ca: (877) 253-5972  
GILARDI & C LLC

12/Mar/2014 08:06 9490

SHIP TO: GILARDI  
415.458.3000  
3301 KERNER BLVD  
STE 100  
SAN FRANCISCO, CA 94116

SAN RAFAEL CA 94901 4858

CA 949 0-02

**UPS SAVER**  
TRACKING

TRACKING # 1Z 11W R41 04 4050 6855

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**1P**

BILLING P/P  
DESC DOCS

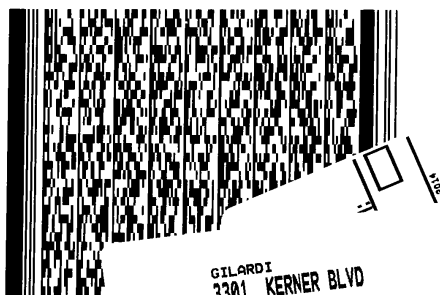
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## KEY

Copia del documento - Da collocare sul pacco

TR# 1Z 11W R41 04 4050 6855

SHP# 11WR 41FW K8N



GILARDI  
3301 KERNER BLVD  
STE 100  
SAN RAFAEL CA 94901

P: BOTTOM s: OUT

I:41C

**114-2396**

1Z11WR41044050 6855  
KBR1BYB CASRA139 Mar 12 08 05 38 2814  
106 3498 HIP 13 1 1 LP2844

Shipper agrees to the U.S. carriage, the Warsaw Convention, and the liability for loss or damage to cargo. Contract for the international conventions for carriage of cargo by air. There are no special provisions for the right to sue the carrier for loss or damage to cargo. Shipper agrees to the U.S. carriage, the Warsaw Convention, and the liability for loss or damage to cargo. Contract for the international conventions for carriage of cargo by air. There are no special provisions for the right to sue the carrier for loss or damage to cargo.






Shipper's Signature

Date \_\_\_\_\_

# FIRSTLGR

## Correspondence

## EXHIBIT B

	*FIRSTSLR- EXCL80004*
	
	
	
	

**RECEIVED EC**

**MAR 27 2014**

**CLAIMS CENTER**

## Exclusion Cover Page

Case Name: First Solar

Case Code: FIRSTSLR

Exclusion Deadline: 3/13/14 (Postmark Date)

Name of Person Filing Exclusion: Jeffrey Beeman

To whom it may concern.

I do NOT wish to be part of the class action  
Suit against First Solar. I find it offensive that  
we are automatically included in such action that  
Probably only serves to line the pockets of lawyers.

Jeffrey Beeman



Jeff W. Beeman

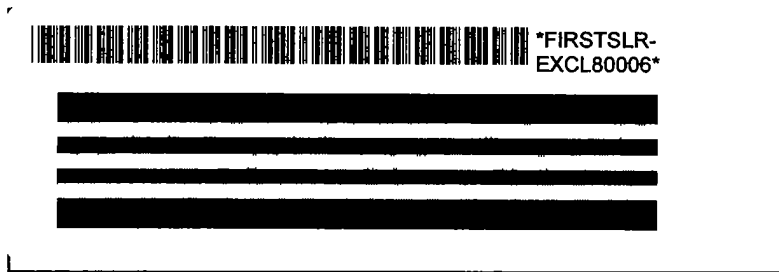


26 MAR 2014 PM 6 L



RECEIVED PR  
MAR 27 2014  
CLAIMS CENTER

First Solar Securities Litigation  
Notice Administrator  
% Gilardi & Co., L.L.C.  
P.O. Box 8040  
San Rafael, CA 94912-8040



**RECEIVED *EC***

**APR 03 2014**

**CLAIMS CENTER**

## Exclusion Cover Page

Case Name: First Solar

Case Code: FIRSTSLR

Exclusion Deadline: 3/13/14 (Postmark Date)

Name of Person Filing Exclusion: Pennie Baldacci



[REDACTED]  
March 10 2014

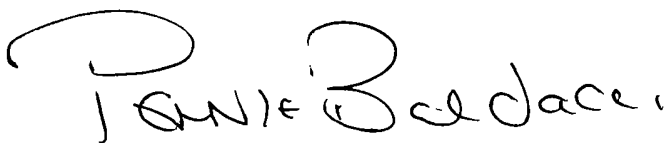
To whom it may concern .

