

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

IN RE: THE BANK OF NEW YORK
MELLON ADR FX LITIGATION

16-CV-00212-JPO-JLC

ECF Case

This Document Relates to:

ALL ACTIONS

REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT OF (I) LEAD PLAINTIFFS' MOTION FOR FINAL APPROVAL OF PROPOSED CLASS ACTION SETTLEMENT AND PLAN OF ALLOCATION; AND (II) LEAD PLAINTIFFS' COUNSEL'S APPLICATION FOR ATTORNEYS' FEES AND REIMBURSEMENT OF LITIGATION EXPENSES, INCLUDING SERVICE AWARDS TO LEAD PLAINTIFFS

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Lead Plaintiffs and Lead Plaintiffs' Counsel respectfully submit this memorandum of law in further support of (i) Lead Plaintiffs' Motion for Final Approval of Proposed Class Action Settlement and Plan of Allocation (ECF No. 151), and (ii) Lead Plaintiffs' Counsel's Application for Attorneys' Fees and Reimbursement of Litigation Expenses, Including Service Awards to Lead Plaintiffs (ECF No. 153) (the "Motions").¹ As set forth below, both of these Motions are unopposed, and no member of the Settlement Class has objected. Accordingly, this memorandum serves to apprise the Court of these facts and the authorities that, in light of them, further support Lead Plaintiffs' and Lead Plaintiffs' Counsel's requested relief.

PRELIMINARY STATEMENT

The proposed Settlement provides for a \$72.5 million cash payment for the benefit of the Settlement Class. As detailed in Lead Plaintiffs' and Lead Plaintiff's Counsel's opening papers in support of the Motions (ECF Nos. 151-155) ("Opening Papers"), the Settlement is based on the Parties' acceptance of a mediator's proposal that the Action be settled for that amount, and represents an excellent result for the Settlement Class in light of the significant challenges that Lead Plaintiffs would have faced had the Action continued. Indeed, the Parties reached their agreement-in-principle to settle at a critical juncture in the Action—just weeks before summary judgment motions were due and while two key motions (i.e., a motion by BNYM for partial summary judgment based on the applicability of the statute of limitations and standing, and Named Plaintiffs' motion for class certification) were pending. The Settlement avoided the risk of an

¹ Unless otherwise noted, capitalized terms have the meanings ascribed to them in the Stipulation and Agreement of Settlement dated January 15, 2019 (ECF No. 147-2) (the "Stipulation") or the Joint Declaration of Sharan Nirmul and Daniel P. Chiplock in Support of (1) Lead Plaintiffs' Motion for Final Approval of Proposed Class Action Settlement and Plan of Allocation; and (2) Lead Plaintiffs' Counsel's Application for Attorneys' Fees and Reimbursement of Litigation Expenses, Including Service Awards to Lead Plaintiffs dated April 29, 2019 (ECF No. 155) (the "Joint Decl."). Unless otherwise noted, all internal citations and quotations are omitted.

adverse ruling by the Court on the pending motions, among other risks, while securing a substantial recovery representing, on a gross basis, nearly 24% of the Settlement Class’s losses recognized for purposes of the Settlement.²

Following the extensive Court-approved notice program for the Settlement—including the mailing of over 473,000 Post-Card Notices combined with a modern, comprehensive multimedia notice campaign consisting of publications in eight magazines, three newspapers, and investment e-newsletters as well as banner ads served over a variety of business, news, and investment websites, and across social media platforms resulting in over 121 million online impressions—***not a single member of the Settlement Class has objected to any aspect of the Settlement, the Plan of Allocation, or Lead Plaintiff’s Counsel’s application for an award of attorneys’ fees and reimbursement of Litigation Expenses.*** Furthermore, out of the millions of potential Settlement Class Members that received notice of the Settlement, ***only 59*** requests for exclusion from the Settlement Class have been received.³ In the aggregate, the losses recognized under the Plan of Allocation by these exclusion requests are ***less than \$2,200*** out of the approximately \$304 million in losses recognized for purposes of the Settlement.

Lead Plaintiffs and Lead Plaintiffs’ Counsel respectfully submit that the reaction of the Settlement Class is a testament to the fairness, adequacy, and reasonableness of the Settlement, the Plan of Allocation, and the fee and expense requests, and provides strong support for the Court’s approval of both Motions.

² As agreed to by the Parties for purposes of the Settlement, the total margin BNYM generated from the allegedly impermissible foreign exchange (“FX”) fees at issue in this Action is approximately \$304 million.

³ The deadline to request exclusion from the Settlement Class or to file an objection to any aspect of the Settlement was May 13, 2019. Five of the requests for exclusion received were received after the May 13, 2019 deadline. The 59 exclusion requests represent approximately 0.01% of the more than 473,000 Post-Card Notices mailed, and an even tinier percentage of the millions of Settlement Class Members that were reached via the multimedia notice campaign.

ARGUMENT

Lead Plaintiffs and Lead Plaintiffs' Counsel respectfully submit that their Opening Papers demonstrate why approval of the Motions is warranted. Now that the time for objecting to the Settlement or requesting exclusion from the Settlement Class has passed, the lack of any objections and only minimal requests for exclusion from Settlement Class Members provide significant additional support for approval of the Motions.

Pursuant to the Court's January 17, 2019 Notice Order (ECF No. 149), the Court-authorized Claims Administrator, Kurtzman Carson Consultants LLC ("KCC"), mailed more than 473,000 Post-Card Notices to Registered Holder Settlement Class Members (i.e., Settlement Class Members who hold (or held) eligible securities directly, are listed in the records of BNYM's transfer agent with respect to such holdings, and whose contact, holding, and distribution information was provided to KCC by BNYM's transfer agent).⁴ In addition, the Court-authorized Publication Notice Plan Administrator, HF Media, LLC, completed a successful 79-day multimedia notice program targeting Settlement Class Members (in particular, Non-Registered Holder Settlement Class Members), utilizing publications in magazines, newspapers, and investment e-newsletters, along with banner ads served over a variety of business, news, and investment websites, and across social media platforms.⁵ The Post-Card Notice and publications provided Settlement Class Members with general information regarding the Settlement, and

⁴ See Supplemental Declaration of Lance Cavallo Regarding (A) Mailing of the Post-Card Notice; (B) Outreach to Third-Party Filers; (C) Update on Telephone Hotline and Settlement Websites; and (D) Report on Requests for Exclusion Received (the "Supp. Cavallo Decl."), attached hereto as Exhibit 1, at ¶ 2.

⁵ The multimedia notice campaign was detailed in the Declaration of Jeanne C. Finegan previously filed with the Court on April 29, 2019 (ECF No. 155-2). Lead Plaintiffs are refiling (as Exhibit 2 hereto) the Declaration of Jeanne C. Finegan to correct non-substantive formatting issues appearing in the previously-filed version.

directed them to the long-form Notice found on the Settlement website, www.BNYMADRFXSettlement.com, for additional information.⁶

The long-form Notice informed Settlement Class Members of the terms of the Settlement and Plan of Allocation, and that Lead Plaintiffs' Counsel would be applying, on behalf of all plaintiffs' counsel, for an award of attorneys' fees in an amount not to exceed 30% of the Settlement Fund, as well as reimbursement of Litigation Expenses (including Service Awards to Lead Plaintiffs) in an amount not to exceed \$1,750,000, plus interest. The various forms of notice also apprised Settlement Class Members of their right to object to the Settlement, the Plan of Allocation, and/or the request for attorneys' fees and reimbursement of Litigation Expenses, their right to exclude themselves from the Settlement Class, and the May 13, 2019 deadline for filing objections and requesting exclusion.

On April 29, 2019, pursuant to the schedule approved by the Court in the Notice Order, Lead Plaintiffs and Lead Plaintiffs' Counsel filed their Opening Papers in support of the Settlement, the Plan of Allocation, and the fee and expense application. The Motions are supported by, among other things, declarations of Lead Plaintiffs' Counsel and the Administrators. These papers are available on the public docket (*see* ECF Nos. 151-155) and on the Settlement website. *See* Supp. Cavallo Decl. ¶ 5.

As noted above, in response to the notice program and the Motions, there have been no objections to the Settlement and only 59 requests for exclusion (out of the many millions of

⁶ The banner ads directed potential Settlement Class Members to the ADR FX settlement landing page, www.ADRFXSettlement.com, which provides a direct link to the Settlement website, www.BNYMADRFXSettlement.com, as well as links to the websites for the settlements obtained in the related ADR FX cases *Merryman et al. v. Citigroup, Inc. et al.*, No. 1:15-cv-09185-CM-KNF (S.D.N.Y.) and *Merryman et al. v. JPMorgan Chase Bank, N.A.*, No. 1:15-cv-09188-VEC (S.D.N.Y.). *See* Supp. Cavallo Decl. ¶ 6.

potential Settlement Class Members receiving notice of the Settlement). *See* Supp. Cavallo Decl. ¶¶ 9-10.⁷ Additionally, based on the information provided with the exclusion requests, the exclusions represent losses of ***less than \$2,200*** as calculated pursuant to the Plan of Allocation, or approximately 0.0007% of the \$304 million in total margin that the Parties agree, for purposes of this Settlement, BNYM generated from the FX transactions at issue in this Action (*see supra* n.2). Here, the absence of any objections from Settlement Class Members—combined with the minimal requests for exclusion—strongly supports a finding that the Settlement is fair, reasonable, and adequate. *See, e.g., Wal-Mart Stores, Inc. v. Visa U.S.A. Inc.*, 396 F.3d 96, 119 (2d Cir. 2005) (finding that “the favorable reaction of the overwhelming majority of class members to the Settlement is perhaps the most significant factor in [the] Grinnell inquiry”); *In re Virtus Inv. Partners, Inc. Sec. Litig.*, 2018 WL 6333657, at *2 (S.D.N.Y. Dec. 4, 2018) (“the absence of objections by the class is extraordinarily positive and weighs in favor of settlement”); *In re Advanced Battery Techs., Inc. Sec. Litig.*, 298 F.R.D. 171, 176 (S.D.N.Y. 2014) (“The absence of . . . objections and minimal investors electing to opt out of the Settlement provides evidence of Class members’ approval of the terms of the Settlement.”); *In re FLAG Telecom Holdings, Ltd. Sec. Litig.*, 2010 WL 4537550, at *16 (S.D.N.Y. Nov. 8, 2010) (“The absence of objections to the Settlement supports the inference that it is fair, reasonable and adequate.”).

Moreover, the absence of objections from institutional investors with ample means and incentive to object to the Settlement if they deemed it unsatisfactory is further evidence of the Settlement’s fairness. *See, e.g., In re Facebook, Inc., IPO Sec. & Derivative Litig.*, 343 F. Supp.

⁷ Of the 59 requests for exclusion, 54 requests were submitted timely (i.e., on or before the May 13, 2019 deadline) and 5 requests were submitted late (i.e., after the May 13, 2019 deadline). *See* Supp. Cavallo Decl. ¶ 9. Only the 54 timely requests for exclusion have been included on Exhibit 1 to the [Proposed] Order and Final Judgment attached hereto as Exhibit 3.

3d 394, 410 (S.D.N.Y. 2018) (“That not one sophisticated institutional investor objected to the Proposed Settlement is indicia of its fairness.”); *In re AOL Time Warner, Inc. Sec. & “ERISA” Litig.*, 2006 WL 903236, at *10 (S.D.N.Y. Apr. 6, 2006) (the lack of objections from institutional investors supported approval of settlement); *In re AT&T Corp. Sec. Litig.*, 2005 WL 6716404, at *4 (D.N.J. Apr. 25, 2005) (approving settlement where “no objections were filed by any institutional investors who had great financial incentive to object”).

The lack of objections by Settlement Class Members also supports approval of the Plan of Allocation. *See, e.g., In re Payment Card Interchange Fee & Merch. Disc. Antitrust Litig.*, 986 F. Supp. 2d 207, 240 (E.D.N.Y. 2013) (conclusion that the proposed plan of allocation was fair and reasonable was “buttressed by the relatively small number of opt-outs and absence of objections from class members”).

Finally, the uniformly positive reaction of the Settlement Class should also be considered with respect to Lead Plaintiffs’ Counsel’s application for attorneys’ fees and reimbursement of Litigation Expenses. The absence of any objections to the requested fees and expenses supports a finding that the request is fair and reasonable. *See, e.g., In re Veeco Instruments Inc. Sec. Litig.*, 2007 WL 4115808, at *10 (S.D.N.Y. Nov. 7, 2007) (the reaction of class members to a fee and expense request “is entitled to great weight by the Court” and the absence of any objection “suggests that the fee request is fair and reasonable”); *Maley v. Del Global Techs. Corp.*, 186 F. Supp. 2d 358, 374 (S.D.N.Y. 2002) (the lack of any objection to the fee request supported its approval). In particular, the lack of objections by institutional investors supports approval of the fee request. *See In re Rite Aid Corp. Sec. Litig.*, 396 F.3d 294, 305 (3d Cir. 2005) (the fact that “a significant number of investors in the class were ‘sophisticated’ institutional investors that had considerable financial incentive to object had they believed the requested fees were excessive” and

did not do so, supported approval of the fee request); *In re Bisy Sec. Litig.*, 2007 WL 2049726, at *1 (S.D.N.Y. July 16, 2007) (lack of objections from institutional investors supported the approval of fee request because “the class included numerous institutional investors who presumably had the means, the motive, and the sophistication to raise objections if they thought the [requested] fee was excessive”).⁸

* * *

In sum, the uniformly positive reaction of the Settlement Class is strong evidence that the Settlement achieved is fair, reasonable, and adequate, and in the best interests of the Settlement Class, that the Plan of Allocation is fair and equitable, and that Lead Plaintiffs’ Counsel’s fee and expense application (including their request for Service Awards to Lead Plaintiffs) is reasonable.

CONCLUSION

For the foregoing reasons and the reasons set forth in their Opening Papers in support of the Motions, Lead Plaintiffs and Lead Plaintiffs’ Counsel respectfully request that the Court approve the Settlement, the Plan of Allocation, and Lead Plaintiffs’ Counsel’s application for attorneys’ fees and reimbursement of Litigation Expenses, including Services Awards to Lead Plaintiffs. Copies of the (i) proposed Order and Final Judgment; (ii) proposed Order Approving

⁸ In their opening fee brief, Lead Plaintiffs’ Counsel stated that according to a recent study by NERA Economic Consulting, “the median settlement between 1996 and 2018 in securities class cases of between \$50 million and \$99 million reflected 4.7% of investor losses.” Opening Fee Br. (ECF No. 154) at 8; *see also id.* at 16-17. That was incorrect. In fact, as noted in Lead Plaintiffs’ brief in support of final approval of the Settlement and in the accompanying Joint Declaration, the NERA study found that the median percentage recovery in securities class cases between 1996 and 2018 involving investor losses of \$200 million to \$399 million—which encompasses the agreed total margin amount attributable to the Settlement Class for purposes of this Settlement—was 2.6%. *See* Final Approval Br. (ECF No. 152) at 2 n.3; Joint Decl. (ECF No. 155) at 6 n.7. As the correct percentage comparator under the NERA study is 2.6% rather than 4.7%, the \$72.5 million Settlement Amount here—which represents nearly 24% of the agreed margin amount—compares even more favorably to securities class cases of similar size than Lead Plaintiffs’ Counsel stated in the opening fee brief.

Plan of Allocation of Net Settlement Fund; and (iii) proposed Order Awarding Attorneys' Fees and Reimbursement of Litigation Expenses are attached hereto as Exhibits 3, 4, and 5, respectively.

Dated: June 10, 2019

Respectfully submitted,

**KESSLER TOPAZ MELTZER
& CHECK, LLP**

**LIEFF CABRASER HEIMANN
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EXHIBIT 1

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

IN RE: THE BANK OF NEW YORK
MELLON ADR FX LITIGATION

Civil Action No. 16-CV-00212-JPO-JLC

ECF Case

This Document Relates to:

ALL ACTIONS

**SUPPLEMENTAL DECLARATION OF LANCE CAVALLO REGARDING
(A) MAILING OF THE POST-CARD NOTICE; (B) OUTREACH TO THIRD-PARTY
FILERS; (C) UPDATE ON TELEPHONE HOTLINE AND SETTLEMENT WEBSITES;
AND (D) REPORT ON REQUESTS FOR EXCLUSION RECEIVED**

I, Lance Cavallo, declare and state as follows:

1. I am a Senior Project Manager of Class Actions at Kurtzman Carson Consultants LLC (“KCC”). KCC is headquartered at 3301 Kerner Boulevard, San Rafael, California 94901. Pursuant to the Court’s Order Approving Issuance of Notice dated January 17, 2019 (ECF No. 149) (the “Notice Order”), Lead Plaintiffs’ Counsel were authorized to retain KCC as the Claims Administrator in connection with the proposed Settlement of the above-captioned action (“Action”). I submit this declaration as a supplement to my previously filed declaration, the Declaration of Lance Cavallo Regarding (A) Receipt and Processing of Registered Holder Data; (B) Mailing of the Post-Card Notice; (C) Establishment of the Telephone Hotline; (D) Establishment of the Settlement Websites; and (E) Report on Requests for Exclusion Received to Date, dated April 26, 2019 (ECF No. 155-1) (the “Initial Mailing Declaration”).¹ I have personal knowledge of the matters stated herein and, if called upon, could and would testify thereto.

¹ All terms with initial capitalization not otherwise defined herein shall have the meanings ascribed to them in the Stipulation and Agreement of Settlement, dated January 15, 2019 (ECF No. 147-2) (the “Stipulation”), the Notice Order and/or the Initial Mailing Declaration.

MAILING OF THE POST-CARD NOTICE

2. As reported in the Initial Mailing Declaration, as of April 25, 2019, KCC had mailed a total of 472,461 Post-Card Notices to Registered Holder Settlement Class Members, which figure included a total of 11,910 Post-Card Notices that were initially returned as undeliverable by the United States Postal Service (“USPS”), but were re-mailed based on updated addresses provided by the USPS or obtained through a third-party vendor to which KCC subscribes. Since the execution of the Initial Mailing Declaration, KCC has re-mailed an additional 873 Post-Card Notices. As a result, as of June 7, 2019, KCC has mailed a total of 473,334 Post-Card Notices.

OUTREACH TO THIRD-PARTY FILERS

3. KCC maintains a proprietary database with the names and email addresses of the largest and most common third-party filers² (the “Third-Party Filer Email Database”). Due to the particularly unique Settlement Class definition and information that must be provided to make a claim, on May 9, 2019, KCC, in coordination with Lead Plaintiffs’ Counsel, sent an email to the 662 email addresses contained in KCC’s Third-Party Filer Email Database. The email encouraged third-party filers to begin working on their claim submissions, and also provided general information such as the claim filing deadline and links to the Settlement Websites, i.e., the website for this Settlement, www.BNYMADRFXSettlement.com, as well as the ADR FX website, www.ADRFXSettlement.com, providing general information for this Settlement in addition to the settlements obtained in similar cases against two other depository banks, *Merryman et al. v. Citigroup, Inc. et al.*, No. 1:15-cv-09185-CM-KNF (S.D.N.Y.) and *Merryman et al. v. JPMorgan Chase Bank, N.A.*, No. 1:15-cv-09188-VEC (S.D.N.Y.).

² “Third-party filers” are companies and/or financial institutions that file claims on behalf of clients who employ them to handle such filings on their behalf in actions of this nature.

UPDATE ON TELEPHONE HOTLINE AND SETTLEMENT WEBSITES

4. KCC continues to maintain the toll-free telephone number (1-866-447-6210) for Settlement Class Members to call and obtain information about the Settlement. Through June 7, 2019, KCC has received a total of 11,850 calls to the telephone hotline, of which 3,187 calls were handled by a live operator during regular business hours.

5. KCC also continues to maintain the website for the Settlement, www.BNYMADRFXSettlement.com, to assist Settlement Class Members. On April 30, 2019, KCC posted to this website copies of the papers filed in support of Lead Plaintiffs' motion for final approval of the Settlement and Plan of Allocation and Lead Plaintiffs' Counsel's motion for an award of attorneys' fees and Litigation Expenses. Through June 7, 2019, the website has received 61,362 hits.

6. In addition, KCC currently maintains the general ADR FX website, www.ADRFXSettlement.com, which serves as a landing page for this Settlement as well as the settlements obtained in the related ADR FX cases. Through June 7, 2019, this website has received 86,964 hits.

7. KCC will continue operating, maintaining and, as appropriate, updating the Settlement Websites and toll-free telephone hotline with relevant case information and court documents until the conclusion of the administration.

REPORT ON REQUESTS FOR EXCLUSION RECEIVED

8. The Post-Card Notice, long-form Notice, Summary Notice and website for the Settlement informed Settlement Class Members that requests for exclusion from the Settlement Class were to be received no later than May 13, 2019. The long-form Notice provided that requests for exclusion were to be mailed to *Bank of New York Mellon ADR FX Settlement, c/o KCC Class*

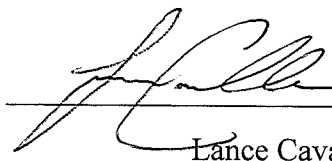
Action Services, EXCLUSIONS, P.O. Box 505030, Louisville, KY 40233-5030. KCC has closely monitored all mail delivered to this P.O. Box.

9. As reported in the Initial Mailing Declaration, as of April 25, 2019, KCC had received 6 requests for exclusion from the Settlement Class. Since the execution of the Initial Mailing Declaration, KCC has received an additional 53 requests for exclusion – of which 48 requests were timely (*i.e.*, received on or before the May 13, 2019 deadline) and 5 requests were late (*i.e.*, received after the May 13, 2019 deadline).

10. In total, as of June 7, 2019, KCC has received a total of 59 requests for exclusion from the Settlement Class – 54 timely requests and 5 late requests. Attached hereto as Exhibit A is a list of all timely and late requests for exclusion received.

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

Executed in New York, New York on June 10, 2019.



Lance Cavallo

Exhibit A

Timely Exclusion Requests

- | | |
|--|---|
| 1. Douglas Aaronson
New York, NY | 12. James A. Davenport
Midlothian, VA |
| 2. Edward W. Bachman
Stratford, CT | 13. Estate of Elizabeth M. Derco
New Brunswick, NJ |
| 3. Louella F. Benson
Alexandria, VA | 14. Maria A. Diaz
Whitehouse Station, NJ |
| 4. Clarice D Black
New Orleans, LA | 15. John Erickson
Glen Head, NY |
| 5. Mary Ann Black
New Orleans, LA | 16. Marilyn M. Francis
Treadwell, NY |
| 6. Michael J. & Hope Bolton
Michael Bolton + Hope Bolton TR UA
21-SEP-94
Battle Creek, MI | 17. Peter O. Geiger
Geneva, Switzerland |
| 7. Sally Carr
Belfast, ME | 18. Bruce J. & Joyce F. Genrich
Marinette, WI |
| 8. Melody Casteel
Greenbrier, TN | 19. Celestine A. Greenidge
Jamaica, NY |
| 9. Bonna Chang
Tustin, CA | 20. Marilyn E. Hayes
Hayes Trust 11/10/89
Burbank, CA |
| 10. Herbert Dauber TR UA 6/6/85
Dauber Trust
Kailua, HI | 21. Martha Henderek
Edmonton, AB
Canada |
| 11. Joyce C. Dauber TR UA 6/6/85
Joyce C. Dauber Trust
Kailua, HI | 22. Patricia Jean Huff
Simi Valley, CA |
| | 23. Darlene A. Hunt-Bauer
La Conner, WA |

24. Paul A. & Jane A. Jesus
Paul A Jesus Jane A Jesus Tr Ua
09/26/02
Paul A Jesus & Jane A Jesus 2002
Revocable Trust
Hayward, CA
25. Donald Johnson
Abingdon, MD
26. Phyllis & Wallace Kilgore
The Wallace Dale Kilgore and Phyllis
Jean Kilgore Revocable Trust dated
November 11, 2006
Millbrae, CA
27. Alice M. Korfman
N Vancouver, BC
Canada
28. Arnold L. Lehmann
Spokane, WA
29. Roy Lemieux
Newmarket, NH
30. Estate of Donald F. Littlefield
Fort Collins, CO
31. Maureen McCafferty
Trenton, NJ
32. Bettie B. Miller, Trust UA
Bettie B. Miller, TR 12-22-94
Redding, CA
33. David J. & Treva J. Mogish
Jacksonville, AR
34. David Paputsa
Morris, IL
35. Peter H. Pilshaw Revocable Trust
11/29/2005
Weatherly, PA
36. Peter H. Pilshaw
Weatherly, PA
37. Katherine M. Powell
Devon, PA
38. Annette J. Priest
Colorado Springs, CO
39. Cheryl A Quinn
Evelyn May Quinn Revocable Living
Trust dated October 15, 2015
Las Vegas, NV
40. James P. Rhodes
Lincoln, CA
41. Frank Rincoe Jr. & Barbara Joyce Rincoe
Charleston, SC
42. Virginia A. Salmon
Bloomfield, NJ
43. Constance M. Smith, Trustee
The Meta M. Smith Revocable Trust
Wilmington, DE
44. Frank J. Sticha
Maywood, IL
45. Janet E. Popp Stout
Angola, NY
46. Sandra J. Stude Syverson
Olathe, KS
47. Joan M. Taylor
Honey Brook, PA

48. David Huguley Tucker
Lafayette, AL

49. Nancy H. & John J.
Tulko Parlin, NJ

50. Estate of Helen Vesper
Bellerose, NY

51. John Charles Watson
Parkersburg, WV

52. Ingrid & Alexander Weber
Essen, Germany

53. Wolff R. Zimmermann
Schortens, Germany

54. The Elmer Schult & Hildegard Schult
Family Trust
Barnhart, MO

Late Exclusion Requests

- | | |
|--|---|
| 1. Ames Family Trust B
Lafayette, CO | 4. Lois A. Schalk
Cheektowaga, NY |
| 2. Karen McGovern
Cedar Grove, NJ | 5. William C. Schalk
Cheektowaga, NY |
| 3. Alice B. Montagnoli
Mullica Hill, NJ | |

EXHIBIT 2

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

IN RE: THE BANK OF NEW YORK
MELLON ADR FX LITIGATION

16-CV-00212-JPO-JLC

ECF Case

This Document Relates to:
ALL ACTIONS

**DECLARATION OF JEANNE C. FINEGAN, APR CONCERNING
IMPLEMENTATION OF NOTICE TO SETTLEMENT CLASS MEMBERS
THROUGH MULTI-MEDIA NOTICE PROGRAM**

INTRODUCTION

1. I am President and Chief Media Officer of HF Media, LLC (“HF Media”), a division of Heffler Claims Group LLC (“Heffler”). This Declaration is based upon my personal knowledge as well as information provided to me by my associates and staff, including information reasonably relied upon in the fields of advertising media and communications.
2. Pursuant to the Order Approving Issuance of Notice (“Notice Order”), Dkt. No. 149, dated January 17, 2019, p. 5, my firm, HF Media, was retained by Lead Plaintiffs’ Counsel as Publication Notice Plan Administrator to conduct the Publication Notice Plan for the Settlement.¹
3. I submit this Declaration in order to provide the Court and the Parties to the Action a report regarding the successful implementation of the Publication Notice Plan, i.e., the portion of the

¹ All capitalized terms used herein and not otherwise defined have the meanings set forth in the Notice Order.

Court-approved notice program conducted via, print, online and social media, as well as the overall reach as it relates specifically to the Publication Notice Plan.

4. As described more fully below, the Publication Notice Plan was successfully and timely implemented.

5. In compliance with the Court's Notice Order, the Publication Notice Plan commenced on January 25, 2019 and was substantially completed by April 16, 2019. The Publication Notice Plan, consisting of notice via media, including print and Internet banner ads and social media, exceeded our original estimated projection as to reach.² The Publication Notice Plan, as implemented, reached more than 92 percent of the target audience (i.e., the Settlement Class), on average, 4.4 times.³

6. Importantly, the successful implementation of the Publication Notice Plan is underscored by Settlement Class Member response, where as of April 26, 2019, a total of 59,433 users have visited the Settlement websites with over 60,300 sessions and over 154,900 page views.⁴

QUALIFICATIONS

7. A comprehensive description of my credentials and experience that qualify me to provide an expert opinion on the adequacy of the class action notice program in this matter was included in my previous Declaration filed with this Court on January 15, 2019. ECF No. 147-14. In summary, I have served as an expert directly responsible for the design and implementation of hundreds of class action notice programs, including Federal Trade Commission Enforcement actions, some of which are the largest and most complex programs ever implemented in both the

² As set forth in my previously filed Declaration, I estimated that 90 percent of Settlement Class Members would be reached, on average, more than 4 times. ECF No. 147-14, at 17.

³ Pursuant to the Notice Order, the Settlement Class is defined as all entities and individuals who at any time during the period January 1, 1997 through the date of the Notice Order (i.e., January 17, 2019) held (directly or indirectly, registered or beneficially), or otherwise claim any entitlement to any payment (whether a dividend, rights offering, interest on capital, sale of shares, or other distribution) in connection with, any American Depositary Share (sometimes known as an American Depositary Receipt) ("ADR") for which The Bank of New York Mellon ("BNYM") acted as the depositary sponsored by an issuer that is identified in the Appendix attached to the Stipulation. For avoidance of doubt, Settlement Class Members include all entities, organizations, and associations regardless of form, including investment funds and pension funds of any kind.

⁴ This user statistic, provided to me by Kurtzman Carson Consultants LLC, includes only BNYM users on the www.adrfxsettlement.com landing page and users who specifically typed in the www.bnymadrfxsettlement.com website address prominently displayed in the Summary Notice published in magazines and newspapers.

United States and in Canada.

8. I was extensively involved as a lead author for “*Guidelines and Best Practices Implementing 2018 Amendments to Rule 23 Class Action Settlement Provisions*” published by Duke University School of Law. Also, I am a member of the Board of Directors for the Alliance for Audited Media.

9. My work includes a wide range of class actions and regulatory and consumer matters, including product liability, construction defect, antitrust, asbestos, medical, pharmaceutical, human rights, civil rights, telecommunications, media, environmental, securities, banking, insurance and bankruptcy.

10. Additionally, I have been at the forefront of modern notice, including plain language as noted in a RAND study⁵, and importantly, I was the first notice expert to integrate digital media and social media into court-approved legal notice programs. My recent work includes:

- ***Chapman v. Tristar Products***, Case No. 1:16-cv-1114, JSG (N.D. Ohio 2018);
- ***Cook et. al v. Rockwell International Corp. and the Dow Chemical Co.***, Case No. 14-md-02562-RWS (E.D. Mo. 2016); and
- ***In re: TracFone Unlimited Service Plan Litigation***, Case No. C-13-3440 EMC (N.D. Cal. 2015).

11. In evaluating the adequacy and effectiveness of my notice programs, courts have repeatedly recognized my work as an expert. For example, in:

Carter v Forjas Taurus S.S., Taurus International Manufacturing, Inc., Case No. 1:13-CV-24583 PAS (S.D. Fl. 2016), the Honorable Patricia Seitz, in her Final Order and Judgment Granting Plaintiffs Motion for Final Approval of Class Action Settlement, dated July 22, 2016, stated:

“The Court considered the extensive experience of Jeanne C. Finegan and the notice program she developed. ...There is no national firearms registry and Taurus sale records do not provide names and addresses of the ultimate purchasers... Thus the form and method used for notifying Class Members of the terms of the Settlement was the best notice practicable. ...The court-approved notice plan used peer-accepted national research to identify the optimal traditional, online, mobile

⁵ Deborah R. Hensler et al., CLASS ACTION DILEMMAS, PURSUING PUBLIC GOALS FOR PRIVATE GAIN. RAND (2000).

and social media platforms to reach the Settlement Class Members.”

Additionally, in the January 20, 2016, Transcript of Class Notice Hearing, p. 5 Judge Seitz, stated:

“I would like to compliment Ms. Finegan and her company because I was quite impressed with the scope and the effort of communicating with the Class.”

12. In ***In Re: Blue Buffalo Company, Ltd., Marketing and Sales Practices Litigation***, Case No. 4:14-MD-2562 RWS (E.D. Mo. 2015), the Honorable Rodney Sippel, during the hearing for final approval of the settlement (Hearing for Final Approval, May 19, 2016 transcript p. 49), said:

“It is my finding that notice was sufficiently provided to class members in the manner directed in my preliminary approval order and that notice met all applicable requirements of due process and any other applicable law and considerations.”

13. A comprehensive description of my credentials is attached as **Exhibit A**.

NOTICE PROGRAM SUMMARY

14. In compliance with the Court’s Notice Order, the notice program for this matter included the following components:

- Direct Mail via Post-Card Notice to all Registered Holder Settlement Class Members listed in the records of BNYM’s transfer agent;
- Publication of a short form notice (the “Publication Notice” or “Summary Notice”) in eight general circulation consumer magazines;
- Publication of the Publication Notice two times in three nationally circulated newspapers;
- Banner ads in specialty investment e-newsletters;
- Online and cross-device display banner advertising specifically targeted to Settlement Class Members over a 79-day period;
 - a. Online banner ads appearing on a custom whitelist of approximately 4,000 pre-vetted websites, including:
 - i. 43 Business Journal websites;
 - ii. A custom whitelist of approximately 140 investment websites;
 - iii. A custom whitelist of approximately 350 local market and top-tier news websites;

- b. Search words and terms on Google AdWords;
- c. Online banner ads appearing over social media channels Facebook, Instagram and LinkedIn;
- Transmittal of the Publication Notice in the form of a press release over PR Newswire's US1 Newslines with additional targeting to finance influencers;
- An informational Settlement Website on which the long-form Notice and other important Court documents are posted;
- A general ADR FX settlement website developed to serve as a landing page for the online banner ads; and
- A toll-free information line where Settlement Class Members can call 24/7 for more information about the Settlement, including important dates and deadlines, and to request to speak to a live operator during regular business hours.

MULTI-MEDIA NOTICE ELEMENTS SUMMARY

15. Kurtzman Carson Consultants LLC ("KCC") was retained by Lead Plaintiffs' Counsel as the Claims Administrator for the Settlement and was responsible for providing mailed notice to the Registered Holder Settlement Class Members identified in BNYM's transfer records and establishing the websites and toll-free information line. KCC is also responsible for processing the claims received for the Settlement. KCC's efforts are detailed in the Declaration of Lance Cavallo which is being submitted, along with this Declaration, with Lead Plaintiffs' settlement submission.

16. My firm, HF Media, was retained by Lead Plaintiffs' Counsel to conduct the multi-media notice campaign for the Settlement, referred to herein as the Publication Notice Plan. The Publication Notice Plan is detailed below.

17. As noted above, the Publication Notice Plan was successfully and timely implemented, commencing on January 25, 2019 and continuing for a period of 79 days. As implemented, the Publication Notice Plan reached more than 92 percent of the target audience, on average, 4.4 times.

MEDIA OUTREACH – PUBLICATIONS

MAGAZINES

18. The magazines below were selected for the Publication Notice Plan in this matter based on media research data provided by GfK Mediamark Research and Intelligence LLC ("MRI"), which

identified the magazines with the highest coverage and index⁶ against the target audience (i.e., the Settlement Class) characteristics.⁷

19. AARP Bulletin covers news and policy that meets the needs of adults 50+ with information written just for them. *AARP Bulletin*'s circulation is 23,000,000. A one-third page, black and white Publication Notice was published once in the national edition of this publication on April 5, 2019.

20. Fortune covers news and information of interest to the affluent and business decision-makers. *Fortune*'s circulation is 856,000. A one-half page, black and white Publication Notice was published once in this magazine on March 18, 2019.

21. Money Magazine covers finance topics ranging from investing, saving, retirement and taxes to family finance issues like paying for college, credit, career and home improvement. *Money*'s circulation is 1,580,000. A one-half page, black and white Publication Notice was published once in this magazine on March 15, 2019.

22. National Geographic is the flagship magazine of the National Geographic Society, which chronicles exploration and adventure, as well as changes that impact life on Earth. Editorial coverage encompasses people and places of the world, with an emphasis on human involvement in a changing universe. *National Geographic* has a circulation of 2,943,000. A one-half page, black and white Publication Notice was published once in the national edition of this magazine on March 27, 2019.

23. People Magazine is a general circulation magazine reporting on entertainment. *People Magazine* reports a circulation of 3,418,000. A one-half page, black and white Publication Notice was published once in the national edition of this magazine on February 22, 2019.

⁶ Index is a media metric that describes a target audience's inclination to use a given outlet. An index over 100 suggests a target population's inclination to use a medium to a greater degree than the rest of the population. For example, an index of 157 would mean that the target is 57 percent more likely than the rest of the population to use a medium.

