

**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)

DECLARATION OF JACK EWASHKO IN SUPPORT OF REPRESENTATIVE PLAINTIFFS' MOTION FOR ENTRY OF AN ORDER APPROVING DISTRIBUTION OF THE NET SETTLEMENT FUNDS TO AUTHORIZED CLAIMANTS

Pursuant to 28 U.S.C. § 1746, I, Jack Ewashko, declare:

1. I am the Client Services Director of A.B. Data, Ltd.'s Class Action Administration Company ("A.B. Data"), which has its corporate office in Milwaukee, Wisconsin. I am over 21 years of age and am not a party to these actions. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, could and would testify competently thereto.

2. Pursuant to the Orders Preliminarily Approving Class Action Settlement entered on June 9, 2022 (ECF Nos. 509-15), A.B. Data was authorized to act as the Settlement Administrator in connection with the proposed settlements (“the Settlements”) in the above-captioned Action (the “Action”).

3. Following the dissemination of the Class Notices and a fairness hearing on the respective Settlements, the Court entered Orders finally approving the respective Settlements and Distribution Plan on November 29, 2022 (ECF Nos. 554-66).

4. In accordance with the Settlements and the Distribution Plan, A.B. Data has now completed processing all Proofs of Claim (“Claims”) received. Pursuant to the Court’s June 17, 2023 Order Concerning Settlement Administrator Reporting in Connection with Distribution of the Net Settlement Funds (ECF No. 517), A.B. Data submits its administrative determinations accepting and rejecting the Claims and proposed procedures for distributing the Settlement Funds.

5. This Declaration describes A.B. Data’s administration efforts including the work undertaken to: (i) process the Claims received; (ii) determine Claim eligibility and identify Claim- and transaction-level deficiencies in the Claims; (iii) notify Claimants of any deficiencies and final dispositions; (iv) audit certain Claims; (v) perform a quality assurance review; and (vi) process late Claims. This Declaration also proposes a procedure to distribute the Net Settlement Funds.

I. A.B. DATA’S PROCESSING OF CLAIMS RECEIVED

6. Each Class Member who wished to receive a distribution from the Net Settlement Funds was required to submit a Claim to A.B. Data by no later than January 20, 2023.¹ Class Members seeking to share in the Net Settlement Funds were directed to mail their completed Claim form to a dedicated P.O. Box, file online through the settlement website, SIBORSettlement.com

¹ The Court extended the deadline for filing Claims to January 20, 2023. *See* Tr. of Nov. 29, 2022 Fairness Hearing, ECF No. 517 at 17:17.

(“Settlement Website”), or to coordinate with A.B. Data to facilitate electronic claims filing. Through June 12, 2023, A.B. Data received 1,474 Claims.

7. In preparation for receiving and processing Claims, A.B. Data: (i) conferred with Plaintiffs’ Counsel to define the project guidelines for processing Claims; (ii) created a unique database to store Claim details, images of Claims, and supporting documentation; (iii) trained staff in the specifics of the project; (iv) formulated a system to properly respond to telephone and email inquiries; (v) developed various computer programs and screens for entry of Class Members’ transactional and identifying information; and (vi) developed a proprietary calculation module that calculates each Authorized Claimant’s share of the Settlement Fund pursuant to the Distribution Plan.

A. Processing of Paper and Online Claims Received

8. Of the 1,474 Claims A.B. Data received, 27 paper Claims were mailed. Upon receipt, these paper Claims were scanned into a database together with all submitted documentation. Each paper Claim was then assigned a unique Claim number.

9. Once scanned, the information from each Claim form (including the Claimant’s name, address, and account number/information from the supporting documentation) and the Claimant’s transactions were entered into a database developed by A.B. Data to process Claims submitted for the Settlements (the “priority database”).

10. A. B. Data also received 117 online claims submitted through the Settlement Website, which were loaded into the priority database as they were received.

11. A.B. Data reviewed each paper and online Claim added to the database to verify that all required information was provided. If required information was missing, A.B. Data flagged the deficiency for purposes of providing notice to the Claimants and an opportunity to cure the

deficiency (as further discussed below). The documentation provided by the Claimant was also reviewed for authenticity and used to verify the Claimant's identity.

B. Processing of Bulk Filer Claims

12. The remaining 1,330 Claims were submitted electronically to A.B. Data, primarily by bulk filers. Bulk filers are financial institutions, claims aggregators and law firms that submit Claims on behalf of their customers and clients ("Bulk Filer Claims"). Bulk Filer Claims were either submitted on a flash drive by mail, via email, or through a secure FTP site. A.B. Data sent bulk filers a confirmation email upon receipt of their Claims.

