

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

DAN KOHL, Individually and On Behalf of  
All Others Similarly Situated,

Plaintiff,

v.

LOMA NEGRA COMPANIA INDUSTRIAL  
ARGENTINA SOCIEDAD ANONIMA, LOMA  
NEGRA HOLDING GMBH, SERGIO FAIFMAN,  
MARCO GRADIN, RICARDO FONSECA DE  
MENDONÇA LIMA, LUIZ AUGUSTO KLECZ,  
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

IAS Commercial Part 54

Hon. Jennifer G. Schechter

**ORDER**

**THIS MATTER** being brought before the Court by counsel for Plaintiff Dan Kohl in this action on Plaintiff’s Motion to Certify Class, Appoint Class Representative, and Appoint Class Counsel; and this Court having considered all matters submitted by all parties and good cause being shown for the making and granting of this Order:

**IT IS** on this 2nd day of December, 2021; hereby **ORDERED** as follows:

1. This action is certified as a class action on behalf of a class consisting of all persons and entities who acquired American Depositary Shares (“ADSs”) pursuant and/or traceable to the Registration Statement and Prospectus incorporated therein, as amended, issued by Loma Negra Compañía Industrial Argentina Sociedad Anónima (“Loma Negra”) in connection with its November 2017 initial public offering (the “Class”). Excluded from the Class are Defendants and their families, the officers, directors, and affiliates of Defendants, members of their immediate

families and their legal representatives, heirs, successors, or assigns, and any entity in which Defendants have or had a majority ownership interest.

2. Plaintiff Dan Kohl is appointed as representative of the Class.
3. The law firm of Levi & Korsinsky, LLP is appointed as counsel for the Class.
4. The notice procedure and accompanying forms of notice are approved as set forth

in Exhibit A, which follows.

**IT IS SO ORDERED.**



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HON. JENNIFER G. SCHECTER  
JUSTICE OF THE SUPREME COURT

**EXHIBIT A****Notice Procedure**

Class Representative and Class Counsel shall proceed with the following Notice Procedure in connection with the Court's Order Granting Plaintiff's Motion to Certify Class, Appoint Class Representative, and Appoint Class Counsel (the "Certification Order"):

1. Within fourteen (14) days of entry of the Certification Order, Class Counsel on behalf of the Class Representative will request proposals from three (3) class action administrators. Class Counsel's requests for proposals will specify basic assumptions for the anticipated notice program, including the estimated number of notices to be sent by U.S. mail, publication of summary notices, and maintenance of a website and dedicated interactive voice response telephone line. Class Counsel shall review promptly the proposals received and select a firm to serve as the notice administrator in the action (the "Notice Administrator").

2. The Notice Administrator will provide notice to the Class as follows:

- a. Within sixty (60) days of entry of the Certification Order (the "Notice Date"), the Notice Administrator shall distribute the Postcard Notice of Pendency of Class Action ("Postcard Notice"), substantially in the form attached hereto as Exhibit A-1, through the U.S. mail to all members of the Class for whom a mailing address is available and/or through electronic means where electronic communication is available and/or reasonably practicable;
- b. Contemporaneously with the mailing of the Postcard Notice, the Notice Administrator shall cause a copy of the Notice of Pendency of Class Action ("Notice"), substantially in the form set forth in Exhibit A-2, to be posted

on the website designated for this Action from which Class Members may download copies of the Notice; and

- c. Within fourteen (14) days of the Notice Date, the Notice Administrator shall cause to be published the Summary Notice, substantially in the form set forth in Exhibit A-3, for a one week period in *Investor's Business Daily* (English), *La Opinion* (Spanish) and over an electronic newswire service.