⁷ It is not unusual in the course of implementing a notice program to make modifications as a result of the publisher review process. All advertising is subject to publisher approval, which can sometimes include an extensive legal review. Publishers retain the right to decline advertising; such was the case here. *Golf Magazine*, *Forbes*, *Delta Sky Magazine* and *United Hemespheres* were included in my original notice plan proposal; however, during the publisher review process, HF Media was advised by *Golf Magazine*, *Forbes*, *Delta Sky Magazine* and *United Hemespheres*, that after legal review, they were declining to publish the Summary Notice for this matter. As a result, HF Media found suitable substitute replacement publications, including *Sports Illustrated*, which replaced *Golf Magazine*, *Fortune*, which replaced *Forbes Magazine*, and *Time Magazine*, which replaced the in-flight magazines. These adjustments not only maintained, but helped to increase the original target audience reach objectives and integrity of the Publication Notice Plan.

24. Time Magazine covers issues and events that define and impact our time. *Time Magazine's* circulation is 2,321,000. A half-page, black and white Publication Notice was published once in this magazine on March 22, 2019.

25. Travel + Leisure reaches sophisticated travelers and features immersive, inspiring travel lifestyle content. *Travel + Leisure* reports a circulation of 953,000. A half-page, black and white Publication Notice was published once in the national edition of this magazine on March 22, 2019.

26. Sports Illustrated covers the world of sports through unparalleled access, emotional storytelling and in-depth reporting. *Sports Illustrated's* circulation is 2,759,000. A one-half page, black and white Publication Notice was published once in this magazine on March 7, 2019.

27. In total the magazines selected for this Publication Notice Plan have a combined circulation of 37,830,000 with more than 140,000,000 readers.⁸

28. Attached as **Exhibit B** are tear sheets of the published Summary Notice in these magazines.

SPECIALTY INVESTMENT AND NATIONALLY CIRCULATED NEWSPAPERS

29. Investor's Business Daily provides exclusive stock lists, investing data, stock market research, education and the latest financial and business news to help investors make more money in the stock market. *IBD's* circulation is 106,000. A 1/6 page, black and white Publication Notice was published twice in this newspaper on February 11, 2019 and February 25, 2019.

30. The Wall Street Journal is distributed nationally and provides news and information on stock and business. The *WSJ's* circulation is 2,069,000. A 1/6 page, black and white Publication Notice was published twice in this newspaper on February 11, 2019 and February 25, 2019.

31. The New York Times is distributed nationally and provides news and information on stock and business. The *NYT's* circulation is 510,000. A 1/6 page, black and white Publication Notice was published twice in this newspaper on February 11, 2019 and February 25, 2019.

32. Attached as **Exhibit C** are tear sheets of the published Summary Notice in these newspapers.

⁸ Each magazine has a pass-along factor. These are readers in addition to the subscriber who read a publication. For example, *Sports Illustrated* has a circulation of 2,759,000 and a pass along factor of 5.45 to deliver more than 15,000,000 readers.

E-NEWSLETTERS

33. Further, the Publication Notice Plan was enhanced through e-newsletter distribution with one insertion in the *Wall Street Journal Markets*, which has a circulation of 154,000 and eleven insertions in *Investor's Business Daily Market Prep*, which has a circulation of 91,000. The e-newsletter was published on February 20, 2019 in *Wall Street Journal Markets* and February 25, 2019 through March 3, 2019 in *Investor's Business Daily Market Prep*.

34. Attached as **Exhibit D** are copies of the banner ads published in the e-newsletters.

MEDIA OUTREACH - INTERNET

35. Internet advertising was a particularly helpful method of providing notice in this case, given that according to MRI , nearly 98 percent of the target audience is online.

36. In total, over 121 million online impressions were served to the target audience across a whitelist⁹ of approximately 4,000 pre-vetted websites, multiple exchanges, and the social media platforms Facebook, Instagram and LinkedIn. We also used retargeting¹⁰ to provide additional reminders for those who expressed interest in the ads.

37. Further, our media outreach included banner ads on local Business Journal websites, as well as top-tier national news and local news websites. Online banner ads were served across multiple devices including desktop, tablet and mobile devices.

38. The online banner ads provided information for visitors to self-identify as potential Settlement Class Members, allowing them to “click” on the banner ad and link directly to the “landing page” website (www.ADRFXSettlement.com), with a further link to the Settlement Website for more detailed information regarding the Settlement, important dates and deadlines, downloadable copies of the long-form Notice, Claim Form and other relevant documents, and the ability to submit a Claim Form online.

39. To further enhance this Publication Notice Plan, HF Media employed Google AdWords

⁹ A whitelist is a custom list of acceptable websites where ad content may be served. Creating a whitelist helps to mitigate ad fraud, ensure ads will be served in relevant digital environments to the target audience and helps to ensure that ads will not appear next to offensive or objectionable content.

¹⁰ Retargeting is an online reminder ad. Here, HF Media served additional ads to people on Facebook and Instagram who engaged with our ads, either by clicking or commenting on them.

keyword search terms. Accordingly, when identified target phrases and keywords were used in a search on Google's search engine, a link to the Settlement website appeared on the search result page. Representative key terms included, but were not limited to: BNYM ADR Settlement, ADR Settlement and ADR class action, among others.

40. Attached as **Exhibit E** are examples of the banner ads.

SOCIAL MEDIA

41. The Publication Notice Plan also included the social media platforms Facebook, Instagram and LinkedIn. On Facebook and Instagram, targeting included adults who are 35 years of age and older with high household incomes in addition to those who liked or followed investment pages such as *Motley Fool*, *Investing.com*, *MarketWatch*, *Morning Star*, *Seeking Alpha*, *The Street*, the *Wall Street Journal*, *Yahoo! Finance*, *MarketWatch*, *Bloomberg*, *Financial Times* and others. On LinkedIn, targeting included individuals who are in top management positions in companies with 51 or more employees.

42. Attached as **Exhibit F** are copies of the social media ads.

PRESS RELEASE

43. In compliance with the Notice Order, the Publication Notice was issued across PR Newswire's US1 Newslines with additional targeting to finance influencers on January 25, 2019. My staff and I monitored various media channels for subsequent news articles that mentioned our press release and identified 151 various media pick-ups.

44. Attached as **Exhibit G** is a copy of the pick-up report.

SETTLEMENT WEBSITE AND TOLL-FREE INFORMATION LINE

45. The Court-authorized Claims Administrator, KCC, maintains the Settlement Website. The Settlement Website is an important component of the notice program for the Settlement as it allows potential Settlement Class Members to get information about the Settlement, obtain a copy of the detailed long-form Notice, and/or submit a Claim Form.

46. I am informed by the Claims Administrator that the Settlement Website was optimized for mobile visitors so that information loads on their mobile device quickly. The Settlement Website address was prominently displayed in the Publication Notices, as well as the Post-Card Notices

mailed to Registered Holder Settlement Class Members. KCC has informed me that, as of April 26, 2019, a total of 59,433 users visited the Settlement websites with over 60,300 sessions and over 154,900 page views.

47. I am also informed by KCC that, as of April 26, 2019, the IVR has received a total of 10,830 calls.

CONCLUSION

48. In my opinion, the robust outreach efforts described above reflect a particularly appropriate, highly targeted and contemporary way to employ notice to the Settlement Class in this matter, and in particular, the Non-Registered Holder Settlement Class Members who did not receive direct mailed notice. Importantly, these outreach efforts are consistent with the flexibility of notice provided in Rule 23.

49. Through the Publication Notice Plan detailed above, an estimated 92 percent of targeted Settlement Class Members were reached, on average, 4.4 times. In my experience, this is an excellent result.

50. Moreover, in my opinion, the efforts used in this Publication Notice Plan were of the highest modern communication standards, embraced in FRCP Rule 23, and were reasonably calculated to provide notice that is not only consistent, but exceeds best practicable court approved notice programs in similar matters which are consistent with the Federal Judicial Center's guidelines concerning appropriate reach.

51. I declare under the penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct. Executed on April 29, 2019, in Tigard, Oregon.

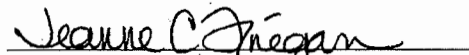

Jeanne C. Finegan, APR

Exhibit A



JEANNE C. FINEGAN, APR

BIOGRAPHY



Jeanne Finegan, APR, is President and Chief Media Officer of HF Media, LLC, a division of Heffler Claims Group. She is a member of the Board of Directors for the prestigious Alliance for Audited Media ("AAM"), and was named by *Diversity Journal* as one of the "Top 100 Women Worth Watching." She is a distinguished legal notice and communications expert with more than 30 years of communications and advertising experience.

She was a lead contributing author for Duke University's School of Law, *"Guidelines and Best Practices Implementing Amendments to Rule 23 Class Action Settlement Provisions."* And more recently, she has been involved with New York School of Law and The Center on Civil Justice ("CCJ") assisting with a class action settlement data analysis and comparative visualization tool called the *Aggregate Litigation Project*, designed to help judges make decisions in aggregate cases on the basis of data as opposed to anecdotal information. Moreover, her experience also includes working with the Special Settlement Administrator's team to assist with the outreach strategy for the historic Auto Airbag Settlement, *In re: Takata Airbag Products Liability Litigation* MDL 2599.

During her tenure, she has planned and implemented over 1,000 high-profile, complex legal notice communication programs. She is a recognized notice expert in both the United States and in Canada, with extensive international notice experience spanning more than 170 countries and over 40 languages.

Ms. Finegan has lectured, published and has been cited extensively on various aspects of legal noticing, product recall and crisis communications. She has served the Consumer Product Safety Commission (CPSC) as an expert to determine ways in which the Commission can increase the effectiveness of its product recall campaigns. Further, she has planned and implemented large-scale government enforcement notice programs for the Federal Trade Commission (FTC) and the Securities and Exchange Commission (SEC).

Ms. Finegan is accredited in Public Relations (APR) by the Universal Accreditation Board, which is a program administered by the Public Relations Society of America (PRSA), and is also a recognized member of the Canadian Public Relations Society (CPRS). She has served on examination panels for APR candidates and worked *pro bono* as a judge for prestigious PRSA awards.

Ms. Finegan has provided expert testimony before Congress on issues of notice, and expert testimony in both state and federal courts regarding notification campaigns. She has conducted



numerous media audits of proposed notice programs to assess the adequacy of those programs under Fed R. Civ. P. 23(c)(2) and similar state class action statutes.

She was an early pioneer of plain language in notice (as noted in a RAND study,¹) and continues to set the standard for modern outreach as the first notice expert to integrate social and mobile media into court approved legal notice programs.

In the course of her class action experience, courts have recognized the merits of, and admitted expert testimony based on, her scientific evaluation of the effectiveness of notice plans. She has designed legal notices for a wide range of class actions and consumer matters that include product liability, construction defect, antitrust, medical/pharmaceutical, human rights, civil rights, telecommunication, media, environment, government enforcement actions, securities, banking, insurance, mass tort, restructuring and product recall.

JUDICIAL COMMENTS AND LEGAL NOTICE CASES

In evaluating the adequacy and effectiveness of Ms. Finegan's notice campaigns, courts have repeatedly recognized her excellent work. The following excerpts provide some examples of such judicial approval.

Carter v Forjas Taurus S.S., Taurus International Manufacturing, Inc., Case No. 1:13-CV-24583 PAS (S.D. Fl. 2016). In her Final Order and Judgment Granting Plaintiffs Motion for Final Approval of Class Action Settlement, the Honorable Patricia Seitz stated:

The Court considered the extensive experience of Jeanne C. Finegan and the notice program she developed. ...There is no national firearms registry and Taurus sale records do not provide names and addresses of the ultimate purchasers... Thus the form and method used for notifying Class Members of the terms of the Settlement was the best notice practicable. ...The court-approved notice plan used peer-accepted national research to identify the optimal traditional, online, mobile and social media platforms to reach the Settlement Class Members.

Additionally, in January 20, 2016, Transcript of Class Notice Hearing, p. 5 Judge Seitz, noted:

I would like to compliment Ms. Finegan and her company because I was quite impressed with the scope and the effort of communicating with the Class.

Cook et. al v. Rockwell International Corp. and the Dow Chemical Co., No. 90-cv-00181- KLK (D.Colo. 2017), aka, Rocky Flats Nuclear Weapons Plant Contamination. In the Order Granting Final Approval, dated April 28, 2017, p.3, the Honorable John L. Kane said:

¹ Deborah R. Hensler et al., CLASS ACTION DILEMMAS, PURSUING PUBLIC GOALS FOR PRIVATE GAIN. RAND (2000).



The Court-approved Notice Plan, which was successfully implemented by [HF Media- emphasis added] (see Doc. 2432), constituted the best notice practicable under the circumstances. In making this determination, the Court finds that the Notice Plan that was implemented, as set forth in Declaration of Jeanne C. Finegan, APR Concerning Implementation and Adequacy of Class Member Notification (Doc. 2432), provided for individual notice to all members of the Class whose identities and addresses were identified through reasonable efforts, ... and a comprehensive national publication notice program that included, inter alia, print, television, radio and internet banner advertisements. ...Pursuant to, and in accordance with, Rule 23 of the Federal Rules of Civil Procedure, the Court finds that the Notice Plan provided the best notice practicable to the Class.

In re: Domestic Drywall Antitrust Litigation, MDL No. 2437, in the U.S. District Court for the Eastern District of Pennsylvania. For each of the four settlements, Finegan implemented and extensive outreach effort including traditional, online, social, mobile and advanced television and online video. In the Order Granting Preliminary Approval to the IPP Settlement, Judge Michael M. Baylson stated:

“The Court finds that the dissemination of the Notice and summary Notice constitutes the best notice practicable under the circumstances; is valid, due, and sufficient notice to all persons... and complies fully with the requirements of the Federal rule of Civil Procedure.”

Warner v. Toyota Motor Sales, U.S.A. Inc., Case No 2:15-cv-02171-FMO FFMx (C.D. Cal. 2017). In the Order Re: Final Approval of Class Action Settlement; Approval of Attorney’s Fees, Costs & Service Awards, dated May 21, 2017, the Honorable Fernando M. Olguin stated:

Finegan, the court-appointed settlement notice administrator, has implemented the multiprong notice program. ...the court finds that the class notice and the notice process fairly and adequately informed the class members of the nature of the action, the terms of the proposed settlement, the effect of the action and release of claims, the class members’ right to exclude themselves from the action, and their right to object to the proposed settlement. (See Dkt. 98, PAO at 25-28).

Michael Allagas, et al., v. BP Solar International, Inc., et al., BP Solar Panel Settlement, Case No. 3:14-cv-00560- SI (N.D. Cal., San Francisco Div. 2016). In the Order Granting Final Approval, Dated December 22, 2016, The Honorable Susan Illston stated:

Class Notice was reasonable and constituted due, adequate and sufficient notice to all persons entitled to be provided with notice; and d. fully satisfied the requirements of the Federal Rules of Civil Procedure, including Fed. R. Civ. P. 23(c)(2) and (e), the



United States Constitution (including the Due Process Clause), the Rules of this Court, and any other applicable law.

Foster v. L-3 Communications EOTech, Inc. et al (6:15-cv-03519), Missouri Western District Court.

In the Court's Final Order, dated July 7, 2017, The Honorable Judge Brian Wimes stated: "The Court has determined that the Notice given to the Settlement Class fully and accurately informed members of the Settlement Class of all material elements of the Settlement and constituted the best notice practicable."

In re: Skechers Toning Shoes Products Liability Litigation, No. 3:11-MD-2308-TBR (W.D. Ky. 2012). In his Final Order and Judgment granting the Motion for Preliminary Approval of Settlement, the Honorable Thomas B. Russell stated:

... The comprehensive nature of the class notice leaves little doubt that, upon receipt, class members will be able to make an informed and intelligent decision about participating in the settlement.

Brody v. Merck & Co., Inc., et al, No. 3:12-cv-04774-PGS-DEA (N.J.) (Jt Hearing for Prelim App, Sept. 27, 2012, transcript page 34). During the Hearing on Joint Application for Preliminary Approval of Class Action, the Honorable Peter G. Sheridan acknowledged Ms. Finegan's work, noting:

Ms. Finegan did a great job in testifying as to what the class administrator will do. So, I'm certain that all the class members or as many that can be found, will be given some very adequate notice in which they can perfect their claim.

Quinn v. Walgreen Co., Wal-Mart Stores Inc., 7:12 CV-8187-VB (NYSD) (Jt Hearing for Final App, March. 5, 2015, transcript page 40-41). During the Hearing on Final Approval of Class Action, the Honorable Vincent L. Briccetti stated:

"The notice plan was the best practicable under the circumstances. ... [and] "the proof is in the pudding. This settlement has resulted in more than 45,000 claims which is 10,000 more than the Pearson case and more than 40,000 more than in a glucosamine case pending in the Southern District of California I've been advised about. So the notice has reached a lot of people and a lot of people have made claims."

In Re: TracFone Unlimited Service Plan Litigation, No. C-13-3440 EMC (ND Ca). In the Final Order and Judgment Granting Class Settlement, July 2, 2015, the Honorable Edward M. Chen noted:

"...[D]epending on the extent of the overlap between those class members who will automatically receive a payment and those who filed claims, the total claims rate is estimated to be approximately 25-30%. This is an excellent result..."



In Re: Blue Buffalo Company, Ltd., Marketing and Sales Practices Litigation, Case No. 4:14-MD-2562 RWS (E.D. Mo. 2015), (Hearing for Final Approval, May 19, 2016 transcript p. 49). During the Hearing for Final Approval, the Honorable Rodney Sippel said:

It is my finding that notice was sufficiently provided to class members in the manner directed in my preliminary approval order and that notice met all applicable requirements of due process and any other applicable law and considerations.

DeHoyos, et al. v. Allstate Ins. Co., No. SA-01-CA-1010 (W.D.Tx. 2001). In the Amended Final Order and Judgment Approving Class Action Settlement, the Honorable Fred Biery stated:

[T]he undisputed evidence shows the notice program in this case was developed and implemented by a nationally recognized expert in class action notice programs. ... This program was vigorous and specifically structured to reach the African-American and Hispanic class members. Additionally, the program was based on a scientific methodology which is used throughout the advertising industry and which has been routinely embraced routinely [sic] by the Courts. Specifically, in order to reach the identified targets directly and efficiently, the notice program utilized a multi-layered approach which included national magazines; magazines specifically appropriate to the targeted audiences; and newspapers in both English and Spanish.

In re: Reebok Easytone Litigation, No. 10-CV-11977 (D. MA. 2011). The Honorable F. Dennis Saylor IV stated in the Final Approval Order:

The Court finds that the dissemination of the Class Notice, the publication of the Summary Settlement Notice, the establishment of a website containing settlement-related materials, the establishment of a toll-free telephone number, and all other notice methods set forth in the Settlement Agreement and [Ms. Finegan's] Declaration and the notice dissemination methodology implemented pursuant to the Settlement Agreement and this Court's Preliminary Approval Order... constituted the best practicable notice to Class Members under the circumstances of the Actions.

Bezdek v. Vibram USA and Vibram FiveFingers LLC, No 12-10513 (D. MA) The Honorable Douglas P. Woodlock stated in the Final Memorandum and Order:

...[O]n independent review I find that the notice program was robust, particularly in its online presence, and implemented as directed in my Order authorizing notice. ...I find that notice was given to the Settlement class members by the best means "practicable under the circumstances." Fed.R.Civ.P. 23(c)(2).

Gemelas v. The Dannon Company Inc., No. 08-cv-00236-DAP (N.D. Ohio). In granting final approval for the settlement, the Honorable Dan A. Polster stated:



In accordance with the Court's Preliminary Approval Order and the Court-approved notice program, [Ms. Finegan] caused the Class Notice to be distributed on a nationwide basis in magazines and newspapers (with circulation numbers exceeding 81 million) specifically chosen to reach Class Members. ... The distribution of Class Notice constituted the best notice practicable under the circumstances, and fully satisfied the requirements of Federal Rule of Civil Procedure 23, the requirements of due process, 28 U.S.C. 1715, and any other applicable law.

Pashmova v. New Balance Athletic Shoes, Inc., 1:11-cv-10001-LTS (D. Mass.). The Honorable Leo T. Sorokin stated in the Final Approval Order:

The Class Notice, the Summary Settlement Notice, the web site, and all other notices in the Settlement Agreement and the Declaration of [Ms. Finegan], and the notice methodology implemented pursuant to the Settlement Agreement: (a) constituted the best practicable notice under the circumstances; (b) constituted notice that was reasonably calculated to apprise Class Members of the pendency of the Actions, the terms of the Settlement and their rights under the settlement ... met all applicable requirements of law, including, but not limited to, the Federal Rules of Civil Procedure, 28 U.S.C. § 1715, and the Due Process Clause(s) of the United States Constitution, as well as complied with the Federal Judicial Center's illustrative class action notices.

Hartless v. Clorox Company, No. 06-CV-2705 (CAB) (S.D.Cal.). In the Final Order Approving Settlement, the Honorable Cathy N. Bencivengo found:

The Class Notice advised Class members of the terms of the settlement; the Final Approval Hearing and their right to appear at such hearing; their rights to remain in or opt out of the Class and to object to the settlement; the procedures for exercising such rights; and the binding effect of this Judgment, whether favorable or unfavorable, to the Class. The distribution of the notice to the Class constituted the best notice practicable under the circumstances, and fully satisfied the requirements of Federal Rule of Civil Procedure 23, the requirements of due process, 28 U.S.C. §1715, and any other applicable law.

McDonough et al v. Toys 'R' Us et al, No. 09:-cv-06151-AB (E.D. Pa.). In the Final Order and Judgment Approving Settlement, the Honorable Anita Brody stated:

The Court finds that the Notice provided constituted the best notice practicable under the circumstances and constituted valid, due and sufficient notice to all persons entitled thereto.

In re: Pre-Filled Propane Tank Marketing & Sales Practices Litigation, No. 4:09-md-02086-GAF (W.D. Mo.) In granting final approval to the settlement, the Honorable Gary A. Fenner stated:



The notice program included individual notice to class members who could be identified by Ferrellgas, publication notices, and notices affixed to Blue Rhino propane tank cylinders sold by Ferrellgas through various retailers. ... The Court finds the notice program fully complied with Federal Rule of Civil Procedure 23 and the requirements of due process and provided to the Class the best notice practicable under the circumstances.

Stern v. AT&T Mobility Wireless, No. 09-cv-1112 CAS-AGR (C.D.Cal. 2009). In the Final Approval Order, the Honorable Christina A. Snyder stated:

[T]he Court finds that the Parties have fully and adequately effectuated the Notice Plan, as required by the Preliminary Approval Order, and, in fact, have achieved better results than anticipated or required by the Preliminary Approval Order.

In re: Processed Egg Prods. Antitrust Litig., MDL No. 08-md-02002 (E.D.P.A.). In the Order Granting Final Approval of Settlement, Judge Gene E.K. Pratter stated:

The Notice appropriately detailed the nature of the action, the Class claims, the definition of the Class and Subclasses, the terms of the proposed settlement agreement, and the class members' right to object or request exclusion from the settlement and the timing and manner for doing so.... Accordingly, the Court determines that the notice provided to the putative Class Members constitutes adequate notice in satisfaction of the demands of Rule 23.

In re Polyurethane Foam Antitrust Litigation, 10- MD-2196 (N.D. OH). In the Order Granting Final Approval of Voluntary Dismissal and Settlement of Defendant Domfoam and Others, the Honorable Jack Zouhary stated:

The notice program included individual notice to members of the Class who could be identified through reasonable effort, as well as extensive publication of a summary notice. The Notice constituted the most effective and best notice practicable under the circumstances of the Settlement Agreements, and constituted due and sufficient notice for all other purposes to all persons and entities entitled to receive notice.

Rojas v Career Education Corporation, No. 10-cv-05260 (N.D.E.D. IL) In the Final Approval Order dated October 25, 2012, the Honorable Virginia M. Kendall stated:

The Court Approved notice to the Settlement Class as the best notice practicable under the circumstance including individual notice via U.S. Mail and by email to the class members whose addresses were obtained from each Class Member's wireless carrier or from a commercially reasonable reverse cell phone number look-up service, nationwide magazine publication, website publication, targeted on line advertising, and a press release. Notice has been successfully implemented and satisfies the requirements of the Federal Rule of Civil Procedure 23 and Due Process.



Golloher v Todd Christopher International, Inc. DBA Vogue International (Organix), No. C 1206002 N.D CA. In the Final Order and Judgment Approving Settlement, the Honorable Richard Seeborg stated:

The distribution of the notice to the Class constituted the best notice practicable under the circumstances, and fully satisfied the requirements of Federal Rule of Civil Procedure 23, the requirements of due process, 28 U.S.C. §1715, and any other applicable law.

Stefanyshyn v. Consolidated Industries, No. 79 D 01-9712-CT-59 (Tippecanoe County Sup. Ct., Ind.). In the Order Granting Final Approval of Settlement, Judge Randy Williams stated:

The long and short form notices provided a neutral, informative, and clear explanation of the Settlement. ... The proposed notice program was properly designed, recommended, and implemented ... and constitutes the "best practicable" notice of the proposed Settlement. The form and content of the notice program satisfied all applicable legal requirements. ... The comprehensive class notice educated Settlement Class members about the defects in Consolidated furnaces and warned them that the continued use of their furnaces created a risk of fire and/or carbon monoxide. This alone provided substantial value.

McGee v. Continental Tire North America, Inc. et al, No. 06-6234-(GEB) (D.N.J.).

The Class Notice, the Summary Settlement Notice, the web site, the toll-free telephone number, and all other notices in the Agreement, and the notice methodology implemented pursuant to the Agreement: (a) constituted the best practicable notice under the circumstances; (b) constituted notice that was reasonably calculated to apprise Class Members of the pendency of the Action, the terms of the settlement and their rights under the settlement, including, but not limited to, their right to object to or exclude themselves from the proposed settlement and to appear at the Fairness Hearing; (c) were reasonable and constituted due, adequate and sufficient notice to all persons entitled to receive notification; and (d) met all applicable requirements of law, including, but not limited to, the Federal Rules of Civil Procedure, 20 U.S.C. Sec. 1715, and the Due Process Clause(s) of the United States Constitution, as well as complied with the Federal Judicial Center's illustrative class action notices,

Varacallo, et al. v. Massachusetts Mutual Life Insurance Company, et al., No. 04-2702 (JLL) (D.N.J.). The Court stated that:

[A]ll of the notices are written in simple terminology, are readily understandable by Class Members, and comply with the Federal Judicial Center's illustrative class action notices. ... By working with a nationally syndicated media research firm, [Finegan's



firm] was able to define a target audience for the MassMutual Class Members, which provided a valid basis for determining the magazine and newspaper preferences of the Class Members. (Preliminary Approval Order at p. 9). . . . The Court agrees with Class Counsel that this was more than adequate. (Id. at § 5.2).

In re: Nortel Network Corp., Sec. Litig., No. 01-CV-1855 (RMB) Master File No. 05 MD 1659 (LAP) (S.D.N.Y.). Ms. Finegan designed and implemented the extensive United States and Canadian notice programs in this case. The Canadian program was published in both French and English, and targeted virtually all investors of stock in Canada. See www.nortelsecuritieslitigation.com. Of the U.S. notice program, the Honorable Loretta A. Preska stated:

The form and method of notifying the U.S. Global Class of the pendency of the action as a class action and of the terms and conditions of the proposed Settlement ... constituted the best notice practicable under the circumstances, and constituted due and sufficient notice to all persons and entities entitled thereto.

Regarding the B.C. Canadian Notice effort: *Jeffrey v. Nortel Networks*, [2007] BCSC 69 at para. 50, the Honourable Mr. Justice Groberman said:

The efforts to give notice to potential class members in this case have been thorough. There has been a broad media campaign to publicize the proposed settlement and the court processes. There has also been a direct mail campaign directed at probable investors. I am advised that over 1.2 million claim packages were mailed to persons around the world. In addition, packages have been available through the worldwide web site nortelsecuritieslitigation.com on the Internet. Toll-free telephone lines have been set up, and it appears that class counsel and the Claims Administrator have received innumerable calls from potential class members. In short, all reasonable efforts have been made to ensure that potential members of the class have had notice of the proposal and a reasonable opportunity was provided for class members to register their objections, or seek exclusion from the settlement.

Mayo v. Walmart Stores and Sam's Club, No. 5:06 CV-93-R (W.D.Ky.). In the Order Granting Final Approval of Settlement, Judge Thomas B. Russell stated:

According to defendants' database, the Notice was estimated to have reached over 90% of the Settlement Class Members through direct mail. The Settlement Administrator ... has classified the parties' database as 'one of the most reliable and comprehensive databases [she] has worked with for the purposes of legal notice.'... The Court thus reaffirms its findings and conclusions in the Preliminary Approval Order that the form of the Notice and manner of giving notice satisfy the requirements of Fed. R. Civ. P. 23 and affords due process to the Settlement Class Members.



Fishbein v. All Market Inc., (d/b/a Vita Coco) No. 11-cv-05580 (S.D.N.Y.). In granting final approval of the settlement, the Honorable J. Paul Oetken stated:

"The Court finds that the dissemination of Class Notice pursuant to the Notice Program...constituted the best practicable notice to Settlement Class Members under the circumstances of this Litigation ... and was reasonable and constituted due, adequate and sufficient notice to all persons entitled to such notice, and fully satisfied the requirements of the Federal Rules of Civil Procedure, including Rules 23(c)(2) and (e), the United States Constitution (including the Due Process Clause), the Rules of this Court, and any other applicable laws."

Lucas, et al. v. Kmart Corp., No. 99-cv-01923 (D.Colo.), wherein the Court recognized Jeanne Finegan as an expert in the design of notice programs, and stated:

The Court finds that the efforts of the parties and the proposed Claims Administrator in this respect go above and beyond the "reasonable efforts" required for identifying individual class members under F.R.C.P. 23(c)(2)(B).

In re: Johns-Manville Corp. (Statutory Direct Action Settlement, Common Law Direct Action and Hawaii Settlement), No 82-11656, 57, 660, 661, 665-73, 75 and 76 (BRL) (Bankr. S.D.N.Y.). The nearly half-billion dollar settlement incorporated three separate notification programs, which targeted all persons who had asbestos claims whether asserted or unasserted, against the Travelers Indemnity Company. In the Findings of Fact and Conclusions of a Clarifying Order Approving the Settlements, slip op. at 47-48 (Aug. 17, 2004), the Honorable Burton R. Lifland, Chief Justice, stated:

As demonstrated by Findings of Fact (citation omitted), the Statutory Direct Action Settlement notice program was reasonably calculated under all circumstances to apprise the affected individuals of the proceedings and actions taken involving their interests, Mullane v. Cent. Hanover Bank & Trust Co., 339 U.S. 306, 314 (1950), such program did apprise the overwhelming majority of potentially affected claimants and far exceeded the minimum notice required. . . . The results simply speak for themselves.

Pigford v. Glickman and U.S. Department of Agriculture, No. 97-1978. 98-1693 (PLF) (D.D.C.). This matter was the largest civil rights case to settle in the United States in over 40 years. The highly publicized, nationwide paid media program was designed to alert all present and past African-American farmers of the opportunity to recover monetary damages against the U.S. Department of Agriculture for alleged loan discrimination. In his Opinion, the Honorable Paul L. Friedman commended the parties with respect to the notice program, stating;

The parties also exerted extraordinary efforts to reach class members through a massive advertising campaign in general and African American targeted publications and television stations. . . . The Court concludes that class members have received



more than adequate notice and have had sufficient opportunity to be heard on the fairness of the proposed Consent Decree.

In re: Louisiana-Pacific Inner-Seal Siding Litig., Nos. 879-JE, and 1453-JE (D.Or.). Under the terms of the Settlement, three separate notice programs were to be implemented at three-year intervals over a period of six years. In the first notice campaign, Ms. Finegan implemented the print advertising and Internet components of the Notice program. In approving the legal notice communication plan, the Honorable Robert E. Jones stated:

The notice given to the members of the Class fully and accurately informed the Class members of all material elements of the settlement...[through] a broad and extensive multi-media notice campaign.

Additionally, with regard to the third-year notice program for Louisiana-Pacific, the Honorable Richard Unis, Special Master, commented that the notice was:

...well formulated to conform to the definition set by the court as adequate and reasonable notice. Indeed, I believe the record should also reflect the Court's appreciation to Ms. Finegan for all the work she's done, ensuring that noticing was done correctly and professionally, while paying careful attention to overall costs. Her understanding of various notice requirements under Fed. R. Civ. P. 23, helped to insure that the notice given in this case was consistent with the highest standards of compliance with Rule 23(d)(2).

In re: Expedia Hotel Taxes and Fees Litigation, No. 05-2-02060-1 (SEA) (Sup. Ct. of Wash. in and for King County). In the Order Granting Final Approval of Class Action Settlement, Judge Monica Benton stated:

The Notice of the Settlement given to the Class ... was the best notice practicable under the circumstances. All of these forms of Notice directed Class Members to a Settlement Website providing key Settlement documents including instructions on how Class Members could exclude themselves from the Class, and how they could object to or comment upon the Settlement. The Notice provided due and adequate notice of these proceeding and of the matters set forth in the Agreement to all persons entitled to such notice, and said notice fully satisfied the requirements of CR 23 and due process.

Thomas A. Foster and Linda E. Foster v. ABTco Siding Litigation, No. 95-151-M (Cir. Ct., Choctaw County, Ala.). This litigation focused on past and present owners of structures sided with Abitibi-Price siding. The notice program that Ms. Finegan designed and implemented was national in scope and received the following praise from the Honorable J. Lee McPhearson:

The Court finds that the Notice Program conducted by the Parties provided individual notice to all known Class Members and all Class Members who could be identified



through reasonable efforts and constitutes the best notice practicable under the circumstances of this Action. This finding is based on the overwhelming evidence of the adequacy of the notice program. ... The media campaign involved broad national notice through television and print media, regional and local newspapers, and the Internet (see id. ¶¶9-11) The result: over 90 percent of Abitibi and ABTco owners are estimated to have been reached by the direct media and direct mail campaign.

Wilson v. Massachusetts Mut. Life Ins. Co., No. D-101-CV 98-02814 (First Judicial Dist. Ct., County of Santa Fe, N.M.). This was a nationwide notification program that included all persons in the United States who owned, or had owned, a life or disability insurance policy with Massachusetts Mutual Life Insurance Company and had paid additional charges when paying their premium on an installment basis. The class was estimated to exceed 1.6 million individuals. www.insuranceclassclaims.com. In granting preliminary approval to the settlement, the Honorable Art Encinias found:

[T]he Notice Plan [is] the best practicable notice that is reasonably calculated, under the circumstances of the action. ...[and] meets or exceeds all applicable requirements of the law, including Rule 1-023(C)(2) and (3) and 1-023(E), NMRA 2001, and the requirements of federal and/or state constitutional due process and any other applicable law.

Sparks v. AT&T Corp., No. 96-LM-983 (Third Judicial Cir., Madison County, Ill.). The litigation concerned all persons in the United States who leased certain AT&T telephones during the 1980's. Ms. Finegan designed and implemented a nationwide media program designed to target all persons who may have leased telephones during this time period, a class that included a large percentage of the entire population of the United States.

In granting final approval to the settlement, the Court found:

The Court further finds that the notice of the proposed settlement was sufficient and furnished Class Members with the information they needed to evaluate whether to participate in or opt out of the proposed settlement. The Court therefore concludes that the notice of the proposed settlement met all requirements required by law, including all Constitutional requirements.

In re: Georgia-Pacific Toxic Explosion Litig., No. 98 CVC05-3535 (Ct. of Common Pleas, Franklin County, Ohio). Ms. Finegan designed and implemented a regional notice program that included network affiliate television, radio and newspaper. The notice was designed to alert adults living near a Georgia-Pacific plant that they had been exposed to an air-born toxic plume and their rights under the terms of the class action settlement. In the Order and Judgment finally approving the settlement, the Honorable Jennifer L. Bunner stated:

[N]otice of the settlement to the Class was the best notice practicable under the circumstances, including individual notice to all members who can be identified



through reasonable effort. The Court finds that such effort exceeded even reasonable effort and that the Notice complies with the requirements of Civ. R. 23(C).

In re: American Cyanamid, No. CV-97-0581-BH-M (S.D.AI.). The media program targeted Farmers who had purchased crop protection chemicals manufactured by American Cyanamid. In the Final Order and Judgment, the Honorable Charles R. Butler Jr. wrote:

The Court finds that the form and method of notice used to notify the Temporary Settlement Class of the Settlement satisfied the requirements of Fed. R. Civ. P. 23 and due process, constituted the best notice practicable under the circumstances, and constituted due and sufficient notice to all potential members of the Temporary Class Settlement.

