

# **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 REVISED 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 a settlement 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 the settlements. ***However, unless directed otherwise by that Class Member, a claim form previously submitted in connection with the two prior settlements will be treated as if also submitted in connection with the Third Settlement Agreement.*** Thus, if you already have submitted a claim, and do not wish to submit new “day-trade” data, you do not need to do anything to potentially benefit from the Third Settlement Agreement. If you have questions on whether you already submitted a claim, please contact the Settlement Administrator.
3. Capitalized terms not defined in this Proof of Claim and Release form have the same meaning as defined in the Notices for the Settlement Agreements posted on the Settlement Website in connection with the settlement agreements, [www.GoldFixSettlement.com](http://www.GoldFixSettlement.com). It is important that you read the Notices. By signing and submitting a Proof of Claim and Release Form, you will be certifying that you have read the Notices, including the terms of the releases described in the Notices 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 Plans of Allocation that are approved by the Court based on the Settlement Administrator’s review of the Proof of Claim and Release form that you submit. For more information, please refer to the Plans of Allocation available at [www.GoldFixSettlement.com](http://www.GoldFixSettlement.com). Submission of this Proof of Claim and Release form does not assure that you will share in any 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 Settlements. This work will be completed as promptly as possible, given the need to investigate and tabulate each Proof of Claim. Please notify the Settlement 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 April 19, 2022, to the below address.

*In re Commodity Exchange, Inc., Gold Futures and Options Trading Litigation*  
P.O. Box 8519  
Philadelphia, PA 19101-8519
9. Unless otherwise instructed, any Claim Form will be treated as an attempt to state a claim in connection with all three pending Settlements. If you only wish to submit a claim with respect to certain Settlement Funds, please contact the Settlement Administrator.
10. **To submit your claim electronically online, visit [www.GoldFixSettlement.com](http://www.GoldFixSettlement.com).**

MUST BE SUBMITTED OR  
POSTMARKED  
NO LATER THAN

April 19, 2022

*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, then Sections C and D. 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.	<input type="text"/>	Secondary Phone, Including Country Code if Outside U.S.	<input type="text"/>					
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"/>	-	<input type="text"/>	-	<input type="text"/>	OR	<input type="text"/>	-	<input type="text"/>
Social Security Number (for individuals)	<input type="text"/>	Employer Identification Number (for estates, trusts, corporations, etc.)	<input type="text"/>					

D. Please check the appropriate box (choose only one) and if applicable provide the prior identification number:

<input type="checkbox"/> This is the first claim form to be submitted for this beneficial owner in this action.
<input type="checkbox"/> A claim form for this beneficial owner was previously submitted in this action. <i>If a prior claim was filed you <b>must</b> provide the prior claimant identification number. If you do not have it, contact the Settlement Administrator before proceeding. <b>Please proceed to fill out this form fully.</b> The information herein (including blanks) will be treated as a full replacement for the prior form.</i>
Prior claimant identification number: <input type="text"/>

To submit your claim electronically online, visit [www.GoldFixSettlement.com](http://www.GoldFixSettlement.com).



**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.**

<b>Year of Transaction(s)</b>	<b>Annual Transaction Amount in US \$<sup>1</sup></b>	<b>Type of Supporting Documentation Used to Calculate My Claim</b>
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](http://www.GoldFixSettlement.com).**



<sup>1</sup> 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, and day-trades, are to be separately stated in tables 3 and 4 further below. In this table 2, list all non-ETF share, non day-trade 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.**

<b>Year of Transaction(s)</b>	<b>Annual Transaction Amount in US \$<sup>2</sup></b>	<b>Type of Supporting Documentation Used to Calculate My Claim</b>
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](http://www.GoldFixSettlement.com).**



<sup>2</sup> 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,” “IAU,” “SGOL,” PHYS,” “GTU,” and “PHAU,” 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 Plans of Allocation, please contact the Settlement 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,” “IAU,” “SGOL,” PHYS,” “GTU,” and “PHAU” ETFS BELOW.**

Year of Transaction(s)	Annual Transaction Amount in US \$ <sup>3</sup>	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](http://www.GoldFixSettlement.com).



<sup>3</sup> 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.

4. **DAY-TRADE OTHER TRANSACTIONS:** For positions that were opened and closed the same day that would otherwise qualify for inclusion in any of the first three tables above, but for the request to exclude such positions above, list all such “day-trade” 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). If you are unable or unwilling to separate out your day-trade transactions from other positions, you may include all such amounts here, but then those amounts cannot be included in the above tables. Doing so will subject all such amounts to the treatment afforded to day-trades according to the plans of allocation approved by the court.

- **DO NOT INCLUDE TRANSACTIONS THAT DID NOT OCCUR IN THE UNITED STATES OR ON AN EXCHANGE IN THE UNITED STATES.**

Year of Transaction(s)	Annual Transaction Amount in US \$ <sup>4</sup>	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](http://www.GoldFixSettlement.com).**



<sup>4</sup> 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 Plans of Allocation of Net Settlement Fund described in the Notice for the three Settlement Agreements.
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 Settlements 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 Notices 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, and am (are) not one of the individuals or entities excluded from the Settlement Class for any Settlement.
6. I (We) have not submitted a request for exclusion in connection with any settlement agreement in this action.
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 Settlement 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 relevant settlement agreements, pursuant to the terms set forth in the Original Settlements and the Third Settlement Agreement 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 relevant 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 relevant Settlement Agreements).
13. By submitting a claim under the Settlement Agreements, 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 Settlement Administrator and Class Counsel for use in the claims administration process and in further proceedings in the Action. I (we) further consent to the release to the Settlement 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



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Gold Fixing Settlement  
c/o Kroll Settlement Administration  
P.O. Box 8519  
Philadelphia, PA 19101-8519