

# **EXHIBIT 3**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS

In re UNITI GROUP INC. SECURITIES ) Master File No. 4:19-cv-00756-BSM  
LITIGATION )  
 ) CLASS ACTION  
 )  
This Document Relates To: )  
 )  
 ) ALL ACTIONS.  
 )  
 )

**DECLARATION OF DAVID MCMURRAY, ON BEHALF OF HIMSELF  
AND AS SOLE BENEFICIARY OF THE DAVID MCMURRAY R/O IRA,  
IN SUPPORT OF MOTIONS FOR (I) FINAL APPROVAL OF CLASS ACTION  
SETTLEMENT AND PLAN OF ALLOCATION AND  
(II) AWARD OF ATTORNEYS’ FEES AND PAYMENT OF EXPENSES**

I, David McMurray, declare as follows:

1. I, in my individual capacity and as sole beneficiary of the David McMurray R/O IRA (“McMurray”), serve as one of the Court-appointed Lead Plaintiffs in this securities class action (the “Action”). I respectfully submit this Declaration in support of the Motions for: (i) Final Approval of Class Action Settlement and Plan of Allocation; and (ii) Award of Attorneys’ Fees and Payment of Expenses.<sup>1</sup> I have personal knowledge of

<sup>1</sup> Unless otherwise defined, all capitalized terms herein have the same meanings set forth

the matters set forth in this Declaration and, if called upon, I could and would testify competently thereto.

2. I am aware of and understand the requirements and responsibilities of a lead plaintiff in a securities class action, including those governed by the Private Securities Litigation Reform Act of 1995.

3. On April 14, 2020, the Court appointed me—together with Steamfitters Local 449 Pension Plan, Wayne County Employees' Retirement System, and Zhengxu He, Trustee for the He & Fang 2005 Revocable Living Trust—as Lead Plaintiffs in this Action.

4. Since that time, I have assisted Plaintiffs' Counsel with the litigation of the claims in this Action on behalf of members of the proposed class. To that end, throughout the course of the litigation, I received periodic status reports from Plaintiffs' Counsel on case developments, participated in discovery, gathered and analyzed my trade documentation, conducted my own research, and participated in frequent discussions with Plaintiffs' Counsel concerning the prosecution of the Action, the strengths and weaknesses of the claims and Defendants' defenses, and the negotiations leading to the Settlement.

5. More specifically, I regularly communicated with Plaintiffs' Counsel by email and telephone regarding the posture and progress of the Action, including the progress of discovery; reviewed pleadings, motions, and briefs filed in the Action; reviewed and/or discussed significant decisions in the Action; coordinated and reviewed my production of documents and the written discovery responses to Defendants; virtually  

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in the Stipulation and Agreement of Settlement, dated June 17, 2022 (ECF No. 124) (the "Stipulation").

participated in a full day deposition, which I prepared for in advance as well; and provided documents and information to Plaintiffs' Counsel as requested or needed throughout the course of the litigation. In addition, I consulted with Counsel concerning the strategy for and the status of the settlement negotiations, in connection with the formal mediation and thereafter. I evaluated and ultimately approved the proposed Settlement.

6. I also prepared for and participated in a remote electronic collection to gather documents related to my: (i) transactions in Uniti securities and (ii) participation in the Action. I produced documents in connection with this litigation.

7. I understand the Court may make an award of reasonable time and expenses directly relating to representation of a class, pursuant to the Private Securities Litigation Reform Act of 1995. My efforts at all times were on behalf of the proposed class and I worked diligently to further its interests in the Action. Accordingly, I am requesting the amount of \$10,000.00 in connection with my efforts in the Action.

8. This request is based on the conservative estimate that I devoted approximately 104 hours to the litigation related activities described above, at an effective hourly rate of \$100.00, based on my annual compensation before I retired and current ancillary income. The hours spent on this case was time that I would have otherwise devoted to other income generating activities.

9. Based on my involvement in the litigation and discussion with Plaintiffs' Counsel, I believe that the proposed Settlement is fair, reasonable, and adequate to the Settlement Class. I also believe that the proposed Settlement represents a favorable

recovery, considering the substantial risks of no or a lesser recovery in the continued litigation of the claims. I therefore endorse approval of the Settlement by the Court.

10. I also believe that Co-Lead Counsel's request for attorneys' fees in the amount of thirty percent (30%) of the Settlement Fund is fair and reasonable under the circumstances of this case. I have evaluated the fee request by considering the efficient prosecution of the Action, the amount and quality of the work performed, and the recovery obtained for the Settlement Class. I understand that Co-Lead Counsel also will devote additional time in the future to administering the Settlement, without requesting additional compensation.

11. I further believe that the litigation expenses requested, of no more than \$1.6 million, are reasonable and represent costs and expenses necessary for the prosecution and resolution of the claims. Based on the foregoing, and consistent with my obligation to the Settlement Class to obtain the best result at a reasonable cost, I support Co-Lead Counsel's application for attorneys' fees and payment of litigation expenses.

12. I endorse the Settlement as fair, reasonable, and adequate, and believe it represents a favorable recovery for the Settlement Class considering the significant risks of continued litigation. I further support Co-Lead Counsel's request for attorneys' fees and litigation expenses and believe that they would represent fair and reasonable compensation for counsel.

Executed this 9/28/2022 day of September, 2022.

By:

DocuSigned by:  
*David McMurray*  
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David McMurray