In re: First Alert Smoke Alarm Litig., No. CV-98-C-1546-W (UWC) (N.D.AI.). Ms. Finegan designed and implemented a nationwide legal notice and public information program. The public information program ran over a two-year period to inform those with smoke alarms of the performance characteristics between photoelectric and ionization detection. The media program included network and cable television, magazine and specialty trade publications. In the Findings and Order Preliminarily Certifying the Class for Settlement Purposes, Preliminarily Approving Class Settlement, Appointing Class Counsel, Directing Issuance of Notice to the Class, and Scheduling a Fairness Hearing, the Honorable C.W. Clemon wrote that the notice plan:

...constitutes due, adequate and sufficient notice to all Class Members; and (v) meets or exceeds all applicable requirements of the Federal Rules of Civil Procedure, the United States Constitution (including the Due Process Clause), the Alabama State Constitution, the Rules of the Court, and any other applicable law.

In re: James Hardie Roofing Litig., No. 00-2-17945-65SEA (Sup. Ct. of Wash., King County). The nationwide legal notice program included advertising on television, in print and on the Internet. The program was designed to reach all persons who own any structure with JHBP roofing products. In the Final Order and Judgment, the Honorable Steven Scott stated:

The notice program required by the Preliminary Order has been fully carried out... [and was] extensive. The notice provided fully and accurately informed the Class Members of all material elements of the proposed Settlement and their opportunity to participate in or be excluded from it; was the best notice practicable under the circumstances; was valid, due and sufficient notice to all Class Members; and complied fully with Civ. R. 23, the United States Constitution, due process, and other applicable law.

Barden v. Hurd Millwork Co. Inc., et al, No. 2:6-cv-00046 (LA) (E.D.Wis.) ("***The Court approves, as to form and content, the notice plan and finds that such notice is the best practicable under the circumstances under Federal Rule of Civil Procedure 23(c)(2)(B) and constitutes notice in a reasonable manner under Rule 23(e)(1).***")



***Altieri v. Reebok*, No. 4:10-cv-11977 (FDS) (D.C.Mass.) ("The Court finds that the notices ... constitute the best practicable notice... The Court further finds that all of the notices are written in simple terminology, are readily understandable by Class Members, and comply with the Federal Judicial Center's illustrative class action notices.")**

***Marenco v. Visa Inc.*, No. CV 10-08022 (DMG) (C.D.Cal.) ("[T]he Court finds that the notice plan...meets the requirements of due process, California law, and other applicable precedent. The Court finds that the proposed notice program is designed to provide the Class with the best notice practicable, under the circumstances of this action, of the pendency of this litigation and of the proposed Settlement's terms, conditions, and procedures, and shall constitute due and sufficient notice to all persons entitled thereto under California law, the United States Constitution, and any other applicable law.")**

***Palmer v. Sprint Solutions, Inc.*, No. 09-cv-01211 (JLR) (W.D.Wa.) ("The means of notice were reasonable and constitute due, adequate, and sufficient notice to all persons entitled to be provide^{3d} with notice.")**

***In re: Tyson Foods, Inc., Chicken Raised Without Antibiotics Consumer Litigation*, No. 1:08-md-01982 RDB (D. Md. N. Div.) ("The notice, in form, method, and content, fully complied with the requirements of Rule 23 and due process, constituted the best notice practicable under the circumstances, and constituted due and sufficient notice to all persons entitled to notice of the settlement.")**

***Sager v. Inamed Corp. and McGhan Medical Breast Implant Litigation*, No. 01043771 (Sup. Ct. Cal., County of Santa Barbara) ("Notice provided was the best practicable under the circumstances.")**

***Deke, et al. v. Cardservice Internat'l*, Case No. BC 271679, slip op. at 3 (Sup. Ct. Cal., County of Los Angeles) ("The Class Notice satisfied the requirements of California Rules of Court 1856 and 1859 and due process and constituted the best notice practicable under the circumstances.")**

***Levine, et al. v. Dr. Philip C. McGraw, et al.*, Case No. BC 312830 (Los Angeles County Super. Ct., Cal.) ("[T]he plan for notice to the Settlement Class ... constitutes the best notice practicable under the circumstances and constituted due and sufficient notice to the members of the Settlement Class ... and satisfies the requirements of California law and federal due process of law.")**

***In re: Canadian Air Cargo Shipping Class Actions*, Court File No. 50389CP, Ontario Superior Court of Justice, Supreme Court of British Columbia, Quebec Superior Court ("I am satisfied the proposed form of notice meets the requirements of s. 17(6) of the CPA and the proposed method of notice is appropriate.")**



Fischer et al v. IG Investment Management, Ltd. et al, Court File No. 06-CV-307599CP, Ontario Superior Court of Justice.

In re: Vivendi Universal, S.A. Securities Litigation, No. 02-cv-5571 (RJH)(HBP) (S.D.N.Y.).

In re: Air Cargo Shipping Services Antitrust Litigation, No. 06-MD-1775 (JG) (VV) (E.D.N.Y.).

Berger, et al., v. Property ID Corporation, et al., No. CV 05-5373-GHK (CWx) (C.D.Cal.).

Lozano v. AT&T Mobility Wireless, No. 02-cv-0090 CAS (AJWx) (C.D.Cal.).

Howard A. Engle, M.D., et al., v. R.J. Reynolds Tobacco Co., Philip Morris, Inc., Brown & Williamson Tobacco Corp., No. 94-08273 CA (22) (11th Judicial Dist. Ct. of Miami-Dade County, Fla.).

In re: Royal Dutch/Shell Transport Securities Litigation, No. 04 Civ. 374 (JAP) (Consolidated Cases) (D. N.J.).

In re: Epson Cartridge Cases, Judicial Council Coordination Proceeding, No. 4347 (Sup. Ct. of Cal., County of Los Angeles).

UAW v. General Motors Corporation, No: 05-73991 (E.D.MI).

Wicon, Inc. v. Cardservice Intern'l, Inc., BC 320215 (Sup. Ct. of Cal., County of Los Angeles).

In re: SmithKline Beecham Clinical Billing Litig., No. CV. No. 97-L-1230 (Third Judicial Cir., Madison County, Ill.). Ms. Finegan designed and developed a national media and Internet site notification program in connection with the settlement of a nationwide class action concerning billings for clinical laboratory testing services.

MacGregor v. Schering-Plough Corp., No. EC248041 (Sup. Ct. Cal., County of Los Angeles). This nationwide notification program was designed to reach all persons who had purchased or used an aerosol inhaler manufactured by Schering-Plough. Because no mailing list was available, notice was accomplished entirely through the media program.

In re: Swiss Banks Holocaust Victim Asset Litig., No. CV-96-4849 (E.D.N.Y.). Ms. Finegan managed the design and implementation of the Internet site on this historic case. The site was developed in 21 native languages. It is a highly secure data gathering tool and information hub, central to the global outreach program of Holocaust survivors. www.swissbankclaims.com.

In re: Exxon Valdez Oil Spill Litig., No. A89-095-CV (HRH) (Consolidated) (D. Alaska). Ms. Finegan designed and implemented two media campaigns to notify native Alaskan residents, trade workers, fisherman, and others impacted by the oil spill of the litigation and their rights under the settlement terms.



In re: Johns-Manville Phenolic Foam Litig., No. CV 96-10069 (D. Mass). The nationwide multi-media legal notice program was designed to reach all Persons who owned any structure, including an industrial building, commercial building, school, condominium, apartment house, home, garage or other type of structure located in the United States or its territories, in which Johns-Manville PFRI was installed, in whole or in part, on top of a metal roof deck.

Bristow v Fleetwood Enters Litig., No Civ 00-0082-S-EJL (D. Id). Ms. Finegan designed and implemented a legal notice campaign targeting present and former employees of Fleetwood Enterprises, Inc., or its subsidiaries who worked as hourly production workers at Fleetwood's housing, travel trailer, or motor home manufacturing plants. The comprehensive notice campaign included print, radio and television advertising.

In re: New Orleans Tank Car Leakage Fire Litig., No 87-16374 (Civil Dist. Ct., Parish of Orleans, LA) (2000). This case resulted in one of the largest settlements in U.S. history. This campaign consisted of a media relations and paid advertising program to notify individuals of their rights under the terms of the settlement.

Garria Spencer v. Shell Oil Co., No. CV 94-074(Dist. Ct., Harris County, Tex.). The nationwide notification program was designed to reach individuals who owned real property or structures in the United States, which contained polybutylene plumbing with acetyl insert or metal insert fittings.

In re: Hurd Millwork Heat Mirror™ Litig., No. CV-772488 (Sup. Ct. of Cal., County of Santa Clara). This nationwide multi-media notice program was designed to reach class members with failed heat mirror seals on windows and doors, and alert them as to the actions that they needed to take to receive enhanced warranties or window and door replacement.

Laborers Dist. Counsel of Alabama Health and Welfare Fund v. Clinical Lab. Servs., Inc., No. CV-97-C-629-W (N.D. Ala.). Ms. Finegan designed and developed a national media and Internet site notification program in connection with the settlement of a nationwide class action concerning alleged billing discrepancies for clinical laboratory testing services.

In re: StarLink Corn Prods. Liab. Litig., No. 01-C-1181 (N.D. Ill).. Ms. Finegan designed and implemented a nationwide notification program designed to alert potential class members of the terms of the settlement.

In re: MCI Non-Subscriber Rate Payers Litig., MDL Docket No. 1275, 3:99-cv-01275 (S.D.Ill.). The advertising and media notice program, found to be "more than adequate" by the Court, was designed with the understanding that the litigation affected all persons or entities who were customers of record for telephone lines presubscribed to MCI/World Com, and were charged the higher non-subscriber rates and surcharges for direct-dialed long distance calls placed on those lines. www.rateclaims.com.



In re: Albertson's Back Pay Litig., No. 97-0159-S-BLW (D.Id.). Ms. Finegan designed and developed a secure Internet site, where claimants could seek case information confidentially.

In re: Georgia Pacific Hardboard Siding Recovering Program, No. CV-95-3330-RG (Cir. Ct., Mobile County, Ala.). Ms. Finegan designed and implemented a multi-media legal notice program, which was designed to reach class members with failed G-P siding and alert them of the pending matter. Notice was provided through advertisements, which aired on national cable networks, magazines of nationwide distribution, local newspaper, press releases and trade magazines.

In re: Diet Drugs (Phentermine, Fenfluramine, Dexfenfluramine) Prods. Liab. Litig., Nos. 1203, 99-20593. Ms. Finegan worked as a consultant to the National Diet Drug Settlement Committee on notification issues. The resulting notice program was described and complimented at length in the Court's Memorandum and Pretrial Order 1415, approving the settlement,

In re: Diet Drugs (Phentermine, Fenfluramine, Dexfenfluramine) Prods. Liab. Litig., 2000 WL 1222042, Nos. 1203, 99-20593 (E.D.Pa. Aug. 28, 2002).

Ms. Finegan designed the Notice programs for multiple state antitrust cases filed against the Microsoft Corporation. In those cases, it was generally alleged that Microsoft unlawfully used anticompetitive means to maintain a monopoly in markets for certain software, and that as a result, it overcharged consumers who licensed its MS-DOS, Windows, Word, Excel and Office software. The multiple legal notice programs designed by Jeanne Finegan and listed below targeted both individual users and business users of this software. The scientifically designed notice programs took into consideration both media usage habits and demographic characteristics of the targeted class members.

In re: Florida Microsoft Antitrust Litig. Settlement, No. 99-27340 CA 11 (11th Judicial Dist. Ct. of Miami-Dade County, Fla.).

In re: Montana Microsoft Antitrust Litig. Settlement, No. DCV 2000 219 (First Judicial Dist. Ct., Lewis & Clark Co., Mt.).

In re: South Dakota Microsoft Antitrust Litig. Settlement, No. 00-235(Sixth Judicial Cir., County of Hughes, S.D.).

In re: Kansas Microsoft Antitrust Litig. Settlement, No. 99C17089 Division No. 15 Consolidated Cases (Dist. Ct., Johnson County, Kan.) ("The Class Notice provided was the best notice practicable under the circumstances and fully complied in all respects with the requirements of due process and of the Kansas State. Annot. §60-22.3.").

In re: North Carolina Microsoft Antitrust Litig. Settlement, No. 00-CvS-4073 (Wake) 00-CvS-1246 (Lincoln) (General Court of Justice Sup. Ct., Wake and Lincoln Counties, N.C.).



In re: ABS II Pipes Litig., No. 3126 (Sup. Ct. of Cal., Contra Costa County). The Court approved regional notification program designed to alert those individuals who owned structures with the pipe that they were eligible to recover the cost of replacing the pipe.

In re: Avenue A Inc. Internet Privacy Litig., No: C00-1964C (W.D. Wash.).

In re: Lorazepam and Clorazepate Antitrust Litig., No. 1290 (TFH) (D.C.C.).

In re: Providian Fin. Corp. ERISA Litig., No C-01-5027 (N.D. Cal.).

In re: H & R Block, et al Tax Refund Litig., No. 97195023/CC4111 (MD Cir. Ct., Baltimore City).

In re: American Premier Underwriters, Inc, U.S. Railroad Vest Corp., No. 06C01-9912 (Cir. Ct., Boone County, Ind.).

In re: Sprint Corp. Optical Fiber Litig., No: 9907 CV 284 (Dist. Ct., Leavenworth County, Kan).

In re: Shelter Mutual Ins. Co. Litig., No. CJ-2002-263 (Dist.Ct., Canadian County. Ok).

In re: Consec, Inc. Sec. Litig., No: IP-00-0585-C Y/S CA (S.D. Ind.).

In re: Nat'l Treasury Employees Union, et al., 54 Fed. Cl. 791 (2002).

In re: City of Miami Parking Litig., Nos. 99-21456 CA-10, 99-23765 – CA-10 (11th Judicial Dist. Ct. of Miami-Dade County, Fla.).

In re: Prime Co. Incorporated D/B/A/ Prime Co. Personal Comm., No. L 1:01CV658 (E.D. Tx.).

Alsea Veneer v. State of Oregon A.A., No. 88C-11289-88C-11300.



INTERNATIONAL EXPERIENCE

Bell v. Canadian Imperial Bank of Commerce, et al, Court File No.: CV-08-359335 (Ontario Superior Court of Justice); (2016).

In re: Canadian Air Cargo Shipping Class Actions (Ontario Superior Court of Justice, Court File No. 50389CP, Supreme Court of British Columbia.

In re: Canadian Air Cargo Shipping Class Actions Québec Superior Court).

Fischer v. IG Investment Management LTD., No. 06-CV-307599CP (Ontario Superior Court of Justice).

In Re Nortel I & II Securities Litigation, Civil Action No. 01-CV-1855 (RMB), Master File No. 05 MD 1659 (LAP) (S.D.N.Y. 2006).

Frohlinger v. Nortel Networks Corporation et al., Court File No.: 02-CL-4605 (Ontario Superior Court of Justice).

Association de Protection des Épargnants et Investisseurs du Québec v. Corporation Nortel Networks, No.: 500-06-0002316-017 (Superior Court of Québec).

Jeffery v. Nortel Networks Corporation et al., Court File No.: S015159 (Supreme Court of British Columbia).

Gallardi v. Nortel Networks Corporation, No. 05-CV-285606CP (Ontario Superior Court).

Skarstedt v. Corporation Nortel Networks, No. 500-06-000277-059 (Superior Court of Québec).

SEC ENFORCEMENT NOTICE PROGRAM EXPERIENCE

SEC v. Vivendi Universal, S.A., et al., Case No. 02 Civ. 5571 (RJH) (HBP) (S.D.N.Y.).

The Notice program included publication in 11 different countries and eight different languages.

SEC v. Royal Dutch Petroleum Company, No.04-3359 (S.D. Tex.)



FEDERAL TRADE COMMISSION NOTICE PROGRAM EXPERIENCE

FTC v. TracFone Wireless, Inc., Case No. 15-cv-00392-EMC.

FTC v. Skechers U.S.A., Inc., No. 1:12-cv-01214-JG (N.D. Ohio).

FTC v. Reebok International Ltd., No. 11-cv-02046 (N.D. Ohio)

FTC v. Chanery and RTC Research and Development LLC [Nutraquest], No. :05-cv-03460 (D.N.J.)

BANKRUPTCY EXPERIENCE

Ms. Finegan has designed and implemented hundreds of domestic and international bankruptcy notice programs. A sample case list includes the following:

In re AMR Corporation [American Airlines], et al., No. 11-15463 (SHL) (Bankr. S.D.N.Y.) ("*due and proper notice [was] provided, and ... no other or further notice need be provided.*")

In re Jackson Hewitt Tax Service Inc., et al., No 11-11587 (Bankr. D.Del.) (2011). The debtors sought to provide notice of their filing as well as the hearing to approve their disclosure statement and confirm their plan to a large group of current and former customers, many of whom current and viable addresses promised to be a difficult (if not impossible) and costly undertaking. The court approved a publication notice program designed and implemented by Finegan and the administrator, that included more than 350 local newspaper and television websites, two national online networks (24/7 Real Media, Inc. and Microsoft Media Network), a website notice linked to a press release and notice on eight major websites, including CNN and Yahoo. These online efforts supplemented the print publication and direct-mail notice provided to known claimants and their attorneys, as well as to the state attorneys general of all 50 states. The *Jackson Hewitt* notice program constituted one of the first large chapter 11 cases to incorporate online advertising.

In re: Nutraquest Inc., No. 03-44147 (Bankr. D.N.J.)

In re: General Motors Corp. et al, No. 09-50026 (Bankr. S.D.N.Y.). This case is the 4th largest bankruptcy in U.S. history. Ms. Finegan and her team worked with General Motors restructuring attorneys to design and implement the legal notice program.

In re: ACandS, Inc., No. 0212687 (Bankr. D.Del.) (2007) ("*Adequate notice of the Motion and of the hearing on the Motion was given.*").

In re: United Airlines, No. 02-B-48191 (Bankr. N.D Ill.). Ms. Finegan worked with United and its restructuring attorneys to design and implement global legal notice programs. The notice was published in 11 countries and translated into 6 languages. Ms. Finegan worked closely with



legal counsel and UAL's advertising team to select the appropriate media and to negotiate the most favorable advertising rates. www.pd-ual.com.

In re: Enron, No. 01-16034 (Bankr. S.D.N.Y.). Ms. Finegan worked with Enron and its restructuring attorneys to publish various legal notices.

In re: Dow Corning, No. 95-20512 (Bankr. E.D. Mich.). Ms. Finegan originally designed the information website. This Internet site is a major information hub that has various forms in 15 languages.

In re: Harnischfeger Inds., No. 99-2171 (RJW) Jointly Administered (Bankr. D. Del.). Ms. Finegan designed and implemented 6 domestic and international notice programs for this case. The notice was translated into 14 different languages and published in 16 countries.

In re: Keene Corp., No. 93B 46090 (SMB), (Bankr. E.D. MO.). Ms. Finegan designed and implemented multiple domestic bankruptcy notice programs including notice on the plan of reorganization directed to all creditors and all Class 4 asbestos-related claimants and counsel.

In re: Lamonts, No. 00-00045 (Bankr. W.D. Wash.). Ms. Finegan designed and implemented multiple bankruptcy notice programs.

In re: Monet Group Holdings, Nos. 00-1936 (MFW) (Bankr. D. Del.). Ms. Finegan designed and implemented a bar date notice.

In re: Laclede Steel Co., No. 98-53121-399 (Bankr. E.D. MO.). Ms. Finegan designed and implemented multiple bankruptcy notice programs.

In re: Columbia Gas Transmission Corp., No. 91-804 (Bankr. S.D.N.Y.). Ms. Finegan developed multiple nationwide legal notice notification programs for this case.

In re: U.S.H. Corp. of New York, et al. (Bankr. S.D.N.Y.). Ms. Finegan designed and implemented a bar date advertising notification campaign.

In re: Best Prods. Co., Inc., No. 96-35267-T, (Bankr. E.D. Va.). Ms. Finegan implemented a national legal notice program that included multiple advertising campaigns for notice of sale, bar date, disclosure and plan confirmation.

In re: Lodgian, Inc., et al., No. 16345 (BRL) Factory Card Outlet – 99-685 (JCA), 99-686 (JCA) (Bankr. S.D.N.Y.).

In re: Internat'l Total Servs, Inc., et al., Nos. 01-21812, 01-21818, 01-21820, 01-21882, 01-21824, 01-21826, 01-21827 (CD) Under Case No: 01-21812 (Bankr. E.D.N.Y.).

In re: Decora Inds., Inc. and Decora, Incorp., Nos. 00-4459 and 00-4460 (JJF) (Bankr. D. Del.).



In re: Genesis Health Ventures, Inc., et al, No. 002692 (PJW) (Bankr. D. Del.).

In re: Tel. Warehouse, Inc., et al, No. 00-2105 through 00-2110 (MFW) (Bankr. D. Del.).

In re: United Cos. Fin. Corp., et al, No. 99-450 (MFW) through 99-461 (MFW) (Bankr. D. Del.).

In re: Caldor, Inc. New York, The Caldor Corp., Caldor, Inc. CT, et al., No. 95-B44080 (JLG) (Bankr. S.D.N.Y.).

In re: Physicians Health Corp., et al., No. 00-4482 (MFW) (Bankr. D. Del.).

In re: GC Cos., et al., Nos. 00-3897 through 00-3927 (MFW) (Bankr. D. Del.).

In re: Heilig-Meyers Co., et al., Nos. 00-34533 through 00-34538 (Bankr. E.D. Va.).

PRODUCT RECALL AND CRISIS COMMUNICATION EXPERIENCE

Reser's Fine Foods. Reser's is a nationally distributed brand and manufacturer of food products through giants such as Albertsons, Costco, Food Lion, WinnDixie, Ingles, Safeway and Walmart. Ms. Finegan designed an enterprise-wide crisis communication plan that included communications objectives, crisis team roles and responsibilities, crisis response procedures, regulatory protocols, definitions of incidents that require various levels of notice, target audiences, and threat assessment protocols. Ms. Finegan worked with the company through two nationwide, high profile recalls, conducting extensive media relations efforts.

Gulf Coast Claims Facility Notice Campaign. Finegan coordinated a massive outreach effort throughout the Gulf Coast region to notify those who have claims as a result of damages caused by the Deep Water Horizon Oil spill. The notice campaign included extensive advertising in newspapers throughout the region, Internet notice through local newspaper, television and radio websites and media relations. The Gulf Coast Claims Facility (GCCF) was an independent claims facility, funded by BP, for the resolution of claims by individuals and businesses for damages incurred as a result of the oil discharges due to the Deepwater Horizon incident on April 20, 2010.

City of New Orleans Tax Revisions, Post-Hurricane Katrina. In 2007, the City of New Orleans revised property tax assessments for property owners. As part of this process, it received numerous appeals to the assessments. An administration firm served as liaison between the city and property owners, coordinating the hearing schedule and providing important information to property owners on the status of their appeal. Central to this effort was the comprehensive outreach program designed by Ms. Finegan, which included a website and a heavy schedule of television, radio and newspaper advertising, along with the coordination of key news interviews about the project picked up by local media.



ARTICLES

Author, "Creating a Class Notice Program that Satisfies Due Process" Law360, New York, (February 13, 2018 12:58 PM ET).

Author, "3 Considerations for Class Action Notice Brand Safety" Law360, New York, (October 2, 2017 12:24 PM ET).

Author, "What Would Class Action Reform Mean for Notice?" Law360, New York, (April 13, 2017 11:50 AM ET).

Author, "Bots Can Silently Steal your Due Process Notice." Wisconsin Law Journal, April 2017.

Author, "*Don't Turn a Blind Eye to Bots*. Ad Fraud and Bots are a Reality of the Digital Environment." LinkedIn article March 6, 2107.

Co-Author, "Modern Notice Requirements Through the Lens of *Eisen* and *Mullane*" – Bloomberg - BNA Class Action Litigation Report, 17 CLASS 1077, (October 14, 2016).

Author, "Think All Internet Impressions Are The Same? Think Again" – Law360.com, New York (March 16, 2016, 3:39 ET).

Author, "Why Class Members Should See an Online Ad More Than Once" – Law360.com, New York, (December 3, 2015, 2:52 PM ET).

Author, 'Being 'Media-Relevant' — What It Means and Why It Matters - Law360.com, New York (September 11, 2013, 2:50 PM ET).

Co-Author, "New Media Creates New Expectations for Bankruptcy Notice Programs," ABI Journal, Vol. XXX, No 9, (November 2011).

Quoted Expert, "Effective Class Action Notice Promotes Access to Justice: Insight from a New U.S. Federal Judicial Center Checklist," Canadian Supreme Court Law Review, (2011), 53 S.C.L.R. (2d).

Co-Author, with Hon. Dickran Tevrizian – "Expert Opinion: It's More Than Just a Report...Why Qualified Legal Experts Are Needed to Navigate the Changing Media Landscape," BNA Class Action Litigation Report, 12 CLASS 464, May 27, 2011.

Co-Author, with Hon. Dickran Tevrizian, Your Insight, "Expert Opinion: It's More Than Just a Report -Why Qualified Legal Experts Are Needed to Navigate the Changing Media Landscape," TXLR, Vol. 26, No. 21, May 26, 2011.



Quoted Expert, "Analysis of the FJC's 2010 Judges' Class Action Notice and Claims Process Checklist and Guide: A New Roadmap to Adequate Notice and Beyond," BNA Class Action Litigation Report, 12 CLASS 165, February 25, 2011.

Author, Five Key Considerations for a Successful International Notice Program, BNA Class Action Litigation Report, April, 9, 2010 Vol. 11, No. 7 p. 343.

Quoted Expert, "Communication Technology Trends Pose Novel Notification Issues for Class Litigators," BNA Electronic Commerce and Law, 15 ECLR 109 January 27, 2010.

Author, "Legal Notice: R U ready 2 adapt?" BNA Class Action Report, Vol. 10 Class 702, July 24, 2009.

Author, "On Demand Media Could Change the Future of Best Practicable Notice," BNA Class Action Litigation Report, Vol. 9, No. 7, April 11, 2008, pp. 307-310.

Quoted Expert, "Warranty Conference: Globalization of Warranty and Legal Aspects of Extended Warranty," Warranty Week, warrantyweek.com/archive/ww20070228.html/ February 28, 2007.

Co-Author, "Approaches to Notice in State Court Class Actions," For The Defense, Vol. 45, No. 11, November, 2003.

Citation, "Recall Effectiveness Research: A Review and Summary of the Literature on Consumer Motivation and Behavior," U.S. Consumer Product Safety Commission, CPSC-F-02-1391, p.10, Heiden Associates, July 2003.

Author, "The Web Offers Near, Real-Time Cost Efficient Notice," American Bankruptcy Institute, ABI Journal, Vol. XXII, No. 5., 2003.

Author, "Determining Adequate Notice in Rule 23 Actions," For The Defense, Vol. 44, No. 9 September, 2002.

Author, "Legal Notice, What You Need to Know and Why," Monograph, July 2002.

Co-Author, "The Electronic Nature of Legal Noticing," The American Bankruptcy Institute Journal, Vol. XXI, No. 3, April 2002.

Author, "Three Important Mantras for CEO's and Risk Managers," - International Risk Management Institute, irmi.com, January 2002.

Co-Author, "Used the Bat Signal Lately," The National Law Journal, Special Litigation Section, February 19, 2001.



Author, "How Much is Enough Notice," Dispute Resolution Alert, Vol. 1, No. 6. March 2001.

Author, "Monitoring the Internet Buzz," The Risk Report, Vol. XXIII, No. 5, Jan. 2001.

Author, "High-Profile Product Recalls Need More Than the Bat Signal," - International Risk Management Institute, irmi.com, July 2001.

Co-Author, "Do You Know What 100 Million People are Buzzing About Today?" Risk and Insurance Management, March 2001.

Quoted Article, "Keep Up with Class Action," Kentucky Courier Journal, March 13, 2000.

Author, "The Great Debate - How Much is Enough Legal Notice?" American Bar Association – Class Actions and Derivatives Suits Newsletter, winter edition 1999.

SPEAKER/EXPERT PANELIST/PRESENTER

CLE Webinar	"Rule 23 Changes to Notice, Are You Ready for the Digital Wild, Wild West?" October 23, 2018, https://bit.ly/2RIRvZq
American Bar Assn.	Faculty Panelist, 4 th Annual Western Regional CLE Class Actions, "Big Brother, Information Privacy, and Class Actions: How Big Data and Social Media are Changing the Class Action Landscape" San Francisco, CA June, 2018.
Miami Law Class Action & Complex Litigation Forum	Faculty Panelist, "Settlement and Resolution of Class Actions," Miami, FL December 2, 2016.
The Knowledge Group	Faculty Panelist, "Class Action Settlements: Hot Topics 2016 and Beyond," Live Webcast, www.theknowledgegroup.org , October 2016.
ABA National Symposium	Faculty Panelist, "Ethical Considerations in Settling Class Actions," New Orleans, LA, March 2016.
S.F. Banking Attorney Assn.	Speaker, "How a Class Action Notice can Make or Break your Client's Settlement," San Francisco, CA, May 2015.
Perrin Class Action Conf.	Faculty Panelist, "Being Media Relevant, What It Means and Why It Matters – The Social Media Evolution: Trends, Challenges and Opportunities," Chicago, IL May 2015.
Bridgeport Continuing Ed.	Speaker, Webinar "Media Relevant in the Class Notice Context." July, 2014.



Bridgeport Continuing Ed.	Faculty Panelist, "Media Relevant in the Class Notice Context." Los Angeles, California, April 2014.
CASD 5 th Annual	Speaker, "The Impact of Social Media on Class Action Notice." Consumer Attorneys of San Diego Class Action Symposium, San Diego, California, September 2012.
Law Seminars International	Speaker, "Class Action Notice: Rules and Statutes Governing FRCP (b)(3) Best Practicable... What constitutes a best practicable notice? What practitioners and courts should expect in the new era of online and social media." Chicago, IL, October 2011. <i>*Voted by attendees as one of the best presentations given.</i>
CASD 4 th Annual	Faculty Panelist, "Reasonable Notice - Insight for practitioners on the FJC's <i>Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide</i> . Consumer Attorneys of San Diego Class Action Symposium, San Diego, California, October 2011.
CLE International	Faculty Panelist, Building a Workable Settlement Structure, CLE International, San Francisco, California May, 2011.
CASD	Faculty Panelist, "21 st Century Class Notice and Outreach." 3 rd Annual Class Action Symposium CASD Symposium, San Diego, California, October 2010.
CASD	Faculty Panelist, "The Future of Notice." 2 nd Annual Class Action Symposium CASD Symposium, San Diego California, October 2009.
American Bar Association	Speaker, 2008 Annual Meeting, "Practical Advice for Class Action Settlements: The Future of Notice In the United States and Internationally – Meeting the Best Practicable Standard." Section of Business Law Business and Corporate Litigation Committee – Class and Derivative Actions Subcommittee, New York, NY, August 2008.
Women Lawyers Assn.	Faculty Panelist, Women Lawyers Association of Los Angeles "The Anatomy of a Class Action." Los Angeles, CA, February, 2008.
Warranty Chain Mgmt.	Faculty Panelist, Presentation Product Recall Simulation. Tampa, Florida, March 2007.
Practicing Law Institute.	Faculty Panelist, CLE Presentation, 11 th Annual Consumer Financial Services Litigation. Presentation: Class Action Settlement



	Structures – Evolving Notice Standards in the Internet Age. New York/Boston (simulcast), NY March 2006; Chicago, IL April 2006 and San Francisco, CA, May 2006.
U.S. Consumer Product Safety Commission	Ms. Finegan participated as an invited expert panelist to the CPSC to discuss ways in which the CPSC could enhance and measure the recall process. As a panelist, Ms Finegan discussed how the CPSC could better motivate consumers to take action on recalls and how companies could scientifically measure and defend their outreach efforts. Bethesda, MD, September 2003.
Weil, Gotshal & Manges	Presenter, CLE presentation, “A Scientific Approach to Legal Notice Communication.” New York, June 2003.
Sidley & Austin	Presenter, CLE presentation, “A Scientific Approach to Legal Notice Communication.” Los Angeles, May 2003.
Kirkland & Ellis	Speaker to restructuring group addressing “The Best Practicable Methods to Give Notice in a Tort Bankruptcy.” Chicago, April 2002.
Georgetown University Law	Faculty, CLE White Paper: “What are the best practicable methods to Center Mass Tort Litigation give notice? Dispelling the communications myth – A notice Institute disseminated is a notice communicated,” Mass Tort Litigation Institute. Washington D.C., November, 2001.
American Bar Association	Presenter, “How to Bullet-Proof Notice Programs and What Communication Barriers Present Due Process Concerns in Legal Notice,” ABA Litigation Section Committee on Class Actions & Derivative Suits. Chicago, IL, August 6, 2001.
McCutchin, Doyle, Brown	Speaker to litigation group in San Francisco and simulcast to four other McCutchin locations, addressing the definition of effective notice and barriers to communication that affect due process in legal notice. San Francisco, CA, June 2001.
Marylhurst University	Guest lecturer on public relations research methods. Portland, OR, February 2001.
University of Oregon	Guest speaker to MBA candidates on quantitative and qualitative research for marketing and communications programs. Portland, OR, May 2001.



Judicial Arbitration & Mediation Services (JAMS)	Speaker on the definition of effective notice. San Francisco and Los Angeles, CA, June 2000.
International Risk Management Institute	Past Expert Commentator on Crisis and Litigation Communications. www.irmi.com .
The American Bankruptcy Institute Journal (ABI)	Past Contributing Editor – Beyond the Quill. www.abi.org .

BACKGROUND

Ms Finegan's past experience includes working in senior management for leading Class Action Administration firms including The Garden City Group ("GCG") and Poorman-Douglas Corp., ("EPIQ"). Ms. Finegan co-founded Huntington Advertising, a nationally recognized leader in legal notice communications. After Fleet Bank purchased her firm in 1997, she grew the company into one of the nation's leading legal notice communication agencies.

Prior to that, Ms. Finegan spearheaded Huntington Communications, (an Internet development company) and The Huntington Group, Inc., (a public relations firm). As a partner and consultant, she has worked on a wide variety of client marketing, research, advertising, public relations and Internet programs. During her tenure at the Huntington Group, client projects included advertising (media planning and buying), shareholder meetings, direct mail, public relations (planning, financial communications) and community outreach programs. Her past client list includes large public and privately held companies: Code-A-Phone Corp., Thrifty-Payless Drug Stores, Hyster-Yale, The Portland Winter Hawks Hockey Team, U.S. National Bank, U.S. Trust Company, Morley Capital Management, and Durametal Corporation.

Prior to Huntington Advertising, Ms. Finegan worked as a consultant and public relations specialist for a West Coast-based Management and Public Relations Consulting firm.

Additionally, Ms. Finegan has experience in news and public affairs. Her professional background includes being a reporter, anchor and public affairs director for KWJJ/KJIB radio in Portland, Oregon, as well as reporter covering state government for KBZY radio in Salem, Oregon. Ms. Finegan worked as an assistant television program/promotion manager for KPDX directing \$50 million in programming. She was also the program/promotion manager at KECH-22 television.

Ms. Finegan's multi-level communication background gives her a thorough, hands-on understanding of media, the communication process, and how it relates to creating effective and efficient legal notice campaigns.



MEMBERSHIPS, PROFESSIONAL CREDENTIALS

APR Accredited. Universal Board of Accreditation Public Relations Society of America

- **Member of the Public Relations Society of America**
- **Member Canadian Public Relations Society**

Board of Directors - Alliance for Audited Media

Alliance for Audited Media ("AAM") is the recognized leader in cross-media verification. It was founded in 1914 as the Audit Bureau of Circulations (ABC) to bring order and transparency to the media industry. Today, more than 4,000 publishers, advertisers, agencies and technology vendors depend on its data-driven insights, technology certification audits and information services to transact with trust.

SOCIAL MEDIA

LinkedIn: www.linkedin.com/in/jeanne-finegan-apr-7112341b

Exhibit B

An aerial, black and white photograph of a city, likely New York City, showing a dense urban landscape with numerous skyscrapers and a large bridge spanning a body of water. The image is the background for the magazine cover.

NATIONAL GEOGRAPHIC

CITIES

SPECIAL

IDEAS FOR A BRIGHTER FUTURE

ISSUE

DESIGNING
SOLUTIONS

A TEMPORARY REFUGE
BECOMES HOME

WALKING THROUGH
A MEGALOPOLIS

RATS—THEY’LL
ALWAYS BE WITH US

**IF YOU ARE OR WERE A HOLDER
OF OR OTHERWISE CLAIM ANY
ENTITLEMENT TO ANY PAYMENT IN
CONNECTION WITH ANY
AMERICAN DEPOSITARY SHARE
(SOMETIMES KNOWN AS AN
AMERICAN DEPOSITARY RECEIPT)
("ADR") FOR WHICH THE BANK OF
NEW YORK MELLON ("BNYM")
ACTED AS DEPOSITARY, YOUR RIGHTS
MAY BE AFFECTED.**

Pursuant to Federal Rule of Civil Procedure 23 and Court Order, the Court has directed notice of the \$72.5 million settlement proposed in *In re: The Bank of New York Mellon ADR FX Litigation*, No. 16-CV-00212-JPO-JLC (S.D.N.Y.) to the Settlement Class. If approved, the settlement will resolve all claims in the litigation. **This notice provides basic information. It is important that you review the detailed notice ("Notice") found at the website below.**

What is this lawsuit about:

Lead Plaintiffs allege that, during the relevant time period, BNYM systematically deducted impermissible fees for conducting foreign exchange from dividends and/or cash distributions issued by foreign companies, and owed to ADR holders. BNYM has denied, and continues to deny, any wrongdoing or liability whatsoever.

