

***In re Commodity Exchange, Inc., Gold Futures and Options Trading
Litigation***

UNITED STATES DISTRICT COURT – SOUTHERN DISTRICT OF NEW YORK
Civil Action No.: 14-MD-2548-VEC

INSTRUCTIONS FOR COMPLETING THE PROOF OF CLAIM AND RELEASE FORM

1. If between January 1, 2004 and June 30, 2013 you either: (A) sold any physical gold or financial or derivative instrument in which gold is the underlying reference asset, including, but not limited to, selling (i) gold bullion, gold bullion coins, gold bars, gold ingots or any form of physical gold, (ii) gold futures contracts in transactions conducted in whole or in part on COMEX or any other exchange operated in the United States, (iii) shares in gold exchange-traded funds (“ETFs”), (iv) gold call options in transactions conducted over-the-counter or in whole or in part on COMEX or any other exchange operated in the United States; (v) gold spot, gold forwards or gold swaps over-the-counter; or (B) bought gold put options in transactions conducted over-the-counter or in whole or in part on COMEX or on any other exchange operated in the United States, you may be eligible to receive a payment from settlements reached in this Action.
2. To recover as a Class Member based on your claims in this Action you must complete and sign this Proof of Claim and Release form. If you fail to submit a properly completed and addressed Proof of Claim and Release form, your claim may be rejected and you may be precluded from any recovery from the Net Settlement Fund created in connection with settlements the Action.
3. Capitalized terms not defined in this Proof of Claim and Release form have the same meaning as defined in the Notice of Proposed Class Action Settlement and Class Members’ Rights and the Settlement Agreements posted on the Settlement Website, www.GoldFixSettlement.com. It is important that you read the Notice of Proposed Class Action Settlement and Class Members’ Rights. By signing and submitting a Proof of Claim and Release Form, you will be certifying that you have read the Notice, including the terms of the releases described in the Notice and provided for in the Settlement Agreements.
4. Separate Proof of Claim and Release forms must be submitted for each separate legal entity.
5. Trustees, executors, administrators, custodians, or other nominees who are completing and signing this Proof of Claim and Release form on behalf of the claimant must also submit:
 - a. A description of the capacity in which they are acting (which must be accompanied by supporting documentation);
 - b. The name, account number, last four digits of social security number, employer identification number, or taxpayer identification number (or for non-U.S. claimants, a comparable government-issued national identification number), address, and telephone number of the person or entity on whose behalf they are acting; and
 - c. Evidence of their authority to bind the person or entity on whose behalf they are acting. Authority to complete and sign a Proof of Claim and Release form cannot be established by brokers demonstrating that only they have discretionary authority to trade in another person’s accounts.
6. Your payment amount, if any, will be determined pursuant to the Plan of Allocation that is approved by the Court based on the Claims Administrator’s review of the Proof of Claim and Release form that you submit. For more information, please refer to the Plan of Allocation available at www.GoldFixSettlement.com. Submission of this Proof of Claim and Release form does not assure that you will share in the Net Settlement Fund. All forms will be reviewed, and documentation of proof may be requested. This may include, but is not limited to, trade data and other documentation demonstrating your transactions in physical gold and/or gold financial instruments.
7. You should be aware that it will take a significant amount of time to process fully all of the Proofs of Claim and to administer the Settlement. This work will be completed as promptly as possible, given the need to investigate and tabulate each Proof of Claim. Please notify the Claims Administrator of any change of address.
8. DEADLINE: You must submit your completed signed Proof of Claim and Release form either electronically or via mail POSTMARKED no later than August 23, 2021 to the below address.

In re Commodity Exchange, Inc., Gold Futures and Options Trading Litigation

P.O. Box 8519

Philadelphia, PA 19101-8519

9. **To submit your claim electronically online visit www.GoldFixSettlement.com.**

MUST BE SUBMITTED OR
POSTMARKED
NO LATER THAN

August 23, 2021

*In re Commodity Exchange - Gold Futures and
Options Trading Litigation*

PROOF OF CLAIM AND RELEASE

Use Blue or Black Ink Only

For Office Use Only

PART I. CLAIMANT IDENTIFICATION - Complete Section A or B and then Section C. Please type or print.

A. Complete this Section ONLY if the Beneficial Owner is an individual, joint individual owners, UGMA, UTMA or IRA account. Otherwise, proceed to Section B.

