

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

KENNETH GORDON, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

VANDA PHARMACEUTICALS, INC., and
MIHAEL H. POLYMERPOULOS,

Defendants.

Civil Action No. 1:19-cv-01108-FB-LB

CLASS ACTION

**SUPPLEMENTAL DECLARATION
OF ERIC BLOW REGARDING
NOTICE DISSEMINATION AND
REQUESTS FOR EXCLUSION
RECEIVED TO DATE**

I, Eric Blow, declare and state as follows:

1. I am a Project Manager employed by Epiq Class Action & Claims Solutions, Inc. (“Epiq”). I submit this Declaration to supplement my Declaration Regarding Notice Dissemination, Publication, and Requests for Exclusion Received to Date (the “Mailing Declaration”) that was previously filed with the Court (ECF 104-5).¹

DISSEMINATION OF THE NOTICE PACKET

2. Since the execution of the Mailing Declaration through December 28, 2022, Epiq has mailed no additional copies of the Notice of Pendency and Proposed Settlement of Class Action (the “Notice”) and the Proof of Claim and Release form (the “Claim Form” and together with the Notice, the “Notice Packet”) in response to requests from potential Class Members, brokers and other nominees. Through December 21, 2022, in the aggregate, Epiq has disseminated a total of 35,137 Notice Packets to potential Class Members and nominees. This includes 28 Notice Packets that were re-mailed to updated addresses provided by the USPS.

¹ Unless otherwise defined herein, all capitalized terms shall have the same meanings as set forth in the Stipulation and Agreement of Settlement, dated as of May 5, 2022 (ECF 96).

WEBSITE AND TELEPHONE HOTLINE

3. Epiq continues to maintain the toll-free IVR system (866-329-5443) to accommodate inquiries from potential Class Members. Epiq also continues to maintain the website, www.VandaSecuritiesLitigation.com, established in order to assist potential Class Members. Epiq will continue maintaining and, as appropriate, updating the website and toll-free telephone number until the conclusion of the administration.

CLAIMS RECEIVED

4. The Notice and Claim Form instructed potential Class Members to submit their claims so that they were received on or before December 28, 2022. As of December 21, 2022, Epiq has received approximately 2,020 Claim Forms.²

REPORT ON OBJECTIONS AND EXCLUSION REQUESTS RECEIVED TO DATE

5. The Notice informed potential Class Members that written requests for exclusion from the Class must be mailed, so that they are received no later than December 15, 2022, addressed to *Vanda Securities Litigation*, Claims Administrator, EXCLUSIONS, P.O. Box 4419, Portland, OR 97208-4419. Epiq has monitored all mail that has been delivered to this Post Office Box.

6. As of the date of this Declaration, Epiq has received three (3) requests for exclusion from the Class, representing approximately 220 shares, as set forth on Exhibit A hereto. Epiq will continue to be the repository for exclusion requests beyond the receipt deadline and will report any exclusion requests that are received.

7. Although Class Members who wish to object to the proposed Settlement, the proposed Plan of Allocation, and/or Lead Counsel's fee, cost, and expense application, were to file objections with the Court and serve the papers on Lead Counsel and Defendants' Counsel by December 15, 2022, Epiq has checked its mail as well, and as of the date of this Declaration, has not received and is not aware of any objections to the Settlement, any part of the Settlement, or the Plan of Allocation.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on December 28, 2022, in Louisville, Kentucky.



Eric Blow

² This number is preliminary at this point and subject to change, and is not intended to be construed as a final timely claim count.

EXHIBIT A

RECEIVED
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LEGAL SERVICES

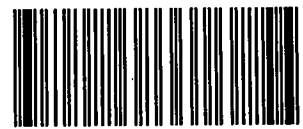
Gordon v Vanda Pharms Inc CA40057133

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November 25, 2022

Vanda Securities Litigation
Claims Administrator
EXCLUSIONS
P.O. Box 4419
Portland, OR 97208-4419

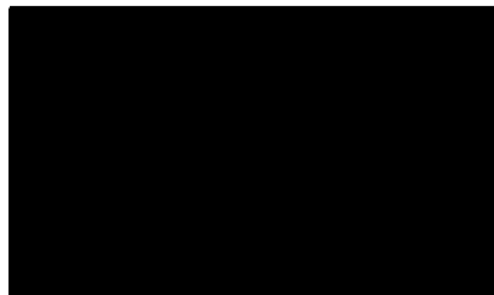
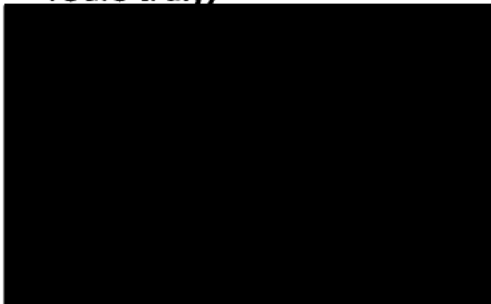
To Whom It May Concern:

As per your request this is a letter stating that my wife and I wish to "opt out" from the Class in Gordon v. Vanda Pharmaceuticals, Inc., et al., No. 1:19-cv-01108-FB-LB (E.D.N.Y.).

Purchase of VANDA PHARMACEUTICALS INCORPORATED (VNDA) was made on 9/20/2017 at \$18.395 a share. One hundred seventy (170) shares were purchased at this time.

Sell of these shares was on 8/8/2018 at \$21.455 a share. All shares of VNDA were sold.