Who is a Settlement Class Member:

All entities and individuals who at any time from January 1, 1997 through January 17, 2019 held (directly or indirectly, registered or beneficially), or otherwise claim any entitlement to any payment (whether a dividend, rights offering, interest on capital, sale of shares, or other distribution) in connection with, any ADR for which BNYM acted as the depositary sponsored by an issuer that is identified in the Appendix to the Notice. Certain entities and individuals are excluded from the definition of the Settlement Class as set forth in the Notice.

What are the benefits:

If the Court approves the settlement, the proceeds, after deduction of Court-approved notice and administration costs, attorneys' fees and expenses, and any applicable taxes, will be distributed pursuant to the Plan of Allocation set forth in the Notice, or other plan approved by the Court.

What are my rights:

If you receive/have received a Post-Card Notice in the mail, you are a Registered Holder (i.e., you hold (or held) your eligible ADRs directly and your relevant information was provided by BNYM's transfer agent), and you do not have to take any action to be eligible for a settlement payment. If you do not receive/have not received a Post-Card Notice in the mail, you are a Non-Registered Holder and you must submit a Claim Form, postmarked (if mailed), or online, by August 15, 2019, to be eligible for a settlement payment. Non-Registered Holder Settlement Class Members who do nothing will not receive a payment, but will be bound by all Court decisions.

If you are a Settlement Class Member and do not want to remain in the Settlement Class, you may exclude yourself by request, received by May 13, 2019, in accordance with the Notice. If you exclude yourself, you will not be bound by any Court decisions in this litigation and you will not receive a payment, but you will retain any right you may have to pursue your own litigation at your own expense concerning the settled claims. Objections to the settlement, Plan of Allocation, or request for attorneys' fees and expenses must be received by May 13, 2019, in accordance with the Notice.

A hearing will be held on **June 17, 2019 at 3:00 p.m.**, before the Honorable J. Paul Oetken, at the Thurgood Marshall U.S. Courthouse, 40 Foley Square, New York, NY 10007, to determine if the settlement, Plan of Allocation, and/or request for fees and expenses should be approved. Supporting papers will be posted on the website once filed.

For more information visit www.bnymadrfxsettlement.com, email info@bnymadrfxsettlement.com or call 866-447-6210.

866-447-6210
www.bnymadrfxsettlement.com

LEGAL NOTICE

**IF YOU PURCHASED CERTAIN
MORNING SONG WILD BIRD FOOD
PRODUCTS FROM NOVEMBER 2005
TO MAY 2008, YOU MAY BE ENTITLED
TO PAYMENT FROM A PROPOSED
CLASS ACTION SETTLEMENT.**

A proposed Settlement has been reached in a class action lawsuit about certain Morning Song wild bird food products that were purchased between November 2005 and May 2008. The plaintiffs allege that the application of two pesticides, Storcide II and Actellic 5E, to certain wild bird food products and the sale of those products violated the law. The plaintiffs sought refunds for their purchases. The defendants, The Scotts Miracle-Gro Company, The Scotts Company LLC, and Scotts' Chief Executive Officer, deny any wrongdoing and deny that the plaintiffs suffered any damages or that they are entitled to refunds. The Court has not decided which side is right, but the parties have elected to settle the dispute by agreement.

What Are The Settlement Terms? The proposed Settlement provides for the payment of up to \$85,000,000 in cash from which eligible consumers may receive refunds for their qualifying purchases of Morning Song Bird Food. Retailer-Identified Refunds will be provided automatically to Settlement Class Members who can be identified through certain retailer records. Settlement Class Members who cannot be identified through those retailer records must submit a Claim Form for a refund. A Settlement Class Member who submits a Claim Form with Proof of Purchase will receive a full refund. Claim Forms submitted without proof of purchase may receive up to \$100 per household or more, depending on the amount of the claims and the balance available for distribution.

How Do I Get A Payment? Settlement Class Members who do not receive a "Retailer-Identified Refund Notice" by mail or email must submit a Claim Form by **July 1, 2019**. Claim Forms may be submitted online or printed from the website and mailed to the address on the Claim Form. Claim Forms are also available by calling 1-866-459-1390.

Your Other Options. If you do nothing, your rights will be affected but you will not receive a Settlement payment unless you are eligible for a Retailer-Identified Refund. If you do not want to be legally bound by the Settlement, you must exclude yourself by **May 13, 2019**. Unless you exclude yourself, you will not be able to sue Scotts or any of the Released Defendants for any and all of the legal and factual issues that the Settlement resolves and the Settlement Agreement releases. If you exclude yourself, you cannot receive a Refund under the Settlement. If you do not exclude yourself, you may object to the Settlement and notify the Court that you or your lawyer intend to appear at the Court's final approval hearing. Any objection to the Settlement, or the fee and expenses application, are due **no later than May 13, 2019**: Rachel L. Jensen, Robbins Geller Rudman & Dowd LLP, 655 West Broadway, Suite 1900, San Diego, CA 92101; Edward Patrick Swan, Jr., Jones Day, 4655 Executive Drive, Suite 1500, San Diego, CA 92121-3134; and Mark Holscher, Kirkland & Ellis LLP, 333 South Hope Street, Los Angeles, CA 90071.

The Court will hold a hearing in this case (*In re Morning Song Bird Food Litig.*, No 3:12-cv-01592) at 2:30 p.m. on June 3, 2019 at the U.S. District Court for the Southern District of California, 333 West Broadway, San Diego, California 92101, for the purpose of determining: (i) whether the proposed Settlement of the claims in this litigation should be approved by the Court as fair, reasonable and adequate; (ii) whether a final judgment and order of dismissal with prejudice should be entered by the Court dismissing the litigation with prejudice; and (iii) whether Class Counsel's application for the payment of attorneys' fees and expenses and service awards for the four named plaintiffs should be approved. You do not need to appear at the hearing or hire your own attorney, although you have the right to do so at your own expense.

This Notice is just a summary. Complete details, the Long-Form Notice, and Settlement Agreement are available at www.birdfoodsettlement.com or by calling 1-866-459-1390.



The Amazing
Life of
JACKIE O'S SISTER
LEE RADZIWILL

**MANSON
MURDERS**

New Secrets,
More Victims?



Miranda
Lambert
**MARRIED
AFTER
3 MONTHS!**

People

NCIS STAR

THE
People
INTERVIEW

**Mark
Harmon**

**FAME,
FAMILY &
WHAT I'VE
LEARNED**

The ultra-private star opens up
about marriage, fatherhood and his
incredible four decades in Hollywood



With his
wife of
31 years,
Pam
Dunbar

March 4, 2019

\$5.99



4 IN THE NEWS

BOGUS PILLS
FDA TARGETS FAKE
DEMENTIA CURES

30 YOUR MONEY

RISK-FREE TRAVEL
TIPS ON INSURING
YOUR NEXT TRIP

22 YOUR HEALTH

NOW HEAR THIS!
ADVANCES IN
HEARING AIDS

34 YOUR MONEY

SPRING SAVINGS
12 TIPS, BARGAINS
AND DISCOUNTS

36 YOUR LIFE

MY NEW QUEST
HOW TO BECOME
CITIZEN SCIENTIST

AARP Bulletin

Real Possibilities

AARP.ORG/BULLETIN | APRIL 2019 | VOL. 60 | NO. 1

SPECIAL REPORT

HOW WE CAN BEAT FRAUD

EXPERTS TELL HOW THEY—
AND YOU—CAN PREVENT SCAMS
AND CATCH THE SCAMMERS PAGE 8

THE END OF PASSWORDS
FEWER SCAM CALLS
TOUGHER ENFORCEMENT
STRONGER REGULATIONS
A SAVVIER, MORE ALERT YOU

BIOMETRICS
ONE STEP TOWARD THE FUTURE
ALREADY HERE

AARP Bulletin Real Possibilities \$2.50

PLUS
FIT AND FUN
DENISE AUSTIN HOSTS
AARP'S BIGGEST HEALTH
CHALLENGE EVER
YOUR AARP / PAGE 42

**IF YOU ARE OR WERE A HOLDER
OF OR OTHERWISE CLAIM ANY
ENTITLEMENT TO ANY PAYMENT
IN CONNECTION WITH ANY**

**AMERICAN DEPOSITARY SHARE
(SOMETIMES KNOWN AS AN AMERICAN
DEPOSITARY RECEIPT) ("ADR") FOR
WHICH THE BANK OF NEW YORK MELLON
("BNYM") ACTED AS DEPOSITARY, YOUR
RIGHTS MAY BE AFFECTED.**

Pursuant to Federal Rule of Civil Procedure 23 and Court Order, the Court has directed notice of the \$72.5 million settlement proposed in *In re: The Bank of New York Mellon ADR FX Litigation*, No. 16-CV-00212-JPO-JLC (S.D.N.Y.) to the Settlement Class. If approved, the settlement will resolve all claims in the litigation. **This notice provides basic information. It is important that you review the detailed notice ("Notice") found at the website below.**

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Who is a Settlement Class Member:

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A hearing will be held on **June 17, 2019 at 3:00 p.m.**, before the Honorable J. Paul Oetken, at the Thurgood Marshall U.S. Courthouse, 40 Foley Square, New York, NY 10007, to determine if the settlement, Plan of Allocation, and/or request for fees and expenses should be approved. Supporting papers will be posted on the website once filed.

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Q&A MELINDA GATES

'WHEN WOMEN LOCK ARMS, AT WHATEVER LEVEL IN SOCIETY, THEY CAN CHANGE THE WORLD'

HOW THE COFOUNDER OF THE BILL AND MELINDA GATES FOUNDATION DISCOVERED THAT EMPOWERING WOMEN WAS THE KEY TO TRANSFORMING GLOBAL SOCIETY

What was your biggest misconception when you started your foundation?

That if we had a breakthrough—a new vaccine, a new contraceptive, a new seed—and we got it into the supply chain, it would reach men and women equally. That turned out to be a very false assumption. Even if a country's government says it wants to deliver these tools, few actually make it into the hands of women.

In your book, *The Moment of Lift*, you write about a heartrending encounter you had with a young woman in northern India. Was that an "Aha!" moment for you?

Meena was a woman I met at a health facility we'd helped fund. She'd recently given birth, and we had a warm conversation, mother-to-mother, about bonding with a new baby. But when I asked if she planned to have more children, she said, "The truth is, no. I don't know how I'm going to feed this child. I don't have any hope of educating him. The only hope I have for this child's future is for you to take him home with you." The conversation crushed me. I had to tell her, "I'm so sorry. I can't." I started digging and learned that more than 200 million women in developing countries wanted access to contraceptives but didn't have it.

Your global campaign to give contraceptives to 120 million women by 2020 has made you unpopular in some places.

I'm a practicing Catholic, but I really had to follow my conscience on this one. I was seeing so much death in the developing world. I would go out and get 60 women in a village together and ask them to raise their hands if they knew of someone who had lost a child in childbirth. Every single hand would go up! The lack of contraceptives—and having children too soon and too often—was

causing an immense amount of misery.

Hans Rosling, an expert on international health, once told you, "American billionaire giving away money will mess everything up. How do you avoid that?"

He advised me to always go to the margins of society. He taught me that I needed to go out and talk to women and understand—without data—where they were being held back on a societal level.

That's not just a developing-world issue, is it?
Correct. I remember looking a few years back at how far women had actually come in the United States. I thought we were fully empowered. But less than 5 percent of the Fortune 500 CEOs were women. And when I went through each industry systematically, I realized that we still had a long way to go.

What steps have you and Bill taken to make your marriage more equitable?

When I got pregnant with our first child, I surprised Bill by saying that I wanted to leave my job to stay home with the baby. We fell into pretty traditional gender roles. But over time, we've gotten more intentional about making our partnership a truly equal one. At the beginning, I was happy for Bill to be the public face of the foundation. I realized later that it was important to me that I was seen as his equal there. There were moments when that took a little push but, for the most part, I've had Bill's support. He's a data geek, so he's seen the research that says equal partnerships tend to be happier ones.

How about in the Gates household?

We all do the dishes together after dinner. But one night I was still in the kitchen 15

Melinda Gates
with a mother and
daughter in Dhaka,
Bangladesh.



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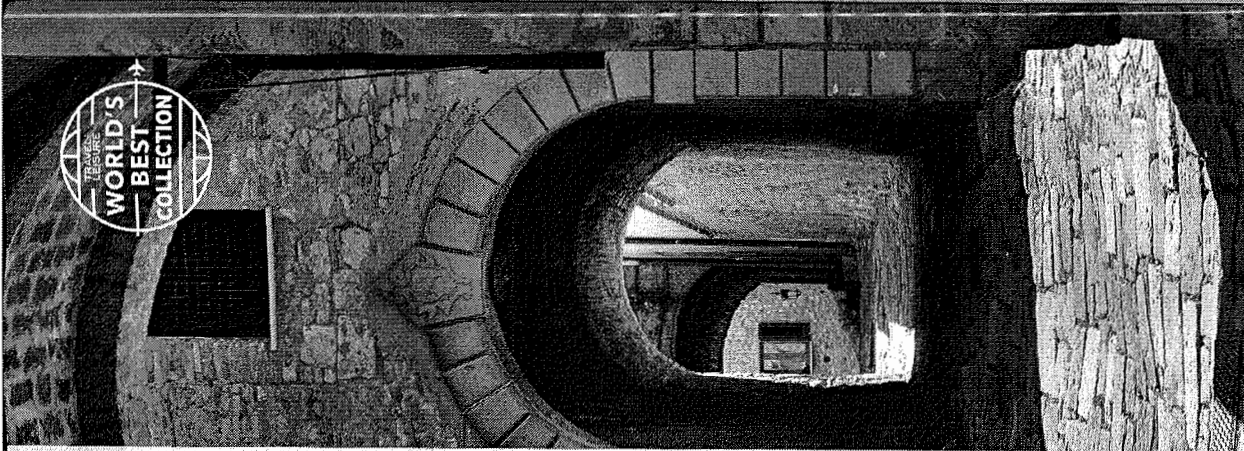
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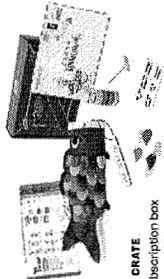


New Travel Gear for the Smaller Set

These tools help kids ride along, learn about new places and cultures, and stay in touch with parents. BY EMMA STONEALL



WATER PICO
Developed by a father-and-son team of outdoor-gear designers, this compact car seat is a light eight pounds—thanks to its aerospace-grade aluminum and tearable mesh—and fits kids weighing 22 to 35 pounds (about age 4 to 6). Snap it folds up to the size of a backpack. It's easy to tote and stow. wvrb.com; \$324.



ATLAS CRATE

This subscription box introduces kids ages six to 11 to a new country each month through vibrant crafts and activities that develop cross-cultural understanding and geographical knowledge. The Peru crate, for instance, contains a kid for weaving a tiny blanket and making quinoa pudding. *Atlas Crates*, from \$60.

RELAY

The device functions like a compact walkie-talkie with built-in 4G LTE, Wi-Fi, and GPS. Kids will love it for its bright colors and go-anywhere toughness; parents will appreciate that it lets them create multiple channels (with up to 10 devices on each) and keep tabs on their children's locations using a companion phone app. *Relaygo*, mostly \$50 per device, monthly service charge \$10 per device.



TRAVEL+LEISURE.COM 61

IF YOU ARE OR WERE A HOLDER OF
OR OTHERWISE CLAIM ANY ENTITLEMENT
TO ANY PAYMENT IN CONNECTION WITH ANY
AMERICAN DEPOSITARY SHARE
(SOMETIMES KNOWN AS AN AMERICAN
DEPOSITARY RECEIPT) ("ADR") FOR
WHICH THE BANK OF NEW YORK MELLON
("BNYM") ACTED AS DEPOSITARY, YOUR
RIGHTS MAY BE AFFECTED.

Pursuant to Federal Rule of Civil Procedure 23 and Court Order, the Court has directed notice of the \$725 million settlement proposed in *In re: The Bank of New York Mellon ADR FX Litigation*, No. 16-CV-00212-JPO-JLC (S.D.N.Y.), to the Settlement Class. If approved, the settlement will resolve all claims in the litigation. This notice provides basic information. It is not intended to constitute an offer of settlement. For more information, please review the detailed notice ("Notice") found at the website below.

What is this lawsuit about?
Lead Plaintiffs allege that, from 2007 to 2014, BNYM systematically disclosed impermissible fees for converting foreign exchange from dividends and/or cash distributions issued by foreign companies, and owed to ADR holders. BNYM has denied, and continues to deny, any wrongdoing or liability whatsoever.

Who is a Settlement Class Member?
All entities and individuals who at any time from January 1, 1997 through January 17, 2019 held (directly or indirectly, registered or beneficially), or otherwise claim any entitlement to any payment (whether a dividend, rights offering, interest on capital, sale of assets, or other distribution) in connection with any ADR for which BNYM acted as depositary, and who are identified by an ADR that is identified in the Appendix to the Notice. Certain individual individuals are excluded from the definition of the Settlement Class as set forth in the Notice.

What are the benefits?
If the Court approves the settlement, the proceeds, after deduction of Court-approved notice and administration costs, attorneys' fees and expenses, and any applicable taxes, will be distributed pursuant to the Plan of Allocation set forth in the Notice, or other plan approved by the Court.

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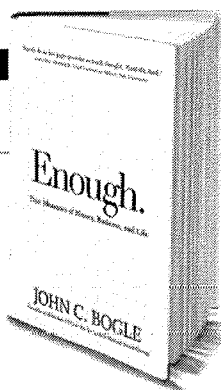
A hearing will be held on June 17, 2019 at 5:00 p.m. before the Honorable J. Paul Ockler, at the Thurgood Marshall U.S. Courthouse, 40 Foley Square, New York, NY 10007, to determine if the settlement, Plan of Allocation, and/or request for fees and expenses should be approved. Supporting papers will be posted on the website once filed.

For more information visit www.bnymadrsettlement.com, email info@bnymadrsettlement.com or call 866-447-6210.

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Enough: True Measures of Money, Business, and Life

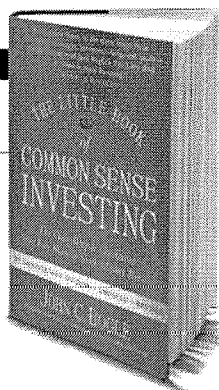
"Shortly after the 2008 financial crisis, I read Jack Bogle's *Enough*, and it [had] a profound impact on me both professionally and personally," says Trent Porter, founder of Priority Financial Partners. "Unlike most books on investing, *Enough* goes beyond dollars and cents and dives into the values Jack lived by to obtain his success."

Porter calls this book, published in 2008, "incredibly insightful [about] the failings of Wall Street that led to the financial crisis," and says it remains just as relevant today.

While Bogle didn't invent the index fund, his version, with its relatively low threshold for entry, was the first targeted at retail investors, ultimately helping millions of Americans save on unnecessary investment fees, while also making the process of finding the right mutual fund a whole lot simpler.

In addition to founding Vanguard, Bogle was a prolific writer and frequent interview subject, regularly name-checked by money-management and personal finance experts as an inspiration.

That's why MONEY asked financial and market pros to share which of Bogle's books they have found over the course of their careers to be the most valuable or influential. See the box above for what they had to say. **M**



The Little Book of Common Sense Investing: The Only Way to Guarantee Your Fair Share of Stock Market Returns

"Jack was an original industry thought leader," says John O'Donnell, director of research at Online Trading Academy, who calls *The Little Book of Common Sense Investing* one of his favorite titles.

Bogle gave an entire generation tools for a secure financial future, O'Donnell says. This book goes a long way in helping investors reach that goal: "Jack inspired us to self-direct and manage our own capital...and enjoy the amazing benefits of compounding long-term growth and income tax deferral."

IF YOU ARE OR WERE A HOLDER OF OR OTHERWISE CLAIM ANY ENTITLEMENT TO ANY PAYMENT IN CONNECTION WITH ANY AMERICAN DEPOSITARY SHARE

(SOMETIMES KNOWN AS AN AMERICAN DEPOSITARY RECEIPT) ("ADR") FOR WHICH THE BANK OF NEW YORK MELLON ("BNYM") ACTED AS DEPOSITARY, YOUR RIGHTS MAY BE AFFECTED.

Pursuant to Federal Rule of Civil Procedure 23 and Court Order, the Court has directed notice of the \$72.5 million settlement proposed in *In re: The Bank of New York Mellon ADR FX Litigation*, No. 16-CV-00212-JPO-JLC (S.D.N.Y.) to the Settlement Class. If approved, the settlement will resolve all claims in the litigation. **This notice provides basic information. It is important that you review the detailed notice ("Notice") found at the website below.**

What is this lawsuit about:

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BRYCE HARPER The Long Road to a Looong Deal in Philly *BY TOM VERDUCCI* P. 16

MAPLE LEAFS A Team, a Town and the Last Drought That Matters *BY S.L. PRICE* P. 36

SPORTS ILLUSTRATED

THE LOGAN EFFECT

*Lives Lost, Lives Saved:
Healing and Giving a Year After Humboldt*

STORY BY GREG BISHOP / F
FILM DIRECTED BY MARY AGNANT
PHOTOGRAPH BY TOMMY BUCHAN



WALDEN, ILL.
© 2011 ESPN

LOGAN BOULET

same word rings in his head. "Logan, Logan, Logan," he says. As on all days, Toby returns to the house with the hot tub on the porch out back. Green-and-gold ribbons adorn the trees in front. A wreath, made of 16 roses, hangs on the door. The untouched downstairs bedroom, where the Boulets always leave the light on, is still packed with Fanta cans and Lego sets. Upstairs, a room is filled with handmade quilts and green bracelets and books on how to grieve. And the cards, thousands of cards, sent from all over the world. "Sometimes it's like we're sharing our kid with everybody," Bernie says. "But that's not a bad thing."

Moving forward remains complicated. Moving on, impossible. Toby helped Neil Tangar's coach the women's rugby team at the University of Lethbridge last fall—the same team that Suggitt returned for—and that meant riding buses to away games.

Neville, the Broncos' assistant general manager, rebuilt an almost entirely new team. He spent three months watching tape and calling players, laying out the situation in Humboldt, convincing them to play for a grieving city with the world watching. Many turned him down, not wanting to deal with the extra pressure. But 23 players eventually signed on, each unaware of Neville's own unprocessed grief. He was supposed to have been on that bus but stayed home because his parents were in town. "There's a lot of guilt," he says. In September, he resigned.

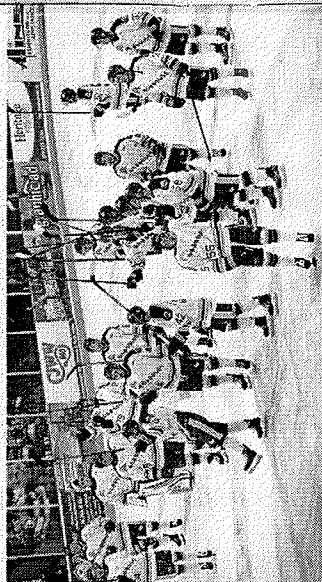
The Paulsens chose to billet again, but after both players they housed this past season were traded, they decided not to take in another. McLaren made the team that Logan helped him train for, wore number 27 and recorded 17 points in his first 27 games. He never got to make that phone call, but sometimes he can hear Logan's voice in his head, shouting, "Skate faster!" He plans to put a YOUNG SAVAGE license plate on his first car.

The GofundMe page that collected donations for the victims and their families in the wake of the crash became the largest in the history of Canada, with more than 140,000 donors from at least 80 countries contributing \$15.1 million. Each survivor will receive \$475,000. Each family that lost someone will get \$525,000.

Logan's friends and relatives inked his name, his initials

or hockey sticks on their bodies. Fiddler, the crash witness, named her baby girl Logan Humble Strong. Sometimes she sends Bernie baby pictures. Sometimes she dreams about those hockey players. "They're my guardian angels," she says.

The Boulets returned to Humboldt for the Broncos opener in September. From their hotel, they watched two planes fly overhead, emitting smoke to create two halves of one heart. At the game they saw thousands of faces stained with tears in the stands. A moment of silence, a ceremonial puck drop, a national television audience and 29 banners that would later be raised, one for each of the passengers on the bus. "It broke me," Toby says.



REBUILDING EFFORT

The Broncos ended up contending, despite everything. The Boulets followed as the season progressed as Humboldt climbed into first place. The Broncos continued to travel to every away game, even to the ones in Nipawin, the same way—by bus.

In late January the Boulets attended a hearing for the truck driver. They presented to the courtroom the first of 75 victim impact statements. The driver, Jasbir Sidhu, had already pleaded guilty to 16 counts of dangerous driving causing death and 13 more counts of dangerous driving causing bodily harm. The Boulets were relieved that there wouldn't be a trial, but they wanted Sidhu to know how many lives he had irrevocably changed, how many families he had broken. It was hard for the Boulets to listen to the other families; those who had to go to morgues to identify their children, who didn't get 27 hours to say goodbye.

"More often than not I forget. I forget that Logan's gone. I forget how permanent this is. I forget that the only place I can see and talk to him is in my dreams... I am an only child now," Mariko wrote.

THE BOULETS seek comfort in the bigger picture, the best thing that came from the worst thing and the only thing that makes them feel even a little bit better as the anniversary of the crash approaches. They're not sure exactly how many donors signed up after Logan's death or how many of those donors signed up because of Logan's story. But the numbers they have heard—100,000; 200,000; even more—are staggering. Imagine when those new donors tell their friends, who tell their friends, and how many of those people will sign up. "Like ripples in a pond," says Jenn Suggitt, whose husband tossed the first stone.

The Boulets heard directly from thousands, through letters, email or social media, who said they joined the movement because of Logan. Families reached out to say they had lost loved ones who donated their organs in his memory. One woman told them that all of four her quadruplets pledged to become donors on their 79th birthday. Hoping to sustain that momentum, the Boulets are in the process of creating a foundation. On April 7, the anniversary of his death, they and thousands across Canada will take part in Green Shirt Day to raise awareness for organ donor registration.

Remember the legacy that Higo inspired his nephew to cement? Right there. That's it—the conversations that will reverberate far longer and far wider than anything he might have done on the ice.

Sometimes Logan's sister and his girlfriend laugh about how much Logan himself would have hated all this attention, all the speeches, all the times his family told the story of his life and the overwhelming impact of his death. For a week last summer, Bernie noticed a moth flying nearby whenever the Boulet family sat outside, landing on the empty chair where Logan would have sat. She often finds dimes in her pockets, and in Canada, she says, that means someone who died is thinking about you. These small things bring small comfort, but she'd trade all of it, of course, for another embrace.

"I would love," she says, "to hear his heart beat again." A short drive from the Boulet house, a cemetery rises from a hillside. Logan's grave sits near the far edge. It's decorated with orchids and hockey sticks and a rock with the word LOVE carved into it. In an adjacent plot rests Ric Suggitt. Together, the graves speak to the randomness of human existence, how one man impacted one hockey player and how that hockey player impacted hundreds of thousands of other lives. All because of the choices made by two friends before two vehicles collided on a lonely stretch of highway in Nowhere, Saskatchewan. What are the chances?

The Boulets, awash in irreconcilable emotions, face their new reality with little hope they'll ever feel whole again. The best thing from the worst thing doesn't erase the worst thing; it just makes the worst thing mean something. Now they attempt to amplify the good that has come from the tragedy they share, like their son, with the world. There's unspeakable pain there. Comfort, too.

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What is this lawsuit about?

Lead Plaintiff alleges that, during the class period, BNYM systematically distributed false and misleading foreign exchange from dividends and/or cash distributions issued by foreign companies, and owed to ADR holders. BNYM has denied, and continues to deny, any wrongdoing or liability whatsoever.

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APRIL 2013

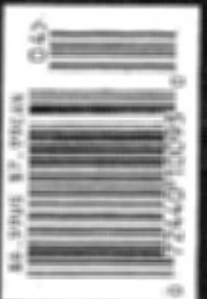
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to court. Jennifer De Angelis, a Tulsa attorney, has frequently sparred with hospitals over releasing her clients' records. She says they either attempt to charge huge sums for them or force her to obtain a court order before releasing them. De Angelis adds that she sometimes suspects the records have been overwritten to cover up medical mistakes.

Consider the case of 5-year-old Uriah R. Roach, who fractured and cut his finger on Oct. 2, 2014, when it was accidentally slammed in a door at school. Five days later, an operation to repair the damage went awry, and he suffered permanent brain damage, apparently owing to an anesthesia problem. The Epic electronic medical file had been accessed more than 76,000 times during the 22 days the boy was in the hospital, and a lawsuit brought by his parents contended that numerous entries had been "corrected, altered, modified and possibly deleted after an unexpected outcome during the induction of anesthesia." The hospital denied wrongdoing. The case settled in November 2016, and the terms are confidential.

More than a dozen other attorneys interviewed cited similar problems, especially with gaining access to computerized "audit trails." In several cases, court records show, government lawyers resisted turning over electronic files from federally run hospitals. That happened to Russell Uselton, an Oklahoma lawyer who represented a pregnant teen admitted to the Choctaw Nation Health Care Center in Tahleah, Okla. Shelby Carshall, 18, was more than 40 weeks pregnant at the time. Doctors failed to perform a cesarean section, and her baby was born brain-damaged as a result, she alleged in a lawsuit filed in 2017 against the U.S. government. The baby began having seizures at 10 hours old and will "likely never walk, talk, eat, or otherwise live normally," according to pleadings in the suit. Though the federal government requires hospitals to produce electronic health records to patients and their families, Uselton had to obtain a court order to get the baby's complete medical files. Government lawyers denied any negligence in the case, which is pending.

"They try to hide anything from you that they can hide from you," says Uselton. "They make it extremely difficult to get records, so expensive and hard that most lawyers can't take it on," he said.

Nor, it seems, can high-ranking federal officials. When Seema Verma's husband was discharged from the hospital after his summer health scare, he was handed a few papers and a CD-ROM containing some medical images—but missing key tests and monitoring data. Says Verma, "We left that hospital and we still don't have his information today." That was nearly two years ago. ■

IF YOU ARE OR WERE A HOLDER OF OR OTHERWISE CLAIM ANY ENTITLEMENT TO ANY PAYMENT IN CONNECTION WITH ANY AMERICAN DEPOSITARY SHARE

(SOMETIMES KNOWN AS AN AMERICAN DEPOSITARY RECEIPT) ("ADR") FOR WHICH THE BANK OF NEW YORK MELLON ("BNYM") ACTED AS DEPOSITARY, YOUR RIGHTS MAY BE AFFECTED.

Pursuant to Federal Rule of Civil Procedure 23 and Court Order, the Court has directed notice of the \$72.5 million settlement proposed in *In re: The Bank of New York Mellon ADR FX Litigation*, No. 16-CV-00212-JPO-JLC (S.D.N.Y.) to the Settlement Class. If approved, the settlement will resolve all claims in the litigation. **This notice provides basic information. It is important that you review the detailed notice ("Notice") found at the website below.**

What is this lawsuit about:

Lead Plaintiffs allege that, during the relevant time period, BNYM systematically deducted impermissible fees for conducting foreign exchange from dividends and/or cash distributions issued by foreign companies, and owed to ADR holders. BNYM has denied, and continues to deny, any wrongdoing or liability whatsoever.

Who is a Settlement Class Member:

All entities and individuals who at any time from January 1, 1997 through January 17, 2019 held (directly or indirectly, registered or beneficially), or otherwise claim any entitlement to any payment (whether a dividend, rights offering, interest on capital, sale of shares, or other distribution) in connection with, any ADR for which BNYM acted as the depositary sponsored by an issuer that is identified in the Appendix to the Notice. Certain entities and individuals are excluded from the definition of the Settlement Class as set forth in the Notice.

What are the benefits:

If the Court approves the settlement, the proceeds, after deduction of Court-approved notice and administration costs, attorneys' fees and expenses, and any applicable taxes, will be distributed pursuant to the Plan of Allocation set forth in the Notice, or other plan approved by the Court.

What are my rights:

If you receive/have received a Post-Card Notice in the mail, you are a Registered Holder (i.e., you hold (or held) your eligible ADRs directly and your relevant information was provided by BNYM's transfer agent), and you *do not* have to take any action to be eligible for a settlement payment. If you do not receive/have not received a Post-Card Notice in the mail, you are a Non-Registered Holder and you *must submit* a Claim Form, *postmarked (if mailed), or online, by August 15, 2019*, to be eligible for a settlement payment. Non-Registered Holder Settlement Class Members who do nothing will not receive a payment, but will be bound by all Court decisions.

If you are a Settlement Class Member and do not want to remain in the Settlement Class, you may exclude yourself by request, *received by May 13, 2019*, in accordance with the Notice. If you exclude yourself, you will *not* be bound by any Court decisions in this litigation and you will *not receive a payment*, but you will retain any right you may have to pursue your own litigation at your own expense concerning the settled claims. Objections to the settlement, Plan of Allocation, or request for attorneys' fees and expenses must be *received by May 13, 2019*, in accordance with the Notice.

A hearing will be held on **June 17, 2019 at 3:00 p.m.**, before the Honorable J. Paul Oetken, at the Thurgood Marshall U.S. Courthouse, 40 Foley Square, New York, NY 10007, to determine if the settlement, Plan of Allocation, and/or request for fees and expenses should be approved. Supporting papers will be posted on the website once filed.

For more information visit www.bnymadrxfxsettlement.com, email info@bnymadrxfxsettlement.com or call 866-447-6210.

866-447-6210

www.bnymadrxfxsettlement.com

APRIL 1, 2019

TIME

THE PHENOM

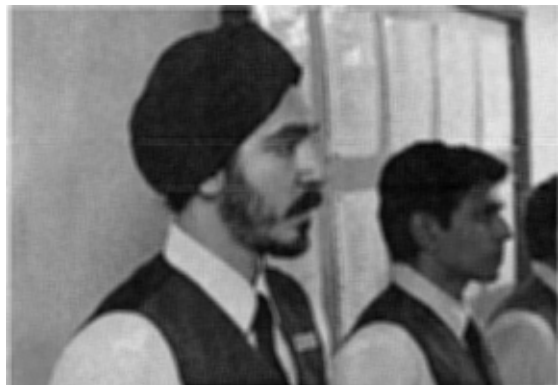
How **Alexandria
Ocasio-Cortez**
became America's
lightning rod

By CHARLOTTE
ALTER

CHANGING THE CLIMATE FIGHT

By JUSTIN
WORLAND





Patel plays a Hotel Mumbai hero

MOVIES

Room for both action and unease in *Hotel Mumbai*

SOMETIMES A FILM IS EXPERTLY made and beautifully acted—and it's still not something you feel you should be watching. Anthony Maras' debut feature, *Hotel Mumbai*, focuses on the November 2008 siege of that city's stately Taj Mahal Palace, in which a group of terrorists killed more than 150 people. Many more would have died if not for the heroic actions of the hotel staff, including the head chef (played here by the wonderful Indian actor Anupam Kher) and a young Sikh waiter named Arjun (Dev Patel), almost sent home that day for showing up in improper shoes.

The attacks, as dramatized, are brutal to watch. The survivors may or may not include Zahra (Nazanin Boniadi), who is Indian; David (Armie Hammer), her American husband; and Vasili, a crude Russian businessman (played, grandly, by Jason Isaacs). *Hotel Mumbai*—as respectful to the survivors and victims as Maras is—ultimately takes on the qualities of an action film: Who will live and who will die? But that's not Maras' fault. With the increased frequency of assault-weapon attacks worldwide, the reality of our lives too often feels like something that belongs only in a movie. Whether or not you can bear to look is up to you. —S.Z.

'A film like this, with a bunch of brown faces, would not have been made 10 years ago.'

DEV PATEL, in the Sydney Morning Herald

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For more information visit www.bnymadrfxsettlement.com, email info@bnymadrfxsettlement.com or call 866-447-6210.