3. Defendant Loma Negra Compañía Industrial Argentina Sociedad Anónima (“Loma Negra”) shall provide to Class Counsel and the Notice Administrator within 30 days of entry of the Certification Order a broker activity report for the period November 1, 2017 through June 21, 2018 from its custodian agent, Citibank, N.A., of brokers that executed transactions in Loma Negra’s American Depositary Shares (“ADSs”). The Notice Administrator will send Postcard Notices to the brokers identified on the broker activity report who will then be requested to provide copies of the Postcard Notice to the beneficial owners of the Loma Negra ADSs.

4. Defendants Bradesco Securities Inc., Citigroup Global Markets Inc., HSBC Securities (USA) Inc., Itaú BBA USA Securities, Inc., Merrill Lynch, Pierce, Fenner & Smith Incorporated and Morgan Stanley & Co. LLC shall provide to Class Counsel and the Notice Administrator at least fourteen (14) days prior to the Notice Date a list of all persons and last known mailing addresses to whom they sold ADSs in Loma Negra’s initial public offering. The Notice Administrator will send Postcard Notices to these purchasers of Loma Negra’s ADSs.

5. The Notice Administrator shall use reasonable efforts to give notice to nominee purchasers, such as brokerage firms, banks, and investment companies, that purchased or otherwise acquired Loma Negra ADSs for the benefit of another person during the Class Period. Such nominees shall be requested to either: (a) within ten (10) days of receipt of the Postcard

Notice, request from the Notice Administrator sufficient copies of the Postcard Notice and then mail them to the beneficial owners of Loma Negra ADSs as soon as practicable; (b) within ten (10) days of receipt of the Postcard Notice, send the Postcard Notice to beneficial owners via electronic communication; or (c) send a list of the names, addresses, and email addresses of such beneficial owners to the Notice Administrator within ten (10) calendar days thereof, in which case the Notice Administrator shall promptly mail or email the Postcard Notice to such beneficial owners. Nominees who elect to send the Postcard Notice to their beneficial owners directly shall send a statement to the Notice Administrator confirming that the mailing was made and shall retain their mailing records for use in connection with any further notices that may be provided in the action. Upon full and timely compliance with these directions, such nominees may seek reimbursement from the Notice Administrator of their reasonable expenses actually incurred (but not to exceed \$0.15 per mailing, including postage) by providing the Notice Administrator with proper documentation supporting the expenses for which reimbursement is sought. Payment of broker reimbursements requests shall not be required until the earlier of dismissal of the action or settlement or verdict has been achieved. Any disputes with respect to the reasonableness or documentation of expenses incurred shall be subject to review by the Court.

6. A Class Member wishing to request exclusion from the Class shall mail the request in written form by first class mail, postmarked within sixty (60) days of the Notice Date, to the address designated in the Notice. Such request for exclusion shall clearly state that the Class Member requests exclusion from the Class in *Kohl v. Loma Negra Compañía Industrial Argentina Sociedad Anónima*, Index No. 653114/2018 (N.Y. Sup. Ct.) and must: (i) state the name, address, and telephone number of the person or entity requesting exclusion; (ii) state the amount of Loma Negra ADSs that the person or entity requesting exclusion purchased/acquired as well as the dates

and prices of each such purchase/acquisition and any sale(s); and (iii) be signed by the person or entity requesting exclusion or an authorized representative. The request for exclusion shall not be effective unless it provides the required information and is made within the time stated above, unless the Court makes an exception.

7. Within ninety (90) days of the Notice Date, Class Counsel shall file with the Court a declaration containing proof of mailing of the Postcard Notice and publication of the Summary Notice, and setting forth a list of all persons and entities who have requested exclusion from the Class and serve copies of the same on all parties.

8. The costs of the notice process shall be borne by Class Counsel who may seek reimbursement by order of the Court at a later date.