13. A.B. Data's Electronic Claim Filing Team ("ECF Team") coordinates and supervises the receipt and handling of all Bulk Filer Claims. In this case, the ECF Team analyzed each electronic file to ensure that the formatting was consistent with A.B. Data's requirements and to identify any data issues or inconsistencies within the file that may require issuing a deficiency notice to the Claimant (as further discussed below). If the electronic file format was acceptable, it was then loaded to A.B. Data's priority database.

C. Authorized Claims

14. A total of 1,106 Claims were submitted on or before the Claim filing deadline of January 20, 2023. Of those Claims, 573 Claims were determined by A.B. Data to have eligible SIBOR- and/or SOR-Based Derivatives transactions ("Timely Eligible Claims"). These Claims are listed in Exhibit A.

15. A total of 368 Claims were received or postmarked after the January 20, 2023 Claim submission deadline. A.B. Data processed all late Claims received through June 12, 2023, of which 341 Claims had eligible SIBOR- and/or SOR Based-Derivatives transactions ("Late But Otherwise Eligible Claims"). These Claims are listed in Exhibit B. A.B. Data has not rejected

any Claim received through June 12, 2023 solely based on its late submission, and believes no delay has resulted from the provisional acceptance of these late Claims.

16. Accordingly, there are a total of 914 Claims with eligible SIBOR- and/or SOR-Based Derivatives transactions that A.B. Data recommends that the Court accept (the “Authorized Claims”). These Authorized Claims are eligible to receive a *pro rata* payment pursuant to the Distribution Plan and the proposed distribution procedures below (*see* section VII).

17. A.B. Data recommends that the Court reject the remaining 560 Claims, which are listed on Exhibit C (the “Rejected Claims”). These Rejected Claims include Claims that: did not have any eligible SIBOR- and/or SOR-Based Derivatives transactions or failed to provide the acceptable data or documentation concerning the transactions (440); have been withdrawn (27); have been replaced with a new submission (46); were submitted in duplicate (42); had no US connection (1); or did not satisfy the audit request (4).

II. IDENTIFICATION OF ELIGIBLE CLAIMS AND TRANSACTIONS

18. A.B. Data processed the Claims to determine whether submissions satisfied the Claim- and transaction-level requirements. If a Claim did not satisfy one or more of the eligibility criteria, A.B. Data assigned internal codes (“flags”) to the Claim and/or transactions within a Claim that would be used to notify the Claimant of the deficiency or ineligibility condition.

A. Claim-Level Eligibility Analysis

19. Claims were required to meet the following criteria to be eligible to receive a payment from the Settlement Fund.

20. Eligible Transaction During the Class Period: A Claim must include at least one eligible SIBOR- and/or SOR-Based Derivatives transaction during the Class Period to be considered for payment under the Distribution Plan. If a Claim was submitted without an eligible SIBOR- and/or SOR-Based Derivatives transaction, A.B. Data notified the Claimant that this

deficiency could be cured by providing transaction data containing SIBOR- and/or SOR Based-Derivatives. If a Claimant failed to provide any eligible transactions, the Claim was rejected. A total of 439 Claims were rejected for this reason.

21. Documentation Provided to Support the Claim: A Claimant must also submit documentation, including, among other things, broker confirmations, monthly brokerage statements, or letters signed by their broker on brokerage letterhead, supporting the transaction data provided in the Claim. Claims that did not include any documentation to support the information provided or included inadequate documentation were marked as deficient. To resolve this deficiency, A.B. Data asked the Claimant to provide acceptable documentation to support the transactions in the Claim. If the Claimant did not provide any information satisfying this requirement, the Claim was rejected in its entirety. One (1) Claim was rejected for this reason.

22. Transaction(s) Has a United States Connection: To be eligible, the SIBOR- and/or SOR-Based Derivatives transaction in each Claim had to be entered into by a U.S. Person, or by a Person from or through a location within the U.S.² If the Claimant did not provide information demonstrating this requirement, A.B. Data issued a deficiency notice requesting information about the Persons involved in the eligible transactions and where the transactions were executed. If the Claimant did not provide information satisfying this requirement, the Claim was rejected in its entirety. One (1) Claim was rejected for this reason.