Today I received the enclosed letter requesting I respond before March 13<sup>th</sup> 2014.  
Its unlikely you will receive it before the dead line .

However I do not wish to be involved in any litigation and renounce any involvement in  
First Solar inc. action.

Sincerely

Pennie Baldacci

A handwritten signature in black ink that reads "Pennie Baldacci". The signature is written in a cursive style, with the first name "Pennie" and the last name "Baldacci" clearly legible.

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

MARK SMILOVITS, Individually and on Behalf of All Others Similarly Situated,	}	No. 2:12-cv-00555-DGC
Plaintiff,		<u>CLASS ACTION</u>
vs.		
FIRST SOLAR, INC., et al.,		
Defendants.	}	

## NOTICE OF PENDENCY OF CLASS ACTION

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**I. DESCRIPTION OF THE LAWSUIT**

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The First Amended Complaint for Violation of the Federal Securities Laws (the "Complaint"), filed on August 17, 2012, alleges that Defendants made a number of false and misleading statements during the Class Period that artificially inflated the price of First Solar Shares. For example, the Complaint alleges that Defendants made false and misleading statements related to the nature and extent of major manufacturing and design defects in their solar modules. The Complaint further alleges that as the truth regarding the Defendants' allegedly false or misleading statements was revealed, artificial inflation was removed from the price of First Solar Shares, causing the share price to drop and damaging the Class. The Lead Plaintiffs seek to recover money and other relief for the Class.

The Defendants deny that they did anything wrong. They assert that none of the Defendants made any materially misleading statements about alleged manufacturing or design defects. The Defendants contend that First Solar's stock fell along with the rest of the solar industry due to outside influences. The Defendants filed an answer to the Complaint on January 29, 2013, denying all material allegations and asserting multiple defenses.

The case is presently pending before United States District Judge David G. Campbell and is styled *Mark Smilovits, et al. v. First Solar, Inc., et al.*, No. CV12-00555-PHX-DGC (the "Litigation"). On July 23, 2012, the Court appointed the Mineworkers' Pension Scheme and British Coal Staff Superannuation Scheme as "Lead Plaintiffs" pursuant to the requirements of the Private Securities Litigation Reform Act of 1995. The Court has not decided whether the Defendants or the Lead Plaintiffs are correct. By establishing the Class and issuing this Notice, the Court is not suggesting that the Lead Plaintiffs will win or lose this case. Litigation is ongoing.

Complete copies of the pleadings, orders and other documents filed in this Litigation may be examined and copied at any time during regular office hours at the office of the **Clerk of the Court, United States District Court for the District of Arizona, Sandra Day O'Connor U.S. Courthouse, Suite 130, 401 West Washington Street, SPC 1, Phoenix, AZ 85003-2118.**

**II. CLASS DEFINITION**

On October 8, 2013, the Court entered an order certifying a Class and appointing Lead Plaintiffs as Class Representatives. The Class is defined as follows:

All persons who purchased or otherwise acquired the publicly traded common stock of First Solar, Inc. between April 30, 2008, and February 28, 2012, inclusive, and were damaged thereby, excluding defendants and their families, the officers and directors of First Solar, at all relevant times, members of their immediate families and their legal representatives, heirs, successors or assigns and any entity in which defendants have or had a controlling interest

### **III. RIGHTS OF CLASS MEMBER**

#### **A. Remaining a Class Member**

This Notice is sent to you in the belief that you may be a Class member in this Litigation; mere receipt of the Notice, however, should not be construed to indicate that a determination has been made that you are a member of the Class. To remain a Class member, you are not required to do anything. If you remain a Class member, you will be bound by any judgment in this Litigation, whether it is favorable or unfavorable. If you choose to remain a Class member, you may not pursue a lawsuit on your own with regard to any of the claims asserted or issues decided in this Litigation. As a Class member, you will be represented by Class Counsel (see §V.). You will not be charged a fee for the services of Class Counsel. If the case results in a recovery, however, Class Counsel will apply to the Court to be paid some portion of whatever they recover for you and other Class members. The amount of any fee and expense award will ultimately be determined by the Court.

