

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

ALASKA ELECTRICAL PENSION FUND,
et al.,

Plaintiffs,

v.

BANK OF AMERICA, N.A., et al.,

Defendants.

Lead Case No.: 14-cv-7126 (JMF)

**SUPPLEMENTAL DECLARATION OF CAMERON R. AZARI, ESQ., ON
IMPLEMENTATION AND ADEQUACY OF SETTLEMENT CLASS NOTICE PLAN**

I, Cameron R. Azari, Esq., hereby declare and state as follows:

1. My name is Cameron R. Azari, Esq. I have personal knowledge of the matters set forth herein, and I believe them to be true and correct.

2. I am a nationally recognized expert in the field of legal notice and I have served as an expert in dozens of federal and state cases involving class action notice plans.

3. I am the Director of Legal Notice for Hilsoft Notifications (“Hilsoft”); a firm that specializes in designing, developing, analyzing and implementing large-scale, un-biased, legal notification plans. Hilsoft is a business unit of EpiqSystem, Inc’s. (“Epiq”) Class Action and Mass Tort division. I also hold the title of Vice President and Director of Legal Notice of Epiq, which I understand has been appointed by the Court to serve as Claims Administrator in this matter.

4. This declaration will provide updated statistics on administration activity of the Court-approved Notice of Proposed Settlement of Class Action¹ (“Notice Plan” or “Plan”) for the

¹ A complete description of the Notice of Proposed Settlement of Class Action is provided in my “*Declaration of Cameron R. Azari, on Proposed Settlement Class Notice Program*,” executed on September 29, 2017.

Settlement Agreements² with Bank of America, N.A.; Barclays Bank PLC and Barclays Capital Inc.; Citigroup Inc.; Credit Suisse AG, New York Branch; Deutsche Bank AG; The Goldman Sachs Group, Inc.; HSBC Bank USA, N.A.; JPMorgan Chase & Co.; Royal Bank of Scotland PLC; and UBS AG (collectively, the “Settling Defendants”), in the above-captioned litigation in the United States District Court for the Southern District of New York. On March 29, 2018, I executed my “*Declaration of Cameron R. Azari, Esq. on Implementation and Adequacy of Settlement Class Notice Plan,*” (“*Implementation Declaration*”) in which I detailed the successful implementation of the Notice Plan for the Settlements and provided current statistics on administration activity. Previously, on September 29, 2017, I executed my “*Declaration of Cameron R. Azari, on Proposed Settlement Class Notice Program,*” (“*Notice Plan Declaration*”) in which I detailed Hilsoft’s class action notice experience and attached Hilsoft’s *curriculum vitae*. I also provided my educational and professional experience relating to class actions and my ability to render opinions on overall adequacy of Notice Plan.

5. This declaration will provide updated statistics on administration activity to date and detail the successful implementation of the Notice Plan, to supplement my previous declaration dated March 29, 2018. The facts in this declaration are based on what I personally know, as well as information provided to me in the ordinary course of my business by my colleagues from Hilsoft and Epiq, who worked with us to implement the notification effort.

Individual Notice – Direct Mail Notice

6. As in most class actions of this nature, a portion of potential Settlement Class Members are beneficial purchasers who purchased through brokerage firms, banks, institutions,

² The capitalized terms not defined in this Declaration have the same meaning as defined in the Settlement Agreements, all of which are available at www.ISDAfixAntitrustSettlement.com.

and other third-party nominees in the name of the nominee, on behalf of the beneficial purchasers. Epiq maintains and updates an internal list of the largest and most common banks, brokers, and other nominees. This list is updated regularly and contains 1,398 names and known deliverable mailing addresses.

7. On January 26, 2018, Epiq supplemented the direct notice data from the Banks with this list and disseminated 1,398 Notice Packets³ together with a Notice specific to Brokers, Banks, and Other Nominees (“Broker Notice”). The Broker Notice provided information about the Settlements, the definition of the Settlement Class, and required the broker or other nominee who performed the trades for the beneficial interest of a person or entity to, within thirty-five (35) days of receipt of the Notice Packet, either provide Epiq with a list of names and last known addresses or send copies of the Notice Packet to all beneficial owners. Where the brokers or other nominees requested additional copies of the Notice Packet to forward to their clients, Epiq provided such copies to broker or nominee requests. As of May 9, 2018, Epiq has mailed an additional 14 Notice Packets to potential Settlement Class Members based on addresses received from any such broker, bank, or other nominee.

8. Additionally, Notice Packets have been mailed to all persons who requested one via the telephone numbers or by mail. As of May 9, 2018, 423 Notice Packets have been mailed as a result of such requests. The Long Form Notice and Claim Form have also been available to download or print at the “Settlement Website” since it was launched on January 18, 2018.

³ The Notice Packet contained the Long Form Notice, Claim Form and a “Buck Slip insert”, which contained instructions in 13 different languages (English, German, Chinese, French, Japanese, Spanish, Italian, Korean, Russian, Dutch, Malay, Polish and Turkish) on how to obtain a translated version of the documents in the Notice Packet (on the Settlement Website).

9. As of May 9, 2018, Epiq has re-mailed 26 Notice Packets for addresses that were corrected through the USPS. For Notice Packets that were returned as undeliverable, Epiq undertook additional public record research, using a third-party lookup service (“ALLFIND”, maintained by LexisNexis), which as of May 9, 2018, has resulted in the re-mailing of 114 Notice Packets. As of May 9, 2018, 2,608 mailings remain undelivered. Address updating and re-mailing for undeliverable Notice Packets is ongoing and will continue through the claim filing deadline of July 16, 2018.

Internet Sponsored Search Listings

10. The internet sponsored listings were available through the April 30, 2018 exclusion and objection deadline. As of April 30, 2018, the sponsored search listings had been displayed 2,050 times, resulting in 350 clicks that linked users to the Settlement Website.

Settlement Website, Telephone Numbers, and Postal Mailing Address

11. As of May 9, 2018, there have been 10,655 visitors to the Settlement Website and over 28,240 website pages presented. Additionally, the Long Form Notice was downloaded 1,413 times, and 304 Claim Forms were submitted on the Settlement Website. Additionally, 4 Claim Forms were submitted by email.

12. As of May 9, 2018, the toll-free number (1-844-789-6862) has handled 433 calls, representing 3,989 minutes of use, and live operators have handled 297 calls, representing 2,868 minutes of use. As of May 9, 2018, the telephone number (1-503-597-5526) has handled 51 calls, representing 360 minutes of use, and live operators have handled 23 calls, representing 262 minutes of use.


Exclusions and Objections

13. The deadline to request exclusion from the settlement or to object to the Settlements was April 30, 2018. Epiq has received a total of six timely requests for exclusion. An exclusion report is included as **Attachment 1**. I am aware of no objections to the settlements.

CONCLUSION

14. As stated in my prior *Implementation Declaration*, the Notice Plan as implemented provided the best notice practicable under the circumstances of this case, conformed to all aspects of Federal Rule of Civil Procedure 23, and comported with the guidance for effective notice articulated in the Manual for Complex Litigation 4th.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 10, 2018.



Cameron R. Azari, Esq.

Attachment 1

Alaska Electrical Pension Fund et al. v. Bank of America, N.A. et al.,
Lead Case No. 14-cv-7126 (JMF)
Requests for Exclusion

ID	Name
1	CHICAGO BASEBALL HOLDINGS LLC
2	DANIELE BITON
3	QANTAS AIRWAYS LIMITED
4	METROPOLE EUROPEENNE DE LILLE
5	PAS-DE-CALAIS HABITAT
6	COMMONWEALTH BANK OF AUSTRALIA

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

ALASKA ELECTRICAL PENSION FUND,
et al.,

Plaintiffs,

v.

BANK OF AMERICA, N.A., *et al.*,

Defendants.

Lead Case No.: 14-cv-7126 (JMF)

**SUPPLEMENTAL DECLARATION OF JASON RABE REGARDING
MAILING OF THE SETTLEMENT NOTICE AND PROOF OF
CLAIM FORMS TO CERTAIN SETTLEMENT CLASS MEMBERS**

Jason Rabe, declares and states as follows:

1. I am a Program Manager at Rust Consulting, Inc. (“Rust”). I am over 21 years of age and am not a party to the above-captioned action (“Action”). I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

2. I submit this supplemental declaration to provide the Court with updated information regarding, among other things, the mailing of the Notice of Proposed Settlement of Class Action (“Notice”), the Proof of Claim and Release Form (“Claim Form”), and a slip sheet insert stating the Notice and Claim Form were available in certain translated languages on the Settlement Website (collectively, the “Notice Packet.”).

3. Rust entered into separate agreements with certain Settling Defendants¹ to act as their agent in providing notice of the Settlements in the Action. Acting as an agent for certain Settling Defendants, Rust is responsible for the distribution of the Notice Packet to certain potential members of the Settlement Class, whose disclosure to Plaintiffs was not clearly permitted by law and/or presented the risk of violating other privacy considerations.

4. The Court's Order Providing for Notice to the Settlement Class and Preliminary Approving the Plan of Distribution, entered October 24, 2017, authorized Settling Defendants to retain an agent to mail the Notice Packet to potential members of the Settlement Class who required notice by alternate means.

5. On March 26, 2018, I executed my original declaration (the "Rabe Mailing Declaration") that was filed with the Court on March 30, 2018 (Dkt. No 608), attesting, among other things, to the mailing of the Notice Packet.

UPDATE ON MAILING OF NOTICE PACKETS

6. Through the execution of the Rabe Mailing Declaration, Rust had mailed a total of 19,827 Notice Packets to potential Settlement Class Members. Since the Rabe Mailing Declaration was filed, Rust has received approximately 982 additional mailings returned as undeliverable. The United States Postal Service ("USPS") returned one (1) of these mailings with a forwarding address.

7. The mailings with a U.S. address that were returned as undeliverable without a forwarding address from the USPS were sent to the National Change of Address ("NCOA")

¹ The Settling Defendants with which Rust entered into separate agreements to act as their agent include: Bank of America, Barclays, Citigroup, Credit Suisse, Goldman Sachs, HSBC, JPMorgan, and RBS (collectively, the "Settling Defendants").

service for address updates. A skip trace was performed afterwards, through an information supplier to which Rust subscribes, for mailings returned from NCOA without any results.

8. For mailings with non-U.S. addresses returned undeliverable without a forwarding address, Rust conducted online research in an effort to obtain updated addresses for these potential Settlement Class Members.

9. As a result of the efforts outlined above in ¶¶6 through ¶8, Rust has re-mailed a total of 1,549 additional Notice Packets to potential Settlement Class Members at their updated addresses since the execution of the Rabe Mailing Declaration.

10. Therefore, as of April 27, 2018, Rust has mailed a total of 21,376 Notice Packets to potential Settlement Class Members.

I declare under penalty of perjury that the foregoing statements are true and correct.

Executed this 11th day of May, 2018 in Minneapolis, Minnesota.



Jason Rabe

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

ALASKA ELECTRICAL PENSION FUND,
et al.,

Plaintiffs,

v.

BANK OF AMERICA, N.A., et al.,

Defendants.

Lead Case No.: 14-cv-7126 (JMF)

ECF Case

**DECLARATION OF MARC LEUZINGER REGARDING MAILING OF THE
SETTLEMENT NOTICE AND PROOF OF CLAIM FORM TO CERTAIN POTENTIAL
MEMBERS OF THE SETTLEMENT CLASS**

I, Marc Leuzinger, declare and state as follows:

1. I am Senior Vice President and Assistant General Counsel of Citibank (Switzerland) AG. In this role, I worked with outside counsel to provide notice to certain potential Settlement Class members in respect of the Class Action Settlement in the above-captioned case. I am over 21 years of age. I have either personal knowledge of the facts set forth herein or have knowledge of the facts set forth herein based on information and belief.

2. I respectfully submit this declaration in order to provide the Court with information regarding the sending of the Notice of Proposed Class Action Settlement (the "Notice") and the Proof of Claim and Release Form (the "Claim Form") (together, "Notice Packet") in connection with the above-captioned action (the "Action").

3. Counsel for Citigroup Inc. ("Citi") has advised me that the Court's Order Providing for Notice to the Settlement Class and Preliminarily Approving the Plan of Distribution ("Notice Order"), entered in this Action on October 24, 2017, governs notice to be provided to members of the Settlement Class in this Action. Section 5 of the Notice Order provides for notice "to all members of the Settlement Class who can be identified through reasonable effort." Counsel for Citi has also advised me that the Court entered an order on January 29, 2018, granting the letter motion for an extension of time for UBS AG and Citi to effect mail notice to February 28, 2018.