23. Withdrawn, Replaced, or Duplicate Claims: After submitting their Claims, 27 Claimants withdrew their Claims. Replacement transaction data and supporting information were also submitted for 46 Claims. Upon receiving the replacement Claim, A.B. Data marked the

² Transactions of any kind entered into by a Person “through a location within the U.S.” include transactions that by operation of a forum selection clause or other contractual provision provide for jurisdiction in any state or federal court within the U.S. in the event of a dispute.

original submission as deficient and considered the replacement Claim as the operative submission. Finally, a Claimant may not submit more than one Claim involving the same SIBOR- and/or SOR-Based Derivatives transactions. A.B. Data identified a total of 42 duplicate Claims. When this occurred, the duplicate Claim was marked as ineligible.

B. Transaction-Level Eligibility Analysis

24. A.B. Data separately determined whether each transaction submitted as part of a Claim was individually eligible under the Distribution Plan. Certain flags were used by A.B. Data to identify transaction-level deficiencies or ineligibility conditions. These flags would indicate to A.B. Data that the specific transactions could not be included in the Transaction Claim Amount calculation unless the deficiency was cured. Transaction-level deficiencies included:

- (a) The transaction was not a SIBOR- and/or /SOR-Based Derivative;
- (b) The transaction occurred outside of the Class Period;
- (c) The transaction reflected internal transfers within the Claimant's organization;
- (d) The maturity date preceded the transaction date of the SIBOR- and/or SOR-Based Derivatives transaction; or
- (e) Missing or incomplete transaction data.

III. DEFICIENCY AND FINAL DISPOSITION LETTERS

25. After completion of the eligibility analysis process outlined above, A.B. Data emailed each Claimant to provide a final disposition of the Claim (including, if applicable, the Claimant's Transaction Claim Amount) and, if there were one or more deficiencies, a description of the applicable deficiency or ineligibility condition (the "Deficiency and Final Disposition Letters"). With respect to the deficiencies, the correspondence:

(a) Identified the relevant Claim-level and/or transaction-level deficiencies present in the Claim and described what, if anything, was necessary to cure the defect(s) in the Claim;

(b) Stated that any Claim-level deficiencies that were not corrected within the time period specified would result in the rejection of the Claim in its entirety, and any transaction-level deficiencies that were not corrected within the time period specified would result in the rejection of the transaction from the Transaction Claim Amount calculation under the Distribution Plan;

(c) Advised Claimants of the right to contest the rejection of their Claims or certain transaction(s) in their Claims by requesting Court review of A.B. Data's administrative determination of deficiencies or ineligibility; and

(d) Provided instructions on how to submit corrections (if applicable) or contest the rejection, and specified what supporting documentation should be provided.

26. For each Claim that included one or more underlying transaction(s) flagged as deficient or ineligible, as discussed in II.B., the correspondence informed the Claimant of each defect on a transaction-by-transaction basis.

27. When requested, A.B. Data also provided support to Claimants who needed technical assistance in resolving deficiencies.

28. A Claimant's response (if any) to the deficiencies was loaded into A.B. Data's database and associated with the corresponding Claims. The response was then evaluated by A.B. Data's team of processors. If a Claimant's response corrected the defect(s), A.B. Data updated the database to reflect the changes in the status of the Claim or transaction and provided the Claimant with an updated final disposition (if necessary). If Claim-level deficiencies were not cured, such

the Claim was rejected and included in Exhibit C (Rejected Claims). If transaction-level deficiencies were not cured, such transactions were excluded from the calculation of the Transaction Claim Amount under the Distribution Plan.

29. The Deficiency and Final Disposition Letters also advised Claimants of their right to request additional review of their Claim if they objected to A.B. Data's calculation of their Transaction Claim Amount under the Distribution Plan. The letters explained that any Claimant desiring to object to A.B. Data's administrative determination was required to submit a written statement to A.B. Data requesting additional review of their Claim and setting forth the basis for the objection.

30. A sample Deficiency and Final Disposition Letter is attached hereto as Exhibit D.

31. No Claimant has disagreed with A.B. Data's deficiency determinations, nor has any Claimant requested Court review of A.B. Data's deficiency determination.

32. A.B. Data did not receive any objections to a Claimant's calculated Transaction Claim Amount.

IV. TRANSACTION-LEVEL DOCUMENTATION AUDITS

33. The Claim form required all Claimants to submit supporting documentation for their SIBOR- and/or SOR-Based Derivatives transactions. The Electronic Claims Filing Instructions provided that following receipt of a Claim, the Claims Administrator may require a Claimant to submit additional trade confirmation data or other information that underlies the eligible transactions.

34. To ensure the integrity of the claims process, A.B. Data performed targeted audits, of the Claims. These targeted audits helped to ensure that transaction data supplied by Claimants did not contain inaccurate information. The Claims selected to submit their underlying confirmations for audit included:

(a) Large Claims: A.B. Data requested supporting documentation from the Claimants whose Claims collectively account for 93% of the total Transaction Claim Amounts under the Distribution Plan.

(b) Bulk Filer Claims: Consistent with A.B. Data's regular practice, A.B. Data selected certain Bulk Filer Claims to be included in the audit. Based on the volume of transaction data they submit, Claims submitted by bulk filers require additional attention to ensure all of the filing requirements have been met.

35. A.B. Data sent an email to each auditee (the "Audit Letter") asking that, for each transaction selected for audit, the auditee provide the requested trade confirmation data or other transaction-specific supporting documentation in one of the formats specified in the Electronic Filing Guidelines. Each Claimant was advised that failing to timely respond and provide the requested trade confirmation data within a specified time period would result in the Claim being rejected in its entirety.

36. In total, A.B. Data audited 14 Claims (the "Audited Claims") and 200 transactions.

37. 10 Claimants responded to the Audit Letter. Upon receiving the requested information from the Audited Claims, the ECF Team evaluated the transaction-level data and assessed the eligibility of each transaction.

38. As a result of the audit, 10 of the Audited Claims passed with no rejections or adjustments. These Claims are included in either Exhibit A (Timely Eligible Claims) or Exhibit B (Late But Otherwise Eligible Claims).

39. Four of the Audited Claims were fully rejected. This includes (a) one Claim for which no response was submitted at all and (b) three Claims where the Claimants were unable to

provide requested documentation concerning the transactions in the Claims. These Claims are included in Exhibit C as rejected in full.

V. QUALITY ASSURANCE REVIEW

40. A.B. Data's Quality Assurance Department verified the accuracy of the claims administration process by checking that information was entered correctly into the database, deficiency and/or rejection flags were assigned accurately, and deficiency and/or rejection notifications were sent appropriately. In effect, the Quality Assurance Department operated as an independent auditor to ensure that the settlement administration occurred according to the Distribution Plan and commonly accepted practices. A.B. Data's supervisors and managers in the Quality Assurance Department performed additional Quality Assurance Reviews ("QARs") to assess the correctness and completeness of all Claims prior to preparing this Declaration and all of A.B. Data's final documents in support of distribution of the Net Settlement Funds. As part of the QARs, A.B. Data:

- (a) Verified that all Claims had signatures of authorized individuals;
- (b) Verified that true duplicate Claims were identified, verified, and rejected;
- (c) Verified that persons and entities excluded from the Class or particular Settlements did not file Claims and, if such persons or entities did file Claims, that their Claims were rejected or properly excluded from the *pro rata* calculation of the applicable Net Settlement Fund(s);
- (d) Performed a final Quality Assurance audit of Claims and all supporting documentation to ensure completeness of Claims;
- (e) Performed a review of deficient or invalid Claims;

(f) Determined that all Claimants requiring deficiency and/or rejection notification were sent such notification;

(g) Performed additional review of Claims with a high *pro rata* share of the Net Settlement Funds;

(h) Audited Claims whose Transaction Claim Amount calculation was equal to zero;

(i) Performed other auditing based on Claims completion requirements and the approved calculation specifications based on the Distribution Plan; and

(j) Re-tested the accuracy of the program that calculated the allocation from the Net Settlement Funds.

After completing its QARs, A.B. Data notified Claimants (if applicable) of any results that impacted their Claims.

41. As part of its due diligence, A.B. Data also, among other things, cross-checked all Claims filed in the Settlements against its database of known questionable filers (the “Questionable Claim Filer Database”), which contains the names, addresses, and aliases of individuals or entities that have been investigated by government agencies for questionable claim filing. A.B. Data updates this Questionable Claim Filer Database on a regular basis. In addition, A.B. Data’s claim processors are trained to identify any potentially inauthentic documentation when processing claims, including claims submitted by Claimants not previously captured in the Questionable Claim Filer Database. Processors are instructed to flag any questionable claims and escalate them to management for review.

VI. PROCESSING OF LATE CLAIMS

42. Of the 1,474 Claims received, 368 were received or postmarked after the January 20, 2023 Claim submission deadline. A.B. Data processed all late Claims received through June

12, 2023, and 341 have been found to be otherwise eligible in whole or in part. A.B. Data has not rejected any Claim received through June 12, 2023 solely based on its late submission, and A.B. Data believes no delay has resulted from the provisional acceptance of any late Claim because the processing of timely received Claims was still ongoing. Thus, to the extent these Claims are eligible, but for the fact that they were late, they are recommended for payment.