Last Name (Beneficial Owner)	MI	First Name (Beneficial Owner)
<input type="text"/>	<input type="text"/>	<input type="text"/>
Last Name (Joint Beneficial Owner, if applicable)	MI	First Name (Joint Beneficial Owner)
<input type="text"/>	<input type="text"/>	<input type="text"/>

B. Complete this Section ONLY if the Beneficial Owner is an Entity; i.e., corporation, trust, estate, etc. Then, proceed to Section C.

Entity Name	<input type="text"/>
Name of Representative (Executor, administrator, trustee, corporate officer, etc.)	<input type="text"/>

C. Account/Mailing Information:

Street Address:	<input type="text"/>
Street Address:	<input type="text"/>
City:	<input type="text"/>
State:	<input type="text"/>
Zip Code:	<input type="text"/> - <input type="text"/>
Foreign Province:	<input type="text"/>
Foreign Postal Code:	<input type="text"/>
Foreign Country:	<input type="text"/>
<input type="text"/>	<input type="text"/>
Primary Phone, Including Country Code if Outside U.S.	Secondary Phone, Including Country Code if Outside U.S.
Email:	<input type="text"/>
Check Appropriate Box:	<input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Joint Owners <input type="checkbox"/> IRA <input type="checkbox"/> Trust <input type="checkbox"/> Other _____
<input type="text"/>	OR <input type="text"/>
Social Security Number (for individuals)	Employer Identification Number (for estates, trusts, corporations, etc.)

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PART II: SCHEDULE OF GOLD TRANSACTIONS

1. **FIX-LINKED TRANSACTIONS:** “Fix-Linked Transaction” means a contract of any of the gold-related transaction types listed in the definition of Settlement Class, where the price is expressly linked to the London PM Gold Market Fixing.

List all transaction amounts (adding all purchase premiums for put options, sales premiums for call options, and all sales amounts for all other transactions, *see* the “Frequently Asked Question” section of the settlement website) that you had annually by year from January 1, 2004 through June 30, 2013 inclusive on the lines below (must be documented).

- **DO NOT INCLUDE POSITIONS THAT WERE OPENED AND CLOSED IN THE SAME DAY.**
- **DO NOT INCLUDE TRANSACTIONS THAT DID NOT OCCUR IN THE UNITED STATES OR ON AN EXCHANGE IN THE UNITED STATES.**
- **DO NOT INCLUDE TRANSACTIONS IN SHARES OF GOLD ETFs.**

Year of Transaction(s)	Annual Transaction Amount in US \$¹	Type of Supporting Documentation Used to Calculate My Claim
2004		
2005		
2006		
2007		
2008		
2009		
2010		
2011		
2012		
January 1, 2013 through June 30, 2013		

To submit your claim electronically online visit www.GoldFixSettlement.com

¹ If your transaction was denominated in a currency other than U.S. dollars, convert the transactional amount into U.S. dollars using the historical exchange rate for the applicable currency as close to the date of your transaction as is reasonably possible.

2. NON-ETF OTHER TRANSACTIONS: “Other Transaction” means a contract of any of the gold-related transaction types listed in the definition of Settlement Class, including in the appropriate direction (i.e., buy or sell), that is not a Fix-Linked Transaction. Submissions for Other Transactions tied to shares of gold ETFs are to be separately stated in table 3 further below. In this table 2, list all non-ETF share Other Transaction amounts (adding all purchase premiums for put options, sale premiums for call options, and all sale amounts for all other transactions, *see* the “Frequently Asked Question” section of the settlement website) that you had annually by year from January 1, 2004 through June 30, 2013 inclusive on the lines below (must be documented).

- **DO NOT INCLUDE POSITIONS THAT WERE OPENED AND CLOSED IN THE SAME DAY.**
- **DO NOT INCLUDE TRANSACTIONS THAT DID NOT OCCUR IN THE UNITED STATES OR ON AN EXCHANGE IN THE UNITED STATES.**
- **DO NOT INCLUDE TRANSACTIONS IN SHARES OF GOLD ETFs.**

Year of Transaction(s)	Annual Transaction Amount in US \$ ²	Type of Supporting Documentation Used to Calculate My Claim
2004		
2005		
2006		
2007		
2008		
2009		
2010		
2011		
2012		
January 1, 2013 through June 30, 2013		

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² If your transaction was denominated in a currency other than U.S. dollars, convert the transactional amount into U.S. dollars using the historical exchange rate for the applicable currency as close to the date of your transaction as is reasonably possible.

