

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: COMMERCIAL DIVISION**

DAN KOHL, *et al.*,

Plaintiff,

v.

LOMA NEGRA COMPANIA INDUSTRIAL
ARGENTINA SOCIEDAD ANONIMA, LOMA
NEGRA HOLDING GMBH, SERGIO FAIFMAN,
MARCO GRADIN, RICARDO FONSECA DE
MENDONÇA LIMA, LUIZ AUGUSTO KLE CZ,
PAULO DINIZ, CARLOS BOERO HUGHES,
DIANA MONDINO, SERGIO DANIEL ALONSO,
BRADESCO SECURITIES INC., CITIGROUP
GLOBAL MARKETS INC., HSBC SECURITIES
(USA) INC., ITAU BBA USA SECURITIES, INC.,
MERRILL LYNCH, PIERCE, FENNER & SMITH
INCORPORATED AND MORGAN STANLEY &
CO. LLC,

Defendants.

Index No. 653114/2018
Part 53

Hon. Andrew Borrok

**SUPPLEMENTAL AFFIRMATION OF ANN CAVANAUGH REGARDING CLASS
NOTICE AND REPORT ON OBJECTIONS AND REQUESTS
FOR EXCLUSION RECEIVED**

I, ANN CAVANAUGH, hereby affirm under penalty of perjury as follows:

1. I am a Project Manager of A.B. Data, Ltd.'s Class Action Administration Company ("A.B. Data"). The following statements are based on my personal knowledge and information provided by other A.B. Data employees working under my supervision, and if called on to do so, I could and would testify competently thereto.

2. Pursuant to its Order Preliminarily Approving Settlement and Providing For Notice dated November 30, 2023 (the "Preliminary Approval Order"), the Court approved the retention

of A.B. Data as the Claims Administrator for the above-captioned action (the “Action”).¹ I submit this Affirmation to supplement the Affirmation of Ann Cavanaugh Regarding Class Notice and Report on Objections and Requests for Exclusion Received (the “Initial Affirmation”) dated March 5, 2024, which was previously filed with the Court.

UPDATE ON MAILING OF THE NOTICE AND CLAIM FORM

3. As more fully stated in my Initial Affirmation, as of March 5, 2024, A.B. Data had mailed a total of 20,754 copies of the Notice Package to potential members of the Class or their nominees.

4. Since the execution of the Initial Affirmation, A.B. Data has received 215 additional requests to mail the Notice Package to potential members of the Class and their nominees. Therefore, as of the date of this Affirmation, an aggregate of 20,969 Notice Packages have been mailed to potential members of the Class and their nominees.

UPDATE ON SETTLEMENT WEBSITE

5. A.B. Data continues to maintain the website designated for the Action (www.LomaNegraSecuritiesLitigation.com). The website includes information regarding the proposed Settlement, including the exclusion, objection, and claim filing deadlines, and the date, time, and location of the Court’s Settlement Hearing. Copies of the Notice, Claim Form, Stipulation, Preliminary Approval Order, and other documents related to the Action are posted on the website and are available for downloading. In addition, the website includes the ability to file a claim online and a link to a document with detailed instructions for Class Members submitting their claims electronically. Further, the website has contact information for A.B. Data and Lead

¹ Unless otherwise defined in this Affirmation, all capitalized terms have the meanings set forth in the Stipulation and Agreement of Settlement, dated October 11, 2023 (the “Stipulation”).

Counsel, including a toll-free telephone number, that Class Members can use to obtain additional information. The website is accessible 24 hours per day, 7 days a week.

UPDATE ON TOLL-FREE TELEPHONE LINE

6. A.B. Data continues to maintain the case-specific, toll-free telephone helpline, 1-877-311-3744, with an interactive voice response system and live operators, to accommodate potential Class Members with questions about the Action. Callers requiring further help have had the option to be transferred to a live operator during business hours.

UPDATE ON OBJECTIONS AND REQUESTS FOR EXCLUSION

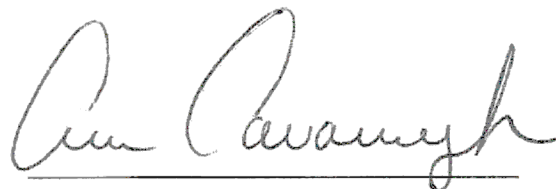
7. The Notice informed potential Class Members that requests for exclusion from the Class are to be mailed to the Claims Administrator postmarked (for U.S. Mail) or received by the private carrier (for FedEx, UPS, etc.) no later than March 20, 2024. The Notice also set forth the information that was required to be included in each request for exclusion.

8. As previously noted in the Initial Affirmation, A.B. Data received three (3) requests for exclusion during the class certification Notice Procedure. All three requests were received from individual investors. The three requests represent 222,849 shares. One of the three requests for exclusion, representing 220,849 shares, was by Sergio Damian Faifman (*see* NYSCEF No. 169, at 24), who counsel informs me was and is the CEO of Loma and a named Defendant in this Action and, thus, does not fall within the Class definition. A.B. Data has not received any additional requests for exclusion. Attached hereto as Exhibit A are the three (3) exclusion requests received, which are redacted to remove personal information.