43. However, there must be a final cut-off date after which no more Claims will be accepted so that there may be a proportional allocation of the Net Settlement Funds and the distribution may be accomplished. Acceptance of additional Claims or responses to notices of deficiency received during the finalization of the administration and the preparation of this application would necessarily require a delay in the distribution. Accordingly, A.B. Data also respectfully requests that this Court order that no Claim received after June 12, 2023 be eligible for payment from the Net Settlement Funds for these Settlements for any reason whatsoever and that no further adjustments or corrections to Claims submitted after June 12, 2023 may be accepted.

VII. PROPOSED PROCEDURE TO DISTRIBUTE THE NET SETTLEMENT FUNDS

44. Should the Court approve A.B. Data's determinations concerning the accepted and rejected Claims, A.B. Data recommends the following procedure to distribute the Net Settlement Funds (the "Distribution Procedure"):

(a) As of June 30, 2023 the Net Settlement Funds total \$115,416,587.66 not including the accrued interest. Interest will continue to accrue until the funds are distributed and is expected to add at least \$2.5 million to the current total. Ninety percent (90%) of the Net Settlement Funds will be allocated to Authorized Claimants during the primary distribution (the "Primary Distribution"). A small portion (10%) of the Net Settlements Funds will be reserved to address any tax liability and claims administration-related contingencies that may arise, and any

remaining funds will be distributed in a secondary distribution (“Secondary Distribution”) along with any uncashed payments from the Primary Distribution.

(b) The Primary Distribution will be determined as follows:

(1) A.B. Data will calculate award amounts for all Authorized Claimants as if the entire Net Settlement Funds were to be distributed now. In accordance with the Distribution Plan, A.B. Data will calculate each Authorized Claimant’s *pro rata* share of the Net Settlement Funds (the “Distribution Amount”). The Distribution Amount is equal to the Authorized Claimant’s Transaction Claim Amount divided by the total Transaction Claim Amounts of all Authorized Claimants (the “*pro rata* fraction”) multiplied by the amount of the Net Settlement Funds.

(2) A.B. Data recommends, pursuant to the terms of the Distribution Plan, that any Authorized Claimant whose Distribution Amount is greater than \$0 and less than \$500.00 shall receive a minimum payment of \$500.00 (the “Minimum Payment”) from these Settlements. This Minimum Payment was determined by evaluating the amount of the Net Settlement Funds that would be reallocated by setting this threshold and the administrative savings of implementing this payment floor. Under the Distribution Plan, 515 Claimants will receive the Minimum Payment. The total amount of this Minimum Payment comprises approximately 0.22% of the Net Settlement Funds, or \$257,500.00. In contrast, if these Authorized Claimants were paid their award amount based on their *pro rata* fraction, the payments would total \$42,939.31 or approximately

0.03% of the Net Settlement Funds. Setting the Minimum Payment at \$500.00 will reallocate just 0.19% of the Net Settlement Funds towards paying these Claimants.

(3) After excluding Authorized Claimants who will receive the Minimum Payment, A.B. Data will recalculate the Distribution Amounts for Authorized Claimants who would have received awards of \$500.00 or more pursuant to the calculations described in subparagraph (b)(1) above.

(4) Authorized Claimants whose Distribution Amount calculates to between \$500.00 and less than \$20,000.00 will be paid their full *pro rata* Distribution Amount in the Primary Distribution. There are 304 Authorized Claimants whose Distribution Amount is between \$500.00 and less than \$20,000 based on their *pro rata* share calculation.

(5) Authorized Claimants whose Distribution Amount calculates to equal or more than \$20,000.00 will receive 90% of their Distribution Amount in the Primary Distribution. For example, if an Authorized Claimant's Distribution Amount is \$200,000.00, it will receive \$180,000.00 in the Primary Distribution. There are 95 Authorized Claimants whose *pro rata* Distribution Amount is equal to or greater than \$20,000.00

(6) The remaining 10% will be held in reserve to address any further tax liability, administration costs, and claims administration-related contingencies that may arise. The practice of creating a reserve with a portion of the Net Settlement Funds is a routine and customary practice among claims administrators to account for any contingencies that may arise during the administration process.

To the extent the reserve is not depleted, the remainder will be distributed in the “Secondary Distribution” described in subparagraph (e) below.