**EXHIBIT A-1**

<p><i>The Supreme Court of the State of New York authorized this Notice. This is not a solicitation from a lawyer.</i></p> <p><b>If you acquired American Depositary Shares in connection with Loma Negra Compañía Industrial Argentina Sociedad Anónima’s November 2017 initial public offering, a class action lawsuit may affect your rights.</b></p> <p><b>Questions? Call (____) ____ - ____ or visit [website] for complete information and details.</b></p>	<p><i>Kohl v. Loma Negra Compañía Industrial Argentina Sociedad Anónima</i> c/o [Insert Notice Administrator] P.O. Box _____ [City, State, Zip Code]</p> <p>Class Member Name Class Member Address Class Member City/State/Zip Code</p>
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**What is this notice?**

**A class action has been filed, and you may be a member of the class. If you do not wish to be a part of the class, you must respond to this notice with a written request for exclusion (see below). If you are a broker or custodian, please immediately review the full Notice at the website below for instructions on providing timely notification to beneficial owners.**

A class action lawsuit called *Kohl v. Loma Negra Compañía Industrial Argentina Sociedad Anónima*, Index No. 653114/2018 (N.Y. Sup. Ct.) (the “Action”) is now pending in the Supreme Court of the State of New York, County of New York, against Loma Negra Compañía Industrial Argentina Sociedad Anónima (“Loma Negra”), Loma Negra Holding GmbH, Sergio Faifman, Marco Gradin, Ricardo Fonseca De Mendonça Lima, Luiz Augusto Klecz, Paulo Diniz, Carlos Boero Hughes, Diana Mondino, Sergio Daniel Alonso, Bradesco Securities Inc., Citigroup Global Markets Inc., HSBC Securities (USA) Inc., Itaú BBA USA Securities, Inc., Merrill Lynch, Pierce, Fenner & Smith Incorporated and Morgan Stanley & Co. LLC (collectively, “Defendants”). The lawsuit alleges, among other things, that in November 2017, Loma Negra violated the U.S. Securities Act of 1933 by making false or materially misleading statements or omitting material information about its corporate affiliate’s alleged involvement in a bribery and kickback scheme, certain risks impacting demand for cement in Argentina and the Argentine government’s failure to make payments on construction contracts at the time of Loma Negra’s November 2017 initial public offering. Loma Negra Holding GmbH, Sergio Faifman, Marco Gradin, Ricardo Fonseca De Mendonça Lima, Luiz Augusto Klecz, Paulo Diniz, Carlos Boero Hughes, Diana Mondino, and Sergio Daniel Alonso, were not served and did not appear in this action. The remaining Defendants deny all allegations. The Action has been certified as a class action on behalf of the Class described below, except for certain persons and entities that request to be excluded from the Class. The Court has appointed Dan Kohl to represent the Class as the Class Representative. Additional information about the Action and your rights is available at [website] or by calling [phone number].

**Why am I being contacted?**

You may be a member of the Class if you acquired American Depositary Shares (“ADSs”) pursuant and/or traceable to the Registration Statement and Prospectus incorporated therein, as amended, issued by Loma Negra in connection with its November 2017 initial public offering (the “Class”). This notice is intended only to advise you that the Action has been certified as a class action and of your rights with respect to the lawsuit.



**What are my options?**

If you are a Class Member, you have the right to decide whether to remain a member of the Class. You can (1) do nothing, in which case you will automatically be included in the Class, or (2) exclude yourself from the Class. **Whether you act or not, your rights may be affected.** If you choose to remain a member of the Class, you do not need to do anything at this time (other than retain your documentation reflecting your transactions in Loma Negra ADSs). You will automatically be included in the Class, and you will be bound by the proceedings in this Action, including all past, present and future orders and judgments of the Court, whether favorable or unfavorable. If you are a Class Member and do not wish to remain a member of the Class, you must take steps to exclude yourself from the Class. If you timely and validly request to be excluded from the Class, you will not be bound by any orders or judgments in the Action, and you will not be eligible to receive a share of any money that might be recovered in the future for the benefit of the Class. To exclude yourself from the Class, you must submit a written request for exclusion postmarked no later than [date], in accordance with the instructions set forth in the full Notice (see below). If at a later date the parties decide to settle, then you will have another opportunity to exclude yourself from the Class. Absent settlement, however, you will not be able to exclude yourself from the Class or subsequent orders and judgments if you do not request exclusion in response to this notice.

