

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

_____	x	
In re GRAÑA Y MONTERO S.A.A.	:	Civil Action No. 2:17-cv-01105-LDH-ST
SECURITIES LITIGATION	:	
_____	:	CLASS ACTION
	:	
This Document Relates To:	:	
	:	
ALL ACTIONS.	:	
_____	x	

**DECLARATION OF MARCIA GOLDBERG IN SUPPORT OF PLAINTIFFS’
MOTION FOR FINAL APPROVAL OF THE SETTLEMENT AND
PLAN OF ALLOCATION AND FOR LEAD COUNSEL’S MOTION FOR
AN AWARD OF ATTORNEYS’ FEES AND EXPENSES AND
AN AWARD TO PLAINTIFFS PURSUANT TO §78u-4(a)(4)**

I, Marcia Goldberg, declare as follows:

1. On or about March 23, 2017, I authorized the filing of the complaint captioned *Marcia Goldberg v. Graña y Montero S.A.A.*, et al., No. 2:17-cv-01643 (E.D.N.Y.). Since that time, I have monitored the litigation and reviewed pleadings filed in the case, along with the Court-appointed Lead Plaintiff Treasure Finance Holding Corp. (“Treasure Finance,” and together with myself, “Plaintiffs”).

2. I respectfully submit this declaration in support of Plaintiffs’ Motion for Final Approval of Settlement and Plan of Allocation; Lead Counsel’s Motion for an Award of Attorneys’ Fees and Expenses; and an Award to Plaintiffs pursuant to 15 U.S.C. §78u-4(a)(4) in the amount of \$4,000 in connection with my representation of the Class. I have personal knowledge of the statements made herein, and, if called as a witness, could and would testify competently thereto.

3. In serving as a named plaintiff, I regularly reviewed filings made with the Court, including drafts. I understood my duty to serve the interests of the Class and was prepared to act as a class representative together with Treasure Finance. Counsel for the class and Plaintiffs have vigorously prosecuted this case on behalf of the Class for approximately 3.5 years. Ultimately, Plaintiffs and Lead Counsel agreed to settle the case only after balancing the risks of a motion to dismiss, class certification, summary judgment, trial, and appeal (if Plaintiffs prevailed), against the immediate benefit of a \$20,000,0000 recovery.

4. Following Treasure Finance’s appointment as lead plaintiff and over the course of the Litigation, I was kept fully informed regarding case developments and procedural matters. I had frequent and regular contact with Plaintiffs’ counsel. In my capacity as a named plaintiff in this action, I: (a) engaged in numerous phone conferences and correspondence about the Litigation; (b) reviewed pleadings and briefs; (c) reviewed detailed correspondence concerning the status of

the Litigation; (d) consulted with Plaintiffs' Counsel regarding litigation and settlement strategy; and (e) was kept informed about all aspects of the mediation and settlement negotiations.

5. I have evaluated the significant risks and uncertainties of continuing litigation, including the possibility of a nominal recovery or even no recovery at all, and have authorized Lead Counsel to settle this Litigation for \$20,000,000. I am aware of the possibility of losing at the pleading stage, class certification, summary judgment, or trial and that, even if Plaintiffs were to prevail at each of these steps, the defendants would likely appeal, further delaying any recovery to the Class. I believe this Settlement is fair and reasonable, represents an excellent recovery, and is in the best interests of the Class.

6. While I recognize that the determination of attorneys' fees and expenses is made by the Court, I believe that Lead Counsel's request for an award of attorneys' fees of 25% of the Settlement Amount and its litigation expenses, plus interest on both amounts, is fair and reasonable, as this Settlement would not have been possible without Lead Counsel's diligent and aggressive prosecutorial efforts.

7. I have expended approximately 50 hours on the prosecution of this Litigation, which would otherwise have been focused on my personal activities, and I believe that an award of \$4,000, reflecting an hourly rate of \$80, is reasonable and appropriate for the time I spent representing the Class.

8. In light of the foregoing, I respectfully request that the Court grant final approval of the Settlement and the plan of allocation, approve Lead Counsel's motion for an award of attorneys' fees and expenses, and award me \$4,000 for the time I expended in representing the Class in the Litigation.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed this 27th day of October 2020, in Westbury, New York.


MARCIA GOLDBERG

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on October 27, 2020, I authorized a true and correct copy of the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such public filing to the all counsel registered to received such notice.

s/ David A. Rosenfeld

DAVID A. ROSENFELD