### IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

Laydon v. Mizuho Bank, Ltd., et al.	No. 12-cv-3419 (GBD)
Sonterra Capital Master Fund Ltd., et al. v. UBS AG, et al.	No. 15-cv-5844 (GBD)
STATE OF WISCONSIN )	<del>-</del>

## AFFIDAVIT OF ERIC J. MILLER ON BEHALF OF A.B. DATA, LTD. REGARDING REQUESTS FOR EXCLUSION

- I, Eric J. Miller, being duly sworn, certify as follows:
- 1. I am the Vice President of Client Services of A.B. Data, Ltd's Class Action Administration Division ("A.B. Data"). I am over 21 years of age and am not a party to these Actions. My business address is 3507 Kyoto Gardens Drive, Suite 200, Palm Beach Gardens, FL 33410, and my telephone number is 561-336-1801. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.
- 2. I submit this affidavit as a supplement to the Affidavit of Eric J. Miller on behalf of A.B. Data, Ltd. regarding Notice and Claims Administration, dated September 27, 2016, previously filed with this Court (ECF No. 276) (the "Initial Mailing Affidavit").
- 3. Pursuant to the Superseding Order Preliminarily Approving Proposed Settlements with Citibank, N.A., Citigroup Inc., Citibank Japan Ltd., and Citigroup Global Markets Japan Inc., HSBC Holdings plc, HSBC Bank plc, R.P. Martin Holdings Limited and Martin Brokers (UK) Ltd., Scheduling Hearing for Final Approval Thereof, and Approving the Proposed Form and Program of Notice to the Class, entered on June 22, 2016 (the "Preliminary Approval Order"), this Affidavit

reports on the Opt-Out List<sup>1</sup> identifying all Persons who submitted a timely Request for Exclusion from the Settlement Class.

- 4. Pursuant to Paragraph 25 of the Preliminary Approval Order and Section III. C of the Mailed Notice, those members of the Settlement Class requesting exclusion were to provide the following information: (i) the name, address, and telephone number of the Settlement Class Member; (ii) a list of all trade names or business names that the Settlement Class Member requests to be excluded; (iii) the name of the Actions ("Laydon v. Mizuho Bank, Ltd., et al., No. 12-cv-3419 (GBD) (S.D.N.Y.) and Sonterra Capital Master Fund Ltd. et al. v. UBS AG et al., No. 15-cv-5844 (GBD) (S.D.N.Y.)"); (iv) a statement certifying such person is a Settlement Class Member; and (v) a statement that "I/we hereby request that I/we be excluded from the Settlement Class in Laydon v. Mizuho Bank, Ltd., et al., No. 12-cv-3419 (GBD) (S.D.N.Y.) and Sonterra Capital Master Fund Ltd. et al. v. UBS AG et al., No. 15-cv-5844 (GBD) (S.D.N.Y.)." All written requests must be signed by the Settlement Class Member (or his, her or its Legally Authorized Representative), notarized, and sent by First-Class mail to the Settlement Administrator postmarked no later than October 6, 2016.
- 5. Pursuant to Paragraph 28 of the Preliminary Approval Order, A.B. Data promptly logged each Request for Exclusion that it received and provided copies of the log to Class Counsel, Citi's counsel, and HSBC's counsel.
- 6. As reported in the Initial Mailing Affidavit, A.B. Data received four (4) requests or exclusion from the Settlement Class as of September 27, 2016. Since that date, A.B. Data has received three (3) additional requests for exclusion. Of the seven requests for exclusion, three (3) are from individuals who state that they did not purchase, sell, hold, trade or otherwise have any interest in any Euroyen-Based Derivatives and are therefore not Settlement Class Members.

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<sup>&</sup>lt;sup>1</sup>Unless otherwise defined herein, all capitalized terms used herein shall have the meanings set forth in the Preliminary Approval Order, the Notice, and/or the Stipulation and Agreement of Settlements.

Attached hereto as Exhibit A is a summary report of the four (4) exclusions from potential Settlement Class Members received as of the date of this Affidavit.

- 7. Pursuant to Paragraph 20 of the Preliminary Approval Order and Section III. B of the Mailed Notice, those members of the Settlement Class who wish to object to any aspect of the Settlements, application for attorneys' fee and expenses, or the Final Approval Order and Final Judgment are to file such objection with the Court and serve on Class Counsel and counsel of record for Citi and HSBC no later than October 11, 2016.
- 8. As of the date of this Affidavit, A.B. Data has not received any objections to the Settlements and knows of no other objections sent to Class Counsel and/or counsel for the Citi Defendants or HSBC Defendants.

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

Executed this 13<sup>th</sup> day of October 2016.

Eric J. Miller

SUBSCRIBED and SWORN before me this 13th day of October 2016.

STEVEN STRAUB, Notary Public My commission expires May 18, 2020.



# **EXHIBIT A**

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## Euroyen Litigation Exclusion Report

Name	Exclusion ID #	Postmark	Timely?	Contact information?	Name of Actions?	Statement that Class Member?	Exclusion Statement?	Signed?	Notarized?
1. James S. Yoshimori	37941248	8/26/2016		Missing Phone Number	No	No	No	Yes	No
2. Floyd S. Mikasa	37941251	8/30/2016	Y 4 9	Missing Phone Number	Yes	No	No	Yes	No
3. Ellen M. Nedell	37941252	9/26/2016	Yes	Yes	No	No	No	Yes	Yes
4. Larry K.L. Wong	37941254	9/30/2016	Yes	Yes	Yes	No	Yes	Yes	Yes