

**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)

**ORDER CONCERNING SETTLEMENT ADMINISTRATOR REPORTING IN
CONNECTION WITH DISTRIBUTION OF THE NET SETTLEMENT FUNDS**

WHEREAS, by orders dated June 9, 2022 (ECF Nos. 509-515) (the “Preliminary Approval Orders”), the Court granted preliminary approval of settlements with Defendants Citibank, N.A. and Citigroup Inc. (collectively, “Citi”); JPMorgan Chase & Co. and JPMorgan Chase Bank, N.A. (together, “JPMorgan”); Credit Suisse AG (“Credit Suisse”); Deutsche Bank AG (“Deutsche Bank”); The Hongkong and Shanghai Banking Corporation Limited (“HSBC”); ING Bank N.V. (“ING”); and Australia and New Zealand Banking Group, Ltd. (“ANZ”), Bank of America, N.A. (“BOA”), Barclays Bank PLC (“Barclays”), BNP Paribas, S.A. (“BNPP”), Commerzbank AG (“Commerzbank”), Crédit Agricole Corporate and Investment Bank (“CACIB”), DBS Bank Ltd. (“DBS”), MUFG Bank, Ltd. (f/k/a The Bank of Tokyo-Mitsubishi UFJ, Ltd.) (“MUFG”), Oversea-Chinese Banking Corporation Limited (“OCBC”), The Royal Bank of Scotland plc (n/k/a NatWest Markets plc) (“RBS”), Standard Chartered Bank (“SCB”), UBS AG (“UBS”), and United Overseas Bank Limited (“UOB”) and appointed A.B. Data, Ltd. (“A.B. Data”) as the Settlement Administrator;

WHEREAS, the Court requested a specific proposal concerning reporting criteria to be used by the Settlement Administrator upon the distribution of the Net Settlement Fund;

WHEREAS, after conferring with Defendants, Representative Plaintiffs are proposing the reporting criteria described below; and A.B. Data has confirmed that it will be able to provide a declaration to this Court regarding the proposed reporting criteria;

NOW, THEREFORE, on this ___ day of _____, 2022,

IT IS HEREBY ORDERED that:

1. Except for the terms expressly defined herein, the Court adopts and incorporates the definitions in the Settlement Agreements for the purposes of this Order.

2. Representative Plaintiffs will file a motion(s) for distribution of the Net Settlement Funds following the time A.B. Data has completed its processing, review and auditing of the Proofs of Claim and Release submitted in connection with the administration of claims for the Settlements.

3. In connection with the motion(s) for distribution of the Net Settlement Funds, A.B. Data will provide a declaration that will report on the following topics:

- a. Claims received and processed;
- b. Authorized claims (*i.e.*, claims that are timely and valid) by claimant number with Transaction Claim Amount;
- c. Rejected claims by claimant number (including withdrawn, replaced, and duplicate claims);
- d. Late claims by claim number and their disposition (accepted or rejected);
- e. Summary of deficiencies for rejected and accepted claims;
- f. Auditing criteria on both a claims level and at the transaction level;
- g. Number of claims and transactions subjected to an audit;
- h. The quality assurance review process implemented to ensure proper processing of claims;
- i. Claimants seeking court review of their claim determination (if any);
- j. The estimated Net Settlement Fund and the implementation of Distribution Plan, including:
 - i. The determination of Minimum Payment Amount;
 - ii. The estimated maximum recovery;

- iii. The estimated median recovery (excluding Minimum Payment Amount recipients);
- iv. The estimated average recovery (excluding Minimum Payment Amount recipients);
- v. The first and second distribution parameters, including the amount of payments and holdbacks (if any);
- vi. Deadline to cash payments.

IT IS SO ORDERED.

Signed this 17th day of June, 2022, at the Courthouse for the United States District Court for the Southern District of New York.

/s/ Alvin K. Hellerstein
The Honorable Alvin K. Hellerstein
United States District Judge