#### **B. Exclusion from the Class**

If you want to be excluded from the Class, you must state your request in writing (including your full name and address) and sign your name. If you are signing on behalf of a Class member (such as an estate, corporation or partnership), please indicate your full name and the basis of your authority. Your request for exclusion must be mailed to:

**First Solar Securities Litigation  
Notice Administrator  
c/o Gilardi & Co., LLC  
Post Office Box 8040  
San Rafael, CA 94912-8040**

To be effective, your request for exclusion must be signed by you, state that you wish to be excluded, set forth your full name and address and be postmarked no later than March 13, 2014. Facsimile and email requests for exclusion are not acceptable. Requests for exclusion that do not comply with the above requirements will be invalid, and you will not be excluded from the Class.

If you properly exclude yourself from the Class, you will not be bound by any judgment in this Litigation, but you will also not be entitled to share any recovery that may result from it. If you properly request exclusion, it will be for you to decide whether to pursue any individual lawsuit, claim or remedy that you may have, at your own expense.

Do not request exclusion if you wish to be a Class member in this lawsuit. You may also enter an appearance in this case through counsel of your own choosing and at your expense, if you so desire.

### **IV. SECURITIES BROKERS AND NOMINEES**

Nominees who purchased or otherwise acquired First Solar Shares during the Class Period for the beneficial ownership of another are requested to send this Notice to all such beneficial owners no later than ten days after receipt of this Notice. Additional copies of this Notice will be provided to such nominees upon written request sent to:

**First Solar Securities Litigation  
Notice Administrator  
c/o Gilardi & Co., LLC  
Post Office Box 8040  
San Rafael, CA 94912-8040**

In the alternative, nominees are requested to send a list of the names and addresses of such beneficial owners to Gilardi & Co. LLC at the above address no later than 10 days after receipt of this Notice. Gilardi & Co. LLC will thereafter mail copies of this Notice directly to all such beneficial owners. Plaintiffs' counsel offers to prepay the reasonable costs of preparing a list of the names and addresses of such beneficial owners or of forwarding this Notice to beneficial owners in those cases where a nominee elects to forward notice, rather than provide a list of names and addresses to Gilardi & Co. LLC.

### **V. CLASS COUNSEL**

The Court approved the Lead Plaintiffs' choice of the law firm of **Robbins Geller Rudman & Dowd LLP** as Lead Counsel for the Class. If you have any questions concerning the matter raised in this Notice, you may address them in writing to the address below or by telephone:

**Jason A. Forge  
Robbins Geller Rudman & Dowd LLP  
655 West Broadway, Suite 1900  
San Diego, CA 92101  
619-231-1058**

### **VI. NOTICE ADMINISTRATOR**

If you have any corrections or changes of name or address, you may address them in writing to:

**First Solar Securities Litigation  
Notice Administrator  
c/o Gilardi & Co., LLC  
Post Office Box 8040  
San Rafael, CA 94912-8040  
877-253-5972**

**PLEASE DO NOT TELEPHONE OR CONTACT THE COURT OR CLERK OF THE COURT REGARDING THIS NOTICE.**

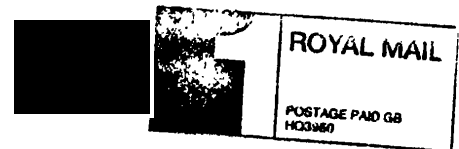
DATED: December 3, 2013

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BY ORDER OF THE COURT  
THE HONORABLE DAVID G. CAMPBELL  
UNITED STATES DISTRICT JUDGE

*First Solar Securities Litigation*  
Notice Administrator  
c/o Gilardi & Co. LLC  
P.O. Box 8040  
San Rafael, CA 94912-8040

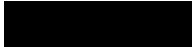
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**Important Legal Documents Enclosed.**

JOB# N71546-010

DENNIE BALDACCI



  
07

**FIRSTSLR**

AR 12/1

First Solar Sec. Litigation

Notice Administrator

c/Gilardi & Co LLC

Box 8040

SAN RAFAEL

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CLAIMS CENTER

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**MAR 31 2014**

**CLAIMS CENTER**

 \*FIRSTSLR-  
EXCL80005\*

## Exclusion Cover Page

Case Name: First Solar

Case Code: FIRSTSLR

Exclusion Deadline: 3/13/14 (Postmark Date)

Name of Person Filing Exclusion: Vengkata Ramana Rao A/L  
Rama Appudu

First Solar Securities Litigation

10<sup>th</sup> Mac 2014

Dear Sir/Madam,

Below are the my particular :-

Name : Vengkata Ramana Rao A/L Rama Appudu

Address :

Sub : Please **Exclude** my name from **Class Member** .

