

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

RICHARD DENNIS, SONTERRA CAPITAL  
MASTER FUND, LTD., FRONTPOINT FINANCIAL  
SERVICES FUND, L.P., FRONTPOINT ASIAN  
EVENT DRIVEN FUND, L.P., FRONTPOINT  
FINANCIAL HORIZONS FUND, L.P., AND  
ORANGE COUNTY EMPLOYEES RETIREMENT  
SYSTEM, on behalf of themselves and all others  
similarly situated,

Docket No. 16-cv-06496 (LAK)

Plaintiffs,

-against-

JPMORGAN CHASE & CO., JPMORGAN CHASE  
BANK, N.A., BNP PARIBAS, S.A., THE ROYAL  
BANK OF SCOTLAND GROUP PLC, THE ROYAL  
BANK OF SCOTLAND PLC, RBS N.V., RBS GROUP  
(AUSTRALIA) PTY LIMITED, UBS AG,  
AUSTRALIA AND NEW ZEALAND BANKING  
GROUP LTD., COMMONWEALTH BANK OF  
AUSTRALIA, NATIONAL AUSTRALIA BANK  
LIMITED, WESTPAC BANKING CORPORATION,  
DEUTSCHE BANK AG, HSBC HOLDINGS PLC,  
HSBC BANK AUSTRALIA LIMITED, LLOYDS  
BANKING GROUP PLC, LLOYDS BANK PLC,  
MACQUARIE GROUP LTD., MACQUARIE BANK  
LTD., ROYAL BANK OF CANADA, RBC CAPITAL  
MARKETS LLC, MORGAN STANLEY, MORGAN  
STANLEY AUSTRALIA LIMITED, CREDIT SUISSE  
GROUP AG, CREDIT SUISSE AG, ICAP PLC, ICAP  
AUSTRALIA PTY LTD., TULLETT PREBON PLC,  
TULLETT PREBON (AUSTRALIA) PTY LTD., AND  
JOHN DOES NOS. 1-50.

Defendants.

**DECLARATION OF JACK EWASHKO ON BEHALF OF A.B. DATA, LTD.  
REGARDING REQUESTS FOR EXCLUSION**

Pursuant to 28 U.S.C. §1746, I, Jack Ewashko, declare:

1. I submit this Declaration as a supplement to my earlier declaration, the Declaration of Jack Ewashko Regarding Notice Administration, dated August 1, 2022 (ECF 548-1) (the “Initial Mailing Declaration”). I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

2. Since the execution of the Initial Mailing Declaration, A.B. Data has continued to disseminate copies of the mailed notice (the “Class Notice”) in response to additional requests from potential Class Members and nominees and based on additional information received from Settling Defendants. Between August 2, 2022 and October 17, 2022, A.B. Data mailed an additional 3,278 copies of the Class Notice to potential Class Members and nominees. Most of these additional copies were “re-mails” sent because the first attempt to deliver the Class Notice to Class Members was unsuccessful. In aggregate, A.B. Data has mailed 55,838 copies of the Class Notice to potential Class Members and Nominees.

3. Pursuant to the Orders granting conditional certification entered on May 11, 2022 (ECF Nos. 542, 544) (the “Conditional Certification Orders”), and the Orders approving the Class Notice plan entered February 1, 2022 and amended on May 11, 2022 (ECF Nos. 525-30, 543) (the “Class Notice Orders”), this Declaration reports on the Opt-Out List identifying all Persons who submitted a Request for Exclusion from the Settlement Class.

4. Pursuant to Section III.C of the Notice, Class Members requesting exclusion from the Settlement Class were to provide the following information: (1) the name, address, and telephone number of the Settlement Class Member, (2) a list of all trade names or business names that the Settlement Class Member requests to be excluded; (3) the name of the Action (“*Dennis et al. v. JPMorgan Chase & Co. et al.*, No. 16-cv-06496 (LAK) (S.D.N.Y.)”); (4) a statement certifying such person is a Settlement Class Member; (5) a description of the BBSW-Based Derivatives

transactions purchased, acquired, sold, held, traded or that the Settlement Class Member otherwise had any interest in that fall within the Settlement Class definition (including, for each transaction, the identity of the broker, the date of the transaction, the type (including direction) of the transaction, the counterparty (if any), the exchange on which the transaction occurred (if any), any transaction identification numbers, the rate, the effective and maturity dates and/or trade dates for each of the aforementioned transactions and the notional value or amounts of the transactions); and (vi) a statement that “I/we hereby request that I/we be excluded from the Settlement Class in *Dennis et al. v. JPMorgan Chase & Co. et al.*, No. 16-cv-06496 (LAK) (S.D.N.Y.) for the Settlements with” JPMorgan, Westpac, ANZ, CBA, NAB, Morgan Stanley, Credit Suisse, and/or BNPP, Deutsche Bank, RBC, RBS and UBS. All written requests were to be signed by the Settlement Class Member and notarized. The exclusion must be sent U.S. first class mail (preferably certified mail) (or, if sent from outside the U.S., by a service that provides for guaranteed delivery within five (5) or fewer calendar days of mailing) to the Settlement Administrator not later than September 2, 2022.

5. A.B. Data promptly logs each request for exclusion that it receives and provide copies of the log to Class Counsel.

6. As reported in the Initial Mailing Declaration, as of August 1, 2022, A.B. Data received one (1) request for exclusion from the Settlement Class. Since that date, A.B. Data has received one (1) additional request for exclusion. The second request for exclusion, from KPMG Luxembourg S.A. as liquidator of Nordea Bank S.A., was received on September 13, 2022 without a postmark on the mailing envelope. The letter was dated August 29, 2022 and included a notary stamp dated August 31, 2022. Attached hereto as Exhibit A is a summary report of the

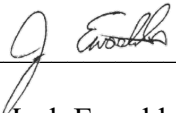
exclusions received as of the date of this Declaration, including information concerning the postmark date (if available) and the date the exclusion request was received.

7. Pursuant to Section III.B of the Notice, those Settlement Class Members who wish to object to the fairness, reasonableness, or adequacy of any term or aspect of the Settlements, were to file such objection with the Court and to serve on Class Counsel and all counsel for Settling Defendants no later than September 2, 2022.

8. As of the date of this Declaration, A.B. Data has not received any objections to the Settlements and knows of no other objections sent to Class Counsel or counsel for Settling Defendants.

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

Executed this 17th day of October 2022.

  
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Jack Ewashko

# EXHIBIT A

**Dennis et al. v. JPMorgan Chase & Co. et al. No.: 16-cv-06496 (LAK)****Exclusion Report**

	Name	Exclusion ID #	Postmark	Timely?	Contact Information?	Name of Action?	Class MemberStatement?	Transaction(s) Statement?	Exclusion Statement?	Signed?
1.	Kerant Capital Limited	200264066	7/25/2022	Y	Y	Y	Y	N	Y	Y
2.	Nordea Bank S.A.	200264067		N	Y	Y	N	N	Y	Y
3.										
4.										
5.										
6.										
7.										
8.										