866-447-6210

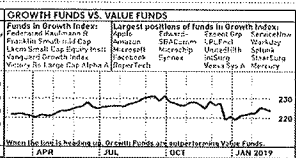
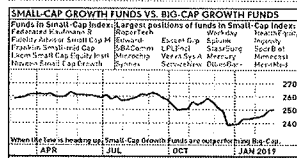
www.bnymadrfxsettlement.com

Exhibit C

INVESTOR'S BUSINESS DAILY

MUTUAL FUND PERFORMANCE

WEEK OF FEBRUARY 25, 2019 A15



Top Growth Funds

Last 3 Months (All Total Returns)

Fund/Risk	% Change	Rating	Assets
Morgan Stanley Sm Cap	+14	A	243 mil
Lord Abbett Divd Growth	+13	A+	1.6 bil
Fidelity Growth Pp	+12	A+	3.1 bil
Kinetics Paradigm	+12	A	590 mil
Alger SmCap	+11	A	308 mil
Morgan Stanley MidCap	+11	A	673 mil
Kinetics SmCap	+11	A	347 mil
Columbia TR6 SmCap	+10	A+	418 mil
Artisan Funds SmCap	+10	A+	1.6 bil
Morgan Stanley MidCap	+10	A	1.1 bil
Delaware S MidCap	+10	A	1.3 bil
TIAX CREF Instl Rest MidCap	+9	B+	1.4 bil
TIAX CREF FUNDS MidCap	+9	B+	1.4 bil
ToucheStone Sandpiper	+9	A	1.6 bil
Brown Capital Mgmt SmCap	+9	A	3.8 bil
Transamerica SmCap	+9	A	1.5 bil
HAREVUS Boston	+9	A	1.6 bil
Dreyfus MidCap	+9	A	353 mil
Harvard MidCap	+9	A	353 mil
Federated Aka SmCap	+9	A	1.4 bil
Alliance Divd S MidCap	+9	A	1.5 bil
Harvard SmCap	+9	A	425 mil
Brown Advisory SmCap	+9	A	771 mil
Emerald Funds Emerald	+9	A	1.2 bil
Buffalo Funds SmCap	+9	A	378 mil

Top Growth Funds

Last 3 Months (All Total Returns)

Mutual Fund	Performance		
	% Change 1 Yr	Rating	\$ Assets
Federated AkaSmCap	+21	A	241
Windsor Ultrashr	+21	A+	241
Morgan Stan A MidCapGr	+20	A+	1
J.P. Morgan Inst Investg	+20	A+	1,632
Kinetics SmCapOpport	19	A+	247
J.P. Morgan A SmMidTrd	+18	A+	250
Fidelity GrowthPp	+17	A+	3.1
Morgan Stan Inst Investg	+17	A+	5.11
Alliance Divd S SmCapGr	+22	A+	1.5
Wasatch MicroCap	+18	A+	372
William Blair S SmCapGr	18	A+	732
Kinetics Paradigm	+21	A+	590
Columbia TR6 SmMidTrd	+24	A+	418
Picardis Gf HgtPrfMidTrd	+24	A+	17.8
Picardis Transamerica	+18	A+	27
Transamerica A CapGrw	+16	A+	1.3
Artisan Funds SmCapOpp	+17	A+	1.6
Frank/Tm Fr A Dynactch	+25	A+	388
Artisan Funds SmCapOpp	+25	A+	1.6
Lord Abbett A DivdGwth	+26	A+	1.6
Windsor Farg InstInvestg	+20	A+	920
Brown Capital Mgmt SmCap	+22	A+	3.8
Virtus Funds A DivdCapGrw	20	A+	1.7
Morgan Stanley A MidCapGr	+23	A+	673

U.S. Stock Fund Cash Position High (100) 6.2% Low (128) 2.5%

Fund	High	Low
Jan 17	2.5%	2.5%
Feb 17	2.5%	2.5%
Mar 17	2.5%	2.5%
Apr 17	2.5%	2.5%
May 17	2.5%	2.5%
Jun 17	2.5%	2.5%
Jul 17	2.5%	2.5%
Aug 17	2.5%	2.5%
Sep 17	2.5%	2.5%
Oct 17	2.5%	2.5%
Nov 17	2.5%	2.5%
Dec 17	2.5%	2.5%

Backlist

Fund	High	Low
Jan 18	2.5%	2.5%
Feb 18	2.5%	2.5%
Mar 18	2.5%	2.5%
Apr 18	2.5%	2.5%
May 18	2.5%	2.5%
Jun 18	2.5%	2.5%
Jul 18	2.5%	2.5%
Aug 18	2.5%	2.5%
Sep 18	2.5%	2.5%
Oct 18	2.5%	2.5%
Nov 18	2.5%	2.5%
Dec 18	2.5%	2.5%

Backlist

Fund	High	Low
Jan 19	2.5%	2.5%
Feb 19	2.5%	2.5%
Mar 19	2.5%	2.5%
Apr 19	2.5%	2.5%
May 19	2.5%	2.5%
Jun 19	2.5%	2.5%
Jul 19	2.5%	2.5%
Aug 19	2.5%	2.5%
Sep 19	2.5%	2.5%
Oct 19	2.5%	2.5%
Nov 19	2.5%	2.5%
Dec 19	2.5%	2.5%

Backlist

Fund	High	Low
Jan 20	2.5%	2.5%
Feb 20	2.5%	2.5%
Mar 20	2.5%	2.5%
Apr 20	2.5%	2.5%
May 20	2.5%	2.5%
Jun 20	2.5%	2.5%
Jul 20	2.5%	2.5%
Aug 20	2.5%	2.5%
Sep 20	2.5%	2.5%
Oct 20	2.5%	2.5%
Nov 20	2.5%	2.5%
Dec 20	2.5%	2.5%

Backlist

Fund	High	Low
Jan 21	2.5%	2.5%
Feb 21	2.5%	2.5%
Mar 21	2.5%	2.5%
Apr 21	2.5%	2.5%
May 21	2.5%	2.5%
Jun 21	2.5%	2.5%
Jul 21	2.5%	2.5%
Aug 21	2.5%	2.5%
Sep 21	2.5%	2.5%
Oct 21	2.5%	2.5%
Nov 21	2.5%	2.5%
Dec 21	2.5%	2.5%

Backlist

Fund	High	Low
Jan 22	2.5%	2.5%
Feb 22	2.5%	2.5%
Mar 22	2.5%	2.5%
Apr 22	2.5%	2.5%
May 22	2.5%	2.5%
Jun 22	2.5%	2.5%
Jul 22	2.5%	2.5%
Aug 22	2.5%	2.5%
Sep 22	2.5%	2.5%
Oct 22	2.5%	2.5%
Nov 22	2.5%	2.5%
Dec 22	2.5%	2.5%

Backlist

Fund	High	Low
Jan 23	2.5%	2.5%
Feb 23	2.5%	2.5%
Mar 23	2.5%	2.5%
Apr 23	2.5%	2.5%
May 23	2.5%	2.5%
Jun 23	2.5%	2.5%
Jul 23	2.5%	2.5%
Aug 23	2.5%	2.5%
Sep 23	2.5%	2.5%
Oct 23	2.5%	2.5%
Nov 23	2.5%	2.5%
Dec 23	2.5%	2.5%

Backlist

Fund	High	Low
Jan 24	2.5%	2.5%
Feb 24	2.5%	2.5%
Mar 24	2.5%	2.5%
Apr 24	2.5%	2.5%
May 24	2.5%	2.5%
Jun 24	2.5%	2.5%
Jul 24	2.5%	2.5%
Aug 24	2.5%	2.5%
Sep 24	2.5%	2.5%
Oct 24	2.5%	2.5%
Nov 24	2.5%	2.5%
Dec 24	2.5%	2.5%

Backlist

Fund	High	Low
Jan 25	2.5%	2.5%
Feb 25	2.5%	2.5%
Mar 25	2.5%	2.5%
Apr 25	2.5%	2.5%
May 25	2.5%	2.5%
Jun 25	2.5%	2.5%
Jul 25	2.5%	2.5%
Aug 25	2.5%	2.5%
Sep 25	2.5%	2.5%
Oct 25	2.5%	2.5%
Nov 25	2.5%	2.5%
Dec 25	2.5%	2.5%

Backlist

Fund	High	Low
Jan 26	2.5%	2.5%
Feb 26	2.5%	2.5%
Mar 26	2.5%	2.5%
Apr 26	2.5%	2.5%
May 26	2.5%	2.5%
Jun 26	2.5%	2.5%
Jul 26	2.5%	2.5%
Aug 26	2.5%	2.5%
Sep 26	2.5%	2.5%
Oct 26	2.5%	2.5%
Nov 26	2.5%	2.5%
Dec 26	2.5%	2.5%

Backlist

Fund	High	Low
Jan 27	2.5%	2.5%
Feb 27	2.5%	2.5%
Mar 27	2.5%	2.5%
Apr 27	2.5%	2.5%
May 27	2.5%	2.5%
Jun 27	2.5%	2.5%
Jul 27	2.5%	2.5%
Aug 27	2.5%	2.5%
Sep 27	2.5%	2.5%
Oct 27	2.5%	2.5%
Nov 27	2.5%	2.5%
Dec 27	2.5%	2.5%

Backlist

Fund	High	Low
Jan 28	2.5%	2.5%
Feb 28	2.5%	2.5%
Mar 28	2.5%	2.5%
Apr 28	2.5%	2.5%
May 28	2.5%	2.5%
Jun 28	2.5%	2.5%
Jul 28	2.5%	2.5%
Aug 28	2.5%	2.5%
Sep 28	2.5%	2.5%
Oct 28	2.5%	2.5%
Nov 28	2.5%	2.5%
Dec 28	2.5%	2.5%

Backlist

Fund	High	Low
Jan 29	2.5%	2.5%
Feb 29	2.5%	2.5%
Mar 29	2.5%	2.5%
Apr 29	2.5%	2.5%
May 29	2.5%	2.5%
Jun 29	2.5%	2.5%
Jul 29	2.5%	2.5%
Aug 29	2.5%	2.5%
Sep 29	2.5%	2.5%
Oct 29	2.5%	2.5%
Nov 29	2.5%	2.5%
Dec 29	2.5%	2.5%

Backlist

Fund	High	Low
Jan 30	2.5%	2.5%
Feb 30	2.5%	2.5%
Mar 30	2.5%	2.5%
Apr 30	2.5%	2.5%
May 30	2.5%	2.5%
Jun 30	2.5%	2.5%
Jul 30	2.5%	2.5%
Aug 30	2.5%	2.5%
Sep 30	2.5%	2.5%
Oct 30	2.5%	2.5%
Nov 30	2.5%	2.5%
Dec 30	2.5%	2.5%

Backlist

Fund	High	Low
Jan 31	2.5%	2.5%
Feb 31	2.5%	2.5%
Mar 31	2.5%	2.5%
Apr 31	2.5%	2.5%
May 31	2.5%	2.5%
Jun 31	2.5%	2.5%
Jul 31	2.5%	2.5%
Aug 31	2.5%	2.5%
Sep 31	2.5%	2.5%
Oct 31	2.5%	2.5%
Nov 31	2.5%	2.5%
Dec 31	2.5%	2.5%

Backlist

Fund	High	Low
Jan 32	2.5%	2.5%
Feb 32	2.5%	2.5%
Mar 32	2.5%	2.5%
Apr 32	2.5%	2.5%
May 32	2.5%	2.5%
Jun 32	2.5%	2.5%
Jul 32	2.5%	2.5%
Aug 32	2.5%	2.5%
Sep 32	2.5%	2.5%
Oct 32	2.5%	2.5%
Nov 32	2.5%	2.5%
Dec 32	2.5%	2.5%

Backlist

Fund	High	Low
Jan 33	2.5%	2.5%
Feb 33	2.5%	2.5%
Mar 33	2.5%	2.5%
Apr 33	2.5%	2.5%
May 33	2.5%	2.5%
Jun 33	2.5%	2.5%
Jul 33	2.5%	2.5%
Aug 33	2.5%	2.5%
Sep 33	2.5%	2.5%
Oct 33	2.5%	2.5%
Nov 33	2.5%	2.5%
Dec 33	2.5%	2.5%

Backlist

Fund	High	Low
Jan 34	2.5%	2.5%
Feb 34	2.5%	2.5%
Mar 34	2.5%	2.5%
Apr 34	2.5%	2.5%
May 34	2.5%	2.5%
Jun 34	2.5%	2.5%
Jul 34	2.5%	2.5%
Aug 34	2.5%	2.5%
Sep 34	2.5%	2.5%
Oct 34	2.5%	2.5%
Nov 34	2.5%	2.5%
Dec 34	2.5%	2.5%

Backlist

Fund	High	Low
Jan 35	2.5%	2.5%
Feb 35	2.5%	2.5%
Mar 35	2.5%	2.5%
Apr 35	2.5%	2.5%
May 35	2.5%	2.5%
Jun 35	2.5%	2.5%
Jul 35	2.5%	2.5%
Aug 35	2.5%	2.5%
Sep 35	2.5%	2.5%
Oct 35	2.5%	2.5%
Nov 35	2.5%	2.5%
Dec 35	2.5%	2.5%

Backlist

Fund	High	Low
Jan 36	2.5%	2.5%
Feb 36	2.5%	2.5%
Mar 36	2.5%	2.5%
Apr 36	2.5%	2.5%
May 36	2.5%	2.5%
Jun 36	2.5%	2.5%
Jul 36	2.5%	2.5%
Aug 36	2.5%	2.5%
Sep 36	2.5%	2.5%
Oct 36	2.5%	2.5%
Nov 36	2.5%	2.5%
Dec 36	2.5%	2.5%

Backlist

accordance with the Notice.

A hearing will be held on **June 17, 2019 at 3:00**
Paul Oetken, at the Thurgood Marshall U.S. Cour

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THE NEW YORK TIMES, MONDAY, FEBRUARY 25, 2019

FINANCE

Less Complex Way To Tax the Wealthy Is to End Loopholes

FROM FIRST BUSINESS PAGE
consulted with tax accountants, lawyers, executives, political leaders and yes, billionaires, and specific ideas have come up about plugging the gaps in the tax code, without blowing it apart.

None of these are as headline-grabbing as Ms. Ocasio-Cortez's Green New Deal, nor will they evoke the emotional response of a sound bite about Ms. Warren's wealth tax. But it could be that evolution has a better chance than revolution.

Patch the Estate Tax

None of the suggestions in this column — or anywhere else — can work unless the estate tax is rid of the loopholes that allow wealthy Americans to bludge (and legally) skirt taxes.

Without addressing whether the \$11.2 million exemption is too high — and it is — the estate tax is riddled with problems. Chief among them: Wealthy Americans can pass much of their riches in their heirs without paying taxes on capital gains — ever. According to the Center on Budget and Policy Priorities, unrealized capital gains account for “as much as about 55 percent for estates worth more than \$100 million.”

That’s because after someone dies, the rules allow assets to be passed on at their current — or “stepped up” — value, with no tax paid on the gains. An asset could rise in value for decades without being subject to a tax.

Many wealthy Americans even borrow against their assets rather than sell them to avoid paying capital gains tax. That’s why closing this loophole is so critical: You could raise rates and put a big tax on the sale of property and it wouldn’t matter for many wealthy families. They wouldn’t actually pay it.

The Congressional Budget Office estimates simply closing this loophole would raise more than \$650 billion over a decade.

As central as this idea is to the other suggestions, it is not an easy sell. Three Republican senators introduced a plan this year to repeal the estate tax. But this and other changes — eliminating the hedgehog of generation-skipping trusts that also bypass estate taxes — are obvious fixes that would introduce a basic fairness to the system and curb the vast inequality that arises from dynastic wealth.

Increase Capital Gains Rates

Our income tax rates are progressive, but taxes on capital gains are less so. There are only two brackets, and they top out at 20 percent.

By contrast, someone making \$40,000 a year by working 40 hours a week is in the 22 percent bracket. That’s why Warren Buffett says his secretary pays a higher tax rate.

So why not increase capital gains rates on the wealthiest among us?

One chief argument for low capital gains rates is to incentivize investment. But if we created two additional brackets — say, a marginal 30 percent bracket for earners over \$5 million and a 35 percent bracket for earners over \$15 million — it is hard to see how it would fundamentally change investment plans.

Most of America wouldn’t be affected at all and those wealthy individuals who are successful enough to pay more would be unlikely to hold back on investment. After all, they’d still want to get a return on their money rather than have it sit idle.

Even Bill Gates agrees, telling CNN, “The big fortunes, if your goal is to go after those, you have to take the capital gains tax, which is far lower at the 20 percent, and increase that.”

End the Real Estate Loopholes

One reason there are so many real estate billionaires is the law allows the industry to perpetually defer capital gains on properties by trading one for another. In tax parlance, it is known as a 1031 exchange.

In addition, real estate industry executives can depreciate the value of their investment for tax purposes even when the actual value of the property appreciates. (This partly explains Mr. Kushner’s low tax bill.)

These are glaring loopholes that are illogical unless you are a beneficiary of them. Several real estate veterans I spoke to privately acknowledged the tax breaks are unconscionable.

Fix Carried Interest

This is far and away the most obvious loophole that goes to Americans’ basic sense of fairness.

For reasons that remain inexplicable — unless you count lobbying money — the private equity, venture capital, real estate and hedge fund industries have kept this one intact. Current tax law allows executives in those industries to have the bonuses they earn investing for clients taxed as capital gains, not ordinary income.

Even President Trump opposed the loophole. In a 2015 interview, he said hedge fund managers were “getting away with murder.”

This idea and the others would not swell the government’s coffers as overflowing, but they would help restore a sense of fairness to a system that feels so easily gamed by the wealthiest among us.

There are a couple of other things worth considering.

Let’s Talk About Philanthropy

Nobody wants to dissuade charitable giving. But average taxpayers



Representative Alexandria Ocasio-Cortez supports a top marginal tax rate of 70 percent on individuals whose incomes surpass \$10 million a year.

Closing the perverse loopholes in the estate tax is possibly a more palatable way to raise taxes on the wealthy.

are often subsidizing wealthy philanthropists whose charitable deductions significantly reduce their bills.

These people deserve credit for giving money to noble causes (though some nonprofits are lobbying organizations masquerading as do-gooders) but their wealth, in many cases, isn’t paid out for the better of health care, defense, education and everything else that taxes pay for.

Philanthropic giving is laud-

able, but it can also be a tax-avoidance strategy. Is there a point at which charitable giving should be taxed?

I’m not sure what the right answer is. But consider this question posed by several philanthropic billionaires: Should the rich be able to gift stock or other assets to charity before paying capital gains taxes?

Let’s use Mr. Buffett as an example, though any of wealthy billionaires in the world could

do the same.

Most of Mr. Buffett’s wealth is stock he built up in Berkshire Hathaway. Close estate tax loopholes and raise the capital gains rate to the sky, but the vast majority of his fortune will not be taxed. That’s because Mr. Buffett plans to donate almost all of it to Mr. Gates’s foundation, which won’t pay taxes when the stock is sold to fund the very worthy projects Mr. Gates has undertaken.

At a minimum, we ought to consider whether the wealthy should be allowed to take deductions when they move money to their own foundations, or whether they should only take a deduction when the money is spent. This would prevent them from using their foundations to capture a tax deduction in windfall years without the money having to go to a worthy cause at the same time.

Finally, find the L.R.S. The Internal Revenue Service is so underfunded that the chance an individual gets audited is minuscule — one person in 161 was audited in 2017, according to the agency. And individuals with more than \$1 million in income, the people with the most complicated tax situations, were audited just 4.4 percent of the time. It was more than 12 percent in 2011, the Center on Budget and Policy Priorities reported.

The laws in place hardly matter. Those willing to take a chance can gamble that they won’t get caught. That wouldn’t be the case if the agency wasn’t having its budget cut and losing personnel.

Mary Kay Foss, a C.P.A. in Walnut Creek, Calif., told the trade magazine Accounting Today what we all know, but is inexplicably never said aloud: “No business would cut the budget of the people who collect what’s owed.”

“It encourages people to cheat,” she said. “We need a well-trained, well-paid I.R.S. staff so that those of us who pay our taxes aren’t being made fools of.”

Nobody wants to be a patsy.

IF YOU ARE OR WERE A HOLDER OF OR OTHERWISE CLAIM ANY ENTITLEMENT TO ANY PAYMENT IN CONNECTION WITH ANY AMERICAN DEPOSITORY SHARE (SOMETIMES KNOWN AS AN AMERICAN DEPOSITORY RECEIPT) ("ADR") FOR WHICH THE BANK OF NEW YORK MELLON ("BNYM") ACTED AS DEPOSITORY, YOUR RIGHTS MAY BE AFFECTED.

Pursuant to Federal Rule of Civil Procedure 23 and Court Order, the Court has directed notice of the \$72.5 million settlement proposed in *In re: The Bank of New York Mellon ADR FX Litigation*, No. 16-CV-00212-JPO, JLC (S.D.N.Y.) to the Settlement Class. If approved, the settlement will resolve all claims in the litigation. This notice provides basic information. It is important that you review the detailed notice ("Notice") found at the website below.

What is this lawsuit about?

Lead Plaintiffs allege that, during the relevant time period, BNYM systematically denied impermissible fees for conducting foreign exchange from dividends and other cash distributions issued by foreign companies, and owed to ADR holders. BNYM has denied, and continues to deny, any wrongdoing or liability whatsoever.

Who is a Settlement Class Member?

All entities and individuals who at any time from January 1, 1997 through January 17, 2019 held (directly or indirectly, registered or beneficially), or otherwise claim any entitlement to any payment (whether a dividend, right, offering, interest or capital) of shares, or other distributed in connection with any ADR for which BNYM acted as the depository sponsored by an issuer that is identified in the Appendix to the Notice. Certain entities and individuals are excluded from the definition of the Settlement Class as set forth in the Notice.

What are the benefits?

If the Court approves the settlement, the proceeds, after deduction of Court-approved notice and administration costs, attorneys' fees and expenses, and any applicable taxes, will be distributed pursuant to the Plan of Allocation set forth in the Notice, or other plan approved by the Court.

For more information visit www.bnymellonsettlement.com. Email info@bnymellonsettlement.com or call 866-447-6210.

866-447-6210 www.bnymellonsettlement.com

IF YOU ARE OR WERE A HOLDER OF OR OTHERWISE CLAIM ANY ENTITLEMENT TO ANY PAYMENT IN CONNECTION WITH ANY AMERICAN DEPOSITORY SHARE (SOMETIMES KNOWN AS AN AMERICAN DEPOSITORY RECEIPT) ("ADR") FOR WHICH THE BANK OF NEW YORK MELLON ("BNYM") ACTED AS DEPOSITORY, YOUR RIGHTS MAY BE AFFECTED.

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For more information visit www.bnymellonsettlement.com. Email info@bnymellonsettlement.com or call 866-447-6210.

866-447-6210 www.bnymellonsettlement.com

Exhibit D

Wednesday, February 20, 2019 at 1:33:40 PM Eastern Standard Time

Subject: Fwd: Markets: Investors Looking to Escape Volatility Turn to 'Smart' ETFs

Date: Wednesday, February 20, 2019 at 1:27:11 PM Eastern Standard Time

From:

To:

Please see below.

Trouble viewing this email? [View in web browser](#)

THE WALL STREET JOURNAL.



Markets

Are you seeking ways to dodge the next stock-market downturn? We'll get you up to speed on that and more. I'm Jessica Menton, bringing you the latest on today's pre-market moves.

- **Stock futures are sagging after back-to-back days of gains.** The Nasdaq, meanwhile, is looking to extend its winning streak to eight days. Investors are eyeing results from CVS Health and Analog Devices this morning, followed by Agilent Technologies after the closing bell.
- **Minutes from the Fed's latest meeting are on tap.** Traders will parse the release for more clues into the central bank's economic outlook. Some investors are concerned that the assumption underpinning the stock market's recent rally—that the Fed has stopped raising rates—could be wrong.
- **Plus, some investors are scooping up “smart” funds.** Our Asjylyn Loder weighs in on the pros and cons of adding exposure to these ETFs as investors look for opportunities to evade stock-market turbulence.

Markets in a Minute

DJIA 25941.81 0.2% ▲	S&P 500 2784.42 0.17% ▲	U.S 10 Year 2.64% 0 ▲
Crude Oil \$57.05 1.71% ▲	Stoxx Europe 600 371.46 0.67% ▲	Shanghai Composite 2761.22 0.2% ▲

Market data as of 2/20/2019, 1:32:48 PM

Overnight Developments

- U.S. stocks were poised to weaken despite upbeat trading elsewhere on Wednesday, as investors awaited further information on White House trade talks with China.
- [Read our full market wrap here](#)
- The view from Asia: [Stock Investors Look Past Gloomy Japanese Trade Data](#)

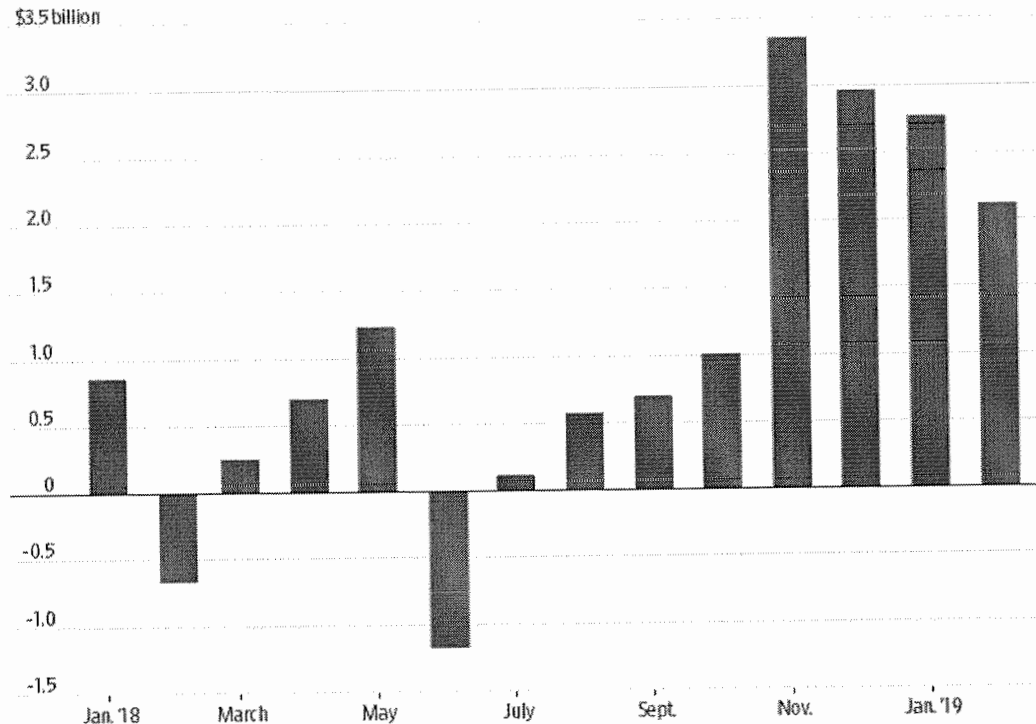
Investors Eye ‘Smart’ ETFs to Avoid Volatility

By Asjylyn Loder, markets reporter

Getting Smart

'Smart' exchange-traded funds that try to mitigate market risk are finally catching on with investors.

Net flows into risk-oriented strategic beta ETFs, monthly



Note: Data through February 19

Sources: Morningstar (fund classification); FactSet (flows)

Investors hunting for protection after last year's market turbulence are snapping up so-called smart funds in the hopes of sidestepping the next downturn.

The S&P 500 has advanced 11% so far this year, but that hasn't stopped investors from looking for a safer way to bet on stocks.

Two of the biggest exchange-traded funds that try to pick less volatile stocks have been among the most popular so far this year. A surge of new money has pushed assets in both the iShares Edge MSCI Min Vol USA ETF and the Invesco S&P 500 Low Volatility ETF to record heights.

In all, ETFs that try to pick less risky stocks have taken in \$11.3 billion since the beginning of November, according to Morningstar. The funds, billed as "smart beta" or "strategic beta," are pegged to bespoke indexes that target stocks that are less susceptible to violent price swings.

ETF issuers have been trying for years to get cost-conscious passive investors to embrace more sophisticated—and pricier—styles of index investing. Last year's rocky markets finally did what slick marketing and backtests failed to do: provide a real-world example of how such funds can outperform when markets are topsy turvy.

Larry Carroll, chief executive of Carroll Financial, said his ETF of choice is the iShares Edge MSCI Min Vol USA ETF, which aims to pick a less volatile mix of U.S. stocks. Its three biggest holdings are Newmont Mining, Waste Management and Visa, compared with Microsoft, Apple and Amazon.com for the iShares plain-vanilla S&P 500 ETF. Mr. Carroll said the fund accounts for 5% to 10% of his clients' stock portfolios.

In the past year, both Mr. Carroll's iShares ETF and the competing Invesco ETF have handily beat the iShares ETF that tracks S&P 500. Both ETFs have returned more than 10%, compared with just 3.6% for the S&P 500 fund. The iShares ETF and the Invesco fund aim to smooth out market upheaval. They're built quite differently though, which can have a meaningful impact on returns.

Investors, however, win less when the markets are on the way up.

So far this year, both the iShares and Invesco low-volatility ETFs are up more than 9%, trailing the S&P 500's 11% gain.

Are you investing in "smart" ETFs? Let the author know your thoughts at asjylyn.loder@wsj.com. Emailed comments may be edited before publication in future newsletters, and please make sure to include your name and location.



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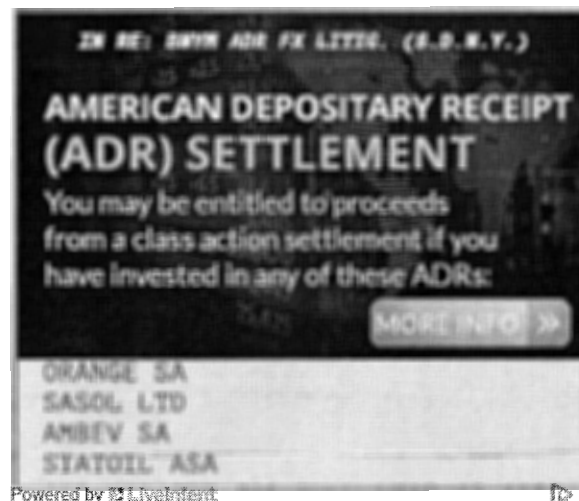
Market Facts

- Renewed geopolitical uncertainty on U.S.-China trade talks and a weaker dollar helped power gold prices up 1.7% to \$1,340.10 a troy

ounce on Tuesday, their highest close since April 19 and their biggest one-day advance since Nov. 1. The precious metal has climbed 4.8% this year.

- Yields on shorter-term debt, which tend to move in tandem with investors' interest-rate expectations, retreated this week. The yield on the two-year Treasury note settled at 2.500% Tuesday, compared with 2.520% Friday. The yield on the two-year Treasury note has fallen for three consecutive months, its longest such streak since 2013, according to Dow Jones Market Data. Yields fall as bond prices rise.
- On this day in 1852, a locomotive of the Michigan Southern railroad arrived in Chicago, connecting the breadbasket of the world directly with the Eastern U.S. for the first time. Instead of more than two weeks by horse, coach and canal boat, it took just two days by rail to travel from New York City to Chicago. Goods, money and people could flow between the two booming cities faster than anyone had ever imagined.

Advertisement



Key Events

The Dallas Fed's Richard Kaplan speaks in Houston at 1:10 p.m. ET.

The Federal Reserve releases minutes from its Jan. 29-30 policy meeting at 2 p.m.

Must Reads



Illustration: Laura Kammermann

Why are there calls to restrict stock buybacks? In the video above, our [Ken Brown](#) explains the basics of buybacks and the economics of lawmakers' proposals to limit them.

Investors are sounding a warning about markets' complacency on rates. Stocks and bonds are rising on bets the Fed has ended its interest-rate increases, [worrying investors who believe](#) the central bank could upend those expectations later this year.

Customers hunt for a bankrupt crypto exchange's missing millions. An unusual cash-pickup system is the latest [unusual business practice](#) at Quadriga to emerge since Gerald Cotten, the firm's 30-year-old

co-founder and CEO, died in India late last year.

Who needs free? Passive fund prices have flatlined. Zero-fee exchange-traded funds have failed to take off as investors accept higher costs for finer-tuned strategies.

Markets warm to the prospect of an ECB funding boost for banks. Market participants are growing confident that the European Central Bank will soon try to boost the eurozone's ailing economy by rebooting its program of ultracheap long-term loans to the banking system.

The SEC wants to make it easier for companies to explore IPOs. Any company exploring whether to go public would get greater leeway to discuss their plans privately with potential investors before announcing an initial public offering, under a proposal that securities regulators released Tuesday.

What We've Heard on the Street

"Although they are in vogue, mini deals may not hit the spot for growth-starved consumer companies."

— Heard on the Street columnist Carol Ryan

Stocks to Watch

Herbalife Nutrition: The company reported a 9% sales increase in the fourth quarter, driven by strong growth in Asia.

PepsiCo: Hormel Foods said the beverage giant will buy the company's CytoSport business, which makes Muscle Milk, for an undisclosed amount.

Analog Devices: The chip maker said late Tuesday that its board of directors voted to raise the company's quarterly dividend to 54 cents a

share, an increase of 12.5%.

La-Z-Boy: The furniture maker's profit and sales results for the latest quarter topped analysts' estimates.

LendingClub: The peer-to-peer lending company missed Wall Street's fourth-quarter revenue expectations.

About Us

This newsletter is written and edited by Amrith Ramkumar (@AmrithRamkumar; amrith.ramkumar@wsj.com) and Jessica Menton (@JessicaMenton; jessica.menton@wsj.com) in New York, and James Willhite (@jimwillhite; james.willhite@wsj.com) in London.



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Monday, February 25, 2019 at 5:23:26 PM Eastern Standard Time

Subject: AI Stocks To Buy And Watch

Date: Monday, February 25, 2019 at 9:04:19 AM Eastern Standard Time

From: IBD Market Prep

To:

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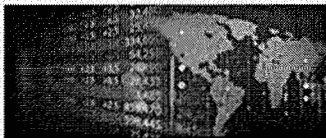


Market Prep AM | 2/25

Futures Rise As China Names Rally; Netflix Gets Oscars Boost

ALAN R. ELLIOTT | Feb 25, 2019 8:25 AM ET

Young IPOs led China stocks, Caterpillar topped the Dow Jones Monday as stock futures rose on a delayed increase in China tariffs.



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Artificial Intelligence Stocks To Buy And Watch Amid Rising AI Competition

When looking for the best artificial intelligence stocks to buy, investors should expand their search to unexpected fields. Salesforce.com and Trade Desk are among AI stocks on IBD's radar....



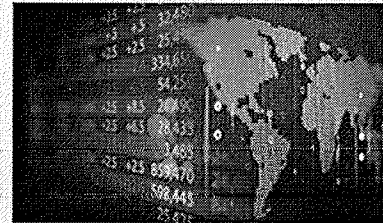
Which Pharmaceutical Stocks Are Outperforming All Other Stocks?

The best pharmaceutical stocks to buy have commonalities: Strong Composite Ratings and Relative Strength Ratings....



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New ETFs To Consider, Plus Second Marijuana Play On The Way?

New ETFs launched this month include financial technology and short-duration income. Another ETF issuer is seeking approval for a U.S.-listed pure-play marijuana fund....



How To Become A Financial Advisor: Experts Offer Tips

In launching their own firm, advisors plan with care and commit to a business model that matches their interests....



Monday, February 25, 2019 at 5:58:14 PM Eastern Standard Time

Subject: Has The Market Reached A Tipping Point?

Date: Monday, February 25, 2019 at 5:57:14 PM Eastern Standard Time

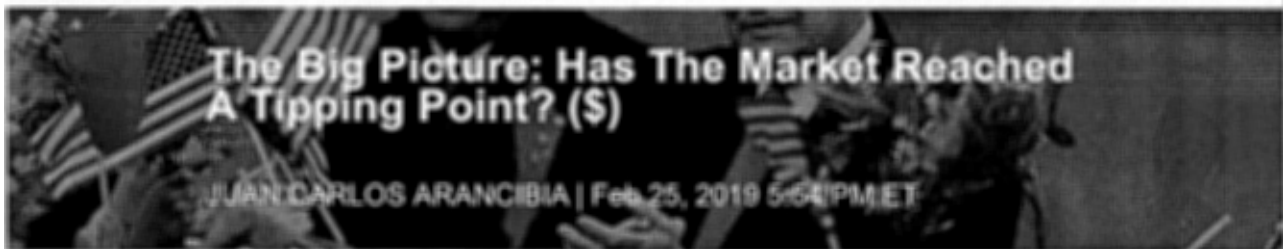
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Market Prep PM | 2/25



New signs that the U.S. and China are closer to a trade agreement sent stocks up, but the early gains faded and left the S&P 500 today with a symptom of institutional selling.



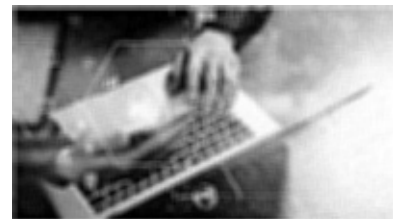
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Palo Alto Leads 3 IBD 50 Stocks Near Buys Before Earnings: Action Plan (\$)

IBD 50 stocks Palo Alto Networks, Planet Fitness, Nexstar Media, Veeva Systems and Autohome have earnings due. Palo Alto leads 3 stocks near buy points....



