IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Civil Action No. 1:21-cv-02774-RMR-KAS
Consolidated with 1:21-cv-3215-RMR-KAS

JOHNNY R. SHAFER, DAVID P. SARRO, KEVIN L. TYE, JESS Q. WILLIAMS, JUSTIN COHEN,

Individually and On Behalf of All Others Similarly Situated,

Plaintiffs,

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LIGHTNING EMOTORS, INC., TIMOTHY R. REESER, TERESA P. COVINGTON, GIGACQUISITIONS3 LLC, GIGCAPITAL GLOBAL, AVI S. KATZ, RALUCA DINU, NEIL MIOTTO GIGFOUNDERS LLC BRAD WEIGHTMAN, ANDREA BETTI-BERUTTO, PETER WANG, JOHN J. MIKULSKY, and ROBERT FENWICK-SMITH,

Defendants.

AFFIDAVIT OF RICHARD DELMAN

STATE OF CONNECTICUT)
)ss.
COUNTY OF FAIRFIELD)

- I, RICHARD DELMAN, being first duly sworn upon oath, states as follows:
- 1. I am the plaintiff in the action pending before the Court of Chancery for the State of Delaware captioned *Delman v. GigAcquisitions3*, *LLC*, et al., and docketed at C.A. No. 2021-0679-LWW (the "State Action").
- 2. I submit this declaration in support of final approval the proposed settlement (the "Settlement"), the plan of allocation, and an award of attorneys' fees and payment of expenses. I have personal knowledge of the statements herein, and, if called as a witness, could and would testify competently thereto.
- 3. As a consequence of this informed and deliberate process, I approved the settlement of the Actions for \$13,350,000. I understand that fifty percent (50%) of this amount is to be allocated to the settlement of the State Action. I believe that in light of the legal and factual issues presented by this case, as I understand them, this settlement represents a meaningful recovery and a favorable result on behalf of the class, and a resolution of the Actions that is fair, reasonable and adequate and in the best interest of each

class member. I also support an award of attorneys' fees in this action of up to 33-1/3% of the recovery obtained, and the payment of litigation-related expenses, not to exceed \$225,000, as fair and reasonable in light of the favorable result obtained, the attorney time expended over the past three years and the risks and the complexity of the prosecution of these Actions.

I have read this affidavit and declare under penalty of perjury that the foregoing is true and correct.

FURTHER AFFIANT SAYETH NOT.

Richard Delman

SUBSCRIBED and SWORN to me this 3rd day of October 2024 by Richard Delman

Witness my hand and official seal.

My Commission Expires:

Votary Public

INGA NOGUEIRA Notary Public, Connecticut My Commission Expires 02/28/2029

CERTIFICATE OF SERVICE

I hereby certify that on October 4, 2024, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the e-mail addresses denoted on the Court's Electronic Mail Notice List.

s/ Hillary B. Stakem HILLARY B. STAKEM

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