Thank You



Vengkata Ramana Rao A/L Rama Appudu.

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

MARK SMILOVITS, Individually and on Behalf of All Others Similarly Situated,	}	No. 2:12-cv-00555-DGC
Plaintiff,		<u>CLASS ACTION</u>
vs.		
FIRST SOLAR, INC., et al.,		
Defendants.	}	

NOTICE OF PENDENCY OF CLASS ACTION

TO: ALL PERSONS WHO PURCHASED OR OTHERWISE ACQUIRED PUBLICLY TRADED SECURITIES OF FIRST SOLAR, INC. DURING THE PERIOD FROM APRIL 30, 2008, THROUGH AND INCLUDING FEBRUARY 28, 2012:

This Notice is given pursuant to Rule 23 of the Federal Rules of Civil Procedure and an order of the United States District Court for the District of Arizona. The purpose of this Notice is to inform you of the pendency of this lawsuit, how it might affect your rights and what steps you may take in relation to it. This Notice is not an expression of any opinion by the Court as to the merits of any of the claims or defenses asserted by any party in this litigation.

A plaintiff class (the "Class") has been certified by the Court in this case consisting of **all persons who purchased or otherwise acquired the publicly traded common stock ("Shares") of First Solar, Inc. ("First Solar") between April 30, 2008, and February 28, 2012 (the "Class Period"), inclusive, and were damaged thereby**, excluding defendants and their families, the officers and directors of First Solar, at all relevant times, members of their immediate families and their legal representatives, heirs, successors or assigns and any entity in which defendants have or had a controlling interest.

If you or someone acting on your behalf purchased First Solar Shares during the Class Period, you are or may be a member of the Class. You may be entitled to participate in any benefits that may eventually be obtained for the Class as a result of this lawsuit.

This Notice provides a summary of the lawsuit, describes who is eligible to be included in the Class and the effect of participating in this class action, and explains how to request exclusion from the Class.

**I. DESCRIPTION OF THE LAWSUIT**

This is securities class action against First Solar and certain First Solar executives (the "Defendants") for alleged violations of the Federal Securities laws during the Class Period.

First Solar is the largest manufacturer of solar modules in the United States. Throughout the Class Period, First Solar Shares traded on the NASDAQ stock exchange under the ticker symbol "FSLR."

The First Amended Complaint for Violation of the Federal Securities Laws (the "Complaint"), filed on August 17, 2012, alleges that Defendants made a number of false and misleading statements during the Class Period that artificially inflated the price of First Solar Shares. For example, the Complaint alleges that Defendants made false and misleading statements related to the nature and extent of major manufacturing and design defects in their solar modules. The Complaint further alleges that as the truth regarding the Defendants' allegedly false or misleading statements was revealed, artificial inflation was removed from the price of First Solar Shares, causing the share price to drop and damaging the Class. The Lead Plaintiffs seek to recover money and other relief for the Class.

The Defendants deny that they did anything wrong. They assert that none of the Defendants made any materially misleading statements about alleged manufacturing or design defects. The Defendants contend that First Solar's stock fell along with the rest of the solar industry due to outside influences. The Defendants filed an answer to the Complaint on January 29, 2013, denying all material allegations and asserting multiple defenses.

The case is presently pending before United States District Judge David G. Campbell and is styled *Mark Smilovits, et al. v. First Solar, Inc., et al.*, No. CV12-00555-PHX-DGC (the "Litigation"). On July 23, 2012, the Court appointed the Mineworkers' Pension Scheme and British Coal Staff Superannuation Scheme as "Lead Plaintiffs" pursuant to the requirements of the Private Securities Litigation Reform Act of 1995. The Court has not decided whether the Defendants or the Lead Plaintiffs are correct. By establishing the Class and issuing this Notice, the Court is not suggesting that the Lead Plaintiffs will win or lose this case. Litigation is ongoing.

