Broadridge®

Ready for Next

2022 Global Class Action Annual Report

The top 10 most complicated class action asset recovery opportunities of 2022

2022 GLOBAL CLASS ACTION

ANNUAL REPORT

Introduction 3

The Top 10 Most Complex Cases of 2022 5

Industry Trends:
Noteworthy Class Action Developments in 2022 6

Our Methodology 7

Glossary 7

Cases 9

10. Twitter Securities Litigation 9

9. Crown Resorts Securities Litigation 11

8. CannTrust Global Settlement 13

7. Luckin Coffee Inc. Securities Litigation 15

6. Airbus SE 17

5. Navient Securities Litigation 19

4. Precious Metals Antitrust Litigations (Gold Fix Settlement and Precious Metals Spoofing Litigation) 21

3. Teva Securities Litigation 24

2. SIBOR/SOR Antitrust Litigation 26

1. Steinhoff Global Settlement 28

Honorable Mentions 30

Spectrum Brands and HRG Group Securities Litigations 30

Resideo Technologies Securities Litigation 31

Mallinckrodt Securities Litigation 32

Mindbody Securities Litigation 33

Dakota Plains Securities Litigation 34

Chicago Bridge & Iron Securities Litigation 35

Aegean Marine Securities Litigation 36

Miller Energy Securities Litigation 37

AmTrust Preferred Stock Litigation 38

Blackberry Limited Securities Litigation 39

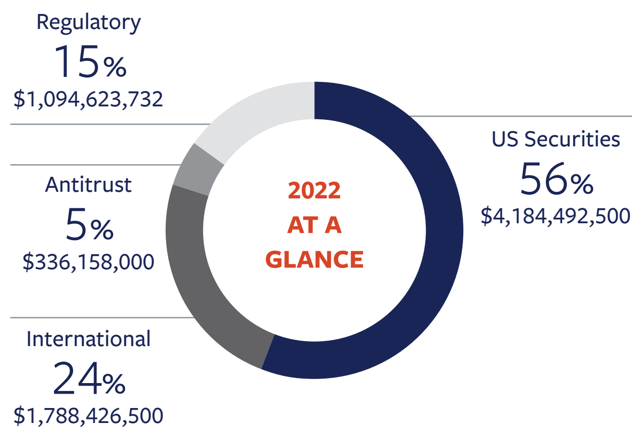
About Broadridge 40

2022 GLOBAL CLASS ACTION ANNUAL REPORT

The top 10 most complicated class action asset recovery opportunities of 2022.

INTRODUCTION

2022 settles any doubt that the momentary dip in securities class action settlement activity that we witnessed during the height of the pandemic is firmly behind us. By most metrics, including total settlement dollars and the sheer number of claim filing deadlines, 2022 presents one of the busiest years we've seen, with a 142% larger cumulative settlement pool, and 21% more filing deadlines compared to 2021.



Each of these deadlines presents an opportunity to recoup funds to which institutional investors and their clients are owed. All told, there were over 160 (↑21%) separate claim filing deadlines in 2022 with a total settlement value exceeding $7.4 billion (↑142%) and average settlements in excess of $45 million (↑100%).

Broadridge also identified more than 240 newly filed class or collective actions worldwide related to investments in publicly traded securities, bringing the total number of active cases we are tracking but that have not settled to over 900.

As we reported last year, total new filings are down compared to pre-pandemic levels. This decline is largely attributed to a substantial reduction in the number of merger and acquisition class action cases being filed, which at its peak accounted for nearly half of all securities class action cases in U.S. courts. Such cases are now being filed as individual cases, without class allegations. This shift will not impact recovery opportunities for our clients as these cases rarely result in monetary settlements that benefit the underlying investors, either because of their relatively high dismissal rate or because many of the settlements do not include cash components and instead simply require additional disclosures by the company. Certainly, there are noteworthy exceptions, and where M&A cases include a monetary recovery involving a claims process, we include those in our results.

With $7.4 billion in settlement dollars on the table this year, the attenuated relationship between new filings and total recovery should be clear. Further, even though 2023 has just begun, at the time of press we already have over $1 billion in settlements this first quarter.

The increasing complexities of financial instruments (as well as new instruments, commodities, and currencies, such as cryptocurrencies) and the continued high volume of cases can make it difficult for institutional investors to stay on top of the everchanging landscape, as well as file complete claims to ensure that they are not leaving money on the table. Methods to identify settlements are complex, processing requirements can be arduous, and new jurisdictions, laws, and legal theories are entering the ecosystem at an unprecedented pace. As a result, even when investors identify and timely file claims, many of them are denied for foot faults, failures to plan, incomplete data, and/or errors in the claim-filing process.

In this report, Broadridge, an active partner supporting the class action needs of the financial services industry, highlights some of the most complex class action cases of 2022. Collectively, these highlighted settlements total over $3.3 billion USD.

Our report aims to detangle the complexities of the class action world to better equip hedge funds, pension funds, asset managers, custodian banks, investment advisors and broker-dealers for participation in future cases.

We hope you will find this report instructive on how to prepare for even the most complex of cases, and that it facilitates the proper and accurate adjudication of your claims.

SETTLEMENTS OVER $100M USD

Steinhoff Global Settlement
The Netherlands; S. Africa
1,470,140,000

Twitter, Inc. Securities Litigation
US – Federal
809,500,000

GTV Media Group, Inc., Fair Fund
Regulatory
539,433,428

Teva Securities Litigation
US – Federal
420,000,000

General Electric Company Fair Fund
Regulatory
200,000,000

Luckin Coffee Inc. Securities Litigation
US – Federal
175,000,000

Blackberry Limited Securities Litigation
US – Federal
165,000,000

SIBOR/SOR Price-Fixing Antitrust Litigation
US – Federal
155,458,000

Granite Construction Inc. Securities Litigation
US – Federal
129,000,000

Walgreen Co. Securities Litigation
US – Federal
105,000,000

Stamps.com, Inc. Securities Litigation
US – Federal
100,000,000

Novo Nordisk A/S: ADR Securities Litigation
US – Federal
100,000,000

Facebook Fair Fund
Regulatory
100,000,000

THE TOP 10 MOST COMPLEX CASES OF 2022

10
Twitter Securities Litigation
$809,500,000

9
Crown Resorts Securities Litigation
$125,000,000 AUD

8
CannTrust Global Settlement
$83,000,000 CAD

7
Luckin Coffee Inc. Securities Litigation
$175,000,000

6
Airbus SE
$5,000,000 (U.S. Federal); Pending Litigation (the Netherlands)

5
Navient Securities Litigation
$35,000,000

4
Precious Metals Antitrust Litigations
$110,000,000 (Combined)

3
Teva Securities Litigation
$420,000,000

2
SIBOR/SOR Antitrust Litigation
$155,458,000

1
Steinhoff Global Settlement
€1,400,000,000

INDUSTRY TRENDS: NOTEWORTHY CLASS ACTION DEVELOPMENTS IN 2022

Continued focus on ESG investing, and on securities class and collective actions as a tool for enforcing shareholder values. 2022 continued the rise in shareholder class and collective actions with broader ESG-related allegations mirroring the rise in ESG investing which is expected to grow to $30 trillion by 2030 as reported in our "ESG and Sustainable Investment Outlook" report. This trend is accelerated by a shift in investor behavior, whereby institutional and other investors view class and collective actions with ESG at their core as an effective way to enforce their ESG policies and goals. With regulators worldwide looking to crack down on ESG greenwashing, and in this new era of event-driven securities litigation, we expect this trend to stand the test of time and become the norm.

Growth in Opt-In jurisdictions and the rise in collective investor actions. Each year in our Annual Report we feature new laws or jurisdictions that permit collective actions. Noteworthy developments in 2022 include:

- New Zealand took significant steps toward protecting the interest of investors when the *Te Aka Matua o te Ture* (the Law Commission's Māori name) presented its much-anticipated Class Actions and Litigation Funding report and recommendations to its parliament. The report makes 121 recommendations, and the commission concludes "…[t]he increasing number of large representative proceedings… demonstrates a clear need for a group litigation mechanism that can resolve claims justly and efficiently."
- The Monetary Authority of Singapore announced its investigation into enhancing investors' recourse for losses due to securities market misconduct—which may include permitting third-party litigation financing, and greater statutory support for collective redress.
- The conclusion of 2020's E.U. Directive on Representative Actions, which required all E.U. member states to either devise or amend their collective redress regimes by December 25, 2022 and implement the same by June 25, 2023. The Netherlands was the first member state to oblige in June of 2022, when it amended its already plaintiff-friendly collective redress regime to further encourage cross-border collective disputes.

Increased participation in Opt-In Litigation. Opt-in opportunities have been active for years now, particularly in certain European and South American jurisdictions, but this year we continue to see increased investor interest in opt-in litigation worldwide. In fact, some of the most common questions that the Broadridge team fields from institutional investors relate to participation in these matters. Some of these questions relate to ESG as investors tie ESG and class actions together more frequently as discussed above; the rest can be attributed to the growing number of jurisdictions, thus increasing global awareness and the amount of money at stake.

SPAC and cryptocurrency-related securities litigations continue trending upwards in 2022. Special Purpose Acquisition Company (SPAC) and cryptocurrency-related securities class action filings continue to lead federal court dockets with 25 SPAC cases and 23 cryptocurrency-related cases filed in 2022, representing 12.8% and 11.7% of all federal securities class action filings respectively. That said, we don't expect this trend to continue much longer as SPACs have significantly fallen out of vogue, with a near 90% decrease in the number of SPAC IPOs from 2021 to 2022. Cryptocurrency-related litigation, however, is likely here to stay with crypto markets losing trillions during the "crypto crash" of 2022. A word of caution though: of the three cryptocurrency-related securities cases that were resolved in 2022, two were the result of a default judgment and one settlement remains unfunded as the defendants are insolvent; thus recovery may be limited.

Broker-Dealers shift in service. We have highlighted this shift for several years, but broker-dealers continue to seek ways to better serve their customers by providing claim-filing and asset recovery services in addition to simply providing notice to their retail customers. As a direct result of this shift, in 2022, Broadridge filed more claims than in previous years by a wide margin, and onboarded more broker-dealer clients than in any prior year, a testament to this continued trend.

Federal forum provisions driving more IPO cases to federal court. Securities Act litigation in state court rose sharply post-Cyan[1]; however, courts around the country, including the Ninth Circuit, have reliably been upholding federal forum provisions, or FFPS. As such, we are seeing an uptick in IPO litigation in federal courts as a result and we expect this trend to continue into 2023.

Concern over short-seller claw back exposure in Delaware merger cases. Recent settlement programs out of the Delaware Chancery Court have introduced potential complexities for Deposit Trust & Clearing Corporation (DTCC) participants in merger cases for clients that had open short positions at the time of a merger that later results in additional merger consideration being distributed as part of a settlement program directly paid by DTCC. Broadridge has been fielding questions and working with its clients to better understand this issue and mitigate the risk.

Broadridge continues to expand its suite of services around notification, portfolio monitoring, and class action asset recovery on behalf of investors as the industry grows and becomes more complex.

[1] *See Cyan, Inc. v. Beaver Cnty. Emps. Ret. Fund,* 138 S. Ct. 1061 (2018), where the U.S. Supreme Court held that (1) state courts have concurrent jurisdiction over class actions alleging violations of the Securities Act and (2) such cases are not removable to federal court. Briefly, there may exist certain strategic advantages to pursuing a case in state court – for example, discovery is immediately available, and the heightened scrutiny and additional protective procedures required by the Private Securities Litigation Reform Act (PSLRA) do not apply.

OUR METHODOLOGY

Broadridge offers a robust, end-to-end portfolio monitoring and asset recovery service with no jurisdictional or financial product limits. Accordingly, this report looks at cases globally that involve publicly traded securities or other financial instruments where a class or collective action mechanism was used to recoup lost funds. We include cases brought under both securities and antitrust laws.

Our proprietary database tracks U.S. securities class actions; antitrust class actions involving securities and complex financial products; international collective actions; U.S. SEC and DOJ enforcement actions; and other "mass redress" cases that involve financial instruments in which our clients transact.

We broadly refer to all these types of litigations when we discuss class actions in this report. Using the Broadridge database, we identified more than 160 global cases involving securities and/or financial products with a claim filing deadline in 2022. Leveraging Broadridge experts in the financial services and class action area, this report provides a comprehensive summary of the most complex cases in 2022 and highlights several other cases we deem to be honorable mentions. Each case profile provides the case facts, case overview, and a detailed summary of the complications and administrative challenges that factored into the case making the list.

Cases are ranked by complexity from the standpoint of a financial institution's ability to recover its funds or those of its investors and clients. We define complexity from an administrative standpoint, including such factors as:

- The lift and work involved in identifying and monitoring the case
- The difficulty of housing, scrubbing, and preparing the data
- Complexities in jurisdictional, judicial and/or filing requirements
- Complex deadlines (e.g., more than one settlement, with different legal rights and deadlines)
- Complexities in the security/product of interest and the underlying data needed to prove a claim
- Complexities in the loss calculation formula
- Competing litigations (multiple law firms/funder groups)
- Any other factors that impact the ability to file a complete and comprehensive claim and recover assets

GLOSSARY

Class actions are complex. Broadridge simplifies every step. We've included this scannable glossary to provide everyone with a clear understanding of the terms used in this report.

- **Certification** The judicial process whereby a court examines whether a case shall be permitted to proceed as a class action.
- **Claim Filing Deadline** The court-approved date by which all claims must be filed by class members.
- **Claims Administrator** A court-approved third party that handles the claims administration process in compliance with the terms of the settlement agreement.
- **Class** A group of individuals who have suffered a similar loss or harm and whose claims are brought in a singular lawsuit.
- **Class Action** A lawsuit brought by one or more individuals on behalf of others who are similarly situated. Under U.S. law, a case is only a class action after it is "certified" by a court.
- **Class Action Notice** A court-approved notice sent out by the claims administrator that describes the cause of action; the class claim; the class itself; how class members can enter an appearance through a lawyer; how members can request exclusion; and information regarding the binding nature of class judgments.
- **Class Counsel** The lawyers or law firms that are appointed by the court to represent the class representative and all class members.
- **Class Member** A person or entity that falls within the class definition of a class action lawsuit.
- **Class Period** The specific time period during which the unlawful conduct is alleged to have occurred.
- **Complaint** A formal legal document filed by one party ("plaintiff") that sets forth the allegations and claims against the other party ("defendant").
- **Exclusion Request** The formal request from a class member to be removed from the class.

- **Fair Fund** A fund established by the U.S. SEC to distribute disgorgements (wrongful profits), penalties and fines to defrauded investors.

- **Final Approval Order** A court order that approves (as is or with modification) a class action settlement.

- **Lead Plaintiff** A person, group of persons or entity that is selected by the court to represent the interests of all class members.

- **Litigation Funder** The third party lender that finances an opt-in litigation, typically in a non-recourse manner.

- **Market Loss** The actual out-of-pocket loss that an investor had for eligible transactions during the class period.

- **Opt-In** A characteristic of the type of class or collective actions, commonly featured in jurisdictions outside of North America and Australia, that requires harmed investors to affirmatively involve themselves in the litigation prior to settlement, often including the hiring of a law firm and litigation funder.

- **Opt-Out** The act of a class member electing not to be part of the class action lawsuit.

- **Plan of Allocation** The stated methodology by which a class action recovery will be allocated among eligible claimants: literally, it is a plan for allocating the settlement fund.

- **Preliminary Approval Order** A court order that indicates initial approval of a class action settlement, and directs the parties to begin the notification process, and solicit opt-outs and objections. The settlement is subject to final approval and may be modified.

- **Proof of Claim** A form that is completed with the necessary information requested by the claims administrator to process a claim.

- **Pro Rata** The percentage of the total recognized loss (as calculated pursuant to the Plan of Allocation) paid out of settlement funds to each eligible investor.

- **Recognized Loss** The loss amount calculated for the claim based on the court-approved Plan of Allocation.

- **Registration Deadline** The date by which investors are required to register their claims with the law firm and/or litigation funder in an international opt-in litigation. Typically, this date falls prior to the initiation of the litigation.

- **Security** The financial instrument that is part of a particular class action.

- **Securities Act of 1933 (“Securities Act”)** A U.S. law that requires companies offering securities to the public to make “full and fair” disclosure of relevant information in its registration statement. Section 11 of the Securities Act also creates a private right of action for investors—corporate liability—if the registration statement contains false or misleading information.

- **Securities Exchange Act of 1934 (“Exchange Act”)** A U.S. law that authorized the formation of the Securities and Exchange Commission (SEC), and created corporate liability beyond registration statements, permitting investors to sue for misleading statements or omissions most commonly under Section 10(b) of the Exchange Act and corresponding SEC Rule 10b-5.

- **Settlement Amount** The funds available to be distributed to the eligible class members pursuant to the Plan of Allocation.

CASES

10. Twitter Securities Litigation

JUST THE FACTS	
FULL CASE NAME:	*In re Twitter Inc. Securities Litigation* (4:16-cv-05314)
CLASS DEFINITION:	All persons and entities that purchased or otherwise acquired Twitter common stock between February 6, 2015, and July 28, 2015.
THE ALLEGATIONS:	The complaint alleges that Twitter made false and misleading statements regarding the company's growth prospects, violating the Securities Exchange Act of 1934. Plaintiffs further allege that Twitter falsely represented that its number of monthly active users (MAUs) was expected to increase, and that revenue would grow by nearly $5 billion over a period of several years.
SETTLEMENT AMOUNT:	$809,500,000
SECURITY:	Twitter common stock
COURT:	United States District Court for the Northern District of California
JUDGE:	Honorable Jon S. Tigar
CLAIMS ADMINISTRATOR:	Epiq Class Action & Claim Solutions, Inc.
CLASS COUNSEL:	Motley Rice LLC and Robbins Geller Rudman & Dowd LLP
LEAD PLAINTIFFS:	KBC Asset Management NV and National Elevator Industry Pension Fund
INITIAL COMPLAINT FILED:	September 16, 2016
PRELIMINARY APPROVAL ORDER ENTERED:	August 5, 2022
FINAL APPROVAL ORDER ENTERED:	November 21, 2022
CLAIM FILING DEADLINE:	November 23, 2022

AN OVERVIEW

Twitter, Inc. is a communications company based in San Francisco, California. In 2006, the company launched their primary product Twitter, a social networking platform that allows users to consume, create, distribute, and discover content. To generate revenue, Twitter sells ad space to global advertisers that aim to reach a large and growing user base. Thus, the company and analysts have focused closely on metrics measuring total users and, equally as important, the level of engagement of such users.

Plaintiffs allege that, in 2015, Twitter made misrepresentations and omissions about Twitter's prospects for increasing user growth and engagement including that the company knowingly made inaccurate public statements regarding these metrics and failed to disclose that the company's actual user growth was much slower. As a result, Twitter's stock dropped to under $26 per share, down from $50 per share in early 2015.

THE ADMINISTRATIVE CHALLENGES

Recognized loss amounts involved a "down to the minute" calculation In order to potentially have a Recognized Loss Amount under the court-approved Plan of Allocation, class members that purchased Twitter common stock prior to the first corrective disclosure, which occurred on April 28, 2015, must have held those shares until at least 3:07 p.m. EDT on April 28, 2015. If the class member sold their shares prior to 3:07 p.m. then their recognized loss would be $0.00.

IMPACT: Complicated recognized loss calculations increase the amount of time and expertise necessary to accurately calculate each claimant's recognized loss amount, especially when bespoke processes may be required to identify eligible transactions properly and completely to maximize recovery. This challenge leads to a more complicated and involved review and quality assurance process to confirm the accuracy and completeness of the administrator's findings and to ensure an accurate recovery.

Widely held security Since Twitter's November 2013 IPO it has consistently ranked among the most recognized tech stocks.

IMPACT: Portfolio monitoring is made more complicated by the size of the searches and resulting data exports when dealing with widely held securities. Further, the time required to prepare and file claims increases exponentially, and significant quality assurance measures are needed to ensure the accuracy and completeness of the files before they can even be filed.

Old class period The class period began on February 6, 2015.

IMPACT: Financial institutions and individuals typically keep copies of statements, broker confirmations and house data relating to their accounts for approximately seven years, which is right when this class period begins. Consequently, it may be difficult for class members to (a) provide transaction information beyond seven years, and (b) provide all required supporting documentation. As a result, class members may miss eligible transactions, negatively impacting their potential recognized loss. However, since this case was originally filed in 2016, early preparation and data warehousing would put the class member in good standing.

9. Crown Resorts Securities Litigation

JUST THE FACTS	
FULL CASE NAME:	*Zantran Pty Limited v. Crown Resorts Limited* (VID1317/2017)
CLASS DEFINITION:	All persons and entities who acquired ordinary shares in Crown Resorts between February 6, 2015, and October 16, 2016.
THE ALLEGATIONS:	Investors alleged that, following the arrest of 19 Crown Resorts employees for organizing illegal gambling activities in China, Crown Resorts shares fell nearly 14%. The proceeding further alleged violations of the Australian Securities and Investments Commission Act 2001 (ASIC Act) and the Corporations Act, seeking to establish that Crown Resorts engaged in misleading or deceptive conduct and/or breached its continuous disclosure obligations.
SETTLEMENT AMOUNT:	$125,000,000 (AUD)
SECURITY:	Crown Resorts ordinary shares
COURT:	Federal Court of Australia
JUDGE:	Justice Jonathan Beach
CLAIMS ADMINISTRATOR:	Maurice Blackburn
CLASS COUNSEL:	Maurice Blackburn
LITIGATION FUNDER:	International Litigation Funding Partners
LEAD PLAINTIFFS:	Zantran Pty Limited
INITIAL COMPLAINT FILED:	December 4, 2017
SETTLEMENT EXECUTED:	November 23, 2021
SETTLEMENT APPROVAL ORDER ENTERED:	April 29, 2022
REGISTRATION DEADLINE:	January 25, 2022

AN OVERVIEW

In October 2016, