

**In the Matters of  
Super Micro Computer, Inc.  
and  
Howard Hideshima**

**SECURITIES AND EXCHANGE COMMISSION  
ADMINISTRATIVE PROCEEDING  
File Nos. 3-19927 and 3-19928**

**SUPER MICRO COMPUTER, INC. FAIR FUND  
DISTRIBUTION PLAN NOTICE**

If you purchased or acquired Super Micro Computer, Inc. common stock, listed on the Over-the-Counter Market and the Nasdaq Stock Market, LLC and traded under the trading symbol SMCI, during the period October 22, 2014 through January 30, 2018, inclusive, you may be eligible for a distribution from the Fair Fund created in the captioned proceedings (the "Fair Fund"). Please review this Distribution Plan Notice in full to determine if and how you can make a claim.

**What is this All About?**

On August 25, 2020, the Securities and Exchange Commission ("SEC") filed the captioned administrative proceedings against Super Micro Computer, Inc. and Howard Hideshima (the "Respondents").<sup>1</sup> In the Orders, entered upon the Respondents' consents, the SEC determined that Super Micro Computer, Inc. ("SMC"), a producer of computer servers headquartered in California, engaged in improper accounting—prematurely recognizing revenue and understating expenses from at least fiscal year ("FY") 2015 through FY 2017. As a result, SMC filed with the SEC materially misstated financial statements in its annual, quarterly and current reports during the period. The SEC further determined, among other things, that Howard Hideshima, the former Chief Financial Officer of SMC, signed and/or approved annual, quarterly and current reports with the SEC that contained materially misstated financial statements. As a result of the conduct described in the Orders, the Commission ordered SMC to pay a civil money penalty of \$17,500,000.00, and Hideshima to pay disgorgement of \$260,844.00, prejudgment interest of \$40,212.00, and a civil money penalty of \$50,000.00 to the SEC. The SEC further established the Fair Fund pursuant to Section 308(a) of the Sarbanes-Oxley Act of 2002, so the collected civil penalties could be distributed to investors harmed by the conduct described in the Orders. The Fair Fund is comprised of \$17,851,056.00 paid by SMC and Hideshima and is held in an interest-bearing account at the United States Department of the Treasury's Bureau of the Fiscal Service.

The Fair Fund is being distributed by KCC Class Action Services ("KCC"),<sup>2</sup> the appointed fund administrator (the "Fund Administrator"), in accordance with the distribution plan approved by the SEC (the "Plan"). You can view and download a copy of the Plan on the Fund Administrator's webpage at [www.SMCFairFund.com](http://www.SMCFairFund.com) or on the SEC's website at <https://www.sec.gov/litigation/admin/2021/34-91507-dp.pdf>.

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<sup>1</sup> Securities Act Rel. No. 10822 (Aug. 25, 2020); Exchange Act Rel. No. 89657 (Aug. 25, 2020).

<sup>2</sup> Exchange Act Rel. No. 90784 (Dec. 22, 2020).

### **Who Should Submit a Claim?**

If you purchased or acquired Super Micro Computer, Inc. common stock, listed on the Over-the-Counter Market and the Nasdaq Stock Market, LLC and traded under the trading symbol SMCI (the “Security”) during the period October 22, 2014 through January 30, 2018, inclusive (the “Relevant Period”), and you are not an Excluded Party, you should submit a claim because you may be eligible for a distribution from the Fair Fund.

Excluded Parties are defined in the Plan as:

- SMC and Hideshima;
- Officers or directors of SMC from January 2015 to the present; any employee, agent, or former employee or agent of SMC or any of its affiliates who has been terminated for cause or has otherwise resigned, in connection with the conduct described in the Orders; any legal representatives, nominees, assigns, heirs, spouses, parents, children, successors-in-interest of the Respondents; and/or any entity in which the Respondents have or had a controlling interest;
- Any respondent or defendant in related Commission litigation against whom/which an Order or Judgment imposing liability has been entered, including the respondent in Charles Liang, Admin. Proc. File No. 3-19929 (Aug. 25, 2020), and their legal representatives, nominees, assigns, heirs, spouses, parents, children, successors-in-interest, or entities in which they have or had a controlling interest;
- Any person or entity who has been found guilty of criminal charges related to the conduct set forth in the Orders and their legal representatives, nominees, assigns, heirs, spouses, parents, children, successors-in-interest, or entities in which they have or had a controlling interest;
- The Respondents’ officers’ and directors’ liability insurance carrier(s) and any affiliates or subsidiaries thereof;
- The Fund Administrator, its employees, and those persons assisting the Fund Administrator in its role as Fund Administrator; and
- Any purchaser or assignee of a Potential Claimant’s<sup>3</sup> right to obtain a recovery from the Fair Fund for value; provided, however, that this provision shall not be construed to exclude those Potential Claimants who obtained such a right by gift, inheritance, devise or operation of law.