Complete copies of the pleadings, orders and other documents filed in this Litigation may be examined and copied at any time during regular office hours at the office of the **Clerk of the Court, United States District Court for the District of Arizona, Sandra Day O'Connor U.S. Courthouse, Suite 130, 401 West Washington Street, SPC 1, Phoenix, AZ 85003-2118.**

**II. CLASS DEFINITION**

On October 8, 2013, the Court entered an order certifying a Class and appointing Lead Plaintiffs as Class Representatives. The Class is defined as follows:

All persons who purchased or otherwise acquired the publicly traded common stock of First Solar, Inc. between April 30, 2008, and February 28, 2012, inclusive, and were damaged thereby, excluding defendants and their families, the officers and directors of First Solar, at all relevant times, members of their immediate families and their legal representatives, heirs, successors or assigns and any entity in which defendants have or had a controlling interest.



### **III. RIGHTS OF CLASS MEMBER**

#### **A. Remaining a Class Member**

This Notice is sent to you in the belief that you may be a Class member in this Litigation; mere receipt of the Notice, however, should not be construed to indicate that a determination has been made that you are a member of the Class. To remain a Class member, you are not required to do anything. If you remain a Class member, you will be bound by any judgment in this Litigation, whether it is favorable or unfavorable. If you choose to remain a Class member, you may not pursue a lawsuit on your own with regard to any of the claims asserted or issues decided in this Litigation. As a Class member, you will be represented by Class Counsel (see §V.) You will not be charged a fee for the services of Class Counsel. If the case results in a recovery, however, Class Counsel will apply to the Court to be paid some portion of whatever they recover for you and other Class members. The amount of any fee and expense award will ultimately be determined by the Court.

#### **B. Exclusion from the Class**

If you want to be excluded from the Class, you must state your request in writing (including your full name and address) and sign your name. If you are signing on behalf of a Class member (such as an estate, corporation or partnership), please indicate your full name and the basis of your authority. Your request for exclusion must be mailed to:

**First Solar Securities Litigation  
Notice Administrator  
c/o Gilardi & Co., LLC  
Post Office Box 8040  
San Rafael, CA 94912-8040**

To be effective, your request for exclusion must be signed by you, state that you wish to be excluded, set forth your full name and address and be postmarked no later than March 13, 2014. Facsimile and email requests for exclusion are not acceptable. Requests for exclusion that do not comply with the above requirements will be invalid, and you will not be excluded from the Class.

If you properly exclude yourself from the Class, you will not be bound by any judgment in this Litigation, but you will also not be entitled to share any recovery that may result from it. If you properly request exclusion, it will be for you to decide whether to pursue any individual lawsuit, claim or remedy that you may have, at your own expense.

Do not request exclusion if you wish to be a Class member in this lawsuit. You may also enter an appearance in this case through counsel of your own choosing and at your expense, if you so desire.

### **IV. SECURITIES BROKERS AND NOMINEES**

Nominees who purchased or otherwise acquired First Solar Shares during the Class Period for the beneficial ownership of another are requested to send this Notice to all such beneficial owners no later than ten days after receipt of this Notice. Additional copies of this Notice will be provided to such nominees upon written request sent to:

**First Solar Securities Litigation  
Notice Administrator  
c/o Gilardi & Co., LLC  
Post Office Box 8040  
San Rafael, CA 94912-8040**

In the alternative, nominees are requested to send a list of the names and addresses of such beneficial owners to Gilardi & Co. LLC at the above address no later than 10 days after receipt of this Notice. Gilardi & Co. LLC will thereafter mail copies of this Notice directly to all such beneficial owners. Plaintiffs' counsel offers to prepay the reasonable costs of preparing a list of the names and addresses of such beneficial owners or of forwarding this Notice to beneficial owners in those cases where a nominee elects to forward notice, rather than provide a list of names and addresses to Gilardi & Co. LLC.