**Do I have a lawyer?**

Yes. The Court has appointed lawyers from Levi & Korsinsky, LLP as “Class Counsel.” They represent you and other Class Members. Unless you hire your own personal lawyer, as a Class Member you will not have any direct obligations to pay the costs of this lawsuit. If you hire your own lawyer, you will need to pay your own legal fees.

**Where can I find additional information?**

For the full Notice and more information about the Action, including how to exclude yourself, go to [website] or call [phone number].

If you are a broker or custodian, please immediately review the full Notice at the website above for instructions on providing timely notification to beneficial owners.

**EXHIBIT A-2**

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

DAN KOHL, Individually and On Behalf of  
All Others Similarly Situated,

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

IAS Commercial Part 54

Hon. Jennifer G. Schechter

**NOTICE OF PENDENCY OF CLASS ACTION**

*The Supreme Court for the State of New York authorized this notice.*

*This is not a solicitation from a lawyer.*

**PLEASE READ THIS NOTICE CARFEULLY AND IN ITS ENTIRETY. YOUR RIGHTS  
MAY BE AFFECTED BY PROCEEDINGS IN THIS ACTION.**

**IF YOU ACQUIRED AMERICAN DEPOSITARY SHARES IN CONNECTION WITH  
LOMA NEGRA COMPAÑÍA INDUSTRIAL ARGENTINA SOCIEDAD ANÓNIMA'S  
NOVEMBER 2017 INITIAL PUBLIC OFFERING, A CLASS ACTION LAWSUIT MAY  
AFFECT YOUR RIGHTS.**

**PLEASE NOTE: THIS CASE HAS NOT BEEN ADJUDICATED OR SETTLED. THIS  
NOTICE IS INTENDED ONLY TO INFORM YOU THAT A CLASS ACTION IS  
CURRENTLY IN PROGRESS. THERE IS NO CLAIM FORM TO BE MAILED.**

**What are my options?****Do nothing****Stay in this lawsuit. Await the outcome. Give up certain rights.**

By doing nothing, you keep the possibility of sharing in any recovery (monetary or otherwise) that may result from a resolution in favor of the Class, such as a trial or a settlement. In exchange, you give up any right you may have to sue Defendants separately (at your own cost) about the same factual circumstances and legal claims being raised in this lawsuit, and you will be bound by the outcome of this case if tried before a jury or decided by the Court. If the parties agree to a settlement, then you will have another opportunity to opt out or exclude yourself from the case at that time.

**Ask to be excluded by [date]****Get out of this lawsuit. Get no benefits from it. Keep your rights.**

If you ask to be excluded from this lawsuit, you will not be bound by what happens in this case and will keep any right you might have to sue Defendants separately (at your own cost) about the same factual circumstances and legal claims being raised in this lawsuit. If a recovery is later awarded in this case, you would not share in that recovery.

**BASIC INFORMATION****1. Why did I get this Notice?**

The Court has certified a Class in this lawsuit and you were identified as a potential Class Member whose rights may be affected.

A class action is a type of lawsuit in which one or several individuals or entities prosecute claims on behalf of all members of a group of similarly situated persons and entities (*i.e.*, the class) to obtain monetary or other relief for the entire group. The Court decided that this lawsuit can proceed as a class action because it meets the requirements of New York Civil Practice Law and Rules 901 and 902, which governs class actions in New York State Supreme Court. Specifically, the Court found that a significant number of investors purchased Loma Negra Compañía Industrial Argentina Sociedad Anónima (“Loma Negra”) pursuant and/or traceable to its November 2017 initial public offering and that the claims alleged in the lawsuit are common enough to apply to all of those investors. Justice Jennifer G. Schechter of the New York State Supreme Court is overseeing this class action. The lawsuit is titled *Kohl v. Loma Negra Compañía Industrial Argentina Sociedad Anónima*, Index No. 653114/2018 (N.Y. Sup. Ct.) (the “Action”).

