

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE LIBOR-BASED FINANCIAL
INSTRUMENTS ANTITRUST LITIGATION

Master File No. 11-md-2262 (NRB)

THIS DOCUMENT RELATES TO:

METZLER INVESTMENT GmbH, et al.,

No. 11 Civ. 2613

Plaintiffs,

v.

CREDIT SUISSE GROUP AG, et al.

Defendants.

PROOF OF CLAIM AND RELEASE
FOR THE EXCHANGE-BASED PLAINTIFFS' SETTLEMENT WITH CREDIT SUISSE, LLOYDS,
NATWEST, PORTIGON, RBC, RABOBANK, NORINCHUKIN, MUFG, AND UBS

IF YOU PREVIOUSLY SUBMITTED A VALID PROOF OF CLAIM IN THE PRIOR SETTLEMENTS, YOU DO NOT NEED TO SUBMIT ANOTHER PROOF OF CLAIM TO PARTICIPATE IN THIS SETTLEMENT UNLESS YOU WISH TO AMEND YOUR CLAIM.

GENERAL INSTRUCTIONS

1. To recover as a member of the Settlement Class in the above-referenced Exchange-Based Plaintiffs' Action in the U.S. Dollar LIBOR multi-district litigation styled, *In re LIBOR-Based Financial Instruments Antitrust Litigation*, MDL No. 2262 (NRB), pending in the United States District Court for the Southern District of New York, and involving plaintiffs who transacted in Eurodollar futures and/or options on Eurodollar futures contracts on exchanges, such as the Chicago Mercantile Exchange ("CME"), during the period between January 1, 2003 and May 31, 2011, inclusive ("the Exchange-Based Plaintiffs' Action"), you must complete this Proof of Claim and Release ("Proof of Claim") form. **If you previously submitted a valid Proof of Claim in the Prior Settlements, you do not need to submit another Proof of Claim to participate in this Settlement unless you wish to amend your claim.** A summary of Exchange-Based Plaintiffs' claims, the Settlement, and releases are set forth in the Notice. Critically, the district court denied Exchange-Based Plaintiffs' motion for class certification and Plaintiffs' petition for leave to appeal the denial of class certification under Federal Rule 23(f) was denied. Your participation in this Settlement may offer the best, and perhaps last, chance for you to receive any monetary recovery from the Exchange-Based Plaintiffs' Action.
2. Submission of this Proof of Claim form, however, does not assure that you will share in the Net Settlement Fund.
3. You have two options for completing a Proof of Claim form:
 - a. You can mail your completed and signed Proof of Claim form postmarked no later than October 21, 2024, to:

USD LIBOR EURODOLLAR FUTURES SETTLEMENT
c/o A.B. DATA, LTD.
P.O. BOX 170999
MILWAUKEE, WI 53217-8091
www.USDLiborEurodollarSettlements.com

- b. You can complete and submit the Proof of Claim form through the Settlement website by visiting www.USDLiborEurodollarSettlements.com. **If you previously submitted a valid Proof of Claim in the Prior Settlements, you do not need to submit another Proof of Claim to participate in this Settlement unless you wish to amend your claim.** Upon completion of the online Proof of Claim form, you will receive an acknowledgment that your Proof of Claim has been submitted. If you choose this option and file a Proof of Claim electronically, you must file on or before October 21, 2024.
4. If you are a member of the Settlement Class, then, by properly completing this Proof of Claim and furnishing the required supporting documentation, you may be entitled to share in the proceeds from the Net Settlement Fund.

Omission of necessary information and/or supporting documents will make your claim defective so that it may be rejected, in which case you will be notified of such rejection and given an opportunity to remedy same. You must include all trade information for transactions in Eurodollar futures contracts and/or options on Eurodollar futures contracts during the period January 1, 2003 through May 31, 2011, inclusive (the "Settlement Class Period") for all accounts you owned or controlled.

