

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

FUND LIQUIDATION HOLDINGS LLC, as assignee and successor-in-interest to FrontPoint Asian Event Driven Fund L.P., MOON CAPITAL PARTNERS MASTER FUND LTD., and MOON CAPITAL MASTER FUND LTD., on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

CITIBANK, N.A., BANK OF AMERICA, N.A., JPMORGAN CHASE BANK, N.A., THE ROYAL BANK OF SCOTLAND PLC, UBS AG, BNP PARIBAS, S.A., OVERSEA-CHINESE BANKING CORPORATION LTD., BARCLAYS BANK PLC, DEUTSCHE BANK AG, CREDIT AGRICOLE CORPORATE AND INVESTMENT BANK, CREDIT SUISSE AG, STANDARD CHARTERED BANK, DBS BANK LTD., ING BANK, N.V., UNITED OVERSEAS BANK LIMITED, AUSTRALIA AND NEW ZEALAND BANKING GROUP, LTD., THE BANK OF TOKYO-MITSUBISHI UFJ, LTD., THE HONGKONG AND SHANGHAI BANKING CORPORATION LIMITED, COMMERZBANK AG, AND JOHN DOES NOS. 1-50,

Defendants.

Docket No. 16-cv-05263 (AKH)

[PROPOSED]
ORDER AWARDING INCENTIVE AWARDS TO PLAINTIFFS

This matter came for a duly-noticed hearing on November 29, 2022 (the “Fairness Hearing”), upon Plaintiffs’ Counsel’s Motion for Award of Attorneys’ Fees and Reimbursement of Expenses and Plaintiffs’ Request for Incentive Awards (“Fee and Expense Application”) in the above-captioned action (the “Action”). The Court has considered the Fee and Expense Application and all supporting and other related materials, including the matters presented at the Fairness Hearing. Due and adequate notice of the settlement agreements between Representative

Plaintiffs'¹ and Settling Defendants² (the "Settlement Agreements") having been given to the Settlement Class Members, the Fairness Hearing having been held, and the Court having considered all papers filed and proceedings held herein, having found the settlement to be fair, reasonable and adequate, and otherwise being fully informed in the premises and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. This Court has personal jurisdiction over Plaintiffs and Settling Defendants (the "Parties") and all Settlement Class Members who have not timely and validly requested exclusion and subject matter jurisdiction over the Action to approve the Settlement Agreements and all exhibits attached thereto.

2. Notice of the Fee and Expense Application was provided to potential Settlement Class Members in a reasonable manner, and such notice complies with Rule 23(h)(1) of the Federal Rules of Civil Procedure and due process requirements.

3. The Court hereby awards Incentive Awards as follows in recognition of the recipient's contributions and reasonable expenses related to the Action on behalf of the Settlement Class:

¹ Representative Plaintiffs are Fund Liquidation Holdings, LLC, individually and as assignee and successor-in-interest to FrontPoint Asian Event Driven Fund, L.P., Moon Capital Partners Master Fund Ltd., and Moon Capital Master Fund Ltd. (hereinafter and collectively "Plaintiffs"). Unless otherwise noted, ECF citations are to the docket in *Fund Liquidation Holdings LLC, et al. v. Citibank, N.A., et al.*, No. 16-cv-05263 (AKH) (S.D.N.Y.) and internal citations and quotation marks are omitted. In addition, unless otherwise defined, capitalized terms herein have the same meaning as in the Settlement Agreements. ECF Nos. 473-1, 473-2, 473-3, 473-4, 473-5, 473-6, and 499-1.

² "Settling Defendants" include (1) Citibank, N.A. and Citigroup Inc., (2) JPMorgan Chase & Co., (3) The Hongkong and Shanghai Banking Corporation Limited, (4) Credit Suisse AG, (5) Deutsche Bank AG, (6) ING Bank N.V., (7) Australia and New Zealand Banking Group, Ltd., (8) Bank of America, N.A., (9) Barclays Bank PLC, (10) BNP Paribas, S.A., (11) Commerzbank AG, (12) Crédit Agricole Corporate and Investment Bank, (13) DBS Bank Ltd., (14) MUFG Bank, Ltd. (f/k/a The Bank of Tokyo-Mitsubishi UFJ, Ltd.), (15) Oversea-Chinese Banking Corporation Limited, (16) The Royal Bank of Scotland plc (n/k/a NatWest Markets plc), (17) Standard Chartered Bank, (18) UBS AG, and (19) United Overseas Bank Limited.

- a. \$ _____ to Fund Liquidation Holdings, LLC;
- b. \$ _____ to Moon Capital Partners Master Fund Ltd.;
- c. \$ _____ to Moon Capital Master Fund Ltd.;

4. Without affecting the finality of this Order in any way, this Court hereby retains continuing jurisdiction over the Parties and the Class Members for all matters relating to this Action, including the administration, interpretation, effectuation, or enforcement of this Order.

5. In the event the Settlement Agreements are terminated, or the Effective Date does not occur in accordance with the terms of the Settlements, this Order shall be null and void, of no further force or effect, and without prejudice to any of the Parties, and may not be introduced as evidence or used in any actions or proceedings by any Person against the Parties.

6. Pursuant to the Settlement Agreements, Incentive Awards are independent of the Court's consideration of the fairness, reasonableness, and adequacy of the Settlements and are also independent of the Court's consideration of the Distribution Plan.

7. The Incentive Awards may be paid from the Settlement Funds upon entry of this Order, subject to the terms, conditions, and obligations of the Settlement Agreements which terms, conditions, and obligations are incorporated herein.

IT IS SO ORDERED.

Signed this ____ day of _____, 2022.

Honorable Alvin K. Hellerstein
United States District Judge