

**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.

**NOTICE OF MOTION  
FOR CONDITIONAL CLASS CERTIFICATION FOR PURPOSES OF CLASS ACTION  
SETTLEMENT WITH WESTPAC BANKING CORPORATION, FOR A  
SUPERSEDING ORDER FOR CONDITIONAL CERTIFICATION FOR PURPOSES  
OF CLASS ACTION SETTLEMENT WITH JPMORGAN CHASE & CO. AND  
JPMORGAN CHASE BANK, N.A., AND FOR AN ORDER ISSUING CLASS NOTICE  
OF PROPOSED SETTLEMENTS WITH WESTPAC AND JPMORGAN**

**PLEASE TAKE NOTICE** that, upon the accompanying memorandum of law, the Joint Declaration of Vincent Briganti and Christopher McGrath and the exhibits attached thereto, including the Stipulation and Agreement of Settlement as to Defendant Westpac Banking Corporation (“Westpac”) and the Amendment to the Stipulation and Agreement of Settlement as to Defendants JPMorgan Chase & Co. and JPMorgan Chase Bank, N.A. (collectively, “JPMorgan”), Representative Plaintiffs, by and through their undersigned counsel, will move this Court, before the Honorable Lewis A. Kaplan, Courtroom 21B, United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007 on a date and time to be set by the Court, for orders, *inter alia*: (i) conditionally certifying the Class for settlement pursuant to Fed. R. Civ. P. 23(a) and 23(b)(3) subject to later, final approval of such Class for purposes of the Westpac and JPMorgan settlements; (ii) conditionally appointing Lowey Dannenberg, P.C. and Lovell Stewart Halebian Jacobson LLP as Class Counsel for the Class with respect to the Westpac settlement; (iii) approving the proposed plan of notice to the Class, including the form and substance of the proposed class notices; (iv) setting a fairness hearing and certain related deadlines leading up to the fairness hearing, including deadlines to object to the proposed settlements and request exclusion from the Class; (v) granting leave to Representative Plaintiffs to develop a plan of distribution and proof of claim form for later approval by the Court prior to the deadlines for objections and requests for exclusion; (vi) appointing A.B. Data as the Settlement Administrator for the Westpac settlement; (vii) appointing Citibank, N.A. as Escrow Agent for purposes of the Settlement Fund for the Westpac settlement; and (viii) staying all proceedings against Westpac and JPMorgan until the Court renders a decision on final approval of the proposed settlements.

Dated: March 1, 2021  
White Plains, New York

**LOWEY DANNENBERG, P.C.**

By: /s/ Vincent Briganti  
Vincent Briganti  
Geoffrey M. Horn  
44 South Broadway, Suite 1100  
White Plains, New York 10601  
Tel.: 914-997-0500  
Fax: 914-997-0035  
vbriganti@lowey.com  
ghorn@lowey.com

**LOVELL STEWART HALEBIAN JACOBSON LLP**

By: /s/ Christopher McGrath  
Christopher Lovell  
Christopher McGrath  
500 Fifth Avenue, Suite 2440  
New York, NY 10110  
Tel: (212) 608-1900  
clovell@lshllp.com  
cmcgrath@lshllp.com

*Counsel for Representative Plaintiffs and the Proposed Class*

Todd Seaver  
Carl N. Hammarskjold  
**BERMAN TABACCO**  
44 Montgomery Street, Suite 650  
San Francisco, CA 94104  
Tel.: (415) 433-320  
Fax: (415) 433-6382  
tseaver@bermantabacco.com  
chammarskjold@bermantabacco.com

Patrick T. Egan (PE-6812)  
**BERMAN TABACCO**  
One Liberty Square  
Boston, MA 02109  
Tel.: (617) 542-8300  
Fax: (617) 542-1194  
pegan@bermantabacco.com

*Additional Counsel for Orange County Employees Retirement System*