No. 1 Cybersecurity Stock Eyes New Buy Zone After 138% Run (\$)

As fellow cloud security leaders Palo Alto Networks and CyberArk show strength, Fortinet is also among the top cybersecurity stocks to watch....



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These 2 Marijuana Stocks Are Best Poised For World Domination, Analyst Says

Marijuana stocks: Aurora Cannabis and Canopy Growth are best-poised for global domination, a Jefferies analyst said Monday. Cowen sees a big CBD market....



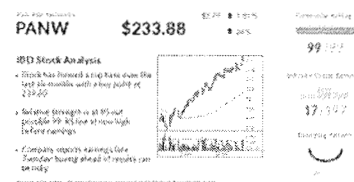
These China Tech Stocks Rally As Trump Delays Tariff Hikes

China stocks in the tech sector rallied Monday after President Donald Trump on Sunday announced he would delay a March 1 deadline for tariff hikes on Chinese imports following weekend talks....



This Cybersecurity Firm Is IBD Stock Of The Day Ahead Of Earnings

Palo Alto Networks is the IBD Stock Of The Day ahead of its fiscal second-quarter earnings report due late Tuesday. The stock has neared an entry point amid some other bullish signs....



What Did 4 Top Stocks Scoring Breakouts Have In Common?

Several top stocks staged breakouts early Monday, before pulling back slightly to trade below their respective buy points in the current stock market....



Tuesday, February 26, 2019 at 9:47:36 AM Eastern Standard Time

Subject: These 2 Dow Stocks Take A Hit

Date: Tuesday, February 26, 2019 at 9:00:11 AM Eastern Standard Time

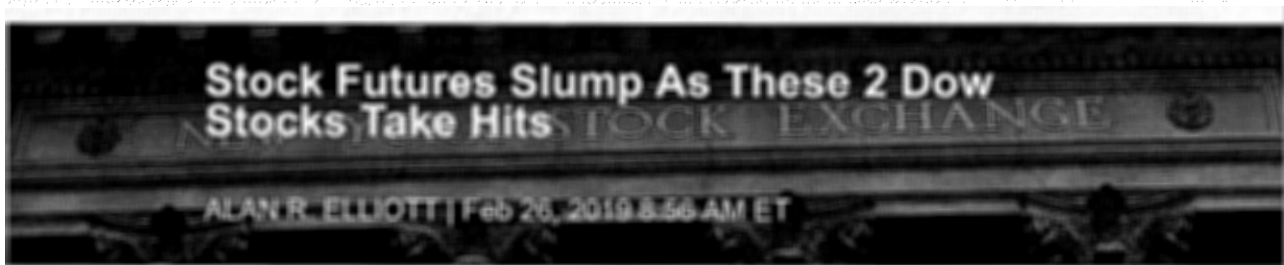
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Market Prep AM | 2/26



Caterpillar and Home Depot held back the Dow Jones industrials Tuesday as stock futures traded lower ahead of Senate testimony from Fed chief Jerome Powell.



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Square Earnings Due; 3 Top Stocks Fight For Key Support

Investing Action Plan: Square earnings are on tap with shares are still off highs. Wingstop stock, Horizon Pharma stock and TJX stock are fighting for support with reports due....



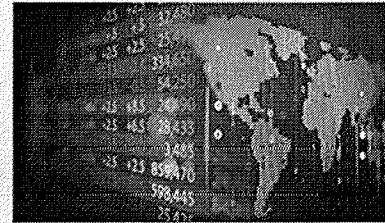
ETF Fees Falling To Zero As Lender Plans First No-Cost Funds

Social Finance, the online lender known as SoFi, is helping start two new ETFs that won't charge a management fee, according to regulatory filings....



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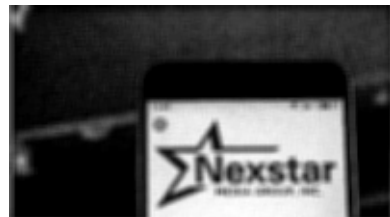
Macy's Earnings Beat But Comps Miss As Restructuring Sees Savings

Macy's earnings topped Q4 views early Tuesday but fell short on same-store sales, while targeting \$100 million in annual savings from a restructuring plan....



This IBD 50 Media Star Misses Earnings Views

Nexstar earnings missed views despite a fourth straight quarter of triple-digit growth. The IBD 50 stock, wasn't trading yet early Tuesday....



See Which Stocks Just Came On And Off IBD's Top Screens

Find the best stocks to buy and watch by seeing which top growth stocks were just added to the IBD 50, IPO Leaders and other IBD stock lists....



What Facebook, Alibaba, Tencent Music Reveal About Buying IPO Stocks

Interested in buying "hot" IPO stocks? Keep in mind these lessons from the initial public offerings of Facebook, Alibaba, Snap, Tencent Music and Cronos....



Tuesday, February 26, 2019 at 6:15:36 PM Eastern Standard Time

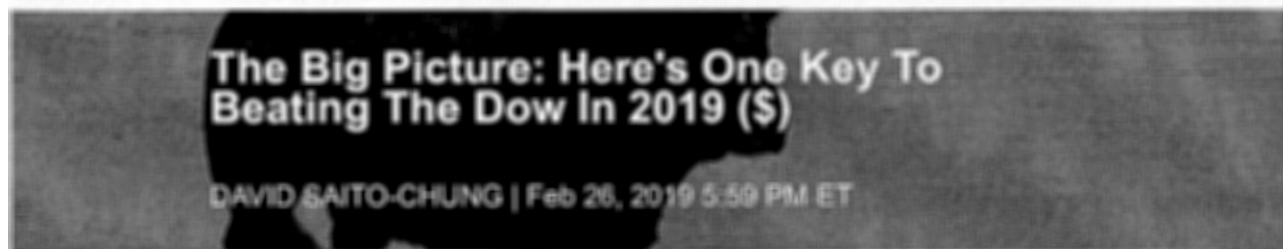
Subject: Here's One Key To Beating The Dow In 2019**Date:** Tuesday, February 26, 2019 at 6:02:54 PM Eastern Standard Time**From:** IBD Market Prep**To:**

INVESTOR'S BUSINESS DAILY™

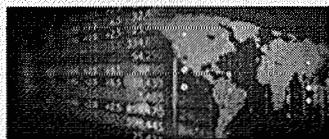


Market Prep PM | 2/26

IT'S THE END OF THE ROAD FOR THE DOW JONES INDUSTRIAL AVERAGE AND OTHER KEY INDEXES SHOWED MISERLY DECLINES IN LOWER VOLUME. SMALL CAPS FELL MORE. TEN DOW STOCKS SHOW A GOOD RS RATING.



The Dow Jones Industrial Average and other key indexes showed miserly declines in lower volume. Small caps fell more. Ten Dow stocks show a good RS Rating.



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Square Earnings On Tap; Wingstop, TJX Fight For Support: Action Plan (\$)

Investing Action Plan: Square earnings are on tap with shares are still off highs. Wingstop stock, Horizon Pharma stock and TJX stock are fighting for support with reports due....



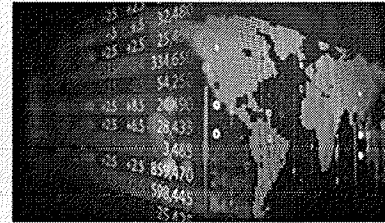
Palo Alto Earnings, Revenue Top Estimates, As \$1 Billion Stock Buyback Set

Palo Alto Networks earnings and revenue for the fourth quarter, reported late Tuesday, beat analyst estimates. Palo Alto stock climbed in after-hours trading on the stock market today....



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Planet Fitness Jumps On Earnings, Cites This 'Favorable' Trend

Planet Fitness earnings for the fourth quarter are due after the close. Planet Fitness stock crept higher, fighting to hold its 50-day line in a flat base....



These 5 Top Stocks Are Breaking Out To New Highs

A broad group of top stocks led by Etsy broke out to new highs Tuesday, with most of the gains fueled by positive earnings reports....



This Highly Rated Medical Stock Just Beat Fourth-Quarter Estimates

Masimo earnings of 83 cents a share, minus certain items, on \$223.13 million in fourth-quarter sales, beat views. Masimo stock jumped during after-hours action on the market late Tuesday....



IBD Stock Of The Day: Chip-Gear Supplier Is 'Steady Eddy' Amid Downturn

Cabot Microelectronics, a supplier of chemicals for semiconductor manufacturing, is the IBD Stock Of The Day after its shares broke out in heavy trading Monday. It continued to rise Tuesday....



Wednesday, February 27, 2019 at 9:39:58 AM Eastern Standard Time

Subject: Stocks Point Lower But You Can Still Find Breakouts**Date:** Wednesday, February 27, 2019 at 9:06:40 AM Eastern Standard Time**From:** IBD Market Prep**To:**

INVESTOR'S BUSINESS DAILY™



Market Prep AM | 2/27

Stock Futures Lag, But These 2 Leaders Set Up for Breakaway Gaps

ALAN R. ELLIOTT | Feb 27, 2019 9:03 AM ET

Stock futures lagged Wednesday, but Palo Alto Networks and MercadoLibre soared on earnings news, and the Dow Jones sighted in on 10 straight weekly gains.



American Depositary Receipt (ADR) Settlement

You may get proceeds from a settlement if you invested in certain ADRs.

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TJX Boosts Dividend, OKs New Buyback As Sales Crush Views

Off-price apparel chain TJX easily beat same-store sales estimates for the holiday quarter early Wednesday and announced bigger returns to shareholders....



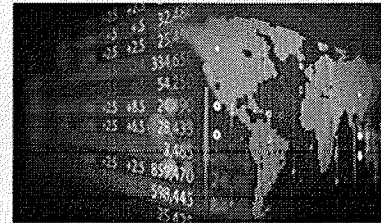
Trump Unveils Big Boeing Orders In Vietnam, But Only One Is New

Bamboo Airways signed a new Boeing deal and VietJet wrapped up a provisional order of Boeing passenger jets during President Donald Trump's visit to Hanoi for his North Korea summit Wednesday....



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Best Buy Earnings Crush Estimates, Sending Shares Soaring

Consumer electronics retailer Best Buy on Wednesday beat Wall Street's targets for its fiscal fourth quarter. The Best Buy earnings news sent the company's shares soaring in early trading....



Active-Manager Revenge Gains Steam As Funds Thrash Benchmarks

If you're wondering why index funds are suddenly losing more money this year than active managers, look no further than their performance....



Wednesday, February 27, 2019 at 5:45:11 PM Eastern Standard Time

Subject: Stocks End Mixed But Show Resilience

Date: Wednesday, February 27, 2019 at 5:37:27 PM Eastern Standard Time

From: IBD Market Prep

To:

INVESTOR'S BUSINESS DAILY™



Market Prep PM | 2/27

The Big Picture: Nasdaq Edges Up Despite Chip Weakness (\$)

KEN SHREVE | Feb 27, 2019 5:33 PM ET

In stock market news Wednesday, indexes were resilient again as the Dow, S&P 500 and Nasdaq composite significantly pared intraday losses of 0.7% to 0.8%.



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Medicare-For-All Fears Sink Managed Care Stocks

Democrats' ambitious Medicare for all plans are already making Wall Street nervous about what might happen after 2020....



Trump Broken Promise, Top Tech Earnings Due: Action Plan

Earnings from Splunk, Autodesk, Alarm.com, Workday and others are due as well as the fourth-quarter GDP report, which should fall short of Trump's promise....



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Wingstop Earnings Miss Even As Chicken Costs Fall; Stock Drops

Chicken-wing restaurant chain Wingstop missed fourth-quarter earnings forecasts despite a drop in chicken costs....



This New Boeing Drone May Fly Into Combat With U.S. Fighter Jets

Boeing unveiled a new combat drone "wingman" that can fly independently or with other aircraft. ...



IBD Stock Of The Day: Leader With 139% Growth Chases Buy Point

Industrial distributor HD Supply is the IBD Stock Of The Day as it chases a new buy point. The top stock has seen its value soar by 139% since going public in 2013....



Thursday, February 28, 2019 at 9:55:22 AM Eastern Standard Time

Subject: Futures Mixed, But This Stock Is Ready For A Monster Breakout

Date: Thursday, February 28, 2019 at 9:08:00 AM Eastern Standard Time

From: IBD Market Prep

To:

INVESTOR'S BUSINESS DAILY™



Market Prep AM | 2/28



Monster Beverage spiked, Tesla and Boeing gained Thursday as stock futures were mixed and the Dow Jones industrials edged higher ahead of the open.



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U.S. GDP Grows Above-Forecast 2.6% As Business Spending Picks Up

The U.S. economy cooled by less than expected last quarter as business investment picked up, suggesting growth could be stronger for longer....



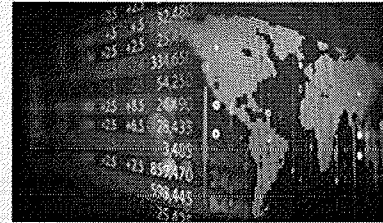
No. 1-Ranked Stock In Highly Rated Industry Enters Buy Zone

RealPage, which shares the No. 1 ranking among specialty enterprise software stocks with Atlassian and Alarm.com, is in the buy zone after a 50% EPS gain....



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Chinese E-Commerce Giant Soars On Surprise Earnings

JD.com earnings unexpectedly were positive in Q4, while revenue growth for the Chinese e-commerce giant also topped. JD.com stock soared....



9 New Stocks Cycle Into IBD's Premier Watch Lists

Find out which top-rated stocks have just earned a spot on IBD's lists of the best growth stocks....



Crocs Earnings Top Views, But Stock Tripped Up On Guidance

Crocs earnings came in better-than-expected in Q4, while the specialty footwear maker gave OK revenue guidance. Crocs stock fell....



Thursday, February 28, 2019 at 7:23:56 PM Eastern Standard Time

Subject: After Hours: These 7 Stocks Are Big Earnings Movers

Date: Thursday, February 28, 2019 at 6:33:37 PM Eastern Standard Time

From: IBD Market Prep

To:

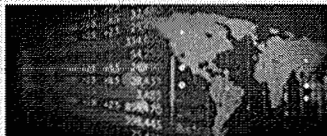
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Market Prep PM | 2/28



After hours: The \$35,000 Model 3 is here, but Tesla stock fell as Elon Musk sees a Q1 loss. Workday led 6 top software stocks reporting late.



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The Big Picture: Indexes Fade Late As These 2 ETFs Hammer The Dow (\$)

Some commentators said Trump's walk-off move could give him more leverage in trade talks with China, a bigger concern for the stock market than North Korea....



Fastenal, PayPal, 7 Other Stocks Added To IBD Watch Lists

Here are today's top growth stocks that have just been added to the IBD stock lists, including the IBD 50, IPO Leaders and the IBD Big Cap 20....



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Tesla Model 3 Unveiled With Long-Awaited \$35,000 Price Point

Tesla announced several new versions of its Model 3 sedan after the market close Thursday, including its long-awaited vehicle with a \$35,000 price tag. After-hours trading was halted....



Splunk Earnings Fly Past Estimates; Revenue Also Beats

Splunk earnings reported after the market close Thursday soundly beat Wall Street estimates, as did revenue. Shares of the data analytics company rose in after-hours trading....



IBD Stock Of The Day Offers Two Buy Points

IBD Stock Of The Day: Eldorado Resorts has rapidly expanded via M&A. Eldorado stock hit a new high on earnings but pulled back between buy points....



No. 1-Ranked Stock In Highly Rated Industry Enters Buy Zone

RealPage, which shares the No. 1 ranking among specialty enterprise software stocks with Atlassian and Alarm.com, is in the buy zone after a 50% EPS gain....



Friday, March 1, 2019 at 10:14:41 AM Eastern Standard Time

Subject: What Does Amazon Want With Push Into Electric Vehicles?

Date: Friday, March 1, 2019 at 8:57:04 AM Eastern Standard Time

From: IBD Market Prep

To:

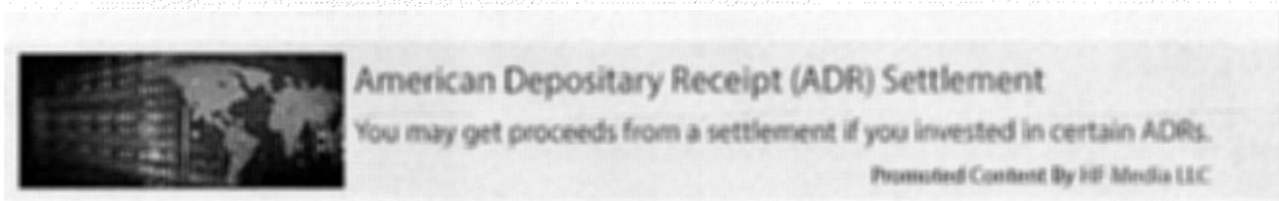
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Market Prep AM | 3/1



Foot Locker spiked Friday, and tech names like Zscaler also lifted stock futures higher, as the Dow Jones industrials aimed for a 10th straight weekly gain.



Amazon Electric Vehicle Push: What Does E-Commerce Giant Want?

Amazon's investment in Rivian and Aurora fit into a plan called "Shipment Zero." That project aims to make all Amazon shipments carbon free, with 50% of shipments achieving that by 2030....



No. 1-Ranked Stock In Highly Rated Industry Enters Buy Zone (\$)

RealPage, which shares the No. 1 ranking among specialty enterprise software stocks with Atlassian and Alarm.com, is in the buy zone after a 50% EPS gain....



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Foot Locker Leaps On Surging Same-Store Sales; Nike Signals Breakout

Foot Locker earnings rose 23% in Q4, the best gain in years, as same-store sales surged 9.7%. Foot Locker shares soared while Nike rose too....



These 2 Airline Stocks Enter 2019 On Rising Expectations

United Airlines stock and Spirit Airline stocks have emerged as airline industry leaders, even as other airline stocks struggle....



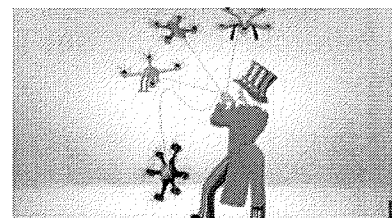
How Much Mortgage Can You Afford In The 25 Priciest U.S. Markets?

Are you wondering, How much mortgage can I afford? In some markets, you better be able to afford a lot....



Commercial Drones Set To Take Business By Storm

The government is finally taking the leash off commercial drones and letting them soar higher as regulations start to open up new uses in more places....



Friday, March 1, 2019 at 5:50:33 PM Eastern Standard Time

Subject: Stock Market Battles, But Bulls Prevail

Date: Friday, March 1, 2019 at 5:40:43 PM Eastern Standard Time

From: IBD Market Prep

To:

INVESTOR'S BUSINESS DAILY™



Market Prep PM | 3/1

The Big Picture: Stock Market Battles, But Bulls Prevail (\$)

PAUL WHITFIELD | Mar 01, 2019 5:31 PM ET

The Nasdaq threatened to give back all of its early gains but rallied to close up 0.8% in Friday's stock market. Blue chips lagged for the day.



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Here's What To Watch For In The Market Next Week: Investing Action Plan (\$)

Earnings reports slow down but some top stocks are coming up, including software leaders Salesforce and Guidewire as well as Ciena and Burlington Stores....



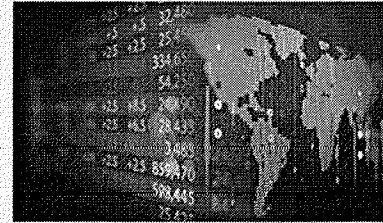
Commercial Drones Set To Take Business By Storm, And By Air

The government is taking the leash off commercial drones and letting them soar higher as regulations start to open up new uses in more places. Get ready for a proliferation in drones....



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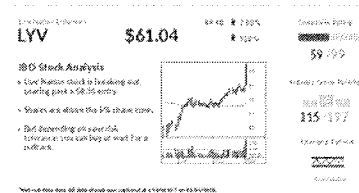
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IBD Stock Of The Day Soars As This Business 'Cannot Be Duplicated' Online

Live Nation Entertainment, the music-concert gatekeeper that merged with Ticketmaster nearly a decade ago, is the IBD Stock of the Day....



These 2 Dividend Leaders Show Sharply Rising RS Lines

Large-cap stocks Leggett & Platt and TransCanada are both below buy points, with the best performing RS lines among IBD's top dividend stocks....



This MiG-21 Vs. F-16 Dogfight Heats Up \$15 Billion Fighter Contest

An Indian MiG-21 pilot's capture by Pakistan earlier this week makes New Delhi's fighter procurement contest to replace its aging fleet even more dire, a top aviation analyst said....



EBay Stock Up As It Reveals Plans For Strategic Review Of Assets

EBay stock rose after the company announced plans to boost its performance by reviewing assets such as StubHub and appointing a director from Elliott Management to its board....



Monday, March 4, 2019 at 9:35:11 AM Eastern Standard Time

Subject: Futures Rally With China Deal Near; Tesla To Unveil Model Y
Date: Sunday, March 3, 2019 at 6:53:25 PM Eastern Standard Time
From: IBD Market Prep
To:

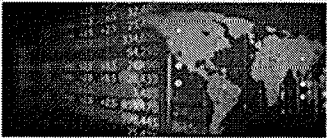
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Market Prep PM | 3/3



Stock futures: A China trade deal is reportedly near. That should be good for the stock market rally, Apple, Boeing, Alibaba and Starbucks. Tesla unveils the Model Y on March 14.



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Four Recent Breakouts Offer New Tight Entries

Recent breakouts TransDigm, Paycom Software, RingCentral and Mercury Systems have forged three-weeks-tight entries....



These 4 Stocks From Hot Sector Are Simmering In Buy Range

Among top stocks to watch this week, Adobe, Palo Alto Networks, Verisign and SS&C Technologies are leading software stocks in buy range....



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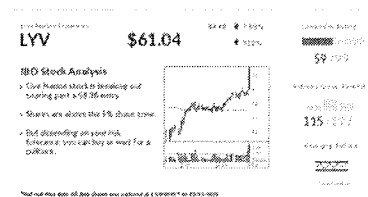
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IBD Stock Of The Day Soars As This Business 'Cannot Be Duplicated' Online

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Buffett Bets Big On This Hot IPO — Why It Should Be On Your Radar

Recent IPO stock StoneCo is a profitable Brazilian payments firm. Warren Buffett has taken a big stake. Here's why you should take a look....



SpaceX Crew Dragon Capsule Docks With Space Station

After a successful SpaceX launch Saturday, the unmanned Crew Dragon capsule docked with the International Space Station early Sunday....



Commercial Drones Set To Take Business By Storm, And By Air

The government is taking the leash off commercial drones and letting them soar higher as regulations start to open up new uses in more places. Get ready for a proliferation in drones....

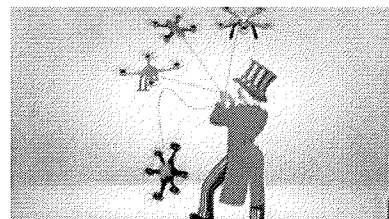


Exhibit E



Dr Clare McCann, an environmental engineer at Newcastle University in the U.K., was the study's first author. PHOTO: NEWCASTLE UNIVERSITY

B. Brianna Abbott

35.29,209700.00 ET

33 COMMENTS

An antibiotic-resistant gene originally discovered in bacteria from India was found 8,000 miles away in a remote Arctic environment, according to a new study. Researchers believe the gene, found in bacteria in the soil of a Norwegian archipelago, made the trek in less

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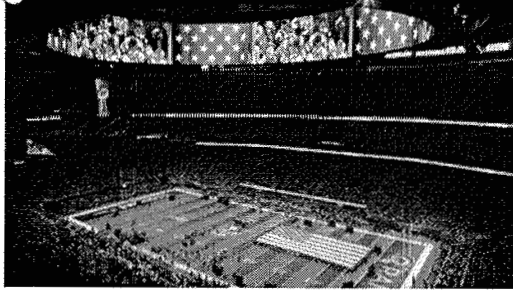
THE NEW YORK TIMES 10h ago
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THE NEW YORK TIMES 2h ago
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MEDIA & MARKETING 2h ago
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SPORTS BUSINESS
Super Bowl LIII: Atlanta gets it right this time (Photos)
10h ago | Super Bowl LIII week went about as well as Atlanta officials could have hoped. Except, perhaps, for the game itself.

COMMERCIAL REAL ESTATE
New renderings show big

HEALTH CARE
Children's Healthcare

Weekly edition
The Book of Lists

TRENDING
SPORTS BUSINESS
Cam Newton set to open cigar bar-lounge near Mercedes-Benz Stadium

TRANSPORTATION
\$20+ million pedestrian bridge to Mercedes-Benz Stadium to be closed

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FEB 4, 2019, 7:18 AM PST

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JAN 29, 2019, 1:22 PM PST

Comcast, NBCUniversal plant \$105 million to grow Acorns fintech startup

JAN 29, 2019, 8:27 AM PST

Big Sears creditor objects to Lampert's bid

JAN 25, 2019, 11:22 AM PST


Bitcoin review: BTC just isn't worth it, JPMorgan analysts say

JAN 19, 2019, 9:19 AM PST

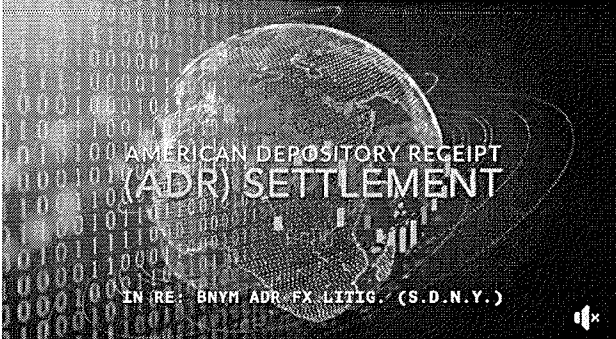
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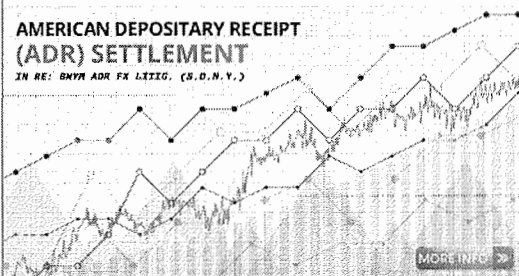
   

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Exhibit G

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English PR Newswire ID: 2356528-1 Clear Time Jan 25, 2019 9:17 AM ET

Pickup

Where did my release get picked up?

151	82,201,420
total pickup	total potential audience

Traffic

What traffic did my release generate?

938	3,150
release views	web crawler hits

Audience

Who are the audiences viewing my release?

67	86	591	1,081
media views	organization views	targeted influencers	Associated Press outlets

Engagement

How are people engaging with my release?

211
total engagement actions

2	209
shares	click-throughs

Industry Benchmarks

On a scale of 1 - 100, how this release performed compared to other similar releases.

60

total visibility

38

pickup

80

traffic

62

audience

100

engagement

Pickup

Overview

TOTAL PICKUP

151

TOTAL POTENTIAL AUDIENCE

82.2M

Exact Match

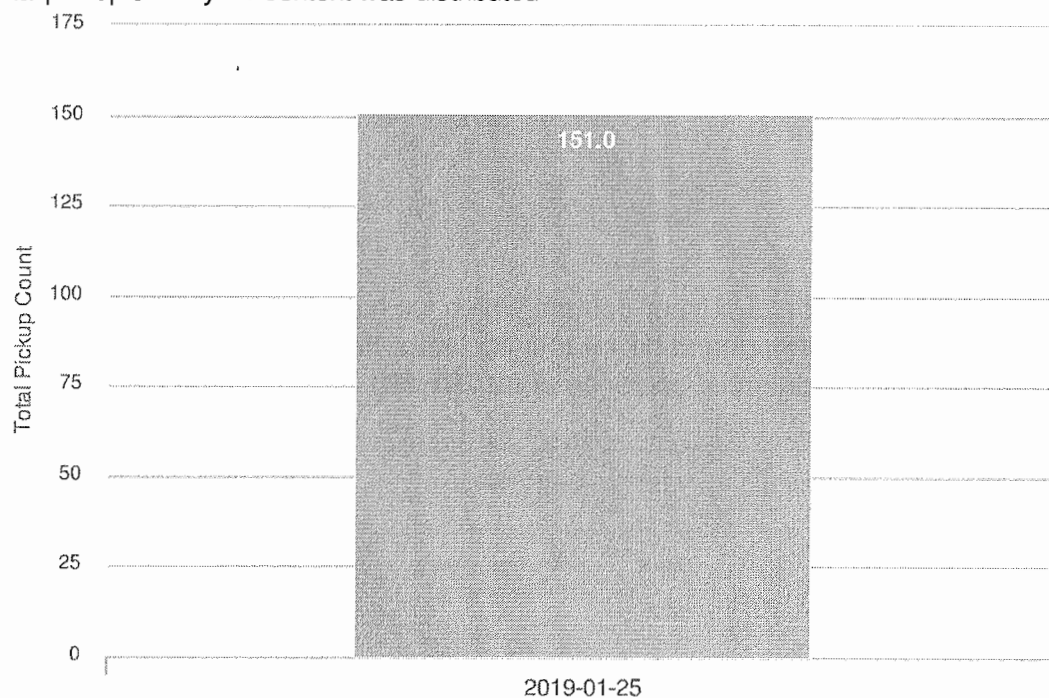
151 postings

Exact Match

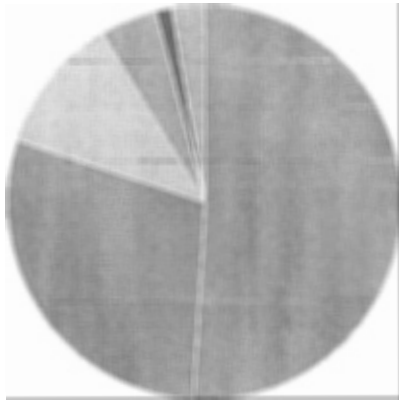
82.2M visitors

Total Pickup Over Time

Total pickup since your content was distributed

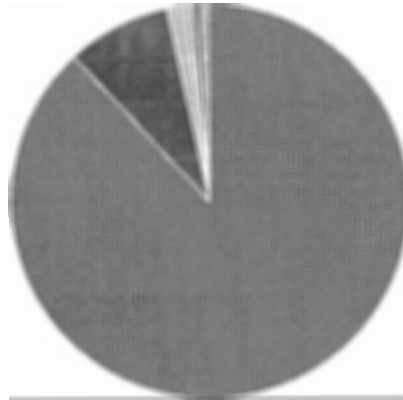


Total Pickup by Source Type



- Newspaper (77/51.0%)
- Broadcast Media (44/29.1%)
- Online News Sites & Other Influencers (17/11.3%)
- Financial News Service (7/4.6%)
- Trade Publications (2/1.3%)
- Other (4/2.6%)










Total Pickup by Industry



- Media & Information (133/88.1%)
- Financial (13/8.6%)
- Business Services (2/1.3%)
- Entertainment (1/0.7%)
- Multicultural & Demographic (1/0.7%)
- Other (1/0.7%)

Exact Match Pickup

Exact matches are full text postings of your content which we have found in the online and social media that we monitor. Understand how it is calculated. Your release has generated **151** exact matches with a total potential audience of **82,201,420**.




















