

EXHIBIT B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BIAO WANG, Individually and on Behalf of
All Others Similarly Situated,

Plaintiff,

vs.

ZYMERGEN INC., et al.,

Defendants.

Case No. 5:21-cv-06028-PCP

DECLARATION OF DAVID MERRELL IN
SUPPORT OF (A) LEAD PLAINTIFF'S
MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT AND
APPROVAL OF PLAN OF ALLOCATION;
AND (B) LEAD COUNSEL'S MOTION FOR
AN AWARD OF ATTORNEYS' FEES AND
EXPENSES AND AWARD TO CLASS
REPRESENTATIVE PURSUANT TO 15
U.S.C. §77z-1(a)(4)

DATE: October 13, 2026
TIME: 10:00 a.m.
JUDGE: Honorable P. Casey Pitts
CTRM: 8, 4th Floor

1 I, David Merrell, declare as follows:

2 1. I am the Chairman of the Board of Trustees of West Palm Beach Firefighters’
3 Pension Fund (“WPBFPP”), and have overseen WPBFPP’s participation as a named plaintiff in this
4 action.

5 2. I respectfully submit this declaration in support of: (a) final approval of the
6 \$125,000,000 settlement (the “Settlement”) of the action; (b) approval of Lead Counsel’s application
7 for an award of attorneys’ fees and expenses; and (c) reimbursement to WPBFPP for my time spent
8 prosecuting this action.

9 3. As of September 30, 2024, WPBFPP managed total assets in excess of \$319 million
10 on behalf of 507 current employees, retirees, and beneficiaries.

11 4. Since the inception of the action, I have monitored the progress of this litigation. I
12 have regularly conferred with Berman Tabacco and WPBFPP Board Counsel, Klausner, Kaufman,
13 Jensen & Levinson (“Board Counsel”), concerning the litigation. WPBFPP has received and
14 reviewed documents filed with the Court including, but not limited to, each complaint that has been
15 filed, legal briefs related to various motions, discovery requests, and Court orders. I have also
16 conferred with Berman Tabacco and Board Counsel concerning ongoing developments and key
17 events in the litigation. I also prepared for and participated in two depositions, one via
18 videoconference and one in-person in San Francisco, California. I was also kept informed about
19 mediation and settlement discussions.

20 5. Based on this, WPBFPP believes the \$125 million recovery represents an excellent
21 result for the Class and that approval of the Settlement is in the best interest of the Class.

22 6. While I recognize that any determination of attorneys’ fees is left to the Court,
23 WPBFPP believes the fee application for 25% of the Settlement Amount and expenses in an amount
24 not to exceed \$3,000,000 is fair and reasonable given the facts and circumstances of this case, the
25 result achieved, and counsel’s high quality representation and its diligence in prosecuting this action.

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1 7. I am seeking reimbursement to WPBFPPF for my time involved in the litigation, as
2 set forth in ¶4 above, which totaled 65 hours. I believe an hourly rate of \$85 for my time is
3 reasonable. Accordingly, WPBFPPF respectfully requests an award in the amount of \$5,525 for
4 its time expended in the prosecution of the litigation on behalf of the Class.

5 8. I respectfully request that the Court grant final approval of the Settlement and
6 approve the application for an award of attorneys' fees and expenses. I also respectfully request
7 that the Court approve a payment of \$5,525 to WPBFPPF for my time expended in the case.

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

10 Executed on August 17, 2026, in West Palm Beach, Florida

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12 _____
13 DAVID MERRELL