4. Counsel for Citi has advised me that Section 8 of the Notice Order provides that “To the extent Settling Defendants have identified members of the Settlement Class but the disclosure thereof to Class Counsel is not clearly permitted by law and/or in respect of other privacy considerations, Settling Defendants shall provide notice as described in the Settlement Agreements and may either engage an agent with experience in providing notice in class actions to disseminate the Notice and Claim Form to those members of the Settlement Class, or themselves disseminate the Notice and Claim Form to those members of the Settlement Class.” Counsel for Citi has advised me that Section 5 of the Notice Order refers to such members of the Settlement Class as those “which require notice by ‘alternate means.’”

5. Pursuant to Sections 5 and 8 of the Notice Order, and in light of applicable foreign bank secrecy laws, data privacy laws, and/or privacy considerations, Citibank (Switzerland) AG sent settlement notices by mail directly to fourteen (14) potential members of the Settlement Class.

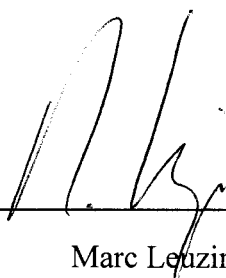
6. On or about February 23, 2018, the Court-approved Notice Packet was addressed to the potential members of the Settlement Class referred to in Paragraph 5 of this Declaration. A version of that Notice Packet is attached hereto as Exhibit A.

7. On or about February 23, 2018, the Notice Packets were mailed to the potential members of the Settlement Class referred to in Paragraph 5 of this Declaration, using the contact information in Citi’s records.

8. One of the Notice Packets was returned because the addressee did not pick it up. The correctness of the mailing address was verified and the Notice Packet was re-mailed on March 23, 2018.

I declare under penalty of perjury under the laws of the United States of America that the foregoing statements are true and correct.

Executed this 09th day of May, 2018 in Zurich, Switzerland.



Marc Leuzinger

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Alaska Electrical Pension Fund, et al.,

Plaintiffs,

- against -

Bank of America Corporation, et al.,

Defendants.

14-CV-7126 (JMF)

ECF CASE

**SUPPLEMENTAL
DECLARATION OF
MICHAEL T. LEE
REGARDING MAILING OF
THE SETTLEMENT NOTICE
AND PROOF OF CLAIM
FORMS**

I, Michael T. Lee, declare and state as follows:

1. I am Assistant General Counsel at JPMorgan Chase Bank, N.A. (“JPMorgan”). I understand that pursuant to paragraphs 5 and 8 of the Order Providing for Notice to the Settlement Class and Preliminarily Approving the Plan of Distribution, dated October 24, 2017 in the above-captioned action [ECF No. 521], JPMorgan or its agent was required to send, by January 29, 2018, Mail Notices and Claim Forms to potential class members whose disclosure to plaintiffs was not clearly permitted by law and/or presented the risk of violating other privacy considerations.

2. On or about January 25, 2018, I caused 38 Mail Notices and Claim Forms to be mailed to potential class members that have been identified through a diligent search of records in the custody of JPMorgan. These mailings were sent to addresses in four countries outside of the United States.

3. As of the date of this declaration, I understand, on information and belief, based on information from JPMorgan’s outside counsel, Davis Polk & Wardwell LLP, that three packets were returned undeliverable as addressed. I understand again

based on information and belief, that JPMorgan's counsel at Davis Polk & Wardwell LLP performed internet research on these addresses, identified possible new addresses for all three returned packets, and mailed new notice packets to the three new addresses.

I declare under penalty of perjury under the laws of the United States of America that the foregoing statements are true and correct.