### **V. CLASS COUNSEL**

The Court approved the Lead Plaintiffs' choice of the law firm of **Robbins Geller Rudman & Dowd LLP** as Lead Counsel for the Class. If you have any questions concerning the matter raised in this Notice, you may address them in writing to the address below or by telephone:

**Jason A. Forge  
Robbins Geller Rudman & Dowd LLP  
655 West Broadway, Suite 1900  
San Diego, CA 92101  
619-231-1058**

### **VI. NOTICE ADMINISTRATOR**

If you have any corrections or changes of name or address, you may address them in writing to:

**First Solar Securities Litigation  
Notice Administrator  
c/o Gilardi & Co., LLC  
Post Office Box 8040  
San Rafael, CA 94912-8040  
877-253-5972**

**PLEASE DO NOT TELEPHONE OR CONTACT THE COURT OR CLERK OF THE COURT REGARDING THIS NOTICE.**

DATED: December 3, 2013

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BY ORDER OF THE COURT  
THE HONORABLE DAVID G. CAMPBELL  
UNITED STATES DISTRICT JUDGE

*First Solar Securities Litigation*  
Notice Administrator  
c/o Gilardi & Co. LLC  
P.O. Box 8040  
San Rafael, CA 94912-8040

First-Class Mail  
US Postage  
**PAID**  
Gilardi & Co

INTERNATIONAL

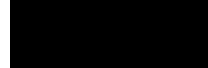
**Important Legal Documents Enclosed.**



FIRSTSLR-1462416-7 4

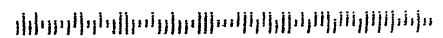
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VENKATA RAMANA RAO RAMA APPUDU



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**CLAIMS CENTER**

 *FIRSTSLR-EXCL80007*





## Exclusion Cover Page

Case Name: First Solar

Case Code: FIRSTSLR

Exclusion Deadline: 3/13/14 (Postmark Date)

Name of Person Filing Exclusion: GRUPPO BANCA  
LEONARDO S.p.A.



PROT. N° 48

First Solar Securities Litigation  
Notice Administrator  
c/o Gilardi & Co. LLC  
P.O. Box 8040  
San Rafael, CA 94912-8040  
UNITED STATES of AMERICA

Milano April 4, 2014

**Exclusion from the Class Action**

**Mark Smilovits, Individually and on Behalf of All Others Similary Situated VS First Solar Inc.**

With reference to the Notice of Pendency of Class Action which was given pursuant to Rule 23 of the Federal Rules of Civil Procedure and an order of the United States District Court for the District of Arizona, we inform you that we want to be excluded from this lawsuit.

Name	GRUPPO BANCA LEONARDO S.p.A.
Represented by	Avv. Annalisa Romano and Dott. Francesco Prato
Address	VIA BROLETTO 46
Zip Code	20121
City	MILANO
State	ITALY
Phone	+39 02 722061
Fax	+39 02 72206453

We kindly ask you to accept our latecoming request but we just received by post on March 21, 2014 this Notice and it was impossible for us to send you our request for exclusion no later than March 13, 2014 as you requested.

Best Regards

Avv. Annalisa Romano  
(Head of Legal, Compliance and AML)

Dott. Francesco Prato  
(Head of Operational Services)

Gruppo Banca Leonardo S.p.A.\*

Società Capogruppo - cod. 3126.0

20121 Milano - Via Broletto 46 - Italia - Tel +39 02 722061 - Fax +39 02 72206453 - +39 02 72206375

Cap. Soc. € 100.565.000,00 i.v. - Cod. Fisc. e P.ta IVA n. 09535880158

Iscr. Albo Banche n. 5412 - Cod. ABI 3126.0 - Iscr. al Reg. Imp. Milano n. 09535880158 - R.E.A. Milano n. 1301064

*First Solar Securities Litigation*  
Notice Administrator  
c/o Gilardi & Co. LLC  
P.O. Box 8040  
San Rafael, CA 94912-8040

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Important Legal Documents Enclosed.

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CLAIMS CENTER

## Exclusion Cover Page

Case Name: First Solar

Case Code: FIRSTSLR

Exclusion Deadline: 3/13/14 (Postmark Date)

Name of Person Filing Exclusion: Wing Chung Tang

Date : May 6, 2020

To: First Solar Securities Litigation  
Claims Administrator  
c/o Gilardi & Co, LLC  
P.O. Box 43336  
Providence, RI 02940-3336

Dear Sirs and Madam,

Requests exclusion from the settlement class in In re First Solar, Inc. Securities Settlement

As I have received your mail on May 4, 2020. I am writing to request to exclude ourselves from the settlement class now.

