

**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

DECLARATION OF JUSTIN R. HUGHES

Pursuant to 28 U.S.C. § 1746, I, Justin R. Hughes, declare as follows:

1. I am a Senior Director at Kroll Settlement Administration (“Kroll”) f/k/a Heffler Claims Group LLC. This Declaration is based upon my personal knowledge as well as information provided to me by my associates and staff.

2. This declaration provides an update with respect to Kroll’s administration of the Settlements in the above Action. I refer to the prior declarations of my colleague Jeanne C. Finegan, ECF Nos. 491 and 562, with respect to the carrying out of the notice program.

3. Through September 8, 2021, Kroll has received a total of 2,152 calls to the toll-free telephone line, of which 1,210 calls were handled by a live operator. We have also fielded numerous inquiries by e-mail. I understand Co-Lead Counsel has also directly taken telephone and e-mail inquiries from potential class members.

4. Kroll also continues to maintain an informational website to assist potential members of the Settlement Class. The website was continually updated with FAQs and links to important documents, including more recently the documents in support of the motion for final approval of the Settlements, the documents in support of the motion for an award of fees and expenses, and the Court’s order changing the date of the Fairness Hearing. Through September 8, 2021, 22,868 user sessions have occurred, with 49,673 page views.

5. Through the August 6, 2021, deadline for the receipt of exclusion requests:¹

- a. An exclusion request by Gene Becker was timely received, but later retracted.
- b. An exclusion request by Charles D. Nicolaus was timely received.

¹ Though not filed with the Court, pursuant to the Court’s order, ECF No. 516 ¶ 20, a declaration from Kroll regarding the exclusion requests was provided to the Settling Defendants on August 13, 2021.

- c. An exclusion request by Louise A. Dunham was timely received.
- d. A request for exclusion on behalf of St. Ives Gold Mining Company Pty Limited and Agnew Gold Mining Company Pty Limited was received by e-mail on July 30, 2021, with a note that a physical copy might arrive late. Kroll received a physical copy on August 12, 2021, which bore markings indicating it had been sent from Australia on August 2, 2021.
- e. A request for exclusion on behalf of Wing Fung Precious Metals Limited sent from Hong Kong bears a July 21, 2021, date on its face and an international postmark of July 28, 2021, but was only received by Kroll on August 18, 2021. The initial exclusion letter did not contain all the technical requirements listed by the Notice, such as without limitation the case number of this Action. Those technical deficiencies were quickly rectified through follow-up communications with Wing Fung.

6. Through the August 23, 2021 claims deadline, Kroll received more than 81,000 claims. It is important to note, however, that the claims process is not complete. Kroll is still in the process of auditing claims, including sending Claim Deficiency Notices and processing responses to such notices. As such, this count is very preliminary and subject to change.

Executed September 9, 2021
Oakland, California



Justin R. Hughes