Dated: New York, New York
May 11, 2018


MICHAEL T. LEE

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

ALASKA ELECTRICAL PENSION FUND;
GENESEE COUNTY EMPLOYEES'
RETIREMENT SYSTEM; COUNTY OF
MONTGOMERY, PENNSYLVANIA; COUNTY
OF WASHINGTON, PENNSYLVANIA; CITY OF
NEW BRITAIN, CONNECTICUT; UNIQA
CAPITAL MARKETS GMBH ON BEHALF OF
UNIQA DOLLAR BOND; PENNSYLVANIA
TURNPIKE COMMISSION; ERSTE
ABWICKLUNGSANSTALT (EAA); AND
PORTIGON AG on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

BANK OF AMERICA, N.A.; BARCLAYS BANK
PLC; BNP PARIBAS; CITIGROUP INC.; CREDIT
SUISSE AG, NEW YORK BRANCH; DEUTSCHE
BANK AG; THE GOLDMAN SACHS GROUP,
INC.; HSBC BANK PLC; ICAP CAPITAL
MARKETS LLC; JPMORGAN CHASE & CO.;
MORGAN STANLEY & CO. LLC; NOMURA
SECURITIES INTERNATIONAL, INC.; ROYAL
BANK OF SCOTLAND PLC; UBS AG; and
WELLS FARGO BANK, N.A.,

Defendants.

Civil Action No. 14-cv-7126 (JMF)

**DECLARATION OF SANDRA ADAMS REGARDING SELF-MAILING
OF CLASS NOTICE BY CERTAIN FOREIGN HSBC AFFILIATES**

I, Sandra Adams, declare and state as follows:

1. I am a legal assistant for Locke Lord LLP, which represents the HSBC defendants in the above matter. In this capacity, I was responsible for mailing class notice packets approved by the Court to potential Settlement class members who were customers of non-party HSBC affiliates located in Australia, Austria, Belgium, Belize, Canada, the Cayman Islands, China, Denmark, Finland, France, Germany, Honduras, Hong Kong, India, Indonesia, Ireland, Japan,

Luxembourg, Macau, Malaysia, Mauritius, the Netherlands, New Zealand, Norway, the Philippines, Republic of Korea, Singapore, South Africa, Spain, Sweden, Switzerland, Taiwan, Thailand, the United Kingdom, the United States of America, Vietnam, and the Virgin Islands.¹

2. I was provided with a list of names and addresses of 1,378 potential Settlement class members who were customers of the foregoing non-party HSBC affiliates. That list of names was generated by extracting relevant transactions (and by extension, entities) from larger spreadsheets provided by HSBC. Those entities were then compiled into a list that I used to conduct HSBC's self-mailing.

3. On January 25, 2018, I caused to be mailed a class notice package to each of the names and addresses supplied for the 1,378 customers referenced above. The packages were mailed with prepaid postage via first class United States mail.

4. As of May 7, 2018, 221 of the class notice packages that I mailed were returned by the post office as undelivered. I am performing internet searches to obtain an updated address for each of the returned packages, and I will re-mail each returned package to the updated address after each package is returned.

I declare under penalty of perjury that the foregoing statements are true and correct.

Executed this 7th day of May, 2018, in Dallas, Texas.



Sandra Adams

¹ The class notice packages referred to herein consisted of the Long Form Notice and Claim Form I understand were approved by the Court, along with an insert stating translated versions of these materials were available on the Settlement website.

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

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ALASKA ELECTRICAL PENSION FUND,	:	Lead Case No. 14-cv-07126 (JMF)
et al.	:	
	:	Consolidated Cases:
Plaintiffs,	:	
	:	14-cv-7907 (JMF)
vs.	:	14-cv-8342 (JMF)
	:	14-cv-8365 (JMF)
BANK OF AMERICA CORPORATION, et al.	:	14-cv-8576 (JMF)
	:	
Defendants.	:	
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**SUPPLEMENTAL DECLARATION OF PATRICK J. IVIE REGARDING
MAILING OF THE NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION**

I, PATRICK J. IVIE, declare as follows:

1. I am a Senior Executive Vice President at KCC LLC (“KCC”). My business address is 2335 Alaska Avenue, El Segundo, California 90245. I am familiar with, and have personal knowledge of, the matters stated in this Declaration and am competent to testify about them if called upon to do so.

2. I submit this supplemental declaration to provide the Court with updated information regarding, among other things, the mailing of the Notice of Proposed Settlement of Class Action (“Notice”) and the Proof of Claim and Release Form (“Claim Form”).