9. According to the Notice, Class Members seeking to object to the proposed Settlement are required to submit their objection in writing such that the request is postmarked or received with the Court no later than March 20, 2024. Although Class Members were not required to send objections to A.B. Data, A.B. Data has not received any misdirected objections.

10. During the claims administration process, A.B. Data will review and process all Claims received, will provide Claimants with an opportunity to cure any deficiency or request judicial review of the denial of their Claims, if applicable, and will ultimately mail or wire Authorized Claimants their *pro rata* share of the Net Settlement Fund, as calculated under the Plan of Allocation.

I affirm this 2nd day of April 2024 under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true and correct to the best of my knowledge, and I understand that this document may be filed in an action or proceeding in a court of law.



Ann Cavanaugh

PRINTING SPECIFICATIONS STATEMENT

1. Pursuant to 22 N.Y.C.R.R. §202.70(g), Rule 17, the undersigned counsel certifies that the foregoing memorandum of law was prepared on a computer using Microsoft Word. A proportionally spaced typeface was used as follows:

Name of Typeface: Times New Roman
Point Size: 12
Line Spacing: Double

2. The total number of words in the memorandum, inclusive of point headings and footnotes and exclusive of the caption, signature block, and this Certification, is 830 words.

DATED: April 02, 2024

Respectfully submitted,

LEVI & KORSINSKY, LLP

/s/ Shannon L. Hopkins

LEVI & KORSINSKY, LLP

Shannon L. Hopkins

Andrew E. Lencyk

33 Whitehall St., 17th Floor

New York, NY 10004

Telephone: (212) 363-7500

*Lead Counsel for the Class and Attorneys for
Plaintiff Dan Kohl*

EXHIBIT A

Kohl v. Loma Negra Compania Industrial Argentina Sociedad Anonima

Index No. 653114/2018 (N.Y. Sup. Ct.)

Exclusion Report

Exclusion Number	Name	Postmarked	Number of ADSs
1	Sergio Jose Alves de Almeida	3/28/2022	2,000
2	Sergio Damian Faifman	3/30/2022	220,849
3	Simon Centofanti	4/21/2022	N/A

Exclusion 1

Postmarked March 28, 2022

REQUEST FOR EXCLUSION FROM CLASS ("opt out")

**Supreme Court of the State of New York, County of New York
Kohl v. Loma Negra Compañía Industrial Argentina Sociedad Anónima, et al.
Index No. 653114/2018**

I, Sérgio José Alves de Almeida, hereby request exclusion from the Class in Kohl v. Loma Negra Compañía Industrial Argentina Sociedad Anónima, Index No. 653114/2018 (N.Y. Sup. Ct.).

In accordance with the information requested in the "Long Form Notice" at www.lomanegrasescuritieslitigation.com and for purposes of being excluded from the Class, I hereby inform:

(i) FULL NAME: Sérgio José Alves de Almeida,

(ii)



(iii)

(iv)

Amount of Loma Negra ADSs purchased/acquired	Dates of purchase/acquisition	Unit acquisition Price
2,000.00	In IPO (November 2017)	\$19.00

I further verify that the information set forth above is true and accurate.

Signed:

Print Name: Sérgio José Alves de Almeida

Date: March 28, 2022

Exclusion 2

Postmarked March 30, 2022

REQUEST FOR EXCLUSION FROM CLASS ("opt out")

Supreme Court of the State of New York, County of New York
Kohl v. Loma Negra Compañía Industrial Argentina Sociedad Anónima, et al.
Index No. 653114/2018

I, Mr. Sergio Damian Faifman, hereby request exclusion from the Class in Kohl v. Loma Negra Compañía Industrial Argentina Sociedad Anónima, Index No. 653114/2018 (N.Y. Sup. Ct.).

In accordance with the information requested in the "Long Form Notice" at www.lomanegrasescuritieslitigation.com and for purposes of being excluded from the Class, I hereby inform:

(i) FULL NAME (First, Middle, Last): Mr. Sergio Damian Faifman.

(ii)

(iii)

(iv)

Amount of Loma Negra ADSs/ADRs/Shares purchased/acquired	Dates of purchase/acquisition	Prices of and any sale
4,674 ADRs	January 13 th , 2022	USD6,04
38,000 Shares	September 10 th , 2020	AR\$126,00
80,175 Shares	August 16 th , 2019	AR\$65,00
40,000 Shares	April 17 th , 2019	AR\$101,00
18,000 Shares	October 24 th , 2018	AR\$61,00
40,000 Shares	November 3 rd , 2017	AR\$75,75

I further verify that the information set forth above is true and accurate.

Signed: 

Print Name: Mr. Sergio Damian Faifman

Date: March 28th, 2022

Exclusion 3

Postmarked April 21, 2022

From: Simon Centofanti [REDACTED]
Sent: Thursday, April 21, 2022 6:55 AM
To: info@lomanegrasescuritieslitigation.com
Subject: Greetings,

EXTERNAL SENDER

I have received a notice card authorized by the State of New York Supreme Court. It involves the case Kohl v Loma Negra Compania Industrial Argentina Sociedad Anonima. I would like to opt out and therefore exclude myself from the class.

Regards