(a) My information is as follows:

Name : WING CHUNG TANG

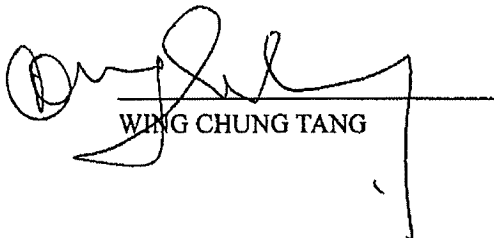
Address:

Telephone:

- (b) As I am too old and I have not kept the purchase and sales records of First Solar Inc. during the period from April 30, 2008 through February 28, 2012 inclusive.
- (c) As I am too old and living in [REDACTED] it is so difficult for me to provide the required documents and also to handle the procedure of settlement. So, I, WING CHUNG TANG request exclusion from the settlement class in In re First Solar Inc. Securities Settlement.
- (d) And I also request exclusion from the settlement, or any shareholder derivative claims on behalf of First Solar being pursued in the Derivative Action captioned Barger, et al. v. Ahearn, et al., No. CV2013-009938, pending in the Superior Court of Arizona, Maricopa County.

Please update my record as exclusion from the settlement class.

Request for Exclusion

  
WING CHUNG TANG

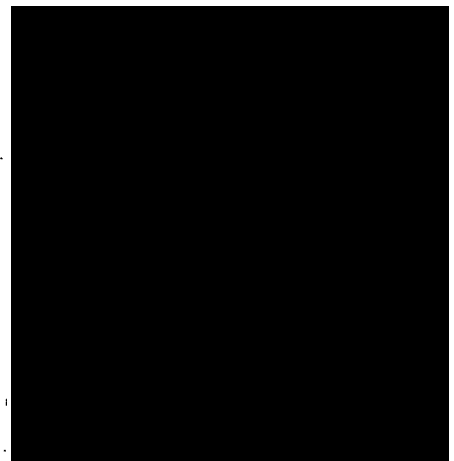


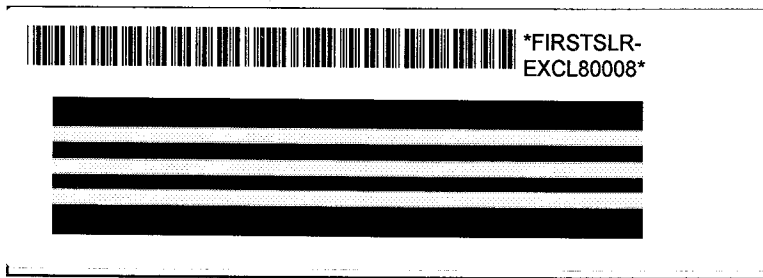
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MAY 29 2020
By _____

First Solar Securities Litigation  
Claims Administrator  
c/o Gilardi & Co. LLC  
P.O. Box 43336  
Providence, RI 02940-3336





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APR 23 2020

CLAIMS CENTER

## Exclusion Cover Page

Case Name: First Solar

Case Code: FIRSTSLR

Exclusion Deadline: 3/13/14 (Postmark Date)

Name of Person Filing Exclusion: Shirley Dickinson TR  
DS Dickinson Rev Trust  
U/A DTD 2/26/90

April 20, 2020

First Solar Securities Litigation  
Claims Administrator  
c/o Gilardi & Co. LLC  
P.O. Box 43336  
Providence, RI 02940-3336

Attention: Claims Administrator

Please exclude my name from the class action lawsuit with First Solar.  
I do not want to be a participant in the lawsuit.

