

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE:

COMMODITY EXCHANGE, INC., GOLD
FUTURES AND OPTIONS TRADING
LITIGATION

This Document Relates To All Actions

Case No. 14-MD-2548 (VEC)
14-MC-2548 (VEC)

Hon. Valerie E. Caproni

[PROPOSED] ORDER APPROVING PLAN OF ALLOCATION

This matter having come before the Court on Plaintiffs' motion for approval of the Plan of Allocation of the proceeds of the Settlements with Deutsche Bank and HSBC in the above-captioned action; the Court having considered all papers filed and proceedings had herein and otherwise being fully informed in the premises;

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. This Order incorporates by reference the definitions and terms of the proposed Settlements set forth in each Stipulation and Agreement of Settlement, which were previously filed with the Court ("Stipulations" or "Settlements") (ECF Nos. 174-1, 487-1), and all capitalized terms used, but not defined herein, shall have the same meanings as set forth in the Stipulations.

2. Pursuant to and in full compliance with Rule 23 of the Federal Rules of Civil Procedure, this Court hereby finds and concludes that due and adequate notice was directed to all persons who are members of the Settlement Class who could be identified with reasonable effort, advising them of the Plan of Allocation and of their right to object thereto, and a full and fair opportunity was accorded to all persons and entities who are members of the Settlement Class to be heard with respect to the Plan of Allocation.

3. The purported objectors to the Plan of Allocation are found to have waived their right to object by not filing the purported objection in accordance with the instructions set forth in the notice or in this Court's order, ECF No. 516 ¶¶ 12-14, including without limitation because of the failure to timely provide information about involvement in prior opt-outs, and to provide indication the purported objectors were class members who supported the purported objection.

4. Even if the filed objection was considered, ECF No. 578, the Court still would find and conclude that the formula for the calculation of the claims of Authorized Claimants described in Plaintiffs' Memorandum of Law in Support of Motion for an Order Providing for Notice to the Settlement Class and Preliminarily Approving the Plan of Allocation (ECF No. 489) and set forth in the Notice of Proposed Settlement of Class Action (the "Notice") (ECF No. 490-1) sent to potential members of the Settlement Class provides a fair and reasonable basis upon which to allocate the proceeds of the Net Settlement Fund established by the Stipulations among the members of the Settlement Class, with due consideration having been given to administrative convenience and necessity.

5. This Court thus finds and concludes that the Plan of Allocation, as set forth in the Notice, is, in all respects, fair and reasonable, and the Court approves the Plan of Allocation. The Court's consideration and approval of the Plan of Allocation is independent of the Court's consideration and approval of the Settlements, the fee award, and the expenses award.

IT IS SO ORDERED.

DATED: _____

HON. VALERIE E. CAPRONI
UNITED STATES DISTRICT JUDGE