3. KCC was retained by counsel for Defendant Deutsche Bank AG (“Deutsche Bank”) to act as a notice administrator in connection with the proposed settlement of the above-captioned actions to effect mailing of the Notice of Proposed Settlement of Class Action (the “Notice”), the claim form, and the translation insert

(collectively referred to as the “Notice Packet”) to certain members of the Settlement Class, as described more fully below.¹

4. On March 29, 2018, I executed my original declaration (the “Mailing Declaration”) that was filed with the Court on March 30, 2018 (Dkt. No 612), attesting, among other things, to the mailing of the Notice Packet.

UPDATE ON MAILING OF NOTICE

5. On January 18, 2018, counsel for Deutsche Bank provided KCC with a list of 400 unique names and addresses of identified potential Settlement Class Members.²

6. On or before January 29, 2018, pursuant to the Order entered by this Court on October 24, 2017, KCC mailed copies of the Notice by first-class mail to each of the 400 potential Settlement Class Members. This mailing was performed using the facilities of KCC’s parent company, Computershare Communication Services, located in Munich, Federal Republic of Germany.

7. The Notice requested any brokerage firms, swaps dealers or trustees receiving the Notice Packet, and through whom ISDAFix Instruments were traded during the Settlement Class Period for the benefit of others, to send the Notice and accompanying

¹ All terms with initial capitalization not otherwise defined herein shall have the meanings ascribed to them in the Order Providing for Notice to the Settlement Class and Preliminarily Approving the Plan of Distribution, dated October 24, 2017 (the “Order”).

² I understand that Deutsche Bank retained KCC to directly provide notice to these potential Settlement Class Members who entered into ISDAFix Instrument transactions with Deutsche Bank during the Settlement Class Period. I understand that Deutsche Bank provided the names of U.S.-based potential Settlement Class Members and potential Settlement Class Members who transacted with a U.S.-based Deutsche Bank entity to the Claims Administrator, which was retained by the Plaintiffs, but retained KCC to provide notice to potential Settlement Class Members who may be domiciled outside of the United States and transacted with a non-U.S.-based Deutsche Bank entity, and whose names and addresses Deutsche Bank therefore preferred not to provide to the Claims Administrator.

documents to the ultimate beneficiary(ies) or to provide a list of the names and addresses of the ultimate beneficiary(ies) to the Claims Administrator at the address listed in the Notice, so that the Claims Administrator may do so.

8. Through the execution of the Mailing Declaration, KCC had mailed a total of 400 Notice Packets to potential Settlement Class Members.

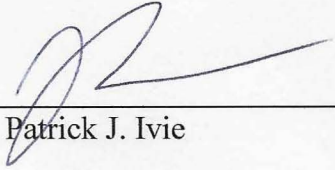
9. As of March 23, 2018, a total of 47 Notice Packets that KCC sent out were returned as undeliverable. Of these, KCC resent 22 to alternative addresses. No alternative addresses could be found for the remaining 25.

10. Since the Mailing Declaration was filed, KCC has received an additional 19 mailings returned as undeliverable, for which no alternative address could be found. This brings the total number of Notice Packets that were returned as undeliverable to 66, of which 44 could not be resent to alternative addresses.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 9, 2018
New York, New York

By: _____


Patrick J. Ivie

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

ALASKA ELECTRICAL PENSION FUND, et
al.,

Plaintiffs,

v.

BANK OF AMERICA, N.A., et al.,

Defendants.

Lead Case No.: 14-cv-7126 (JMF)

ECF Case

**(UPDATED) DECLARATION OF MATTHEW POPOWSKY REGARDING
MAILING OF THE SETTLEMENT NOTICE AND PROOF OF CLAIM FORM**

I, Matthew Popowsky, declare and state as follows:

1. I am Executive Director and Counsel at UBS AG (“UBS”). I am over 21 years of age. I have either personal knowledge of the facts set forth herein or have knowledge of the facts set forth herein based on information and belief.

2. I respectfully submit this declaration in order to provide the Court with information regarding the sending of the Notice of Proposed Class Action Settlement (the “Notice”) and the Proof of Claim and Release Form (the “Claim Form”) in connection with the above-captioned action (the “Action”).

