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**FILED**

by Superior Court of California, County of San Mateo

ON 7/10/2020

By /s/ Wai Shan Lee  
Deputy Clerk

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& DOWD LLP  
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5 Lead Counsel for Plaintiffs and the Putative Class

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA

8 COUNTY OF SAN MATEO

9 In re MENLO THERAPEUTICS INC.  
10 SECURITIES LITIGATION

) Lead Case No. 18CIV06049

) CLASS ACTION

11 \_\_\_\_\_ )  
12 This Document Relates To:

) Assigned for All Purposed to Dept. 16

13 ALL ACTIONS.  
14 \_\_\_\_\_ )

) DECLARATION OF HUGH McKAY IN  
SUPPORT OF PLAINTIFFS' MOTION FOR  
FINAL APPROVAL OF SETTLEMENT AND  
AWARD OF ATTORNEYS' FEES AND  
EXPENSES

) Date: August 14, 2020

) Time: 2:00 p.m.

) Judge: Honorable Richard H. DuBois

) Dept: 16

) Date Action Filed: 11/08/18

1 I, Hugh McKay, hereby state the following:

2 1. I am one of two named plaintiffs in the above-referenced action. I have personal  
3 knowledge of the facts stated herein and, if called as a witness, could competently testify thereto.

4 2. I respectfully submit this declaration in support of: (a) final approval of the \$9,500,000  
5 settlement (the "Settlement") in the litigation reached between plaintiffs Pavel Silvestrov and Hugh  
6 McKay (collectively, "Plaintiffs") and Defendants; and (b) approval of lead counsel Robbins Geller  
7 Rudman & Dowd LLP's application for an award of attorneys' fees and expenses.

8 3. I have monitored the prosecution of this litigation and have been actively involved in  
9 significant events. I reviewed the complaint prior to it being filed and authorized my counsel to file  
10 it on my behalf. I have also had regular correspondence and discussions with Plaintiffs' counsel  
11 regarding case strategy in pursuit of the alleged claims and actively engaged in the litigation,  
12 including: (i) searching for and collecting records of my transactions in Menlo Therapeutics Inc.  
13 common stock; (ii) reviewing pleadings and Court orders; and (iii) discussing settlement negotiations  
14 and the documentation of the Settlement.

15 4. I have evaluated the risks of continued litigation and trial, including the risk of no  
16 recovery at all, and, in light of that evaluation, authorized lead counsel to settle this action for  
17 \$9,500,000. I believe the Settlement is fair and reasonable, represents an exceptional result and is in  
18 the best interest of the Class.

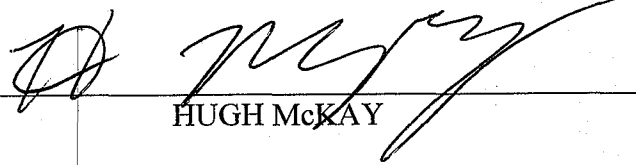
19 5. While I understand that the determination of attorneys' fees is left up to the Court, I  
20 believe counsel's request for the award of one-third of the Settlement Amount in legal fees and  
21 expenses in an amount not to exceed \$100,000 is fair and reasonable as the Settlement would not have  
22 been possible without the diligent and aggressive prosecutorial efforts of lead counsel.

23 6. I understand that the Class has been given notice of the request by both Plaintiffs to  
24 seek an award for their efforts in representing the Class. Accordingly, I seek an award of \$2,500 in  
25 connection with my work in representing the Class. This request is based on the significant time and  
26 effort I have devoted to the litigation activities described above, time that I would have otherwise  
27 spent on other matters. I understand that it is in the Court's discretion to grant my request, in full or  
28 in part, or to deny the request.

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7. Finally, I understand that after the settlement funds are distributed to Class members, if there is any remaining balance in the Settlement Fund that cannot be feasibly distributed to me and the other Class members, such balance will be donated to Bay Area Legal Aid. I have no connection to Bay Area Legal Aid, be it personal, professional or otherwise.

I, Hugh McKay, declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge. Executed this 7 day of July, 2020.

  
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HUGH MCKAY

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**DECLARATION OF SERVICE BY MAIL & EMAIL**

I, June Ito, is and was, at all times herein mentioned, a citizen of the United States and a resident of the County of San Diego, over the age of 18 years, and not a party to or interested party in the within action, and have a business address of 655 West Broadway, Suite 1900, San Diego, California 92101.

I hereby declare that on July 10, 2020, I served:

**DECLARATION OF HUGH McKAY IN SUPPORT OF PLAINTIFFS' MOTION FOR FINAL APPROVAL OF SETTLEMENT AND AWARD OF ATTORNEYS' FEES AND EXPENSES**

on the parties in the within action by depositing a true and correct copy thereof in a United States mailbox at San Diego, California in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed below. I further certify that a copy was also emailed to the addresses below:

**COUNSEL FOR PLAINTIFFS:**

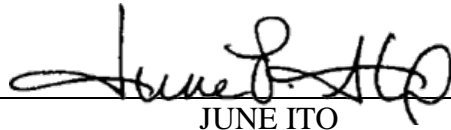
<b>NAME</b>	<b>FIRM</b>	<b>EMAIL</b>
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1	NAME	FIRM	EMAIL
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5 **COUNSEL FOR DEFENDANTS:**

6	NAME	FIRM	EMAIL
7	Keith E. Eggleton, Rodney G. Strickland 8 Ryan S. Wolf	WILSON SONSINI GOODRICH & ROSATI Professional Corporation 650 Page Mill Road Palo Alto, CA 94304-1050 Telephone: 650/493-9300 650/565-5100 (fax)	keggleton@wsgr.com rstrickland@wsgr.com rwolf@wsgr.com
11	Charlene S. Shimada Lucy Wang	MORGAN, LEWIS & BOCKIUS LLP One Market, Spear Street Tower San Francisco, CA 94105-1596 Telephone: 415/442-1000 415/442-1001 (fax)	charlene.shimada@morganlewis.com lucy.wang@morganlewis.com

15 I declare under penalty of perjury that the foregoing is true and correct. Executed on July 10,  
16 2020, at San Diego, California.

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19 JUNE ITO