### **Determination of Distribution Payments**

Distribution Payments shall be determined in accordance with the Plan, including the Plan of Allocation in Section V of the Plan. The Plan can be reviewed and downloaded on the Fair Fund website at [www.SMCFairFund.com](http://www.SMCFairFund.com) or the SEC website at <https://www.sec.gov/litigation/admin/2021/34-91507-dp.pdf>.

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<sup>3</sup> Capitalized terms not defined in this document are used as defined in the Plan.

### **How to File a Claim**

If you believe you may be eligible for a Distribution Payment (see “Who Should Submit a Claim”, above) and would like to be considered for a distribution from the Fair Fund, you must follow the enclosed instructions and complete the Proof of Claim Form included in this packet. You may submit your Proof of Claim online pursuant to the directions on the Fair Fund website, [www.SMCFairFund.com](http://www.SMCFairFund.com). You may also submit your Proof of Claim Form by mail: fill out the included Proof of Claim Form completely, sign it, include copies of all required supporting documentation, and return it to the Fund Administrator’s address listed below.

The submission of the Proof of Claim Form and the receipt and acceptance of a distribution is not intended to be a release of rights and claims against any Respondent.

**Claim Filing Deadline: September 18, 2021**

#### **More Information:**

Website

**[www.SMCFairFund.com](http://www.SMCFairFund.com)**

Write

*Super Micro Computer, Inc. Fair Fund*  
c/o KCC Class Action Services  
Fund Administrator  
P.O. Box 43034  
Providence, RI 02940-3034

Phone

1-800-581-8660

### **Special Notice to Brokers and Nominees**

If you purchased or held the Security for the beneficial interest of a person or organization other than yourself, within fourteen (14) calendar days of receipt of this Distribution Plan Notice you must either: (1) request additional copies of the Distribution Plan Notice and Proof of Claim Form from the Fund Administrator, and, within fourteen (14) calendar days of receipt of such copies, send copies by first-class mail directly to beneficial owners; or (2) provide a list of the names and last known addresses of the beneficial owners (preferably in Excel format) to the Fund Administrator by email to [notifications@kccllc.com](mailto:notifications@kccllc.com) or by mail to the following address:

*Super Micro Computer, Inc. Fair Fund*  
c/o KCC Class Action Services  
Fund Administrator  
P.O. Box 43034  
Providence, RI 02940-3034

If you choose to mail the Distribution Plan Notice and Proof of Claim Form yourself, you may obtain from the Fund Administrator (without cost to you) a reasonable number of copies of these documents needed to complete the mailing. If you choose the second option, KCC Class Action Services will send a copy of the Distribution Plan Notice and Proof of Claim Form to the persons and/or entities whose names and addresses you supply. All proofs of claim must be submitted by the Claim Filing Deadline.

In either case, you may obtain reimbursement for reasonable and documented administrative costs actually incurred in connection with forwarding the Distribution Plan Notice that would not have been incurred but for the obligation to forward the Distribution Plan Notice and Proof of Claim Form, upon submission of appropriate documentation to the Distribution Agent.

**Contact information for the Fund Administrator**

You may obtain further information at the Fair Fund website at [www.SMCFairFund.com](http://www.SMCFairFund.com). You may obtain Claim Forms and seek additional information from the Fund Administrator at:

Phone: 1-800-581-8660

Email: [info@SMCFairFund.com](mailto:info@SMCFairFund.com)

Physical Address:

*Super Micro Computer, Inc. Fair Fund*  
c/o KCC Class Action Services  
Fund Administrator  
P.O. Box 43034  
Providence, RI 02940-3034