3. All terms in initial capitalization used in this declaration shall have the same meanings as set forth in the Stipulation and Agreement of Settlement with UBS and the Court’s October 24, 2017 Order Providing for Notice to the Settlement Class and Preliminarily Approving the Plan of Distribution (“Notice Order”) (Dkt 521).

4. Paragraph 5 of the Notice Order provides that the Claims Administrator (Epiq) or UBS (to the extent required in Paragraph 8) was required to mail a copy of the Notice and Claim Form to all members of the Settlement Class who can be identified through reasonable effort.

5. Paragraph 8 of the Notice Order provides that, “[t]o the extent [UBS] . . . identified members of the Settlement Class but the disclosure thereof to Class Counsel is not clearly permitted by law and/or in respect of other privacy considerations, [UBS] shall provide notice as described in the Settlement Agreements and may . . . themselves disseminate the Notice and Claim Form to those members of the Settlement Class.” Per this provision, UBS determined to provide notice directly to certain members of the Settlement Class in jurisdictions where applicable bank secrecy and data privacy laws prevented UBS from disclosing, among other things, their names and addresses to Class Counsel or the Claims Administrator (“Foreign Jurisdictions”). UBS identified potential members of the Settlement Class in Foreign Jurisdictions as those either: (a) having established their banking relationship with an UBS entity in a Foreign Jurisdiction; or (b) having established their banking relationship with a now-defunct or unidentifiable UBS entity, having a domicile in a Foreign Jurisdiction (together, “Foreign Potential Settlement Class Members”).

6. Using files provided by Class Counsel, the Claims Administrator, and/or available on the Claims Administrator’s website for this Action, available at <https://www.isdafixantitrustsettlement.com>, a UBS entity printed copies of the Notice and Claim Form, as well as a brief cover letter in a form agreed to by Class Counsel and a slip sheet provided by Class Counsel containing links to the Claims Administrator’s website with foreign language translations of the Mail Notice and Claim Form (together, the “Notice Packet”) to send to Foreign Potential Settlement Class Members.

7. I am informed that, using the contact information found in the records of UBS entities, during the week of February 12, 2018, Notice Packets were mailed by UBS entities to approximately 505 Foreign Potential Settlement Class Members who established their banking relationship with UBS in the Asia-Pacific region.

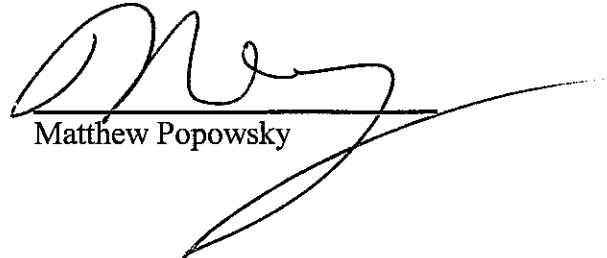
8. I am informed that on or before February 28, 2018, using the contact information found in the records of UBS entities, Notice Packets were mailed by a UBS entity to approximately 104 Foreign Potential Settlement Class Members who established their banking relationship with UBS in Switzerland. I am further informed that because of logistical issues, on or before March 2, 2018, Notice Packets were sent by a UBS entity to approximately 44 additional Foreign Potential Settlement Class Members who established their banking relationship with UBS in Switzerland, with one additional Notice Packet mailed the following week.

9. Due to bank secrecy and/or data privacy laws, UBS did not send a Notice Packet to former or dormant UBS clients whose banking relationship with UBS was established in a jurisdiction where applicable bank secrecy and data privacy laws prevented UBS from doing so. Additionally, no Notice Packet was mailed to Foreign Potential Settlement Class Members for whom no valid address information was available.

10. I am informed that, as of May 7, 2018, a total of eleven (11) Notice Packets were returned as undeliverable to the individuals who are tracking the returned mail for UBS: 4 of the 505 Asia-Pacific mailings, and 7 of the 148 Switzerland mailings. UBS does not have updated contact information for these addressees. UBS will continue to record the number of Notice Packets sent to Foreign Potential Settlement Class Members that are returned to a UBS entity as undeliverable.

I declare under penalty of perjury under the laws of the United States of America that the foregoing statements are true and correct.

Executed this 9th day of May, 2018 in New York, New York.



Matthew Popowsky