3. **ETF OTHER TRANSACTIONS:** For all shares in the gold ETFs “GLD” or “IAU,” list all sale amounts that you had annually by year from January 1, 2004 through June 30, 2013 inclusive on the lines below (must be documented). If you believe other ETF shares should qualify as “gold ETFs” as described in footnote 1 of the Plan of Allocation, please contact the Claims Administrator.

- **DO NOT INCLUDE POSITIONS THAT WERE OPENED AND CLOSED IN THE SAME DAY.**
- **DO NOT INCLUDE TRANSACTIONS THAT DID NOT OCCUR IN THE UNITED STATES OR ON AN EXCHANGE IN THE UNITED STATES.**
- **ONLY INCLUDE TRANSACTIONS FOR “GLD” OR “IAU” ETFS BELOW.**

Year of Transaction(s)	Annual Transaction Amount in US \$ ³	Type of Supporting Documentation Used to Calculate My Claim
2004		
2005		
2006		
2007		
2008		
2009		
2010		
2011		
2012		
January 1, 2013 through June 30, 2013		

To submit your claim electronically online visit www.GoldFixSettlement.com.

³ If your transaction was denominated in a currency other than U.S. dollars, convert the transactional amount into U.S. dollars using the historical exchange rate for the applicable currency as close to the date of your transaction as is reasonably possible.

PART III: CLAIMANT CERTIFICATION

1. I (We) submit this Proof of Claim form under the terms of the Plan of Allocation of Net Settlement Fund described in the Notice of Proposed Class Action Settlement and Class Members’ Rights.
2. I (We) also submit to the jurisdiction of the United States District Court for the Southern District of New York (the “Court”), with respect to my (our) claim as a Settlement Class Member(s) and for purposes of enforcing the releases set forth herein.
3. I (We) further acknowledge that I (we) will be bound by the terms of any judgment entered in connection with the Settlement in the *In re Commodity Exch., Inc., Gold Futures and Options Trading Litigation* Action, including the releases set forth therein.
4. I (We) have read the Notice and Proof of Claim and Release Form, including the descriptions of the releases provided for in the Settlement Agreements.
5. I (We) am (are) a member of the Settlement Class(es), and am (are) not one of the individuals or entities excluded from the Settlement Classes.
6. I (We) have not submitted a request for exclusion.
7. I (We) have made the transactions included in the data submitted with this Proof of Claim and Release Form, and have not assigned the claims against the Released Parties to another.
8. I (We) agree to furnish additional information to the Claims Administrator to support this claim, such as additional documentation for Fix-Linked or Other Transactions if requested to do so, and acknowledge failure to do so may result in a denial of my (our) claim.
9. I (We) have not submitted any other claim covering the same gold transactions and know of no other person having done so on my (our) behalf.
10. I (We) certify that I am (we are) not subject to backup withholding under the provisions of Section 3406(a)(1)(C) of the Internal Revenue Code. Note: If you have been notified by the Internal Revenue Service that you are subject to backup withholding, please strike out the language that you are not subject to backup withholding.
11. I (We) hereby warrant and represent that all the transactions listed above occurred in the United States.
12. I (We) acknowledge that, as of the effective date of the Settlements, pursuant to the terms set forth in the Settlement Agreements and by operation of law and the Final Judgments and Orders of Dismissal, I (we) shall be deemed to have, fully, finally, and forever, waived, released, relinquished, and discharged all Released Claims (as defined in the Settlement Agreements), and shall forever be enjoined from prosecuting any or all of the Released Claims against any of the Released Parties (as defined in the Settlement Agreements).
13. By submitting a claim under the Settlements, I (we) consent to the disclosure of and waive any protections provided by applicable bank secrecy law, data privacy law, or any similar confidentiality protections with respect to information relating to my (our) trades in gold and gold instruments to the Court-appointed Claims Administrator and Class Counsel for use in the claims administration process and in further proceedings in the Action against Non-Settling Defendants. I (we) further consent to the release to the Claims Administrator of any and all documents reflecting my transactions or holdings in gold from January 1, 2004 to June 30, 2013, inclusive, that may be obtained from Defendants or third parties, including, but not limited to, my brokerage firm(s).

UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA, I (WE) CERTIFY THAT ALL OF THE INFORMATION PROVIDED BY ME (US) ON THE PROOF OF CLAIM AND RELEASE FORM IS TRUE, CORRECT, AND COMPLETE, AND THAT DATA SUBMITTED IN CONNECTION WITH THIS CLAIM FORM ARE TRUE AND CORRECT.

Signature of Beneficial Owner

Print Beneficial Owner Name

Date

Signature of Co-Owner (if applicable)

Print Co-Owner Name

Date