Thank you,

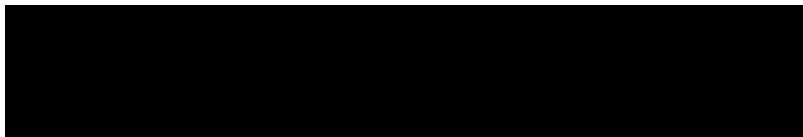
*Shirley Dickinson TR*

Shirley Dickinson TR  
DS Dickinson Rev Trust  
U/A DTD 2/26/90



D.S. Dickinson Rev Trust

WA DTD 2/26/90



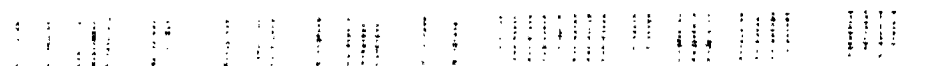
*First Solar Securities Litigation*  
Claims Administrator  
c/o Gilardi & Co. LLC  
P.O. Box 43336  
Providence, RI 02940-3336


**Received**

APR 23 2020

FOREVER / USA

**FAE**



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MAY 28 2020

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## Exclusion Cover Page

Case Name: First Solar

Case Code: FIRSTSLR

Exclusion Deadline: 3/13/14 (Postmark Date)

Name of Person Filing Exclusion: Matthew R Leyko

May 23, 2020

First Solar Securities Litigation  
Claims Administrator  
c/o Gilardi & CO. LLC  
PO Box 43336  
Providence, RI 02940-3336

To Whom It May Concern:

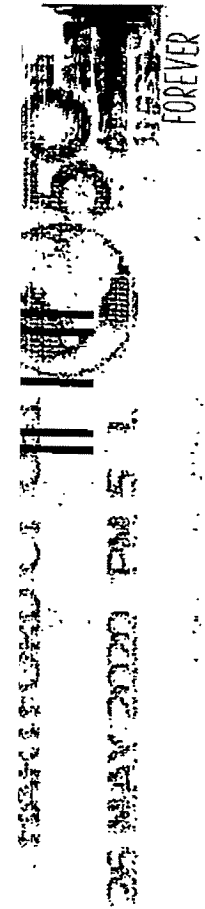
As I have no way of finding any dates of buying or selling the securities in question, I wish to be excused from this class action suit.

Thank You,

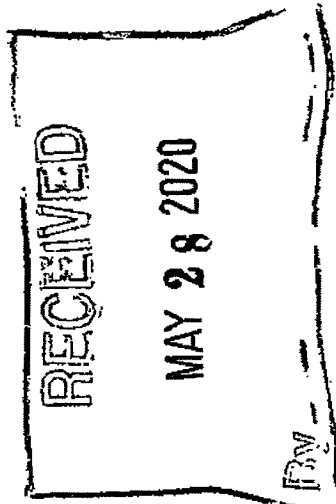
*Matthew R. Leyko*

Matthew R. Leyko

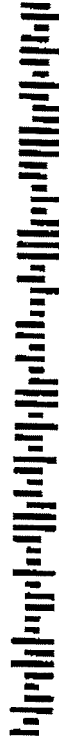
Matthew Levko



*First Solar Securities Litigation*  
Claims Administrator  
c/o Gilardi & Co. LLC  
P.O. Box 43336  
Providence, RI 02940-3336



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 *FIRSTSLR- EXCL80011*
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

RECEIVED *MS*  
JUN 12 2020  
CLAIMS CENTER

## Exclusion Cover Page

Case Name: First Solar

Case Code: FIRSTSLR

Exclusion Deadline: 3/13/14 (Postmark Date)

Name of Person Filing Exclusion: Joretta A Berg  
Marcia S Pruner and James R Pruner (Decd)



Joseetta A. Berg

June 5, 2020

First Solar Securities Litigation  
Claims Administrator  
C/o Gilardi & Co. LLC  
PO Box 43336  
Providence, RI. 02940-3336

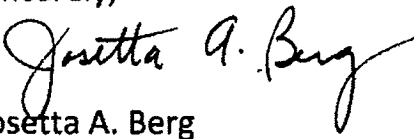
To whom it may concern:

In re: Litigation against First Solar

Both Marcia S. Pruner and James R. Pruner are deceased and I have no contacts with any descendants of theirs. I have no way to determine when he or she owned the stock in question. I have no claim on any disbursement from the litigation and request removal of their names and my name from said litigation.

Thank you for your help in this matter.

Sincerely,

  
Joseetta A. Berg

RECEIVED  
JUN 12 2020



# THE UNIVERSITY OF CHICAGO

*[The page contains extremely faint, illegible text and markings.]*

**7-27000-1**

