

# **EXHIBIT B**

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

IN RE:

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

14-MD-2548 (VEC)

14-MC-2548 (VEC)

**DECLARATION OF JASON RABE REGARDING MAILING OF ADDITIONAL  
NOTICE AND REVISED CLAIM FORM**

I, JASON RABE, declare and state as follows:

1. I am a Program Manager at Rust Consulting, Inc. (“Rust”). Rust entered into separate agreements with certain Defendants<sup>1</sup> to assist in the process of providing notice to certain potential members of the Settlement Class in the above-captioned action (“Action”). Acting as an agent for the identified Defendants, Rust is responsible for the distribution of the notice to certain potential class members, primarily those who are domiciled outside of the U.S., and activities related to identification of these potential class members. I have the responsibility for overseeing all aspects of notice administration services performed by Rust with respect to the Action.

2. I previously submitted a declaration in connection with a mailing (the “Initial Mailing”) for this Action, which was executed on July 6, 2021. I am submitting this supplemental declaration in order to provide the Court and the parties to the above-captioned litigation with information regarding the mailing of the Notice of a New and Additional Proposed Class Action Settlement and Class Members’ Rights, and Notice of a New Opportunity to Submit Claims on Prior Settlements or be Heard on a Revised Plan of

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<sup>1</sup> The Defendants with which Rust entered into separate agreements to act as their agent include: Barclays, HSBC, Societe Generale, and The Bank of Nova Scotia.

Allocation (the “Additional Notice”) and the Revised Proof of Claim and Release Form (the “Revised Claim Form”) (together, the “Notice Packet”). I am over 21 years of age and am not a party to this Action. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

**MAILING OF NOTICE AND PROOF OF CLAIM AND RELEASE FORM**

3. On January 26, 2022, the finalized Notice Packet was provided to Rust for the mailing.

4. Pursuant to ¶ 4 of the Order Providing Notice to the Settlement Class and Preliminary Approving the Plan of Allocation Regarding the Third Settlement Agreement dated January 13, 2022, Rust commenced mailing the Notice Packets<sup>2</sup> on February 18, 2022. The Notice Packets were sent out on a rolling basis and the mailings were completed on February 21, 2022.

5. As of February 21, 2022, a total of 6,289 Notice Packets<sup>3</sup> were mailed to potential members of the Settlement Class.

6. As of May 2, 2022, Rust has received approximately 302 mailings returned as undeliverable.

7. A skip trace was performed, through an information supplier to which Rust subscribes, on the Notice Packets with a U.S. address that were returned as undeliverable without a forwarding address from the United States Postal Service. For Notice Packets with non-U.S.

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<sup>2</sup> Notice Packets were sent to the same potential members of the Settlement Class from the Initial Mailing except for any where their mailing was previously returned as undeliverable and an updated address wasn't identified.

<sup>3</sup> The mailings for Societe Generale were completed by an affiliate of Rust in Germany. For this Defendant, Rust was also asked to insert a Special Notice to Customers of Societe Generale into the Notice Packet, which included a Confidentiality Waiver and Acknowledgement Form.

addresses returned undeliverable without a forwarding address, Rust conducted online research in an effort to obtain updated addresses for the potential members of the Settlement Class.

8. As a result of the efforts outlined above in ¶ 7, Rust has re-mailed a total of 212 Notice Packets to potential members of the Settlement Class at their updated addresses.

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge.

Executed this 3rd day of May, 2022 in Minneapolis, Minnesota.



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Jason Rabe