**2. Who is included in the Class?**

The Class, certified by the Court, consists of:

*All persons and entities who acquired American Depositary Shares pursuant and/or traceable to the Registration Statement and Prospectus incorporated therein, as amended, issued by Loma Negra Compañía Industrial Argentina Sociedad Anónima in connection with its November 2017 initial public offering.*

Excluded from the Class are Defendants and their families, the officers, directors, and affiliates of Defendants, members of their immediate families and their legal representatives, heirs, successors, or assigns, and any entity in which Defendants have or had a majority ownership interest.

### **3. What if I'm still not sure if I am included in the Class?**

If you are still not sure whether you are included in the Class, you can get additional information at [Notice Administrator] or by contacting the lawyers who were appointed Class Counsel in this Action at the address or phone number below.

## **OVERVIEW AND STATUS OF THE ACTION**

### **4. What is this case about and what has happened so far?**

On June 21, 2018, Plaintiff Dan Kohl, who is presently the Class Representative (“Plaintiff”), commenced this action by filing the initial complaint. Plaintiff alleged that Loma Negra and various related individuals and entities violated Sections 11 and 15 of the U.S. Securities Act of 1933 by making false and/or materially misleading statements about its corporate affiliates’ involvement in a bribery and kickback scheme and certain sector risks impacting demand for Loma Negra’s products. In addition to Loma Negra, Plaintiff named the following individuals as defendants: Sergio Faifman, Marco Gradin, Ricardo Fonseca De Mendonça Lima, Luiz Augusto Klecz, Paulo Diniz, Carlos Boero Hughes, Diana Mondino, and Sergio Daniel Alonso (the “Individual Defendants”). Plaintiff also named the following entities as defendants: Bradesco Securities Inc., Citigroup Global Markets Inc., HSBC Securities (USA) Inc., Itaú BBA USA Securities, Inc., Merrill Lynch, Pierce, Fenner & Smith Incorporated and Morgan Stanley & Co. LLC (the “Underwriter Defendants”) and Loma Negra Holding GmbH, (collectively and together with Loma Negra and the Individual Defendants, “Defendants”).

Plaintiff filed amended complaints on September 21, 2018 and January 18, 2019.

On March 13, 2019, Loma Negra and the Underwriter Defendants filed a motion to dismiss Plaintiff’s second amended complaint.<sup>1</sup> The Court granted the motion in part and denied it in part on October 22, 2020, allowing the Action to proceed with regard to Plaintiff’s allegations that Loma Negra omitted allegedly material information about the Argentine government’s corruption investigation of Loma Negra’s corporate affiliates at the time of the IPO, and risks concerning demand and payment for cement and related services. On November 17, 2020, Loma Negra and the Underwriter Defendants appealed the Court’s decision on the motion to dismiss.

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<sup>1</sup> Loma Negra Holding GmbH and the Individual Defenannts were not served and did not appear in this Action.

On June 1, 2021, the New York Supreme Court Appellate Division modified the Court's decision on the motion to dismiss. In pertinent part, appellate court held that the Action could proceed with regard to Plaintiff's allegations that Loma Negra's Prospectus omitted allegedly material information about (i) Loma Negra's corporate affiliate's alleged involvement in a bribery and kickback scheme, and (ii) the alleged slowdown in public works payments and the Argentine government's failure to make payments on construction contracts at the time of Loma Negra's November 2017 initial public offering.

On January 11, 2021, while the appeal was pending before the New York Supreme Court Appellate Division, Plaintiff moved for class certification. On June 3, 2021, Loma Negra and the Underwriter Defendants cross-moved for summary judgment.

On November 16, 2021, the Court granted Plaintiff's motion for class certification and denied Loma Negra and the Underwriter Defendants' motion for summary judgment.