5. If you are NOT a member of the Settlement Class DO NOT submit a Proof of Claim and Release form.

The Settlement Class is defined as all persons, corporations and other legal entities that transacted in Eurodollar futures and/or options on Eurodollar futures on exchanges, such as the CME, between January 1, 2003 and May 31, 2011, inclusive. Excluded from the Settlement Class are: (i) Defendants, their employees, affiliates, parents, subsidiaries, and alleged co-conspirators; (ii) the Releasees (as defined in the Settlement Agreement); and (iii) any Class Member who files a timely and valid request for exclusion. Notwithstanding these exclusions, and solely for purposes of the Settlement and the Settlement Class, Investment Vehicles shall not be excluded from the Settlement Class solely on the basis of being deemed to be Defendants or affiliates or subsidiaries of Defendants. However, to the extent that any Defendant or any entity that might be deemed to be an affiliate or subsidiary thereof (i) managed or advised, and (ii) directly or indirectly held a beneficial interest in, said Investment Vehicle during the Class Period, that beneficial interest in the Investment Vehicle is excluded from the Settlement Class.

6. If you are a member of the Settlement Class and you fail to submit a valid and timely Proof of Claim pursuant to the instructions set forth herein or fail to provide adequate documentation of those transactions, you may be precluded from any recovery from the Net Settlement Fund. However, unless you validly exclude yourself from the Settlement Class, you will be bound by the terms of any judgment entered in the Action whether or not you submit a Proof of Claim form.

DEFINITIONS

Capitalized terms not defined in this Proof of Claim and Release form have the same meaning as set forth in the Settlement Agreement with Defendants Credit Suisse AG ("Credit Suisse"), Lloyds Bank plc and Bank of Scotland plc (together, "Lloyds"), NatWest Markets plc (f/k/a The Royal Bank of Scotland plc) ("NatWest"), Portigon AG (f/k/a WestLB) and Westdeutsche Immobilienbank AG (n/k/a Westdeutsche Immobilien Servicing AG) (together, "Portigon"), Royal Bank of Canada and RBC Capital Markets, LLC (together, "RBC"), Coöperatieve Rabobank U.A. (f/k/a Coöperatieve Centrale Raiffeisen-Boerenleenbank B.A.) ("Rabobank"), The Norinchukin Bank ("Norinchukin"), MUFG Bank, Ltd. (f/k/a The Bank of Tokyo-Mitsubishi UFJ, Ltd.), and UBS AG ("UBS") (together Credit Suisse, Lloyds, NatWest, Portigon, RBC, Rabobank, Norinchukin, MUFG, and UBS are referred to herein as the "Remaining Defendants"). The Settlement Agreement, in its entirety, is available at www.USDLiborEurodollarSettlements.com.

For official use only



USD LIBOR Eurodollar Settlement

PROOF OF CLAIM AND RELEASE

Please print or type

**MUST BE POSTMARKED NO LATER
THAN OCTOBER 21, 2024**

ITEM 1—CLAIMANT IDENTIFICATION

Please indicate here if you are amending a claim you previously submitted in this Action. **If you previously submitted a valid claim in the Prior Settlements, you do not need to submit another Proof of Claim to participate in this Settlement unless you wish to amend your claim.**

1. Please provide the following information for you and your affiliates¹ that transacted in Eurodollar futures contracts and/or options on Eurodollar futures at any time during the Settlement Class Period:

Claimant Name(s) (“Claimant”):

Grid for Claimant Name(s)

Individual Corporation Estate Other (specify) _____

Name of Person Executing Claim:

Grid for Name of Person Executing Claim

Capacity of Person Executing Claim:

Grid for Capacity of Person Executing Claim

Claimant Address:

Grid for Claimant Address

City: _____ State: _____ Zip Code: _____

Foreign Province: _____ Foreign Postal Code: _____ Foreign Country: _____

Claimant Daytime Phone Number:

(_____) _____ — _____

Claimant Social Security, Employer Identification, or Federal Tax Identification Number:

_____ — _____ — _____ or _____ — _____

Claimant Email Address:

Grid for Claimant Email Address

¹ “Affiliates” means any other person or entity that you control, either directly or through one or more intermediaries, or any person or entity that is controlled by or is under common control with such intermediary person or entity.

Nature of the Claimant's Business

Empty grid area for providing business details.

If you require additional space on this or any other section of the Proof of Claim, attach an additional page to the end of the claim form. Do not submit multiple Proofs of Claim.

If you are unable to identify all transactions in Eurodollar futures contracts and/or options on Eurodollar futures contracts on exchanges such as the CME by any affiliates of yours, who, to your knowledge, made any transactions in Eurodollar futures contracts and/or options on Eurodollar futures contracts during the Settlement Class Period, then please list below the names of such affiliates.

Horizontal lines for listing affiliate names.

If you leave the above line blank, then by executing this Proof of Claim, you are affirming that, to the best of your knowledge, you have no affiliates who made transactions in Eurodollar futures contracts and/or options on Eurodollar futures on exchanges such as the CME during the Settlement Class Period that are not reflected in this Proof of Claim.

ITEM 2—LIST OF FUTURES COMMISSION MERCHANTS

2. Please list all futures commission merchants ("FCMs") through which you maintained accounts wherein you traded Eurodollar futures contracts or options during the Settlement Class Period (i.e., January 1, 2003 – May 31, 2011).

Horizontal lines for listing FCMs.

ITEM 3—LIST OF ACCOUNT NAMES AND ACCOUNT NUMBERS

3. Please provide a list of all account names and account numbers for each FCM you listed in response to "Item 2" above wherein you traded Eurodollar futures contracts or options contracts during the Settlement Class Period (i.e., January 1, 2003 – May 31, 2011).

Horizontal lines for listing account names and numbers.

ITEM 4—PROOF OF QUALIFYING TRANSACTIONS

4. Please provide proof of all transactions in Eurodollar futures contracts and/or options on Eurodollar futures contracts on exchanges such as the CME that you made during the Settlement Class Period by, for example, enclosing photocopies of daily brokerage confirmations, monthly account statements, and other documents evidencing purchases and/or sales reflecting any and all transactions in such Eurodollar futures contracts and/or options. Each Claimant must provide sufficient documentation to allow the Claims Administrator to determine whether a transaction in a Eurodollar futures contract or an option on Eurodollar futures contract traded on exchanges, including without limitation, the CME, qualifies as a transaction in Eurodollar futures contract and/or options on Eurodollar futures contract. Such documentation must reflect the date, price, and quantity of all such transactions in Eurodollar futures contracts and/or options (see Item 6 below). **It is highly likely that the most efficient method for Claimants to support their claims is to produce records reflecting all Eurodollar futures contracts or options on Eurodollar futures contracts traded on exchanges, including without limitation, the CME during the Settlement Class Period.**

You should provide proof for each and every transaction in Eurodollar futures contracts and/or options on Eurodollar futures contracts regardless of whether such transaction resulted in a gain or a loss.

If any such documents are not in your possession, please obtain them or their equivalent from your broker or tax advisor or other sources if it is possible for you to do so.

If you have this information in an electronic form, you are strongly encouraged to submit the information electronically along with a hard copy printout of your trading records in order to expedite the treatment of your Proof of Claim. The following formats are acceptable: ASCII, MS Excel, and MS Access.

ITEM 5—INSTRUCTIONS FOR LIST OF TRANSACTIONS IN EURODOLLAR FUTURES CONTRACTS AND/OR OPTIONS ON EURODOLLAR FUTURES CONTRACTS

5. The Settlement Administrator will determine each Claimant’s Net Artificiality Paid and Net Loss (as set forth in the Plan of Distribution) by analyzing each Claimant’s transactions in Eurodollar futures contracts and/or options. Claimants are required to list each transaction in Eurodollar futures contracts and/or options in the form provided in Item 6 below. If additional space is necessary, or if Claimants wish to use a Microsoft Excel format, please go to www.USDLiborEurodollarSettlements.com to obtain an electronic filing template.

In listing the information requested in Item 6 below, you should always use trade dates, not settlement dates. Do not average prices of separate transactions, including transactions within a given date. It is important that you supply the information requested to the fullest extent that you are able to do so.

ITEM 6—LIST OF HOLDINGS AND TRANSACTIONS IN EURODOLLAR FUTURES CONTRACTS AND/OR OPTIONS ON EURODOLLAR FUTURES CONTRACTS

6(a). If you purchased or sold a Eurodollar futures contract on exchanges, including without limitation, the CME, during the Settlement Class Period (*i.e.*, January 1, 2003 – May 31, 2011), then you must provide the information set forth in the Table I below for all such transactions.

TABLE I—PURCHASE(S) AND SALE(S) OF EURODOLLAR FUTURES CONTRACTS DURING THE SETTLEMENT CLASS PERIOD

Date of Transaction	Purchase or Sale (P/S)	Contract Code	Contract Month/Year	Number of Contracts In Transaction	Price	Brokerage Firm and Account Number in Which Transaction Made	Hedging Transaction? (Yes or No)²
/ /							
/ /							
/ /							

6(b). If you opened any positions (long or short) in Eurodollar futures contracts prior to the start of the Settlement Class Period on January 1, 2003, which were closed as a result of the transactions identified in Table I, you must provide the information set forth below in Table II with respect to any such transactions made prior to the Settlement Class Period which were closed during the Settlement Class Period.

TABLE II—OFFSETTING PURCHASE(S) AND SALE(S) OF EURODOLLAR FUTURES CONTRACTS PRIOR TO THE SETTLEMENT CLASS PERIOD FOR POSITIONS CLOSED DURING THE SETTLEMENT CLASS PERIOD

Date of Transaction	Purchase or Sale (P/S)	Contract Code	Contract Month/Year	Number of Contracts In Transaction	Price	Brokerage Firm and Account Number in Which Transaction Made	Hedging Transaction? (Yes or No)
/ /							
/ /							
/ /							

6(c). If you held any open positions (long or short) in Eurodollar futures contracts and/or options as of the end of the Settlement Class Period on May 31, 2011, as a result of the transactions identified in Table II, you must provide the information set forth below in Table III with respect to any transactions in Eurodollar futures contracts and/or options made after the Settlement Class Period that offset in whole or in part such open positions.

²For the purpose of this Proof of Claim form only, Hedging Transactions are defined as any offsetting exposures held or acquired by you or any of your affiliates on a designated contract market or swap execution facility that reduce actual risks that your or any of your affiliates would otherwise face related to the change in value of assets, liabilities, and services and thus operated as a hedge (in whole or in part) against your transaction(s) in Class Contracts listed in Item 6.

TABLE III—OFFSETTING PURCHASE(S) AND SALE(S) OF EURODOLLAR FUTURES CONTRACTS AFTER THE SETTLEMENT CLASS PERIOD FOR POSITIONS HELD AS OF THE END OF THE SETTLEMENT CLASS PERIOD

Date of Transaction	Purchase or Sale (P/S)	Contract Code	Contract Month/Year	Number of Contracts In Transaction	Price	Brokerage Firm and Account Number in Which Transaction Made	Hedging Transaction? (Yes or No)
/ /							
/ /							
/ /							

6(d). If you purchased or sold options on Eurodollar futures contracts (as defined above) during the Settlement Class Period (*i.e.*, January 1, 2003 – May 31, 2011), then you must provide the information set forth in the Table IV below for all such transactions.

TABLE IV—PURCHASE(S) AND SALE(S) OF EURODOLLAR OPTIONS DURING THE SETTLEMENT CLASS PERIOD

Date of Transaction	Purchase or Sale (P/S)	Call (C) or Put (P)	Contract Code	Contract Month/Year	Strike Price	Number of Options	Option Price	Hedge? (Yes or No)	Disposition and Date (Exercised, Assigned, Expired, Closed)
/ /									
/ /									
/ /									
/ /									

6(e). If you purchased or sold options on Eurodollar futures contracts (as defined above) prior to the Settlement Class Period (*i.e.*, January 1, 2003 – May 31, 2011), that were disposed of during the Settlement Class Period, then you must provide the information set forth in the Table V below for all such transactions.

TABLE V—PURCHASE(S) AND SALE(S) OF EURODOLLAR OPTIONS PRIOR TO THE SETTLEMENT CLASS PERIOD THAT WERE DISPOSED OF DURING THE SETTLEMENT CLASS PERIOD

Date of Transaction	Purchase or Sale (P/S)	Call (C) or Put (P)	Contract Code	Contract Month/Year	Strike Price	Number of Options	Option Price	Hedge? (Yes or No)	Disposition and Date (Exercised, Assigned, Expired, Closed)
/ /									
/ /									
/ /									
/ /									

6(f). If you disposed of Eurodollar futures contracts (as defined above) after the Settlement Class Period (*i.e.*, January 1, 2003 – May 31, 2011) that were purchased during the Settlement Class Period, then you must provide the information set forth in the Table VI below for all such transactions.

**TABLE VI—DISPOSITION OF EURODOLLAR OPTIONS AFTER THE SETTLEMENT CLASS PERIOD
THAT WERE PURCHASED AND SOLD DURING THE SETTLEMENT CLASS PERIOD**

Date of Transaction	Purchase or Sale (P/S)	Call (C) or Put (P)	Contract Code	Contract Month/Year	Strike Price	Number of Options	Option Price	Hedge? (Yes or No)	Disposition and Date (Exercised, Assigned, Expired, Closed)
/ /									
/ /									
/ /									
/ /									

6(g). For any line in which you stated Hedging Transactions in 6(a) - 6(f) above, were all of the transactions in that line Hedging Transactions? YES ____ or NO _____. If your answer is NO, please list all of your Hedging Transactions in that line that were not Hedging Transactions.

6(h). Were any of the transactions you listed in 6(a) - 6(f) above conducted by you as a “Swap Dealer”? A Swap Dealer is any person who (i) holds itself out as a dealer in swaps, (ii) makes a market in swaps, (iii) regularly enters into swaps with counterparties as an ordinary course of business for its own account, or (iv) engages in activity causing itself to be commonly known in the trade as a dealer or market maker in swaps. If your answer is YES, please list all of your transactions as a Swap Dealer in the space provided below.

SUBMISSION TO JURISDICTION OF COURT AND ACKNOWLEDGMENTS

The Claimant submits this Proof of Claim form under the terms of the Distribution Plan of Net Settlement Fund described in the Notice. The Claimant also submits to the jurisdiction of the United States District Court for the Southern District of New York (the “Court”), with respect to this Proof of Claim and for purposes of enforcing the releases set forth herein, the terms of the Settlement Agreement, and any order or judgment of the Court. The Claimant further acknowledges that he, she, or it will be bound by the terms of any judgment entered in connection with the Settlement in the Exchange-Based Plaintiffs’ Action, including the releases set forth therein. The Claimant agrees to furnish additional information to the Settlement Administrator to support this claim, such as additional documentation for transactions in Eurodollar futures contracts and/or options on Eurodollar futures contracts, if required to do so. The Claimant has not submitted any claim covering the same holdings of Eurodollar futures contracts and/or options on Eurodollar futures contracts during the Settlement Class Period and knows of no other person having done so on his, her, or its behalf.

It is important that the Claimant accurately discloses all transactions in Eurodollar futures contracts and/or options on Eurodollar futures contracts open at the start of or made during the Settlement Class Period. The Claimant expressly consents to the release to the Settlement Administrator of any and all documents reflecting the Claimant's transactions in such Eurodollar futures contracts and/or options that may be obtained from third parties, including, but not limited to, your brokerage firm(s) and/or the Commodity Futures Trading Commission ("CFTC"). By executing this Proof of Claim the Claimant hereby permits the Settlement Administrator to request from the exchange, including without limitation, the CME, the Claimant's account and relevant trade information prior to receiving a payment from the Net Settlement Fund.

The Claimant certifies that reasonable efforts have been made to locate all information requested in Items 1-6 above and that all information supplied in connection with this Proof of Claim is true, correct, and complete.

The Claimant understands that the information provided herein is subject to verification and the Claimant agrees to cooperate in any such verification including by furnishing additional information to support this claim and by assisting the Settlement Administrator if requested to do so.

The Claimant understands that the Settlement Administrator will determine the adequacy of the Claimant's Proof of Claim and supporting documentation.

RELEASES AND WARRANTIES

1. The Claimant hereby acknowledges that he, she, or it has read and agrees to the terms of the Releases, the definition of Released Claims³, and the terms of the Exchange-Based Plaintiffs' Release and Covenant Not to Sue as set forth in the Settlement Agreement.⁴
2. The Claimant hereby warrants and represents that he, she, or it is a Class Member as defined in the Notices, that the Claimant is not one of the Releasees as defined in the Settlement Agreement, and that the Claimant believes that he, she, or it is eligible to receive a distribution from the Net Settlement Fund under the terms and conditions of the Distribution Plan.
3. The Claimant hereby certifies that the Claimant is NOT subject to backup withholding under the provisions of Section 3406(a)(1)(C) of the Internal Revenue Code because: (a) the Claimant is exempt from backup withholding; or (b) the Claimant has not been notified by the Internal Revenue Service (the "I.R.S.") that the Claimant is subject to backup withholding as a result of a failure to report all interest or dividends; or (c) the I.R.S. has notified the Claimant that he, she, or it is no longer subject to backup withholding.
4. By signing and submitting this Proof of Claim form, Claimant: (i) consents to the disclosure of information relating to Claimant's transactions in Eurodollar futures and/or options on Eurodollar futures contracts from January 1, 2003 through May 31, 2011, for use in the claims administration process; and (ii) waives any protections provided by applicable bank secrecy, data privacy law, or any similar confidentiality protections with respect to information relating to Claimant's transactions in Eurodollar futures and/or options on Eurodollar futures contracts from January 1, 2003 through May 31, 2011, for use in the claims administration process.

NOTE: If the Claimant has been notified by the I.R.S. that he, she, or it is subject to backup withholding, please strike out the language that the Claimant is not subject to backup withholding in the certification above.

5. The Claimant agrees to execute a release and covenant not to sue in conformity with the Settlement Agreement in order to receive the Claimant's pro rata share of the Net Settlement Fund. The Claimant agrees that the submission of this Proof of Claim constitutes a full release of and covenant not to sue on the Released Claims against the Releasees as set forth in the Settlement Agreement and at the end of this Proof of Claim.
6. This release shall be of no force or effect unless and until the Court approves the Settlement and it becomes effective on the Effective Date.

³ "Released Claims," "Releasees," and "Releasers" are defined in the Settlement at ¶ 1(KK), ¶ 1(LL), and ¶ 1 (MM), respectively.

⁴ The terms of the Exchange-Based Plaintiffs' Release and Covenant Not to Sue are defined in the Settlement at ¶ 11.

7. The Claimant hereby warrants and represents that he, she, or it has not yet assigned or transferred or purported to assign or transfer, voluntarily or involuntarily, any matter released pursuant to this release or any other part or portion thereof.

I declare and affirm under penalties of perjury that the foregoing statements and the documents and information attached hereto, including the Social Security or Employee Identification Number shown on this Proof of Claim, are true, correct, and complete, and that I agree to the Release and Covenant Not to Sue. I understand that the withholding or misrepresentation of any information described herein may constitute a criminal offense subject to penalties.

This Proof of Claim and Release was executed this _____ day of _____, 20_____ in _____, _____
(City/Province) (State/Country)

Signature of Claimant

Type or Print Name

Capacity of Person Signing (*e.g.*, President, Trustee, Custodian, etc.)

If you are acting for an entity, please submit proof of your authority (*e.g.*, corporate resolution, trust agreement, etc.).

REMINDER CHECKLIST:

1. Please sign the above release and declaration.
2. DO NOT USE HIGHLIGHTER ON THE PROOF OF CLAIM FORM.
3. Keep a copy of your Proof of Claim form and all documentation submitted for your records.
4. If you move after submitting this Proof of Claim, please send your new address to the Settlement Administrator at the address below:

USD LIBOR EURODOLLAR FUTURES SETTLEMENT
c/o A.B. DATA, LTD.
P.O. BOX 170999
MILWAUKEE, WI 53217-8091
info@USDLiborEurodollarSettlements.com