(c) To encourage Authorized Claimants to deposit their payments promptly, all distribution checks in the Primary Distribution will bear a notation: “CASH PROMPTLY. VOID AND SUBJECT TO REDISTRIBUTION IF NOT CASHED BY [DATE 90 DAYS AFTER ISSUE DATE].” For Authorized Claimants whose checks are returned as undeliverable, A.B. Data will endeavor to locate new addresses by running the undeliverable addresses through address-lookup services and/or when possible, by emailing the Authorized Claimant for updated information. Where a new address is located, A.B. Data will update the database accordingly and reissue a distribution check to the Authorized Claimant at the new address. In the event a distribution check is lost or damaged or otherwise requires reissuance, A.B. Data will issue a replacement. Distribution reissues will be undertaken only upon written instructions from the Authorized Claimant, provided that the Authorized Claimant returns the previous check if appropriate. For all reissued checks, A.B. Data will void the initial payment prior to reissuing a payment. To avoid delaying further distributions to Authorized Claimants who have timely cashed their checks, A.B. Data’s outreach program shall end 30 days after the initial void date. Authorized Claimants will be informed that, if they do not cash their Primary Distribution checks within 90 days of the mail date, or do not cash reissued checks within 30 days of the mailing of such reissued checks, their checks will lapse, their entitlement to recovery will be irrevocably forfeited, and the funds will be reallocated to other Authorized Claimants. Reissue requests for lost or damaged checks will be granted after the void date on the checks as long as the request for the reissue is received no later than 45 days prior to the next planned distribution. Requests for reissued checks

in connection with any subsequent distributions (should such distributions occur) will be handled in the same manner. Subsequent distributions will have a 30-day stale date.

(d) Authorized Claimants who do not cash their Primary Distribution checks within the time allotted or on the conditions set forth in subparagraph (c) will forfeit all recovery from the Settlements. A.B. Data anticipates that there will be a number of void, stale-dated, or returned checks, and failed wire transfers. The funds allocated to all such void, stale-dated, or returned checks, and failed wire transfers will be available to be reallocated in the Secondary Distribution. Similarly, Authorized Claimants who do not cash any subsequent distribution checks (should such distributions occur) within the time allotted or on the conditions set forth in subparagraph (c) will irrevocably forfeit any further recovery from the Net Settlement Funds.

(e) After A.B. Data has made reasonable and diligent efforts to have Authorized Claimants cash their Primary Distribution checks, which efforts shall consist of the follow-up efforts described in subparagraph (c), A.B. Data will, after consulting with Plaintiffs' Counsel, conduct the Secondary Distribution in a reasonable period of time. Any amounts remaining in the Net Settlement Funds after the Primary Distribution (including any funds held in reserve and the proceeds from all void, stale-dated, or returned checks and failed wire transfers), after deducting the payment of any additional Court-approved costs, estimated taxes, the costs of preparing appropriate tax returns, any escrow and administrative fees, and appropriate contingency reserves, will be distributed to all Authorized Claimants (i) whose *pro rata* Distribution Amount in the Primary Distribution calculated to \$20,000.00 or more pursuant to subparagraph (b)(5) above, (ii) who cashed their first distribution check, and (iii) who would receive at least \$500.00 from such distribution based on their *pro rata* share of the remaining funds. Subsequent distributions of any remaining Net Settlement Funds, after deduction of costs and expenses as described above and

subject to the same conditions, may occur after a reasonable period of time until Plaintiffs' Counsel, in consultation with A.B. Data, determines that further distribution is not cost-effective.

(f) Unless otherwise ordered by the Court, A.B. Data asks that it be permitted to destroy paper and electronic copies of the Claims and all supporting documentation one year after all funds from these Settlements and any later approved settlements have been distributed, and the Actions have finally terminated.

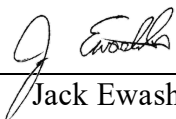
45. To date, the costs of notice and administration for the Settlements total \$569,793.34, for which A.B. Data has been or will be paid in full. A.B. Data anticipates that the additional cost to complete the administration for these Settlements and distribution of the Net Settlement Funds will be \$75,000.00. This estimate covers A.B. Data's future work in distributing the Net Settlement Funds, as described above.

CONCLUSION

46. A.B. Data respectfully requests that the Court enter an Order approving its administrative determinations accepting and rejecting the Claims submitted herein and approving the proposed Distribution Procedure.

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

Executed on July 14, 2023.



Jack Ewashko