Yours truly,



Enclosed with letter you will find a cover, Page #1, which shows the name of my Financial Service, his address, phone number, etc., my name and address. Page #2 shows purchase date, quantity and price. Page #3 shows date sold, quantity and price sold.

#1

RAYMOND JAMES®

July 31 to August 31, 2018

TODD DUDLEY

Raymond James Financial Services, Inc.
 #3 CHATEAU GROVE | BARBOURSVILLE, WV 25504
 (304) 736-7490
<https://www.raymondjames.com/todddudley>
 Todd.Dudley@RaymondJames.com



Raymond James Client Services
 800-647-SERV (7378)
 Monday - Friday 8 a.m. to 9 p.m. ET

Online Account Access
raymondjames.com/investoraccess

Joint Account Summary

		This Statement	Year to Date
Value This Statement			
Last Statement	Prior Year-End		
Time-Weighted Performance*			
YTD	2017		
Beginning Balance			
Deposits			
Income			
Withdrawals			
Expenses			
Change in Value			
Ending Balance			

Performance Inception: 04/02/2008
 Excludes some limited partnerships, unpriced securities and annuity history prior to the annuity being linked to the account.

Important Messages

- Your primary objective is Growth, with a medium risk tolerance and a time horizon exceeding 10 years.
- Your secondary objective is Income, with a medium risk tolerance and a time horizon exceeding 10 years.

2

RAYMOND JAMES®

December 30, 2016 to December 29, 2017

Your Activity (continued)

Date	Activity Type	Description	Quantity/ Price	Amount
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Purchases, Sales and Redemptions

<u>09/20/2017</u>	<u>Purchase</u>	<u>VANDA PHARMACEUTICALS</u> <u>INCORPORATED (VNDA)</u>	170.000 \$18.395	\$(3,142.15)
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18065501-94-1 BTM/8481



#3

RAYMOND JAMES®

July 31 to August 31, 2018

Your Activity (continued)

Date	Activity Type	Description	Quantity/ Price	Amount
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Purchases, Sales and Redemptions

08/08/2018	Sale	VANDA PHARMACEUTICALS INCORPORATED (VNDA)	(170.000) \$21.455	\$3,647.30
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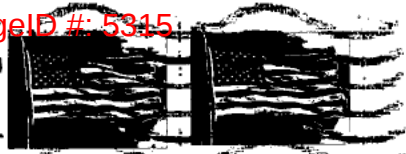
Cash Sweep Activity Recap



CHARLESTON WV 250

25 NOV 2022 PM 3 L

FOREVER / USA FOREVER / USA



Vanda Securities Litigation
Claims Administrator
EXCLUSIONS
P.O. Box 4419
Portland, OR 97208-4419

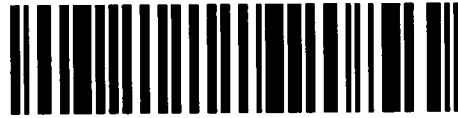
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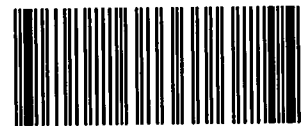
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Vanda Securities Litigation

Claims Administrator

EXCLUSIONS

PO Box 4419

Portland, OR 97208-4419

To whomever this matter concerns:

This letter is to "opt" me out of the Class Action Suit. We bought 40 shares on December 28, 2018 for \$26.02 per share. My husband (now deceased) and myself [REDACTED] purchased them.

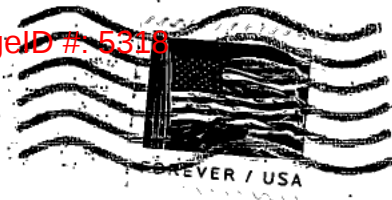
My address is [REDACTED] My cell phone number is [REDACTED].

Thank you for removing me.

[REDACTED]

SPOKANE WA 990

29 NOV 2022 PM 1 L



Vonda Securities Litigation
Claims Administration
EXCLUSIONS
PO Box 4419
Portland, OR 97208-4419

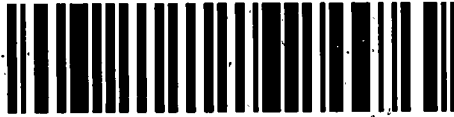
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Gordon v Vanda Pharms Inc CA40057133

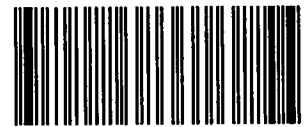
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*Route to: _____

From: [REDACTED]
Sent: Monday, December 5, 2022 10:30 PM
To: info_VandaSecuritiesLitigation
Subject: Opting out of the Class

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: This email originated from outside of Epiq. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report phishing by using the "Phish Alert Report" button above.

Hi,

I wish to opt out of the class action for the following reasons:

1. I only just received the letter about the civil action.
2. By the time I write and post the requested exclusion letter I will miss the 15th of December deadline.
3. I'm a small time trader who bought 10 VNDA shares on 10/19/2018 for \$22 and sold them on 12/11/2018 for \$27.32. (broker was TradeStation)

These are my details:

[REDACTED]

As with other recent civil actions, due to postal delays, all letters have arrived too late for any deadlines and I was allowed to excuse myself via email.

Kind regards,

[REDACTED]

Analyst Name:

Dave C.

Document Received

Date:

12/05/2022

GORDON V VANDA PHARMS INC
CA40057133

Related Tracking Numbers:

8401

Received from email address (if applicable):

[REDACTED]

Subject Line of email (if applicable):

Opting out of the Class

Instructions for DC:

Please label and scan this Email document as 1 Opt Out.

Claims Team: