

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Laydon v. Mizubo 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)

[PROPOSED]
ORDER GRANTING CLASS COUNSEL'S MOTION FOR AWARD OF EXPENSES

This matter came for a duly-noticed hearing on July 12, 2018 (the “Fairness Hearing”), upon Class Counsel’s Motion for Award of Attorneys’ Fees and Expenses (“Fee and Expense Application”) in the related actions captioned *Laydon v. Mizubo Bank, Ltd., et al.*, No. 12-cv-3419 (GBD) (S.D.N.Y.) (“*Laydon*”) and *Sonterra Capital Master Fund Ltd., et al. v. UBS AG, et al.*, No. 15-cv-5844 (GBD) (S.D.N.Y.) (“*Sonterra*”) (collectively, the “Actions”). The Court has considered the Fee and Expense Application and all supporting and other related materials, including the matters presented at the Fairness Hearing. Due and adequate notice of the Stipulation and Agreement of Settlement with The Bank of Tokyo-Mitsubishi UFJ, Ltd. (now known as MUFG Bank, Ltd.) (“BTMU”) and Mitsubishi UFJ Trust and Banking Corporation (“MUTB” and with BTMU, the “Settling Defendants”) entered into on January 23, 2018 (collectively, the “Settlement Agreement”)¹ having been given to the Settlement Class Members, the Fairness Hearing having been held, and the Court having considered all papers filed and proceedings held herein and otherwise being fully informed in the premises and good cause appearing therefore,

¹ Unless otherwise defined herein, all capitalized terms used have the meanings set forth and defined in the Settlement Agreement.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. This Court has personal jurisdiction over Plaintiffs, BTMU and MUTB (the “Parties”) and all Settlement Class Members and subject matter jurisdiction over the Actions to approve the Settlement and all exhibits attached thereto;
2. Notice of the Fee and Expense Application was provided to potential Settlement Class Members in a reasonable manner, and such notice complies with Rule 23(h)(1) of the Federal Rules of Civil Procedure and due process requirements;
3. Class Counsel may withdraw up to \$500,000 from the Settlement Fund to defray current and future litigation expenses, including discovery expenses and expert fees, for prosecuting the claims asserted against the non-settling Defendants in the Actions;
4. In the event that the Settlement is terminated or the Effective Date does not occur in accordance with the terms of the Settlement, this Order shall be null and void, of no further force or effect, and without prejudice to any of the Parties, and may not be introduced as evidence or used in any actions or proceedings by any Person against the Parties;
5. Pursuant to Section 5(D) of the Settlement Agreement, this fee award is independent of the Court’s consideration of the fairness, reasonableness, and adequacy of the Settlement and is also independent of the Court’s consideration of the proposed Plan of Allocation;
6. The expenses awarded herein may be paid to Plaintiffs’ Counsel from the Settlement Fund immediately upon entry of this Order, subject to the terms, conditions, and obligations of the Settlement which terms, conditions, and obligations are incorporated herein; and
7. Class Counsel is hereby authorized to allocate the expenses among Plaintiffs’ Counsel in a manner in which, in its judgment, reflects the costs and expenses incurred in the prosecution and settlement of the Actions;

IT IS SO ORDERED.

This ____ day of _____, 2018.

Honorable George B. Daniels
United States District Judge