

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

**NOTICE OF MOTION FOR DISTRIBUTION OF THE SETTLEMENT FUND**

PLEASE TAKE NOTICE that Plaintiffs respectfully move this Court, before the Honorable Valerie E. Caproni, United States District Judge for the Southern District of New York, Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007, at a date and time to be determined by this Court, for an Order authorizing the distribution of the net settlement fund and the payment of the Claims Administrator's fees and expenses.

This Motion is based on the accompanying Memorandum, the declaration in support of the Motion, any papers filed in reply, and any oral and documentary evidence as may be presented at any hearing of this Motion for an Order.

Dated: September 15, 2023

Respectfully submitted,

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*Counsel for Gold Plaintiffs and Co-Lead Counsel for the Class*

**CERTIFICATE OF SERVICE**

I certify that on September 15, 2023, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Michael Dell'Angelo

Michael Dell'Angelo

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**[PROPOSED] ORDER AUTHORIZING  
DISTRIBUTION OF THE SETTLEMENT FUND**

The matter having come before the Court on Plaintiffs' motion for an Order authorizing the distribution of the net settlement fund; and 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 Original Settlements (ECF Nos. 174-1, 487-1) and the Third Settlement Agreement (ECF No. 607-1) (collectively, the "Settlements"), and all capitalized terms used, but not defined herein, shall have the same meanings as set forth in the Settlements.

2. The Court has jurisdiction over the subject matter of the Action, and, for purposes of enforcing and administering the Settlements, this Court has jurisdiction over the parties to the Action, including members of the Settlement Classes.

3. Plaintiffs' Motion for Distribution of the Settlement Fund is GRANTED.

Accordingly,

a. The administrative determinations of Plaintiffs' Co-Lead Counsel and the Court approved Claims Administrator, Kroll Settlement Administration LLC ("Kroll"), to accept eligible claims, as set forth the Declaration of Justin R. Hughes in Support of Plaintiffs' Motion for Distribution of the Settlement Fund (the "Hughes Declaration"), are adopted;

b. Kroll is directed to conduct the distribution of the Net Settlement Fund as set forth in Exhibit B to the Hughes Declaration;

c. Checks that are not cashed within 90 days after issue date will become void;

d. Settlement Class Members are encouraged to cash their checks promptly and to avoid or reduce future expenses relating to unpaid checks. All checks shall note that checks become void, and the recovery forfeited if not cashed within 60 days of issuance;

e. Settlement Class Members who do not cash their checks within the time allotted will irrevocably forfeit all recovery from the Settlements absent an order of the Court; and

f. A reserve of ten percent (10%) of the amount of the Net Settlement Fund, after deducting the amount to be distributed to Authorized Claimants receiving the Alternative Minimum Payment, may be set aside to cover future estimated expenses, including taxes and any secondary distribution, related to the Settlements.

4. The Court hereby orders the payment of fees and expenses in the amount of \$216,965.19 to Kroll for its administration of the claims process and the distribution of the Net Settlement Fund.

5. This Court retains jurisdiction to consider any further applications concerning the administration of the Settlements, and such other and further relief as the Court deems appropriate.

IT IS SO ORDERED.

DATED: \_\_\_\_\_, 2023

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HON. VALERIE E. CAPRONI  
UNITED STATES DISTRICT JUDGE