Logo	Outlet Name	Location	Source Type	Industry	Potential Audience
	Yahoo! Finance Online  View Release	Global	Online News Sites & Other Influencers	Media & Information	73,379,000 visitors/day
	MarketWatch Online  View Release	United States	Financial News Service	Financial	789,000 visitors/day
	TheStreet.com Online  View Release	United States	Trade Publications	Financial	230,000 visitors/day
	Wichita Business Journal Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day
	Washington Business Journal Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day









	Minneapolis / St. Paul Business Journal Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day
	Triangle Business Journal Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day
	Business Journal of the Greater Triad Area Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day
	Tampa Bay Business Journal Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day
	St. Louis Business Journal Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day
	South Florida Business Journal Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day
	Puget Sound Business Journal Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day
	San Jose Business Journal Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day
	San Francisco Business Times Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day
	San Antonio Business Journal Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day
	Sacramento Business Journal Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day
	Bizjournals.com, Inc. Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day
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	Pittsburgh Business Times Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day
	Business Journal of Phoenix Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day































	Philadelphia Business Journal Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day
	Pacific Business News Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day
	Orlando Business Journal Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day
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	Business First of Louisville Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day
	Los Angeles Business from bizjournals Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day
	Kansas City Business Journal Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day
	Jacksonville Business Journal Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day
	Houston Business Journal Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day
	Denver Business Journal Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day
	Dayton Business Journal Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day
	Dallas Business Journal Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day

	Business First of Columbus Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day
	Cincinnati Business Courier Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day
	Charlotte Business Journal Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day
	Business First of Buffalo Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day
	Boston Business Journal Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day
	Birmingham Business Journal Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day
	Baltimore Business Journal Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day
	Austin Business Journal Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day
	Atlanta Business Chronicle Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day
	New Mexico Business Weekly Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day
	Business Review (Albany) Online  View Release	United States	Newspaper	Media & Information	168,000 visitors/day
	PR Newswire Online  View Release	United States	PR Newswire	Media & Information	123,000 visitors/day
	WFMZ-TV IND-69 [Allentown, PA] Online  View Release	United States	Broadcast Media	Media & Information	51,000 visitors/day
	Pittsburgh Post-Gazette [Pittsburgh, PA] Online  View Release	United States	Newspaper	Media & Information	40,000 visitors/day

	Oklahoman [Oklahoma City, OK] Online  View Release	United States	Newspaper	Media & Information	39,000 visitors/day
	Benzinga Online  View Release	United States	Online News Sites & Other Influencers	Financial	23,000 visitors/day
	Daily Herald [Chicago, IL] Online  View Release	United States	Newspaper	Media & Information	18,000 visitors/day
	Marketplace Online  View Release	United States	Broadcast Media	Media & Information	17,000 visitors/day
	WRAL-TV CBS-5 [Raleigh, NC] Online  View Release	United States	Broadcast Media	Media & Information	17,000 visitors/day
	Townhall Finance Online  View Release	United States	Financial News Service	Media & Information	17,000 visitors/day
	Tamar Securities Online  View Release	United States	Online News Sites & Other Influencers	Financial	17,000 visitors/day
	FinancialContent - PR Newswire Online  View Release	United States	Financial News Service	Media & Information	17,000 visitors/day
	Rockford Register Star [Rockford, IL] Online  View Release	United States	Newspaper	Media & Information	17,000 visitors/day
	Value Investing News Online  View Release	United States	Financial News Service	Financial	17,000 visitors/day
	Daily Penny Alerts Online  View Release	United States	Online News Sites & Other Influencers	Financial	17,000 visitors/day
	Benefit Plans Administrative Services Online  View Release	United States	Online News Sites & Other Influencers	Financial	17,000 visitors/day
	Boston Herald [Boston, MA] Online  View Release	United States	Newspaper	Media & Information	17,000 visitors/day
	1st Discount Brokerage Online  View Release	United States	Financial News Service	Financial	17,000 visitors/day
	KOTV-TV CBS-6 [Tulsa, OK] Online  View Release	United States	Broadcast Media	Media & Information	16,000 visitors/day

	WRCB-TV NBC-3 [Chattanooga, TN] Online  View Release	United States	Broadcast Media	Media & Information	14,000 visitors/day
	WBBH-TV NBC-2 [Fort Myers, FL] Online  View Release	United States	Broadcast Media	Media & Information	8,000 visitors/day
	KWTU-TV CBS-9 [Oklahoma City, OK] Online  View Release	United States	Broadcast Media	Media & Information	6,000 visitors/day
	KFMB-TV CBS-8 [San Diego, CA] Online  View Release	United States	Broadcast Media	Media & Information	5,000 visitors/day
	WBOC-TV CBS-16 [Salisbury, MD] Online  View Release	United States	Broadcast Media	Media & Information	4,000 visitors/day
	One News Page Global Edition Online  View Release	Global	Online News Sites & Other Influencers	Media & Information	4,000 visitors/day
	WVIR-TV NBC-29 [Charlottesville, VA] Online  View Release	United States	Broadcast Media	Media & Information	4,000 visitors/day
	KXXV-TV ABC-25 [Waco, TX] Online  View Release	United States	Broadcast Media	Media & Information	4,000 visitors/day
	WFMJ-TV NBC-21 [Youngstown, OH] Online  View Release	United States	Broadcast Media	Media & Information	3,000 visitors/day
	Ticker Technologies Online  View Release	United States	Financial News Service	Financial	3,000 visitors/day
	Spoke Online  View Release	United States	News & Information Service	Business Services	3,000 visitors/day
	KITV-TV ABC [Honolulu, HI] Online  View Release	United States	Broadcast Media	Media & Information	3,000 visitors/day
	KAKE-TV ABC [Wichita, KS] Online  View Release	United States	Broadcast Media	Media & Information	3,000 visitors/day
	WZVN-TV ABC-7 [Fort Myers, FL] Online  View Release	United States	Broadcast Media	Media & Information	3,000 visitors/day

	WSIL-TV ABC-3 [Carterville, IL] Online  View Release	United States	Broadcast Media	Media & Information	2,000 visitors/day
	KTVN-TV CBS-2 [Reno, NV] Online  View Release	United States	Broadcast Media	Media & Information	2,000 visitors/day
	myMotherLode.com [Sonora, CA] Online  View Release	United States	Newspaper	Media & Information	2,000 visitors/day
	WICU-TV NBC-12 / WSEE-TV CBS-35 [Erie, PA] Online  View Release	United States	Broadcast Media	Media & Information	2,000 visitors/day
	NewsBlaze Online  View Release	United States	Online News Sites & Other Influencers	Media & Information	1,420 visitors/day
	WENY-TV [Horseheads, NY] Online  View Release	United States	Broadcast Media	Media & Information	1,000 visitors/day
	RFD-TV [Nashville, TN] Online  View Release	United States	Broadcast Media	Media & Information	1,000 visitors/day
	WLNE-TV ABC-6 [Providence, RI] Online  View Release	United States	Broadcast Media	Media & Information	1,000 visitors/day
	WICZ-TV FOX-40 [Binghamton, NY] Online  View Release	United States	Broadcast Media	Media & Information	1,000 visitors/day
	The Chronicle Journal [Thunder Bay, ON] Online  View Release	Canada	Newspaper	Media & Information	1,000 visitors/day
	KEYC-TV CBS-12 / FOX-12 [Mankato, MN] Online  View Release	United States	Broadcast Media	Media & Information	1,000 visitors/day
	Latin Business Today Online  View Release	United States	Online News Sites & Other Influencers	Multicultural & Demographic	
	Access News Online  View Release	United States	Online News Sites & Other Influencers	Media & Information	
	1stCounsel Online  View Release	United States	Online News Sites & Other Influencers	Policy & Public Interest	
	WGTA-TV MeTV-32 [Atlanta, GA] Online  View Release	United States	Broadcast Media	Media & Information	

	WBCB-TV CW-21 (Youngstown, OH) Online  View Release	United States	Broadcast Media	Media & Information	
	KFMB-TV CW [San Diego, CA] Online  View Release	United States	Broadcast Media	Media & Information	
	Telemundo Lubbock [Lubbock, TX] Online  View Release	United States	Broadcast Media	Media & Information	
	996.9-FM The Bull [Lubbock, TX] Online  View Release	United States	Broadcast Media	Media & Information	
	ProfitQuotes Online  View Release	United States	Financial News Service	Financial	
	One News Page Unites States Edition Online  View Release	United States	Online News Sites & Other Influencers	Media & Information	
	Oldies 97.7 FM [Lubbock, TX] Online  View Release	United States	Broadcast Media	Media & Information	
	New York Business Expo Online  View Release	United States	Industry Association Sites	Business Services	
	KMYL-TV MyLubbock-TV [Lubbock, TX] Online  View Release	United States	Broadcast Media	Media & Information	
	KXTQ-FM 106.5 Magic [Lubbock, TX] Online  View Release	United States	Broadcast Media	Media & Information	
	KLCW-TV Lubbock CW [Lubbock, TX] Online  View Release	United States	Broadcast Media	Media & Information	
	KUAM-TV NBC-8 / CBS-11 [Hagatna, Guam] Online  View Release	United States	Broadcast Media	Media & Information	
	KASA-TV Telemundo-2 [Albuquerque, NM] Online  View Release	United States	Broadcast Media	Media & Information	
	InvestorPoint.com Online  View Release	United States	Trade Publications	Financial	
	KJTV-TV FOX-34 [Lubbock, TX] Online  View Release	United States	Broadcast Media	Media & Information	

	WBOC-TV FOX-21 [Salisbury, MD] Online  View Release	United States	Broadcast Media	Media & Information	
	KTTU-FM 97.3 Double T [Lubbock, TX] Online  View Release	United States	Broadcast Media	Media & Information	
	Warren and Hunterdon Counties CityRoom [Warren County, NJ] Online  View Release	United States	Online News Sites & Other Influencers	Media & Information	
	El Paso CityRoom [El Paso, TX] Online  View Release	United States	Online News Sites & Other Influencers	Media & Information	
	KLBB-FM 93.7 The Eagle [Lubbock, TX] Online  View Release	United States	Broadcast Media	Media & Information	
	KFMB 760-AM [San Diego, CA] Online  View Release	United States	Broadcast Media	Media & Information	
	KLZK-FM 107.7 YES FM [Lubbock, TX] Online  View Release	United States	Broadcast Media	Media & Information	
	100.7-FM The Score [Lubbock, TX] Online  View Release	United States	Broadcast Media	Media & Information	
	IBTN9 US Online  View Release	Global	Online News Sites & Other Influencers	Media & Information	
	KQCW-TV CW-12/19 [Tulsa, OK] Online  View Release	United States	Broadcast Media	Media & Information	
	Fat Pitch Financials Online  View Release	United States	Online News Sites & Other Influencers	Financial	
	New York Events Online  View Release	United States	Blog	Entertainment	
	Winslow, Evans & Crocker Online  View Release	United States	Online News Sites & Other Influencers	Financial	
	Penticton Herald [Penticton, BC] Online  View Release	Canada	Newspaper	Media & Information	
	Kelowna Daily Courier [Kelowna, BC] Online  View Release	Canada	Newspaper	Media & Information	

	Manhattanweek Online  View Release	United States	Online News Sites & Other Influencers	Media & Information	
	KLKN-TV ABC-8 [Lincoln, NE] Online  View Release	United States	Broadcast Media	Media & Information	
	KFMB 100.7 FM [San Diego, CA] Online  View Release	United States	Broadcast Media	Media & Information	
	Wapakoneta Daily News [Wapakoneta, OH] Online  View Release	United States	Newspaper	Media & Information	
	Valley City Times-Record [Valley City, ND] Online  View Release	United States	Newspaper	Media & Information	
	The Post and Mail [Columbia City, IN] Online  View Release	United States	Newspaper	Media & Information	
	The Pilot News [Plymouth, IN] Online  View Release	United States	Newspaper	Media & Information	
	The Evening Leader [St. Marys, OH] Online  View Release	United States	Newspaper	Media & Information	
	The Antlers American [Antlers, OK] Online  View Release	United States	Newspaper	Media & Information	
	Sweetwater Reporter [Sweetwater, TX] Online  View Release	United States	Newspaper	Media & Information	
	Starkville Daily News [Starkville, MS] Online  View Release	United States	Newspaper	Media & Information	
	The Daily Press [St. Marys, PA] Online  View Release	United States	Newspaper	Media & Information	
	Ridgway Record [Ridgway, PA] Online  View Release	United States	Newspaper	Media & Information	
	The Punxsutawney Spirit [Punxsutawney, PA] Online  View Release	United States	Newspaper	Media & Information	
	Poteau Daily News [Poteau, OK] Online  View Release	United States	Newspaper	Media & Information	

	The Observer News Enterprise [Newton, NC] Online  View Release	United States	Newspaper	Media & Information	
	Minster Community Post [Minster, OH] Online  View Release	United States	Newspaper	Media & Information	
	Mammoth Times [Mammoth Lakes, CA] Online  View Release	United States	Newspaper	Media & Information	
	Malvern Daily Record [Malvern, AR] Online  View Release	United States	Newspaper	Media & Information	
	The Kane Republican [Kane, PA] Online  View Release	United States	Newspaper	Media & Information	
	Inyo Register [Bishop, CA] Online  View Release	United States	Newspaper	Media & Information	
	The Deer Park Tribune [Deer Park, WA] Online  View Release	United States	Newspaper	Media & Information	
	Decatur Daily Democrat [Decatur, IN] Online  View Release	United States	Newspaper	Media & Information	
	Daily Times Leader [West Point, MS] Online  View Release	United States	Newspaper	Media & Information	
	Borger News Herald [Borger, TX] Online  View Release	United States	Newspaper	Media & Information	
	Big Spring Herald [Big Spring, TX] Online  View Release	United States	Newspaper	Media & Information	
	The Saline Courier [Benton, AR] Online  View Release	United States	Newspaper	Media & Information	
	The Morning News [Blackfoot, ID] Online  View Release	United States	Newspaper	Media & Information	

Traffic

Overview

Total Release Views & Web Crawler Hits **4.1K**

RELEASE VIEWS	938	MULTIMEDIA VIEWS & ENGAGEMENT	0	WEB CRAWLER HITS	3.1K
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Media Views 67 views

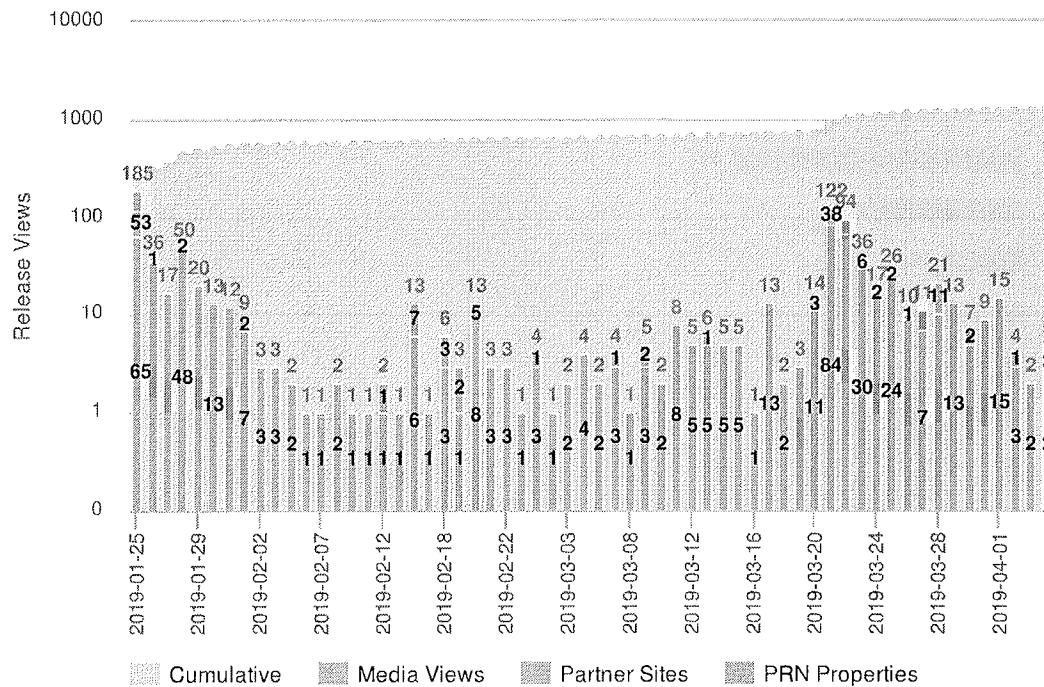
Public Views 871 views

Partner Sites 192 views

PR Newswire Channels 679 views

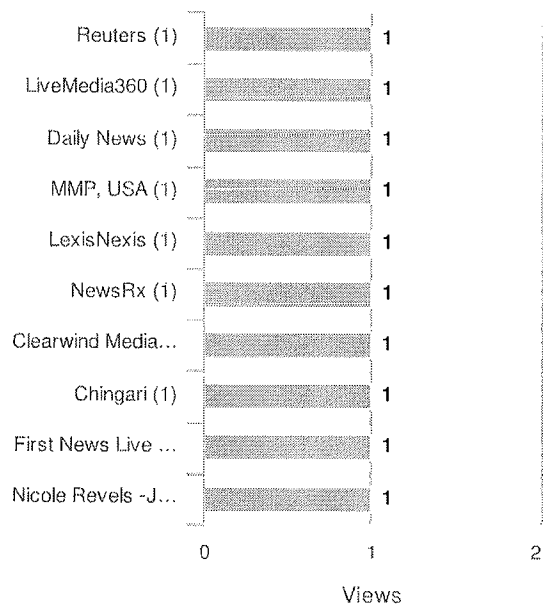
Release Views

Release Views Over Time



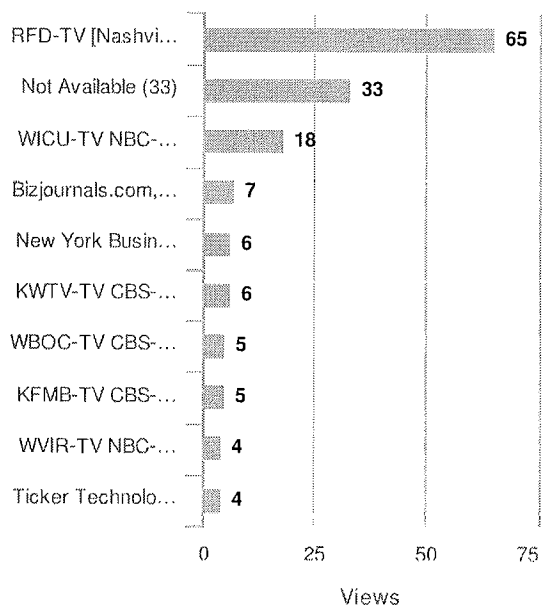
Media Views on PR Newswire for Journalists

Top 10 Outlets



Views on Partner Sites

Top 10 Sites

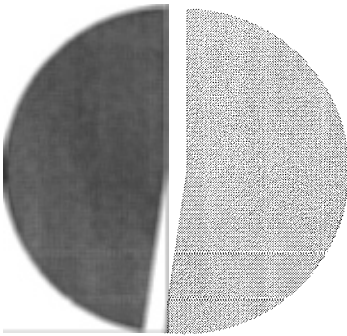


Traffic to PR Newswire Properties

Type of Views

Views

Type	Views
Total Views on PR Newswire Properties	679

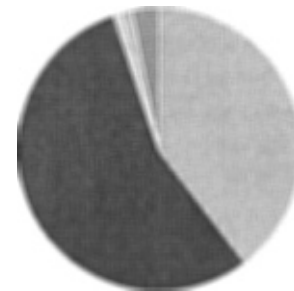


Desktop Views
Mobile/Tablet Views

External Traffic Sources

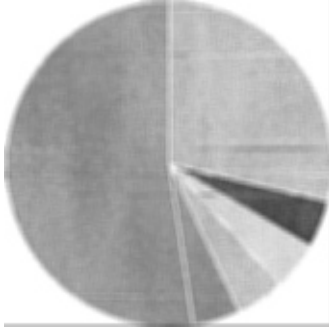
Understand how viewers found your release.






Source	Source Type	Instances
Direct	Direct	269
Google	Search Engine	310
Yahoo!	Search Engine	34
Bing	Search Engine	25
AOL	Search Engine	5
Ask.com	Search Engine	1
Twitter	Social Media	4
Facebook	Social Media	1
prnewswire.com	PR Newswire Properties	9
translatetheweb.com	Other Sites	4
suche.t-online.de	Other Sites	4
search.xfinity.com	Other Sites	4
search.myway.com	Other Sites	2
newsdesk.moreover.com	Other Sites	1
cuyahoga.libnet.info	Other Sites	1
robinhood.com	Other Sites	1
search.pch.com	Other Sites	1
owler.com	Other Sites	1
inoreader.com	Other Sites	1
Total		679



Direct Search Engine
Social Media
PR Newswire Properties
Other Sites

Source	Source Type	Instances
start.att.net	Other Sites	1
Total		679



 www.bnymadrfxsettlement.com
 +www.bnymadrfxsettlement.com
 bnymadrfxsettlement.com
 .bnymadrfxsettlement.con
 bnym adr settlement
 The rest

Search Engine Keywords

The search terms that visitors to your release use to find it. Note that Google increasingly does not make this data available.

Google keywords not available: 309

Search Engine	Search Term	Instances
Google	bnymellon depositary receipts	1
Bing	Not Available	6
	www.bnymadrfxsettlement.com	5
	+www.bnymadrfxsettlement.com	1
	bnymadrfxsettlement.com	1
	.bnymadrfxsettlement.con	1
	bnym adr settlement	1
	bnymadrfxsettlement.com	1
	bnymadrfxsettlement	3
	bnymadrfxsettlement.com	2
	http://www.bnymadrfxsettlement.com/	1
	mutual funds effected by bnym adr erisa settlement	1
	www.baymadrfxsettlement.com	1
	www.bnymadrfxsettlement.	1
Ask Jeeves	www.bnymadrfxsettlement.com	1
AOL	Not Available	5
Total		32

Audience

Overview

IEWS FROM IDENTIFIED AUDIENCES
153

AP & INFLUENCER LIST RECIPIENTS
1.7K

Media Views 67

Wire Distribution / AP Outlets 1.1K

Organization Views 86

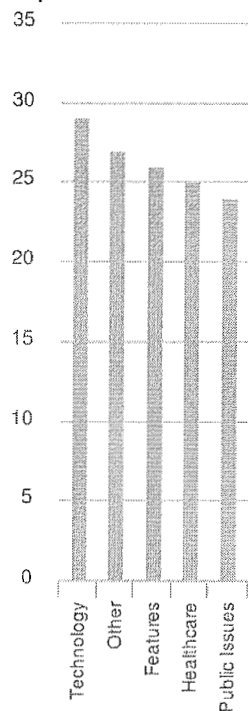
Targeted Influencers 591

Audience Summary

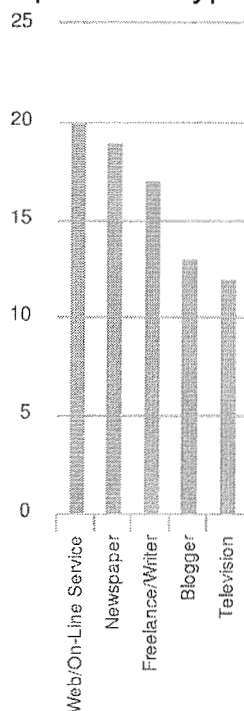
Media Demographics

A break down of the industries covered, the media types and the locations of the journalists & bloggers accessing your release on PR Newswire for Journalists.

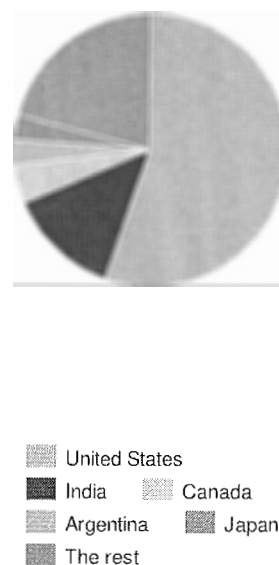
Top Industries



Top Media Types



Top Countries



Geo-segmentation

See where views of your release originated.

Select a region:

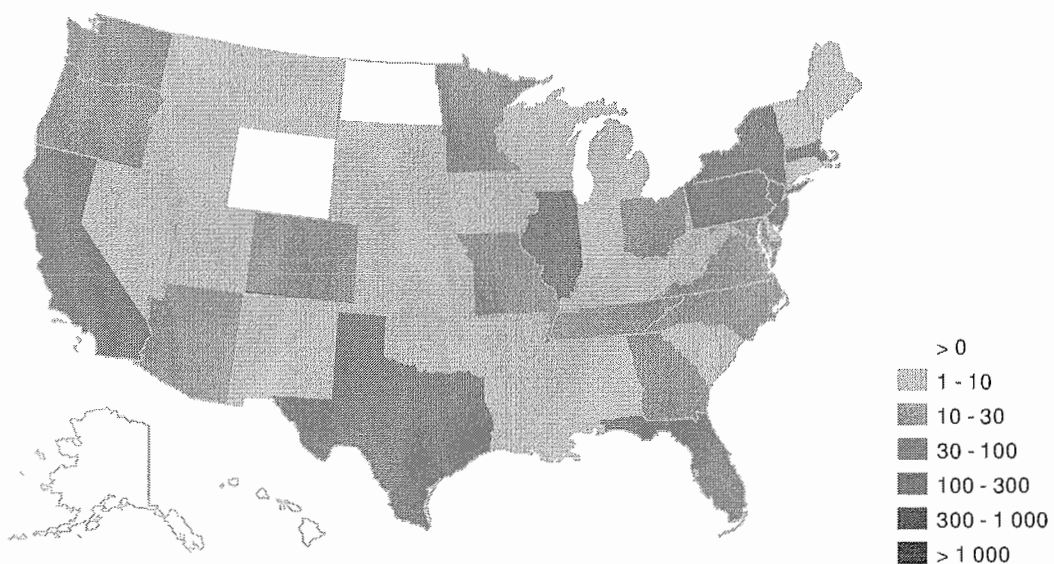
World View



Views by country



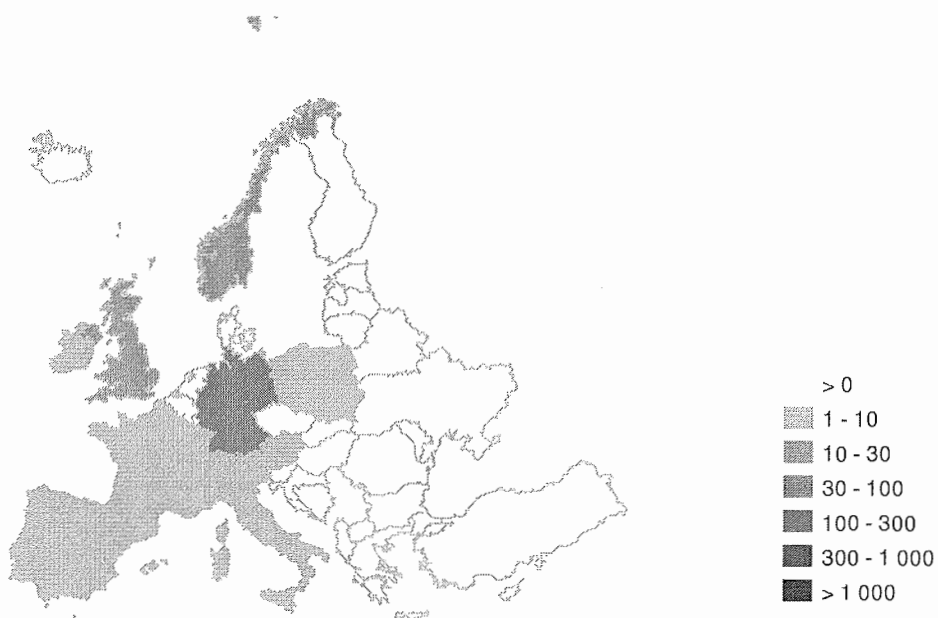
Views by state



Views by province



Views by country



Audience Details

Media Views

See the details of each media outlet from PR Newswire for Journalists that viewed your release.

Outlet	Industry	Source Type	Country	Views ▼
Reuters	Other	Wire Service	United States	1
Total num				67

LiveMedia360	Consumer Products, Energy, Environment, Features, Financial Services, General Business, Healthcare, Heavy Industry, Media, Public Issues, Technology, Transportation	Blogger, Freelance/Writer, Other	United States	1
Daily News	Other	Other	South Africa	1
MMP, USA	Auto, Broadcast, Consumer Products, Energy, Entertainment, Environment, Features, Financial Services, General Business, Healthcare, Heavy Industry, Media, Other, Public Issues, Sports, Technology, Transportation, Travel	Television	United States	1
LexisNexis	Other	Trade Periodicals, Web/On-Line Service	United States	1
NewsRx	Auto, Broadcast, Consumer Products, Energy, Entertainment, Environment, Features, Financial Services, General Business, Healthcare, Heavy Industry, Media, Other, Public Issues, Sports, Technology, Transportation, Travel	Web/On-Line Service	United States	1
Clearwind Media	Auto, Broadcast, Consumer Products, Energy, Environment, Features, Financial Services, General Business, Healthcare, Heavy Industry, Media, Other, Technology, Transportation, Travel	Television	United States	1
Chingari	General Business	Newspaper	India	1
First News Live	Features	Freelance/Writer	India	1
Nicole Revels - Journalist	Public Issues	Freelance/Writer	United States	1
Sing Tao Daily Toronto Edition	Other	Newspaper	Canada	1
Polish N Glitter	Consumer Products, Healthcare	Blogger	India	1
Way2Online	Transportation	Freelance/Writer	India	1
The Page	General Business	Newspaper	India	1
Healtheventz	Broadcast, Environment, Healthcare	Blogger, Consumer Periodicals, Freelance/Writer, Newspaper, Other, Radio, Television, Trade Periodicals, Web/On-Line Service, Wire Service	India	1
Great Lakes Banker	Financial Services	Trade Periodicals	United States	1
WNBC-TV	Broadcast, Heavy Industry, Public Issues, Technology, Transportation	Television	United States	1
BioMetAuth.com	Technology	Freelance/Writer	United States	1
God4b	Auto, Broadcast, Consumer Products, Energy, Entertainment, Environment, Features, Financial Services, General Business, Healthcare, Heavy Industry, Media, Other, Public Issues, Sports, Technology, Transportation, Travel	Blogger, Freelance/Writer	United States	1
Total num				67

PR Newswire	Other	Wire Service	United States	1
ABC	Auto, Broadcast, Consumer Products, Energy, Entertainment, Environment, Features, Financial Services, General Business, Healthcare, Heavy Industry, Media, Other, Public Issues, Sports, Technology, Transportation, Travel	Television	United States	1
Picante Today	Auto, Broadcast, Consumer Products, Energy, Entertainment, Environment, Features, Financial Services, General Business, Healthcare, Heavy Industry, Media, Other, Public Issues, Sports, Technology, Transportation, Travel	Freelance/Writer, Newspaper, Web/On-Line Service	Romania	1
Univision Dallas	Broadcast, General Business, Healthcare, Media, Other, Public Issues, Sports, Technology, Transportation, Travel	Television, Web/On-Line Service	United States	1
Arutz 7	Auto, Broadcast, Consumer Products, Energy, Entertainment, Environment, Features, Financial Services, General Business, Healthcare, Heavy Industry, Media, Other, Public Issues, Sports, Technology, Transportation, Travel	Newspaper, Radio, Web/On-Line Service	Israel	1
Cognizant	Broadcast	Blogger	American Samoa	1
The Morning Call	Public Issues	Newspaper	United States	1
Argus Media Group	Auto, Broadcast, Consumer Products, Energy, Entertainment, Environment, Features, Financial Services, General Business, Healthcare, Heavy Industry, Media, Other, Public Issues, Sports, Technology, Transportation, Travel	Web/On-Line Service	United States	1
Principal Group	Auto, Broadcast, Consumer Products, Energy, Entertainment, Environment, Features, Financial Services, General Business, Healthcare, Heavy Industry, Media, Other, Public Issues, Sports, Technology, Transportation, Travel	Blogger	United States	1
PR Newswire	Auto, Broadcast, Consumer Products, Energy, Entertainment, Environment, Features, Financial Services, General Business, Healthcare, Heavy Industry, Media, Other, Public Issues, Sports, Technology, Transportation, Travel	Blogger, Consumer Periodicals, Freelance/Writer, Newspaper, Other, Radio, Television, Trade Periodicals, Web/On-Line Service, Wire Service	Canada	1
Freelancer	Energy, Financial Services, Healthcare, Heavy Industry, Technology	Freelance/Writer	United States	1
MMP USA	Consumer Products, Environment, General Business, Healthcare, Technology, Travel	Television	United States	1
She Prevailed Media	Auto, Broadcast, Consumer Products, Energy, Entertainment, Environment, Features, Financial Services, General Business, Healthcare, Heavy Industry, Media, Other, Public Issues, Sports, Technology, Transportation, Travel	Blogger	United States	1
Deccan Herald	Features, Financial Services, General Business, Technology	Newspaper	India	1
Total num				67

EMS Chemie AG	Auto, Consumer Products, General Business, Technology	Other	Switzerland	1
Economic Review	Auto, Energy, Features, Financial Services, Media, Public Issues, Sports	Freelance/Writer, Newspaper, Trade Periodicals	Pakistan	1
SNL Energy	Energy	Trade Periodicals	United States	1
heart & soul	Entertainment, Healthcare, Travel	Consumer Periodicals, Radio, Web/On-Line Service	United States	1
IDG Japan	Technology	Consumer Periodicals, Web/On-Line Service, Wire Service	Japan	1
Thomson Corp	Technology	Wire Service	India	1
Kingsport Times-New	Other	Newspaper	United States	1
Zee News	Auto, Broadcast, Consumer Products, Financial Services	Television	India	1
PR	Technology	Other	Malaysia	1
Freelancer	Other	Trade Periodicals	United States	1
InvestmentWires	Financial Services	Consumer Periodicals	United States	1
WSAZ	Financial Services	Television	United States	1
New York 1 News	Other	Television	United States	1
Walla Walla Union Bulletin	Features, Healthcare, Technology	Newspaper	United States	1
http://gay_blog.blogspot.com/	Other, Travel	Web/On-Line Service	United States	1
Feather River Bulletin	Other	Newspaper	United States	1
Randall-Reilly Publishing Co.	Transportation	Trade Periodicals	United States	1
Latitudes & Attitudes	Features, Financial Services, General Business, Public Issues, Technology, Travel	Blogger, Consumer Periodicals, Freelance/Writer, Trade Periodicals, Web/On-Line Service	France	1
http://cochabto.com/could-twitter-save-lives-tweeting-in-the-medical-industry/	Auto, Media, Technology	Blogger	Canada	1
Gaceta UNAM	Environment, Features, Healthcare, Media, Public Issues, Sports, Travel	Newspaper, Web/On-Line Service	Mexico	1
Mega Autos	Auto	Consumer Periodicals, Web/On-Line Service	Argentina	1
Total num				67

The Kyle & Jackie O Show	Broadcast, Consumer Products, Entertainment, Features, Media, Other, Public Issues, Technology	Radio	Australia	1
Amrikaee	Broadcast, Consumer Products, Energy, Entertainment, Features, General Business, Media, Other, Public Issues	Blogger, Freelance/Writer, Newspaper, Web/On-Line Service	United States	1
1G Valvulas	Auto, Healthcare	Web/On-Line Service	Argentina	1
Real Tv Canal 41	Broadcast, Entertainment, Environment, Features, Media, Public Issues, Sports	Newspaper, Television	Peru	1
Okinawa Marine	Broadcast, Environment, Features, Financial Services, Media, Public Issues, Technology, Transportation, Travel	Freelance/Writer, Newspaper, Web/On-Line Service, Wire Service	Japan	1
Coelum	Other	Consumer Periodicals, Web/On-Line Service	Italy	1
Telecos	Consumer Products, Energy, Environment, Healthcare, Technology	Other	Spain	1
Dow Jones Newswires	Features, Financial Services, Media, Public Issues	Wire Service	United States	1
Freelancer	Entertainment, Features, Healthcare	Freelance/Writer, Newspaper	United States	1
Houston Chronicle	Features	Newspaper	United States	1
Women in Business magazine	Consumer Products, Entertainment, Environment, Features, General Business, Healthcare, Media, Other, Public Issues, Technology	Blogger, Consumer Periodicals, Freelance/Writer, Other, Trade Periodicals, Web/On-Line Service	United States	1
News Aktuell	Other	Wire Service	Switzerland	1
Formula 4 Media / Sports Insight Extra	Broadcast, Consumer Products, Entertainment, Healthcare, Media, Sports	Blogger, Consumer Periodicals, Freelance/Writer, Other, Web/On-Line Service, Wire Service	United States	1
Total num				67

Organization Views

See which organizations have viewed your release

Organization	Headquarters	Country	Location	Parent Organization	Industry	Views ▼
Tel-Kab Sp. z o.o. Sp.k.	Boleslawa Prusa 92 POLAND	PL	POLAND			7
Finanz Informatik GmbH & Co. KG	Laatzener Strasse 5 GERMANY	DE	GERMANY			4
The Bank of New York Mellon Corporation	One Wall Street	US	UNITED STATES	The Bank of New York Company, Inc.	Financial Services	3
Robbins Geller Rudman & Dowd LLP	655 West Broadway		UNITED STATES			2
Total num						86

A.G. Edwards & Sons, Inc.	420 Montgomery ST	US	UNITED STATES	Wells Fargo Advisors , LLC	Financial Services	2
AON Corporation	200 E. Randolph Street 7th floor	US	UNITED STATES	Aon Corporation	Insurance	2
Liverton Limited	Level 6, Vocus House 138 The Terrace	NZ	NEW ZEALAND			2
McAfee, Inc.	2821 Mission College Blvd.	US	UNITED STATES	McAfee , Inc.	Manufacturing	2
Cleary, Gottlieb, Steen & Hamilton LLP	165 Broadway		UNITED STATES			1
Volo.com SRL		IT	ITALY			1
SID-18051 CI -Administrative Office of the United States Courts	21571 Beauneade Circle	US	UNITED STATES		Government	1
Teachers Retirement System of the City of New York	55 Water St		UNITED STATES			1
Markus Koch	Markus Koch Heinestrasse 37	DE	UNITED KINGDOM			1
COUNTY OF CONTRA COSTA	777 ARNOLD DR	US	UNITED STATES	Contra Costa County	Government	1
Software Technology Parks of India		IN	INDIA			1
GOSIGER MACHINE TOOLS LLC	108 MCDONOUGH ST	US	UNITED STATES			1
Plante & Moran, PLLC	4765 Barden Ct SE	US	UNITED STATES	Plante & Moran PLLC	Business Services	1
Kessler Topaz Meltzer & Check, LLP	280 King of Prussia Road	US	UNITED STATES	kessler topaz meltzer & check , llp	Law Firms & Legal Services	1
Cerner Corporation	2800 Rockcreek Parkway	US	UNITED STATES	Cerner Corporation	Software & Internet	1
Aurora Public Schools	82 Airport Blvd	US	UNITED STATES	Aurora Public Schools	Education	1
Fusion Voice and Data Corp.	640 Belle Terre Rd Building G	US	UNITED STATES			1
Florida State College at Jacksonville	9911 OLD BAYMEADOWS RD	US	UNITED STATES	Florida State College at Jacksonville	Education	1
SUSTAINABLE ENG SOLUTIONS		US	UNITED STATES			1
ISS Inc.	655 Research Parkway	US	UNITED STATES			1
FireFly	20 Battery Park Ave #804	US	UNITED STATES	FireFly Technologies	Software & Internet	1
Institutional Protection Services Ltd	1-3 Staple Inn	UK	UNITED KINGDOM	Institutional Protection Services Ltd	Financial Services	1
Cmed		UK	UNITED KINGDOM			1
Michael Dusi Trucking	3230 RIVERSIDE AVE	US	UNITED STATES	Michael Dusi Trucking Inc		1
WISCONSIN EDUCATION ASSOCIATIO	33 NOB HILL RD	US	UNITED STATES			1
Total num						86

CCS Business Solutions, Inc.	4450 Belden Village St NW	US	UNITED STATES	CCS Business Solutions Inc		1
Sierra Auto Finance	1649 W. Frankford Rd		UNITED STATES			1
The Capital Group Companies, Inc.	333 HOPE ST	US	UNITED STATES	The Capital Group Companies , Inc.	Financial Services	1
Gallagher Bassett Services, Inc.	2 Pierce Place	US	UNITED STATES	Artco-Bell Corporation	Manufacturing	1
DIVINE BLALOCK MARTI		US	UNITED STATES			1
Deutsche Bank	2 Gatehall Drive	US	UNITED STATES	Deutsche Bank AG	Financial Services	1
F-Secure Corporation		DE	GERMANY			1
Thuega SmartService GmbH	Zum Kugelfang 2 GERMANY	DE	GERMANY			1
EWE TEL GmbH		DE	GERMANY			1
Mesirow Financial	350 N. Clark St.	US	UNITED STATES	Mesirow Financial Inc.	Insurance	1
Banque de developpement du Canada	5 Place Ville-Marie - Suite 500	CA	CANADA	Business Development Bank of Canada	Software & Internet	1
Hamilton Capital Management	5025 ARLINGTON CENTRE BLVD Suite 300	US	UNITED STATES	Hamilton Capital Management Inc	Financial Services	1
PURtel.com GmbH	PURtel.com GmbH Paul-Gerhardt-Allee 48	DE	GERMANY			1
BAE Systems Applied Intelligence US Corp.	440 Wheelers Farms Road	US	UNITED STATES	BAE Systems Inc.	Manufacturing	1
Clarity Connect Inc	200 Pleasant Grove Road	US	UNITED STATES	Clarity Connect Inc	Business Services	1
Drummond Woodsum	84 MARGINAL WAY	US	UNITED STATES	Drummond Woodsum	Law Firms & Legal Services	1
ANALYTICS INC	18750 LAKE DR E	US	UNITED STATES			1
Bundesamt fuer Sicherheit in der Informationstechnik	Bonn	DE	GERMANY			1
crawfordcountylib.org			UNITED STATES			1
Conxx, Inc.	2818 S Redwood Road	US	UNITED STATES	CONXX Inc	Manufacturing	1
University of Florida	Networking Services PO BOX 112050	US	UNITED STATES	University of Florida	Education	1
Schroder Investment Management Limited	1 London Wall Place EC2Y 5AU	UK	UNITED KINGDOM			1
SPECTROTEL HOLDING COMPANY, L	1895 90TH AV	US	UNITED STATES			1
JPMorgan Chase & Co.	120 Broadway	US	UNITED STATES	Chase	Financial Services	1
Butler University	4600 Sunset Ave.	US	UNITED STATES	Butler University	Education	1
Total num						86

Indiana University-Purdue University at Indianapolis	535 West Michigan Street	US	UNITED STATES	IUPUI	Education	1
Baltimore Technology Park, LLC	1401 Russell St	US	UNITED STATES	Baltimore Technology Park LLC	Telecommunications	1
Ratiodata GmbH	Hahnstrasse 48 GERMANY	DE	GERMANY			1
CETERA FINANCIAL GROUP	400 1ST ST S	US	UNITED STATES	Cetera Financial Group Inc	Financial Services	1
Philipps-Universitaet Marburg	Biegenstrasse 10 Germany	DE	GERMANY			1
Stifel, Nicolaus & C	501 North Broadway	US	UNITED STATES	Stifel , Nicolaus & Company , Incorporated	Financial Services	1
POTTS DUPRE		US	UNITED STATES			1
DALLIE GIFFORD & CO		UK	UNITED KINGDOM			1
Jones Stevedoring Co	7245 W Marginal Way		UNITED STATES	Jones Stevedoring Company	Business Services	1
STONERIDGE CO		US	UNITED STATES			1
Fiducia und GAD IT AG, Karlsruhe		DE	GERMANY			1
Commonwealth of PA - Department of Public Welfare	P.O. Box 2675	US	UNITED STATES	State Corporation	Insurance	1
ST GEORGES INDEPENDENT	1880 WOLF RIVER BLVD	US	UNITED STATES			1
ZF Friedrichshafen AG	Ehlerstrasse 50 Germany	DE	GERMANY	ZF Friedrichshafen AG	Manufacturing	1
Ewopharma AG		CH	SWITZERLAND			1
Knight Athletics Inc	300 Mt Lebanon Blvd.	US	UNITED STATES	Knight Athletics Inc		1
Total num						86

Targeted Audience

The lists below represent categories of targeted audiences you selected for your release.