Discovery is ongoing. The case is scheduled to be trial ready by February 10, 2023. That date is subject to change in the future without further notice to the Class. You can get updated information at [website] or by contacting Class Counsel.

Copies of the Court's Orders referenced herein are available at [website].

#### **5. Has the Court decided who is right?**

The Court has not decided who is right and there has been no monetary recovery. By certifying the Class and authorizing this Notice, the Court is not suggesting that the Class Representative will win or lose this case. The Class Representative will attempt to prove his claims in proceedings that will occur in the future.

If a settlement of the lawsuit is reached, it will be subject to approval by the Court. Class Members will be sent additional notice of any proposed settlement and members of the Class who have not excluded themselves will have an additional opportunity to exclude themselves at that time, object to the proposed settlement, or submit a Proof of Claim form to demonstrate their entitlement to any payment. Similarly, the Court may also direct further notice to the Class following any judgment that may be entered after a trial of this case or decision by the Court, or for any other reason that the Court may determine.

#### **6. Is there any money available now?**

No money or any other benefits are available now because the Court has not yet decided whether Plaintiff proved the allegations, and the parties have not settled the case. There is no guarantee that money or any other benefit will ever be obtained. If there is a recovery, you will be notified about how to ask for your share.

### **YOUR RIGHTS AND OPTIONS**

**7. What happens if I am a Class Member and I do nothing?**

If you are a Class Member and you do nothing, you will stay in the Class. This means you will be legally bound by all of the Court's orders and judgments in this Action, whether favorable or unfavorable. If you stay in the Class and money is paid to the Class, either through a settlement with Loma Negra and the Underwriter Defendants or a judgment of the Court, you may be eligible to receive a share of that recovery. If you choose to remain a member of the Class, you do not have to do anything at this time (other than retain your records of your purchases and sales of Loma Negra ADSs and any other documents relating to Loma Negra). If there is a recovery in the future, members of the Class will be required to support their requests for payment by demonstrating their membership in the Class and documenting their purchases and sales of Loma Negra ADSs and their resulting damages. Neither the Class Representative, Loma Negra, nor the Notice Administrator (defined below) necessarily have information about your transactions in Loma Negra ADSs. Your broker may not keep your records for as long as may be necessary. For these reasons, please be sure to keep all records of your transactions in Loma Negra ADSs and any other documents relating to Loma Negra.

If at a later date the parties decide to settle, then you will have another opportunity to exclude yourself from the case. Absent settlement, however, you will not be able to exclude yourself from the Class or subsequent orders and judgments if you do not request exclusion at this time.

**8. If I am a Class Member, why would I ask to be excluded?**

If you want to pursue your own lawsuit or claims against Defendants about the conduct in this case, do not want to be bound by what the Court does in this case, or if you simply do not want to be part of the Class pursuing claims against Defendants, you must ask to be excluded. If you exclude yourself from the Class—which means to remove yourself from the Class and is sometimes called “opting-out” of the Class—you will not be legally bound by any past, present, or future Court orders or judgments in this Action, and will keep any right you may have to individually sue Defendants in the future. However, if you exclude yourself, you also will not get any money or any other benefits from this lawsuit, if there are any.

If you start your own lawsuit against Defendants after you exclude yourself, you will have to hire and pay your own lawyer for that lawsuit, and you will have to prove your claims. Please note that if you decide to exclude yourself from the Class, you should consult with an attorney prior to doing so and discuss whether your individual claim would be time-barred by the applicable statutes of limitations or repose, or face any other impediments to recovery.

**9. If I am a Class Member, how do I ask the Court to exclude me from the Class?**

If you wish to be excluded from the Class (“opt-out”), you must submit a letter stating that you “request exclusion from the Class in *Kohl v. Loma Negra Compañía Industrial Argentina Sociedad Anónima*, Index No. 653114/2018 (N.Y. Sup. Ct.) and must: (i) state the name, address, and telephone number of the person or entity requesting exclusion; (ii) state the amount of Loma Negra ADSs that the person or entity requesting exclusion purchased/acquired as well as the dates and prices of each such purchase/acquisition and any sale(s); and (iii) be signed by the person or entity

requesting exclusion or an authorized representative. The request for exclusion shall not be effective unless it provides the required information and is made within the time stated above, unless the Court makes an exception. You must either mail your exclusion request or submit it using the case website, so that it is postmarked or submitted no later than [date] to:

[INSERT]

**THE LAWYERS REPRESENTING THE CLASS**

**10. Do I have a lawyer in this case?**

As a member of the Class, you will be represented by Class Counsel who are:

LEVI & KORSINSKY, LLP  
Shannon L. Hopkins, Esq.  
55 Broadway, 10th Floor  
New York, New York 10006  
(212) 363-7500

Unless you hire your own personal lawyer, as a Class Member you will not have any direct obligations to pay the costs of this lawsuit. In the event there is a recovery by the Class, all costs and expenses, including Class Counsel’s attorneys’ fees, will be paid from that recovery in an amount that is approved by the Court. If there is no recovery, Class Counsel will not receive any attorneys’ fees or expenses.

**11. If I am a Class Member, can I get my own lawyer?**

You do not need to hire your own lawyer, because Class Counsel are already working on your behalf. However, you have the right to retain your own personal lawyer at your own expense. If you retain separate counsel to represent you in this case, your counsel must enter an appearance on your behalf by filing a Notice of Appearance with the Court.

**GETTING MORE INFORMATION**

**12. Where can I get more information?**

If you want more detailed information, you may contact Class Counsel or visit \_\_\_\_\_, where you will find case-related documents and detailed information regarding the Action. You may also call [Name] (the “Notice Administrator”) at \_\_\_\_\_. Please do not call or write the Court or the Defendants.

**13. What if my address has changed?**

If you received a postcard with information about the Action (“Postcard Notice”) at an old address, or if you move, please advise the Notice Administrator of your current address so that you can



receive any future notices and/or Proof of Claim forms. If you are not a member of the Class, you may discard the Postcard Notice. Any change to your address should be mailed to:

[INSERT]

**NOTICE TO BROKERS AND CUSTODIANS**

If, for the beneficial interest of any person or entity other than yourself, you purchased Loma Negra ADSs from November 1, 2017 through June 21, 2018, you must, *within ten (10) calendar days of receipt of the Postcard Notice*, either: (a) request from the Notice Administrator sufficient copies of the Postcard Notice and then mail them to the beneficial owners of Loma Negra ADSs as soon as practicable; (b) send the Postcard Notice to beneficial owners via electronic communication; or (c) send a list of the names, addresses, and email addresses of such beneficial owners to the Notice Administrator, in which case the Notice Administrator shall promptly mail or email the Postcard Notice to such beneficial owners. Nominees who elect to send the Postcard Notice to their beneficial owners directly shall send a statement to the Notice Administrator confirming that the mailing was made and shall retain their mailing records for use in connection with any further notices that may be provided in the action. Upon full and timely compliance with these directions, such nominees may seek reimbursement from the Notice Administrator of their reasonable expenses actually incurred (but not to exceed \$0.15 per mailing, including postage) by providing the Notice Administrator with proper documentation supporting the expenses for which reimbursement is sought. Payment of broker reimbursements requests shall not be required until the earlier of dismissal of the action or settlement or verdict has been achieved. Any disputes with respect to the reasonableness or documentation of expenses incurred shall be subject to review by the Court.

Dated: \_\_\_\_\_, 2021

BY ORDER OF THE COURT:  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

**EXHIBIT A-3**

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

DAN KOHL, Individually and On Behalf of  
All Others Similarly Situated,

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

IAS Commercial Part 54

Hon. Jennifer G. Schechter

**SUMMARY NOTICE OF PENDENCY OF CLASS ACTION**

**TO: ALL PERSONS WHO ACQUIRED AMERICAN DEPOSITARY SHARES IN CONNECTION WITH LOMA NEGRA COMPAÑÍA INDUSTRIAL ARGENTINA SOCIEDAD ANÓNIMA'S NOVEMBER 2017 INITIAL PUBLIC OFFERING, A CLASS ACTION LAWSUIT MAY AFFECT YOUR RIGHTS.**

**YOU MAY BE A MEMBER OF THE CLASS. IF YOU DO NOT WITH TO BE A PART OF THE CLASS, YOU MUST RESPOND TO THIS NOTICE WITH A WRITTEN REQUEST FOR EXCLUSION (SEE BELOW).**

YOU ARE HEREBY NOTIFIED, pursuant to New York Civil Practice Law and Rules 901 and 902, that the above-captioned action ("Action") against Loma Negra Compañía Industrial Argentina Sociedad Anónima ("Loma Negra"), Loma Negra Holding GmbH, Sergio Faifman, Marco Gradin, Ricardo Fonseca De Mendonça Lima, Luiz Augusto Klecz, Paulo Diniz, Carlos Boero Hughes, Diana Mondino, Sergio Daniel Alonso, Bradesco Securities Inc., Citigroup Global Markets Inc., HSBC Securities (USA) Inc., Itaú BBA USA Securities, Inc., Merrill Lynch, Pierce, Fenner & Smith Incorporated and Morgan Stanley & Co. LLC (collectively, "Defendants"), has been certified as a class action on behalf of the Class, except for certain persons and entities that are excluded from the Class as set forth in the full printed Notice of Pendency of Class Action

(“Notice”). Plaintiff Dan Kohl has been appointed by the Court to represent the Class as the Class Representative.

IF YOU ARE A MEMBER OF THE CLASS, YOUR RIGHTS MAY BE AFFECTED BY THIS LAWSUIT. A printed Postcard Notice is currently being mailed to known Class Members. If you have not yet received a printed Notice, you may obtain a copy of a full printed from the website for the Action, \_\_\_\_\_, or by contacting the Notice Administrator at \_\_\_\_\_.

If you did not receive the Notice by mail, and believe you are a member of the Class, please send your name and address to the Notice Administrator so that if any future notices are disseminated in connection with the Action, you will receive them.

Inquiries, other than requests for the Notice, may be made to Court-appointed Class Counsel:

LEVI & KORSINSKY, LLP  
Shannon L. Hopkins, Esq.  
55 Broadway, 10th Floor  
New York, New York 10006  
(212) 363-7500

If you are a Class Member, you have the right to decide whether to remain a member of the Class. If you choose to remain a member of the Class, you do not need to do anything at this time other than retain your documentation reflecting your transactions in Loma Negra American Depositary Shares. You will automatically be included in the Class, and you will be bound by the proceedings in this Action, including all past, present and future orders and judgments of the Court, whether favorable or unfavorable. If you are a Class Member and do not wish to remain a member of the Class, you must take steps to exclude yourself from the Class.

If you timely and validly request to be excluded from the Class, you will not be bound by any orders or judgments in the Action, and you will not be eligible to receive a share of any money that might be recovered in the future for the benefit of the Class. To exclude yourself from the Class, you must submit a written request for exclusion postmarked no later than [date], in accordance with the instructions set forth in the full printed Notice. If at a later date the parties decide to settle before trial, then you will have another opportunity to opt out or exclude yourself from the case. Absent settlement however, you will not be able to exclude yourself from the Class or subsequent orders and judgments if you do not request exclusion in response to this notice. If you do not exclude yourself from the class, regardless of the outcome of the Action, you will not be able to sue Defendants—as part of any other lawsuit—regarding the factual circumstances and legal claims asserted in this case.

**Please Do Not Call or Write the Court or the Defendants with Questions.**

Dated: \_\_\_\_\_, 2021

BY ORDER OF THE COURT:  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK