UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 21-2989-MDL-ALTONAGA/Torres

IN RE:

JANUARY 2021 SHORT SQUEEZE TRADING LITIGATION
_____/

This Document Relates to All Claims Included In the Other Broker Tranche

DECLARATION OF JACK E. PACE III IN SUPPORT OF APEX CLEARING CORPORATION'S RULE 12 MOTION TO DISMISS PLAINTIFFS' (FOURTH) CLASS ACTION COMPLAINT

I, Jack E. Pace III, hereby declare as follows:

1. I am an attorney duly authorized to practice law in the State of New York and am authorized to appear in the above-captioned litigation pursuant to this Court's Pretrial Order #1 (ECF No. 46) having filed a Certificate of Understanding on April 12, 2021 (ECF No. 81). I am a Partner in the law firm of White & Case LLP, counsel for Defendant Apex Clearing Corporation ("Apex"). I submit this Declaration in support of Apex's Motion to Dismiss Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6). I am familiar with the facts set forth herein based on my personal knowledge of the referenced material.

2. Attached hereto as Exhibit 1 is a true and correct copy of a letter from Apex Clearing Corporation to the New Jersey Office of the Attorney General's Bureau of Securities, dated February 9, 2021, which Plaintiffs quote and rely on at Paragraphs 79–80 of the Plaintiffs Chavez and Jang's Amended Class Action Complaint (ECF No. 483) ("Fourth Complaint").

3. Attached hereto as Exhibit 2 is a true and correct copy of the standard Customer Account Agreement that Apex enters into with the customers of Introducing Brokers who use Apex's clearing services, as detailed at Paragraphs 96–97 of the Fourth Complaint.

4. Attached hereto as Exhibit 3 is a true and correct copy of a stock price chart taken from Google Finance on August 30, 2021, tracking the stock price of GameStop from February 15, 2002 to the present.

5. Attached hereto as Exhibit 4 is a true and correct copy of a stock price chart taken from Google Finance on August 30, 2021, tracking the stock price of AMC from August 30, 2020 to the present.

6. Attached hereto as Exhibit 5 is a true and correct copy of a stock price chart taken from Google Finance on August 30, 2021, tracking the stock price of KOSS stock from March 27, 1986 to the present.

7. Attached hereto as Exhibit 6 is a true and correct copy of a letter from Apex Clearing Corporation to the New Jersey Office of the Attorney General's Bureau of Securities, dated March 22, 2021, on which Plaintiffs rely at Paragraph 79 of the Fourth Complaint.

8. Attached hereto as Exhibit 7 is a true and correct copy of Apex's Form CRS – Customer Relationship Summary, dated April 14, 2021, which was retrieved from the FINRA website at the following web address: https://files.brokercheck.finra.org/crs_13071.pdf.

9. Attached hereto as Exhibit 8 is a true and correct copy of the an article dated March 4, 2021, from financialplanning.com describing an interview with Tricia Rothschild, which Plaintiffs quote and rely on at Paragraph 87 of the Fourth Complaint. Highlighting has been added to indicate the relevant language referred to in the Fourth Complaint.

10. Attached hereto as Exhibit 9 is a true and correct copy of *French v. Bache Halsey Stuart, Inc.*, CFTC No. R 76–17, ¶ 20,444 (June 23, 1977).

11. Attached hereto as Exhibit 10 is a true and correct copy of a January 28, 2021 email chain between Apex employees and Apex customer Tom Harrison of Direct Alpha produced at APEX-MDL00002375 through APEX-MDL00002377, which Plaintiffs selectively quote and rely on at Paragraph 76 of the Fourth Complaint.

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed in New York, New York on June 22, 2022.

/s/ *Jack E. Pace III*

Jack E. Pace III