

Website (Trans. ID 71797085), as the Settlement Administrator, JND has implemented the terms of the Settlement by, among other things: (i) mailing the Notice of Pendency and Proposed Settlement of Stockholder Class Action, Settlement Hearing, and Right to Appear (the “Notice”) to potential Class Members; (ii) causing the publication of the Summary Notice of Pendency and Proposed Settlement of Stockholder Class Action, Settlement Hearing, and Right to Appear in *Investor’s Business Daily* and over *PR Newswire*; and (iii) creating and continuing to maintain a toll-free helpline and a Settlement website to assist Class Members during the course of the administration. JND serves as the Settlement Administrator in connection with the Action. I respectfully submit this Affidavit in order to provide the Court with information regarding the proposed distribution of the Net Settlement Fund to holders of FAST Acquisition Corp. (“FAST” or the “Company”) Class A common stock (“FAST Class A Public Shares”) at the close of business on August 25, 2022, as described in the Stipulation and Notice (hereinafter, “Eligible Class Members”).

3. Pursuant to the Court’s January 22, 2024 Order and Final Judgment (the “Final Approval Order”) (Trans. ID 71846881), the Court granted final approval of the Settlement and the proposed plan of allocation of the Net Settlement Fund set forth in the Notice (the “Plan of Allocation”). I submit this Affidavit in support of Plaintiffs’ unopposed motion for Class Distribution Order, which will, among other things,

approve the proposed plan for the distribution of the Net Settlement Fund to Eligible Class Members. The following statements are based on my personal knowledge and information provided by JND employees working under my supervision, and if called on to do so, I could and would testify competently thereto.

STOCKHOLDER RECORDS

4. Pursuant to the terms of the Court-approved Plan of Allocation, the Net Settlement Fund will be distributed on a *pro rata* basis to all Eligible Class Members, i.e., all Eligible Beneficial Holders and Eligible Record Holders who held shares of FAST Class A Public Shares² at the close of business on August 25, 2022. *See* Notice at ¶¶ 39-41. In accordance with terms of the Stipulation, the Eligible Class Members do not include any of the Excluded Stockholders. *Id.* at ¶ 30. Under the terms of the Plan of the Allocation, Eligible Class Members were not required to file a claim form to receive distribution from the Settlement. *Id.* at ¶ 35.

5. On September 1, 2023, JND was provided the information obtained by Defendants' Counsel for all Record Holders and DTC Participants identifying a total of 20,000,000 outstanding FAST Class A Public Shares held at the close of trading on August 25, 2022. The Record Holder report identified Cede and Co. ("Cede") as the only registered holder of FAST Class A common stock, holding 19,816,865

²*See* Notice ¶ 42. "Eligible Shares" are defined as "FAST Class A Public Shares" held at the close of business on August 25, 2022 and strictly pertain to shares held by Eligible Class Members, the two terms are used interchangeably.

outstanding shares at the close of trading on August 25, 2022 (“Record Holder”).³ As no other Record Holders other than Cede directly held shares of FAST Class A common stock at the close of trading on August 25, 2022, JND did not identify any non-Cede Record Holders (“Eligible Record Holders”) holding FAST Class A Public Shares at the close of trading on August 25, 2022.

6. On September 1, 2023, JND also received an Allocation Report from Cede, as nominee for the Depository Trust Company (“DTC”) showing each DTC Participant’s holdings in FAST Class A common stock at the close of business on August 25, 2022. JND consulted with the DTC to confirm the accuracy of the number of shares identified. Specifically, the DTC Allocation Report contains each DTC Participant’s identification number, name, and the number of shares held by the DTC Participant. The Allocation Report identified 76 DTC Participants holding a total of 20,000,000 shares of FAST Class A common stock outstanding at the close of trading on August 25, 2022. As explained in paragraph 7 below, JND was advised that none of the Excluded Stockholders held any FAST Class A Public Shares via a financial institution at the close of business on August 25, 2022. Accordingly, all 20,000,000 FAST Class A Public Shares held by the 76 DTC Participants, as

³ Subsequently, Plaintiffs’ Co-Lead Counsel forwarded JND documentation from Defendants’ Counsel confirming that the 183,135 remaining shares were also held by Cede.

reflected in the Allocation Report, for the ultimate beneficial owners of these shares (“Eligible Beneficial Holders”) are Eligible Shares.

7. Pursuant to paragraph 22(c) of the Stipulation, JND was to be provided with information concerning the stockholdings of the Excluded Stockholders, including an indication of whether the Excluded Stockholder was a Registered Holder or a Beneficial Holder of FAST Class A Public Shares at the close of business on August 25, 2022. On or after January 29, 2024, JND was advised that there were no Excluded Shares held by any of the Excluded Stockholders, neither as a registered holder nor as a beneficial holder with shares held via a financial institution on behalf of the Excluded Stockholder. As reflected above, no Excluded Shares are included in the Eligible Share count.

8. In the aggregate, all 20,000,000 Eligible Shares were held by 76 DTC Participants on behalf of Eligible Beneficial Holders, as described above.

SETTLEMENT ADMINISTRATION FEES AND DISBURSEMENTS

9. JND agreed to be the Settlement Administrator in exchange for payment of its fees and expenses. Plaintiffs’ Co-Lead Counsel received regular reports of all the work JND performed with respect to the administration of the Settlement and authorized the administration work performed herein. Attached hereto as Exhibit A are invoices of JND’s total fees and expenses for this matter through February 29, 2024, which total \$92,611.58. Further, JND’s estimate of fees

and expenses to conduct the initial distribution of the Net Settlement Fund in accordance with the “Distribution Plan” described below in ¶ 10 are \$55,134.06. To date, JND has not been paid for its fees and expenses. Accordingly, there is an outstanding balance of \$147,745.64 payable to JND, which amount includes JND’s anticipated fees and expenses for the initial distribution. Final Distribution amounts will be determined by the amount in the Net Settlement Fund at the time of distribution in accordance with the distribution plan below.

DISTRIBUTION PLAN FOR THE NET SETTLEMENT FUND

10. JND will distribute 100% of the Net Settlement Fund to Eligible Class Members, after deducting after deducting all payments previously allowed and the payments approved by the Court on this motion, and after deducting payment of any estimated taxes, the costs of preparing appropriate tax returns, administrative contingencies, and any escrow fees (the “Distribution”), as follows:

a. Consistent with ¶ 43 of the Court-approved Plan of Allocation, each Eligible Class Member will be allocated a *pro rata* payment from the Net Settlement Fund in connection with the Distribution equal to the product of (i) the number of Eligible Shares held by the Eligible Class Member and (ii) the “Per-Share Recovery” for the Settlement, which will be determined by dividing the total amount of the Net Settlement Fund by the total number of Eligible Shares held by all Eligible Class Members. Based upon the total

number of identified Eligible Shares and the estimated Net Settlement Fund available for distribution, the estimated Per-Share Recovery is \$[0.53] per share.

b. Consistent with ¶ 44(i) of the Court-approved Plan of Allocation, with respect to Eligible Shares held of record by DTC, through its nominee Cede, JND will cause that portion of the Net Settlement Fund to be allocated to Eligible Class Members who held their shares through DTC Participants to be paid to the DTC Participants by paying each the Per-Share Recovery times its respective Closing Security Position,⁴ subject to payment suppression instructions with respect to Excluded Shares and any other shares ineligible for recovery from the Settlement. The DTC Participants and their respective customers, including any intermediaries, shall then ensure *pro rata* payment to each Eligible Class Member based on the number of Eligible Shares beneficially owned by such Eligible Class Member.

c. Consistent with ¶ 44(ii) of the Court-approved Plan of Allocation, with respect to Eligible Shares held of record other than by Cede, as nominee for DTC (a “Closing Non-Cede Record Position”), JND will make payment from the Net Settlement Fund directly to the Eligible Record Holder

⁴ For each DTC Participant, the “Closing Security Position” is the number of Eligible Shares held by such DTC Participant, as reflected on the DTC Allocation Report. *See* Notice at footnote 3.

of each such Closing Non-Cede Record Position in an amount equal to the Per-Share Recovery times the number of Eligible Shares comprising such Closing Non-Cede Record Position.

d. Consistent with ¶ 44(iii) of the Court-approved Plan of Allocation, for the avoidance of doubt, any person or entity who purchased Eligible Shares but had not settled those Eligible Shares by the close of business on August 25, 2022 (“Non-Settled Shares”), shall be treated as an Eligible Class Member with respect to those Non-Settled Shares, and a person or entity who sold those Non-Settled Shares on or before the close of business on August 25, 2022, shall not be treated as an Eligible Class Member with respect to those Non-Settled Shares.

e. Following the distribution of the Net Settlement Fund to DTC Participants, inquiries by Eligible Beneficial Holders regarding payment of the Net Settlement Fund should be made directly to DTC Participants, such as banks or brokerage firms, through which they beneficially owned Eligible Shares.

f. In order to encourage Eligible Class Members to promptly cash their checks, and to avoid or reduce future expenses relating to unpaid checks, all Distribution checks will bear a notation “CASH PROMPTLY, VOID AND SUBJECT TO REDISTRIBUTION IF NOT CASHED BY [6 MONTHS

AFTER ISSUE DATE].”

g. Consistent with the Plan of Allocation, as stated in ¶ 44(iv) of the Notice, in the event that any payment from the Net Settlement Fund is undeliverable or in the event a check is not cashed by the stale date (i.e., more than six months from the check’s issue date), JND shall direct that the DTC Participants and the holder of a Closing Non-Cede Record Position shall follow their respective policies with respect to further attempted distribution.

h. All undeliverable or uncashed payments returned to JND shall be available for further distribution provided that such distribution is economically feasible. At such time as Plaintiffs’ Co-Lead Counsel, in consultation with JND, determines that further distribution of the funds remaining in the Net Settlement Fund is not cost-effective, the remaining balance of the Net Settlement Fund, after payment of any unpaid fees or expenses incurred in connection with administering the Net Settlement Fund and after the payment of any estimated taxes, the costs of preparing appropriate tax returns, and any escrow fees, will be contributed to the Combined Campaign for Justice (the “CCJ”).

i. Paper copies of all supporting documentation may be destroyed one year after the distribution of the Net Settlement Fund, and electronic copies of the same may be destroyed one year after all funds in the Net

Settlement Fund have been distributed.

I declare under penalty of perjury under the law of the United States of America that the foregoing is true and correct.

Executed in New Hyde Park, New York, this 29th day of March, 2024.

Luigy Segura
Luigy Segura

Sworn to and subscribed before me this 29th day of March, 2024.

William A. O'Doughlin
Notary Public
State of New York, Suffolk County

WILLIAM A. O'DOUGHLIN
Notary Public, State of New York
My Commission Expires: September 2, 2025
No. 01015084336
Qualified in Suffolk County
Commission Expires September 2, 2025

Personally Known or Produced Identification.

Type of Identification Produced: PERSONALLY KNOWN