

**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 FOR THE THIRD  
SETTLEMENT AGREEMENT**

This matter having come before the Court on Plaintiffs' motion for approval of the Plan of Allocation of the proceeds of the Settlements with Barclays Bank PLC, The Bank of Nova Scotia, Société Générale, and The London Gold Market Fixing Limited 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 Third Settlement Agreement (ECF No. 607-1), and all capitalized terms used, but not defined herein, shall have the same meanings as set forth in the Third Settlement Agreement.

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. While one objection was filed with respect to the Third Settlement Agreement generally, ECF No. 647, the objector did not oppose the Plan of Allocation, specifically. Any argument challenging the Plan of Allocation was thus waived. In any event, the Court would have overruled the objection even if re-stated as a challenge to the Plan of Allocation, and in the alternative does so here. The Plan of Allocation treats COMEX traders fairly and reasonably.

4. This Court thus finds and concludes that the Plan of Allocation for the Third Settlement Agreement, 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 any settlement, the Plan of Allocation for the Original Settlements, the fee awards, the expense awards, and the incentive awards.

IT IS SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
HON. VALERIE E. CAPRONI  
UNITED STATES DISTRICT JUDGE