Cision Influencer Lists

Mutual Funds (123 organizations, 185 recipients)

Organization	Number of recipients
Barron's Magazine	6
Bloomberg News News Service/Syndicate	6
Wall Street Journal Daily Newspaper	6
Gartner Industry Research Firm	5
IBD Weekly Community Newspaper	5
Ignites.com Internet Magazine - Online Only	5
Seeking Alpha Internet Magazine - Online Only	5

Organization	Number of recipients
Forbes Magazine	3
Fund Action Magazine	3
Institutional Investor Internet Magazine - Online Only	3

Personal Finance (325 organizations, 406 recipients)

Organization	Number of recipients
Squawk Box - CNBC Cable Network Cable Network Show	15
Business Insider Internet Magazine - Online Only	5
Smartasset Internet Magazine - Online Only	5
Bottom Line/Personal Magazine	4
GOBankingRates Internet Magazine - Online Only	4
New York Times Daily Newspaper	4
Wise Bread Internet Blog	4
CNNBusiness Internet Magazine - Online Only	3
Consumer Reports Magazine	3
Dave Ramsey Show Radio Syndicated Show	3

Associated Press Outlets

Every PR Newswire U.S. wire newswire includes targeted distribution to the Associated Press, an essential global news network that delivers content to an extensive set of media platforms and formats. The list below represents the outlets you reach via this partnership.

Outlet Name	City	State	Country	Newsline	Type	Audience
C-SPAN	Washington	DC	US	US1	Television	86,200,000 Subscribers
Scribd, Inc.	San Francisco	CA	US	US1	Aggregator	43,531,670 Visitors per Month
FoxNews.com	New York	NY	US	US1, New York State newswire	Online	32,516,438 Visitors per Month
CBS News Radio	New York	NY	US	US1, New York State newswire	Radio	30,000,000 Broadcast Audience
New York Times Digital	New York	NY	US	US1, New York State newswire	Newspaper	29,886,442 Visitors per Month
Apple Inc.	Cupertino	CA	US	US1	Organization/Company	29,709,459 Visitors per month
CNBC.com	Englewood Cliffs	NJ	US	New York State newswire, US1	Online	26,089,266 Visitors per Month

Outlet Name	City	State	Country	Newsline	Type	Audience
CBSnews.com	New York	NY	US	US1, New York State newsline	Online	26,080,671 Visitors per Month
abcnews.com	New York	NY	US	US1, New York State newsline	Online	24,167,779 Visitors per Month
U.S. News & World Report	Washington	DC	US	US1	Magazine	23,945,529 Visitors per Month

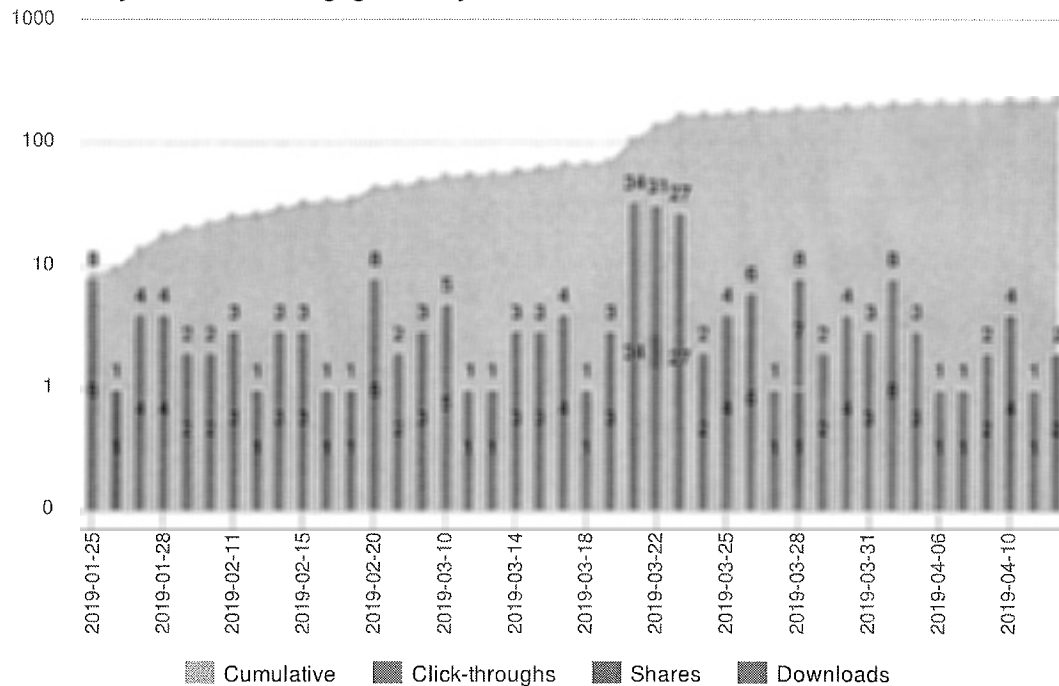
Engagement

211 Total Engagement Actions	209 Click-throughs	2 Shares
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Overview

Engagement Timeline

See when your audience engaged with your release.



Engagement Details

A break down of click-throughs, shares and other engagement actions.

Click-throughs

The number of times your release sent visitors to the pages you linked to

URL	Click-throughs
http://www.bnymadrfxsettlement.com/	207
mailto:info@bnymadrfxsettlement.com	2
Total	209

Shares

A breakdown of the types of sharing your release generated.

Type of share	Shares
Facebook	1
Email	1
Total Shares	2

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EXHIBIT 3

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

IN RE: THE BANK OF NEW YORK
MELLON ADR FX LITIGATION

16-CV-00212-JPO-JLC

ECF Case

This Document Relates to:

ALL ACTIONS

[PROPOSED] ORDER AND FINAL JUDGMENT

WHEREAS, a putative class action is pending in this Court captioned *In re: The Bank of New York Mellon ADR FX Litigation*, 16-CV-00212-JPO-JLC (S.D.N.Y.) (the “Action”);

WHEREAS, (i) David Feige, International Union of Operating Engineers Local 138 Annuity Fund, and Annie L. Normand (collectively, “Named Plaintiffs”) and Diana Carofano and Chester County Employees Retirement Fund (“Intervenor Plaintiffs” and, together with Named Plaintiffs, “Lead Plaintiffs”), on behalf of themselves and the Settlement Class (as defined below), and (ii) The Bank of New York Mellon (“Defendant” or “BNYM”) have determined to settle the Action with prejudice on the terms and conditions set forth in the Stipulation and Agreement of Settlement dated January 15, 2019 (the “Stipulation” or the “Settlement”), subject to the approval of this Court;

WHEREAS, unless otherwise defined in this Order and Final Judgment, the capitalized terms used herein shall have the same meanings as they have in the Stipulation;

WHEREAS, by Order dated January 17, 2019 (the “Notice Order”), this Court: (a) found that the Parties demonstrated that the Court would likely be able to approve the Settlement, as embodied in the Stipulation, as being fair, reasonable, and adequate to the Settlement Class under Rule 23(e)(2) of the Federal Rules of Civil Procedure; (b) preliminarily found the prerequisites for

class action certification under Rules 23(a), 23(b)(2), and 23(b)(3) of the Federal Rules of Civil Procedure with respect to the Settlement Class likely to be found to be satisfied solely for the purpose of effectuating the Settlement; (c) directed that notice of the proposed Settlement be provided to Settlement Class Members; (d) provided Settlement Class Members with the opportunity either to exclude themselves from the Settlement Class or to object to the Settlement; and (e) scheduled a hearing regarding final approval of the Settlement;

WHEREAS, due and adequate notice has been given to the Settlement Class;

WHEREAS, there have been no objections to the Settlement;

WHEREAS, the Court conducted a hearing on June 17, 2019 (the “Final Approval Hearing”) to consider, among other things, (a) whether the terms and conditions of the Settlement are fair, reasonable, and adequate to the Settlement Class, and should therefore be approved; (b) whether the prerequisites for class certification under Rules 23(a), 23(b)(2), and 23(b)(3) of the Federal Rules of Civil Procedure with respect to the Settlement Class are satisfied solely for the purpose of effectuating the Settlement; and (c) whether a judgment should be entered dismissing the Action with prejudice as against Defendant; and

WHEREAS, the Court having reviewed and considered the Stipulation, all papers filed and proceedings held herein in connection with the Settlement, all oral and written comments received regarding the Settlement, and the record in the Action, and good cause appearing therefor;

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

1. **Jurisdiction** – The Court has jurisdiction over the subject matter of the Action, and all matters relating to the Settlement, as well as personal jurisdiction over all of the Parties and each of the Settlement Class Members.

2. **Incorporation of Settlement Documents** – This Order and Final Judgment incorporates and makes a part hereof: (a) the Stipulation filed with the Court on January 15, 2019; and (b) the Notice, Post-Card Notice, Publication Notice, and Banner Ads, all of which were filed with the Court on April 29, 2019.

3. **Certification of the Settlement Class for Purposes of Settlement** – Pursuant to Rule 23 of the Federal Rules of Civil Procedure, this Court certifies, solely for purposes of effectuating the Settlement, this Action as a class action on behalf of a Settlement Class defined as all entities and individuals who at any time during the period January 1, 1997 through January 17, 2019 held (directly or indirectly, registered or beneficially), or otherwise claim any entitlement to any payment (whether a dividend, rights offering, interest on capital, sale of shares, or other distribution) in connection with, any American Depositary Share (sometimes known as an American Depositary Receipt) (“ADR”) for which BNYM acted as the depositary sponsored by an issuer that is identified in the Appendix attached to the Stipulation. For avoidance of doubt, Settlement Class Members include all entities, organizations, and associations regardless of form, including investment funds and pension funds of any kind. BNYM and its officers, directors, legal representatives, heirs, successors, corporate parents, subsidiaries, and/or assigns, other than Investment Vehicles (which are not excluded), are excluded from the Settlement Class only to the extent that such persons or entities had a proprietary (i.e., for their own account) interest in any such ADR and not to the extent that they hold or held such ADR in a fiduciary capacity or otherwise on behalf of any third-party client, account, fund, trust, or employee benefit plan that otherwise falls within the definition of the Settlement Class. Also excluded from the Settlement Class are any persons and entities who or which excluded themselves from the Settlement Class

by submitting a request for exclusion that was accepted by the Court, as listed on the attached Exhibit 1.

4. Lead Plaintiffs are hereby appointed, for purposes of effectuating the Settlement only, as representatives for the Settlement Class for purposes of Rule 23 of the Federal Rules of Civil Procedure. Kessler Topaz Meltzer & Check LLP and Lieff Cabraser Heimann & Bernstein, LLP, which were appointed by the Court to serve as Interim Co-Lead Counsel, are hereby appointed, for settlement purposes only, as counsel for the Settlement Class pursuant to Rules 23(c)(1)(B) and (g) of the Federal Rules of Civil Procedure.

5. **Notice** – The Court finds that the dissemination of the Notice, Post-Card Notice, Publication Notice and Banner Ads: (a) was implemented in accordance with the Notice Order; (b) constituted the best notice practicable under the circumstances; (c) constituted notice that was reasonably calculated, under the circumstances, to apprise Settlement Class Members of (i) the pendency of the Action; (ii) their right to exclude themselves from the Settlement Class; (iii) the effect of the proposed Settlement (including the Releases to be provided thereunder); (iv) Lead Plaintiffs' Counsel's motion for an award an attorneys' fees and reimbursement of Litigation Expenses (including Service Awards to Lead Plaintiffs); (v) their right to object to any aspect of the Settlement, the Plan of Allocation and/or Lead Plaintiffs' Counsel's motion for attorneys' fees and reimbursement of Litigation Expenses; and (vi) their right to appear at the Final Approval Hearing; (d) constituted due, adequate, and sufficient notice to all persons and entities entitled to receive notice of the proposed Settlement; and (e) satisfied the requirements of Rule 23 of the Federal Rules of Civil Procedure, the Constitution of the United States (including the Due Process Clause), and all other applicable laws and rules.

6. **CAFA** – The Court finds that the notice requirements set forth in the Class Action Fairness Act of 2005, 28 U.S.C. § 1715, to the extent applicable to the Action, have been satisfied.

7. **Final Settlement Approval and Dismissal of Claims** – Pursuant to, and in accordance with, Rule 23 of the Federal Rules of Civil Procedure, this Court hereby fully and finally approves the Settlement set forth in the Stipulation in all respects (including, without limitation: the amount of the Settlement; the Releases provided for therein; and the dismissal with prejudice of the claims asserted against Defendant in the Action), and finds that the Settlement is, in all respects, fair, reasonable and adequate to the Settlement Class. Specifically, the Court finds that, pursuant to Rule 23(e)(2), (A) Lead Plaintiffs and Lead Plaintiffs' Counsel have adequately represented the Settlement Class; (B) the Settlement was negotiated at arm's length; (C) the relief provided for the Settlement Class is adequate, taking into account: (i) the costs, risks, and delay of trial and appeal; (ii) the effectiveness of the proposed method of distributing relief to the Settlement Class, including the method of processing Settlement Class Member claims; (iii) the terms of the proposed award of attorneys' fees, including timing of payment; and (iv) any agreement required to be identified under Rule 23(e)(3); and (D) the Settlement treats Settlement Class Members equitably relative to each other. The Parties are directed to implement, perform and consummate the Settlement in accordance with the terms and provisions contained in the Stipulation.

8. The Action is hereby dismissed with prejudice. The Parties shall bear their own costs and expenses, except as otherwise expressly provided in the Stipulation.

9. **Binding Effect** – The terms of the Stipulation and of this Order and Final Judgment shall be forever binding on Defendant, Lead Plaintiffs, and all Settlement Class Members (regardless of whether or not any individual Settlement Class Member submits a Claim Form, seeks or obtains a distribution from the Net Settlement Fund, or objected to the Settlement), as

well as their respective successors and assigns. The persons and entities listed on Exhibit 1 hereto are excluded from the Settlement Class pursuant to request and are not bound by the terms of the Stipulation or this Order and Final Judgment.

10. **Releases** – The Releases set forth in ¶¶ 6 and 7 of the Stipulation, together with the definitions contained in ¶ 1 of the Stipulation relating thereto, are expressly incorporated herein in all respects. The Releases are effective as of the Effective Date. Accordingly, this Court orders that:

(a) Pursuant to this Order and Final Judgment, without further action by anyone, and subject to ¶ 11 below, upon the Effective Date of the Settlement, Lead Plaintiffs and each and every member of the Settlement Class, on behalf of themselves and each of their respective heirs, executors, administrators, predecessors, successors, and assigns in their capacities as such, shall be deemed to have, and by operation of law and of the Order and Final Judgment shall have, fully, finally and forever compromised, settled, released, resolved, relinquished, waived, and discharged each and every Released Claim against any of the Releasees, and shall forever be barred and enjoined from prosecuting any or all of the Released Claims against any of the Releasees.

(b) Pursuant to this Order and Final Judgment, without further action by anyone, and subject to ¶ 11 below, upon the Effective Date of the Settlement, Defendant shall be deemed to have, and by operation of law and of the judgment shall have, fully, finally and forever compromised, settled, released, resolved, relinquished, waived, and discharged each and every Released Defendant Claim against the Releasors, and shall forever be barred and enjoined from prosecuting any or all of the Released Defendant Claims against any of the Releasors.

11. Notwithstanding ¶ 10(a) – (b) above, nothing in this Order and Final Judgment shall bar any action by any of the Parties to enforce or effectuate the terms of the Stipulation or this Order and Final Judgment.

12. **Rule 11 Findings** – The Court finds and concludes that the Parties and their respective counsel have complied in all respects with the requirements of Rule 11 of the Federal Rules of Civil Procedure in connection with the institution, prosecution, defense, and settlement of the Action.

13. **No Admissions** – Except as set forth in the Stipulation and in ¶ 14 below, neither this Order and Final Judgment nor the Stipulation (whether or not consummated), nor any negotiations, proceedings, or agreements relating to the Stipulation or the Settlement, nor any matters arising in connection with the settlement negotiations, proceedings, or agreements, shall be offered or received against any or all of the Released Parties for any purpose, and in particular:

(a) do not constitute, and shall not be offered or received against Defendant or the other Releasees as evidence of, or construed as, or deemed to be evidence of, any presumption, concession, or admission by Defendant or the Releasees with respect to the truth of any fact alleged by Lead Plaintiffs or any other Settlement Class Member or the validity of any claim that has been or could have been asserted in the Action or in any litigation or other proceeding, including but not limited to the Released Claims, or of any liability, damages, negligence, fault, or wrongdoing of Defendant or the Releasees;

(b) do not constitute, and shall not be offered or received against Defendant or the other Releasees as evidence of, a presumption, concession, or admission of any fault, misstatement, or omission with respect to any statement or written document approved or made by Defendant or the Releasees, or against Defendant, the Releasees, Lead Plaintiffs, or any other

member of the Settlement Class as evidence of any infirmity in the claims or defenses that have been or could have been asserted in the Action;

(c) do not constitute, and shall not be offered or received against Defendant or the other Releasees as evidence of, a presumption, concession, or admission with respect to any liability, damages, negligence, fault, infirmity, or wrongdoing, or in any way referred to for any other reason against Defendant or the Releasees, in any other civil, criminal, or administrative action or proceeding, other than such proceedings as may be necessary to effectuate the provisions of the Stipulation;

(d) do not constitute, and shall not be construed against Defendant or the other Releasees as an admission or concession that, the consideration to be given hereunder represents the amount which could be or would have been recovered after trial; and

(e) do not constitute, and shall not be construed as or received in evidence as, an admission, concession, or presumption against Lead Plaintiffs or any other Settlement Class Member that any of their claims are without merit or infirm, that a class should not be certified, or that damages recoverable under the complaints filed in the Action would not have exceeded the Settlement Amount.

14. The Released Parties may file or refer to the Stipulation, this Order and Final Judgment, and/or any Claim of a Settlement Class Member to effectuate the liability protection granted thereunder, including, without limitation, to support a defense or counterclaim based on principles of *res judicata*, collateral estoppel, release, good-faith settlement, judgment bar or reduction, or any theory of claim preclusion or issue preclusion or similar defense or counterclaim. The Released Parties may file the Stipulation and/or this Order and Final Judgment in any action that may be brought to enforce the terms of the Stipulation and/or this Order and Final Judgment;

however, in no event shall any Party use in the litigation of this Action, for any purposes other than the implementation of the Settlement, information disclosed by any Party during and for the purpose of the negotiation and implementation of the Settlement. All Released Parties submit to the jurisdiction of the Court for purposes of implementing and enforcing the Settlement.

15. **Retention of Jurisdiction** – Without affecting the finality of this Order and Final Judgment in any way, this Court retains continuing and exclusive jurisdiction over: (a) the Parties for purposes of the administration, interpretation, implementation and enforcement of the Settlement; (b) the disposition of the Settlement Fund; (c) any motion for an award of attorneys' fees and/or Litigation Expenses by Lead Plaintiffs' Counsel in the Action that will be paid from the Settlement Fund; (d) any motion to approve the Plan of Allocation; (e) any motion to approve distribution of the Net Settlement Fund to Authorized Recipients; and (f) the Settlement Class Members for all matters relating to the Action.

16. Separate orders shall be entered regarding approval of a plan of allocation and the motion of Lead Plaintiffs' Counsel for an award of attorneys' fees and reimbursement of Litigation Expenses, including Service Awards to Lead Plaintiffs. Such orders shall in no way affect or delay the finality of this Order and Final Judgment and shall not affect or delay the Effective Date of the Settlement.

17. **Modification of the Agreement of Settlement** – Without further approval from the Court, Lead Plaintiffs and Defendant are hereby authorized to agree to and adopt such amendments or modifications of the Stipulation or any exhibits attached thereto to effectuate the Settlement that: (a) are not materially inconsistent with this Order and Final Judgment; and (b) do not materially limit the rights of Settlement Class Members in connection with the Settlement.

Without further order of the Court, Lead Plaintiffs and Defendant may agree to reasonable extensions of time to carry out any of the provisions of the Settlement.

18. **Termination of Settlement** – If the Settlement is terminated as provided in the Stipulation or the Effective Date of the Settlement otherwise fails to occur, this Order and Final Judgment shall be vacated, rendered null and void, and be of no further force and effect, except as otherwise provided by the Stipulation, and this Order and Final Judgment shall be without prejudice to the rights of Lead Plaintiffs, Settlement Class Members and Defendant, and the Parties shall be deemed to have reverted *nunc pro tunc* to their respective litigation positions in the Action immediately prior to the execution of the Term Sheet on October 16, 2018, as provided in the Stipulation. Except as otherwise provided in the Stipulation, in the event the Settlement is terminated in its entirety or if the Effective Date fails to occur for any reason, the balance of the Settlement Fund including interest accrued therein, less any Notice and Administration Costs paid, incurred or owing and less any Taxes and Tax Expenses paid, incurred or owing, shall be refunded to BNYM (or such other persons or entities as BNYM may direct) in accordance with the Stipulation.

19. **Entry of Final Judgment** – There is no just reason to delay the entry of this Order and Final Judgment and immediate entry by the Clerk of the Court is expressly directed.

SO ORDERED this _____ day of _____, 2019.

The Honorable J. Paul Oetken
United States District Judge

Exhibit 1

**List of Persons and Entities Excluded from
the Settlement Class Pursuant to Request**

- | | |
|--|---|
| 1. Douglas Aaronson
New York, NY | 12. James A. Davenport
Midlothian, VA |
| 2. Edward W. Bachman
Stratford, CT | 13. Estate of Elizabeth M. Derco
New Brunswick, NJ |
| 3. Louella F. Benson
Alexandria, VA | 14. Maria A. Diaz
Whitehouse Station, NJ |
| 4. Clarice D. Black
New Orleans, LA | 15. John Erickson
Glen Head, NY |
| 5. Mary Ann Black
New Orleans, LA | 16. Marilyn M. Francis
Treadwell, NY |
| 6. Michael J. & Hope Bolton
Michael Bolton + Hope Bolton TR
UA 21-SEP-94
Battle Creek, MI | 17. Peter O. Geiger
Geneva, Switzerland |
| 7. Sally Carr
Belfast, ME | 18. Bruce J. & Joyce F. Genrich
Marinette, WI |
| 8. Melody Casteel
Greenbrier, TN | 19. Celestine A. Greenidge
Jamaica, NY |
| 9. Bonna Chang
Tustin, CA | 20. Marilyn E. Hayes
Hayes Trust 11/10/89
Burbank, CA |
| 10. Herbert Dauber TR UA 6/6/85
Dauber Trust
Kailua, HI | 21. Martha Henderek
Edmonton, AB
Canada |
| 11. Joyce C. Dauber TR UA 6/6/85
Joyce C. Dauber Trust
Kailua, HI | 22. Patricia Jean Huff
Simi Valley, CA |
| | 23. Darlene A. Hunt-Bauer
La Conner, WA |

24. Paul A. & Jane A. Jesus
Paul A. Jesus Jane A. Jesus Tr Ua
09/26/02
Paul A. Jesus & Jane A. Jesus 2002
Revocable Trust
Hayward, CA
25. Donald Johnson
Abingdon, MD
26. Phyllis & Wallace Kilgore
The Wallace Dale Kilgore and
Phyllis Jean Kilgore Revocable Trust
dated November 11, 2006
Millbrae, CA
27. Alice M. Korfman
N Vancouver, BC
Canada
28. Arnold L. Lehmann
Spokane, WA
29. Roy Lemieux
Newmarket, NH
30. Estate of Donald F. Littlefield
Fort Collins, CO
31. Maureen McCafferty
Trenton, NJ
32. Bettie B. Miller, Trust UA
Bettie B. Miller, TR 12-22-94
Redding, CA
33. David J. & Treva J. Mogish
Jacksonville, AR
34. David Paputsa
Morris, IL
35. Peter H. Pilshaw Revocable Trust
11/29/2005
Weatherly, PA
36. Peter H. Pilshaw
Weatherly, PA
37. Katherine M. Powell
Devon, PA
38. Annette J. Priest
Colorado Springs, CO
39. Cheryl A Quinn
Evelyn May Quinn Revocable
Living Trust dated October 15, 2015
Las Vegas, NV
40. James P. Rhodes
Lincoln, CA
41. Frank Rincoe Jr. & Barbara Joyce
Rincoe
Charleston, SC
42. Virginia A. Salmon
Bloomfield, NJ
43. Constance M. Smith, Trustee
The Meta M. Smith Revocable Trust
Wilmington, DE
44. Frank J. Sticha
Maywood, IL
45. Janet E. Popp Stout
Angola, NY
46. Sandra J. Stude Syverson
Olathe, KS
47. Joan M. Taylor
Honey Brook, PA

48. David Huguley Tucker
Lafayette, AL

49. Nancy H. & John J.
Tulko Parlin, NJ

50. Estate of Helen Vesper
Bellerose, NY

51. John Charles Watson
Parkersburg, WV

52. Ingrid & Alexander Weber
Essen, Germany

53. Wolff R. Zimmermann
Schortens, Germany

54. The Elmer Schult & Hildegard
Schult Family Trust
Barnhart, MO

EXHIBIT 4

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

IN RE: THE BANK OF NEW YORK MELLON ADR FX LITIGATION	16-CV-00212-JPO-JLC
This Document Relates to:	ECF Case
ALL ACTIONS	

**[PROPOSED] ORDER APPROVING PLAN OF ALLOCATION OF
NET SETTLEMENT FUND**

WHEREAS, this matter came on for hearing on June 17, 2019 (the “Final Approval Hearing”) on Lead Plaintiffs’ motion to determine whether the proposed plan of allocation of the Net Settlement Fund (“Plan of Allocation”) created by the Settlement achieved in the above-captioned class action (the “Action”) should be approved. The Court having considered all matters submitted to it at the Final Approval Hearing and otherwise; and it appearing that notice of the Final Approval Hearing substantially in the forms approved by the Court was provided to the Settlement Class as directed, including mailed notice to Registered Holder Settlement Class Members identified in the records of The Bank of New York Mellon’s transfer agent, and an extensive multimedia notice campaign targeting Settlement Class Members and consisting of publications in various magazines, newspapers and investment e-newsletters as well as banner ads served over a variety of business, news, and investment websites and across social media platforms; and the Court having considered and determined the fairness and reasonableness of the proposed Plan of Allocation; and

WHEREAS, this Order incorporates by reference the definitions in the Stipulation and Agreement of Settlement dated January 15, 2019 (ECF No. 147-2) (the “Stipulation”), and all

capitalized terms not otherwise defined herein shall have the same meanings as set forth in the Stipulation.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. **Jurisdiction** –The Court has jurisdiction to enter this Order and over the subject matter of the Action, as well as personal jurisdiction over all of the Parties and each of the Settlement Class Members.

2. **Notice** – Pursuant to and in compliance with Rule 23 of the Federal Rules of Civil Procedure, this Court hereby finds and concludes that due and adequate notice was directed to Settlement Class Members, advising them of the Plan of Allocation and of their right to object thereto, and a full and fair opportunity was accorded to Settlement Class Members to be heard with respect to the Plan of Allocation.

3. Over 473,000 Post-Card Notices were mailed to Registered Holder Settlement Class Members and millions of additional Settlement Class Members were notified of the Settlement and Plan of Allocation through the extensive multimedia notice campaign, and there are no objections to the Plan of Allocation.

4. **Approval of Plan of Allocation** – The Court hereby finds and concludes that the formula for the calculation of claims as set forth in the Plan of Allocation provides a fair and reasonable basis upon which to allocate the proceeds of the Net Settlement Fund among Settlement Class Members with due consideration having been given to administrative convenience and necessity.

5. The Court hereby finds and concludes that the Plan of Allocation is, in all respects, fair and reasonable to the Settlement Class. Accordingly, the Court hereby approves the Plan of Allocation proposed by Lead Plaintiffs.

6. **No Impact on Judgment** – Any appeal or any challenge affecting this Court’s approval regarding any plan of allocation of the Net Settlement Fund shall in no way disturb or affect the finality of the Order and Final Judgment.

7. **Retention of Jurisdiction** – Exclusive jurisdiction is hereby retained over the Parties and the Settlement Class Members for all matters relating to this Action, including the administration, interpretation, effectuation, or enforcement of the Stipulation and this Order.

8. **Entry of Order** – There is no just reason for delay in the entry of this Order and immediate entry by the Clerk of the Court is expressly directed.

SO ORDERED this _____ day of _____, 2019.

The Honorable J. Paul Oetken
United States District Judge

EXHIBIT 5

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

IN RE: THE BANK OF NEW YORK MELLON ADR FX LITIGATION	16-CV-00212-JPO-JLC
This Document Relates to:	ECF Case
ALL ACTIONS	

**[PROPOSED] ORDER AWARDING ATTORNEYS' FEES AND EXPENSES AND
SERVICE AWARDS TO LEAD PLAINTIFFS**

WHEREAS, this matter came on for hearing on June 17, 2019 (the “Final Approval Hearing”) on Lead Plaintiffs’ Counsel’s motion for attorneys’ fees, reimbursement of Litigation Expenses, and Service Awards to Lead Plaintiffs. The Court having considered all matters submitted to it at the Final Approval Hearing and otherwise; and it appearing that notice of the Final Approval Hearing substantially in the forms approved by the Court was provided to the Settlement Class as directed, including mailed notice to Registered Holder Settlement Class Members identified in the records of The Bank of New York Mellon’s transfer agent, and an extensive multimedia notice campaign targeting Settlement Class Members and consisting of publications in various magazines, newspapers and investment e-newsletters as well as banner ads served over a variety of business, news, and investment websites and across social media platforms; and the Court having considered and determined the fairness and reasonableness of the award of attorneys’ fees and Litigation Expenses requested; and

WHEREAS, this Order incorporates by reference the definitions in the Stipulation and Agreement of Settlement dated January 15, 2019 (ECF No. 147-2) (the “Stipulation”), and all

capitalized terms not otherwise defined herein shall have the same meanings as set forth in the Stipulation.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. **Jurisdiction** – The Court has jurisdiction to enter this Order and over the subject matter of the Action, as well as personal jurisdiction over all of the Parties and each of the Settlement Class Members.

2. **Notice** – Notice of Lead Plaintiffs’ Counsel’s motion for an award of attorneys’ fees and reimbursement of Litigation Expenses was provided by mailed Post-Card Notice to Registered Holder Settlement Class Members and to Settlement Class Members through an extensive multimedia notice campaign. The forms and methods of notifying the Settlement Class of Lead Plaintiffs’ Counsel’s motion for an award of attorneys’ fees and reimbursement of Litigation Expenses satisfied the requirements of Rules 23 and 54 of the Federal Rules of Civil Procedure, the Constitution of the United States (including the Due Process Clause), and all other applicable law and rules; constituted the best notice practicable under the circumstances; and constituted due and sufficient notice to all persons and entities entitled thereto.

3. **Fee and Expense Award** – Lead Plaintiffs’ Counsel are hereby awarded attorneys’ fees in the amount of _____% of the Settlement Fund and \$_____ in reimbursement of Plaintiffs’ Counsel’s Litigation Expenses, which sums the Court finds to be fair and reasonable. The attorneys’ fees and expenses awarded will be paid to Plaintiffs’ Counsel from the Settlement Fund in accordance with the terms of the Stipulation and in accordance with Lead Plaintiffs’ Counsel’s Motion for Attorneys’ Fees, Reimbursement of Litigation Expenses, and Service Awards to Lead Plaintiffs (ECF No. 153).

4. **Factual Findings** – In making this award of attorneys’ fees and expenses to be paid from the Settlement Fund, the Court has considered and found that:

a. The Settlement has created a fund of \$72,500,000 in cash that has been funded into escrow pursuant to the terms of the Stipulation, and that numerous Settlement Class Members will benefit from the Settlement that occurred because of the efforts of Plaintiffs’ Counsel;

b. The fee sought by Lead Plaintiffs’ Counsel has been reviewed and approved as reasonable by Lead Plaintiffs, who oversaw the prosecution and resolution of the Action;

c. Notice was provided informing Settlement Class Members that Lead Plaintiffs’ Counsel would apply for an award of attorneys’ fees in an amount not to exceed 30% of the Settlement Fund and reimbursement of Litigation Expenses in an amount not to exceed \$1,750,000, which amount may include a request for Service Awards to Lead Plaintiffs up to an aggregate amount of \$40,000;

d. Plaintiffs’ Counsel have conducted the litigation and achieved the Settlement with skillful and diligent advocacy;

e. The Action raised a number of complex and novel issues;

f. Had Plaintiffs’ Counsel not achieved the Settlement, there would remain a significant risk that Lead Plaintiffs and the other members of the Settlement Class may have recovered less or nothing from the Defendant;

g. Plaintiffs’ Counsel devoted over 32,500 hours, with a lodestar value of \$14,473,549.25, to achieve the Settlement;

h. The amount of attorneys' fees awarded and Litigation Expenses to be reimbursed from the Settlement Fund are fair and reasonable and consistent with awards in similar cases; and

i. There have been no objections to Lead Plaintiffs' Counsel's request for an award of attorneys' fees and reimbursement of Litigation Expenses.

5. **Service Awards** – Lead Plaintiffs, David Feige, International Union of Operating Engineers Local 138 Annuity Fund ("IUOE Local 138"), Annie L. Normand, Diana Carofano, on behalf of her deceased husband, Don A. Carofano, and Chester County Employees Retirement Fund ("Chester County"), are hereby awarded an aggregate of \$35,000 from the Settlement Fund to compensate them for their efforts on behalf of the Settlement Class in this Action, as follows: \$10,000 each for Lead Plaintiffs David Feige, IUOE Local 138, and Diana Carofano and \$2,500 each for Lead Plaintiffs Annie Normand and Chester County.

6. **No Impact on Judgment** – Any appeal or any challenge affecting this Court's approval regarding any attorneys' fees and expense application shall in no way disturb or affect the finality of the Order and Final Judgment.

7. **Retention of Jurisdiction** – Exclusive jurisdiction is hereby retained over the Parties and the Settlement Class Members for all matters relating to this Action, including the administration, interpretation, effectuation, or enforcement of the Stipulation and this Order.

8. **Termination of Settlement** – In the event that the Settlement is terminated or the Effective Date of the Settlement otherwise fails to occur, this Order shall be rendered null and void to the extent provided by the Stipulation.

9. **Entry of Order** – There is no just reason for delay in the entry of this Order and immediate entry by the Clerk of the Court is expressly directed.

SO ORDERED this _____ day of _____, 2019.

The Honorable J. Paul Oetken
United States District Judge