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 PETER SAFIRSTEIN IN SUPPORT OF PLAINTIFFS' OPPOSITION TO APEX'S MOTION TO DISMISS THE AMENDED OTHER BROKER TRANCHE COMPLAINT PURSUANT TO RULES 12(B)(1) AND 12(B)(6)

I, PETER SAFIRSTEIN, hereby declare under the penalty of perjury, as follows:

1. I am an attorney duly authorized to practice law in the State of New York and filed a Certificate of Understanding in this Court on April 20, 2021. (Doc. No. 212). I am a Partner in the law firm of Safirstein Metcalf LLP, counsel for Plaintiffs in the above captioned matter and appointed Lead Counsel in the Other Broker Tranche pursuant to this Court's Order dated May 18, 2021 (Doc. No. 310). I submit this Declaration in support of Plaintiffs' Opposition to Apex's Motion to Dismiss Complaint Pursuant to Rules 12(b)(1) and 12(b)(6). I am familiar with the facts set forth herein, based on my personal knowledge of the material referenced herein.

2. On August 18, 2021, I, together with other Plaintiffs' Counsel, held a telephonic conference with Mr. Jack E. Pace III and Ms. Kelly Newman of White & Case

LLP, counsel for Defendant Apex Clearing Corp. ("Apex"). The purpose of the telephone call was to discuss correspondence sent earlier by Apex counsel to Plaintiffs' counsel addressing their claim that Plaintiffs' negligence claim was improperly brought for the first time in the MDL court. During that call I asked Mr. Pace how he proposed that Plaintiffs address his concerns to his satisfaction. Mr. Pace replied that he recommended that: 1) Plaintiffs dismiss their complaint in the MDL Court; 2) file a new complaint in a "home forum", and; 3) petition the JPML for transfer to this MDL Court. Mr. Pace stated during the telephone call that he, on behalf of Apex, would consent to the transfer of the negligence action to this MDL Court. The Amended Complaint has been timely served directly on Apex following Apex's counsel's refusal to accept service of the Amended Complaint.

3. Attached hereto as Exhibit 1 is a true and correct copy of a document produced in this litigation by DTCC (DTCC_MDL_00000326-7). This document is referenced in ¶ 79 of Plaintiffs' Complaint.

4. Exhibit 6 to the Declaration of Jack E. Pace III submitted in support of Apex's Motion To Dismiss is dated March 22, 2021. Apex only produced that document in this litigation on August 26, 2021. Plaintiffs' initial complaint in this MDL was filed on July 27, 2021(Document 359). This Court ordered the production of this document on June 3, 2021 (Document 323).

5. Apex has offices in several U.S. cities including New York City with offices at 888 7th Avenue, 32nd Floor, New York, NY 10106. *See*, https://www.apexclearing.com/. Last visited, November 2, 2021.

6. The common stock of AMC Entertainment Holdings Inc. (ticker: AMC) is listed on the New York Stock Exchange. The common stock of GameStop Corporation (ticker: GME) is listed on the New York Stock Exchange. New York Stock Exchange Listings are available for review at https://www.nyse.com/listings_directory/stock. The New York Stock Exchange is located at 11 Wall Street, New York, NY 10005.

7. The common stock of Koss Corporation (ticker: KOSS) Entertainment Holdings Inc. (ticker: AMC) is listed on NASDAQ. This NASDAQ listing is available for review at https://www.nasdaq.com/market-activity/stocks/koss. NASDAQ, Inc.'s principal executive offices are located at 151 W. 42nd Street, New York, New York 10036.

8. The Depository Trust & Clearing Corporation ("DTCC") is headquartered at 55 Water Street, New York, NY 10041. See, https://www.bloomberg.com/profile/company/ 592256Z:US.

9. Attached as Exhibit 2 is a true and correct copy of the Linked-In profile of Apex CEO William Capuzzi, listing "New York City Metropolitan Area" for "Contact Info." Last visited on October 22, 2021.

10. Attached as Exhibit 3 is a true and correct copy of the Linked-In profile of Apex Chief Administrative Officer William Brennan listing "Summit, New Jersey" and "Chief Administrative Officer Sep 2019-Present 2 years 3 months Greater New York City Area" and "Chief Operating Officer & Chief Financial Officer May 2016-Present – 5 years 7 months Dallas, TX" Last visited November 2, 2021.

11. Attached as Exhibit 4 is a true and correct copy of an internet employment listing for "Apex" "Chief Compliance Officer" at "Apex, 28 Liberty Street, Suite 3060,

New York, NY 10005). This position was listed at https://careers.peak6.com. This site was last visited on October 22, 2021.

12. I have reviewed the document production produced by Apex and by DTCC and information relating to Apex-DTCC communications on January 28, 2021 as reflected in Paragraph 3 above was provided by DTCC and not Apex.

Declared, pursuant to 28 U.S.C. §1746, under the penalty of perjury, this 5th day of November, 2021 in New York, New York.

/s/*Peter Safirstein*
Peter Safirstein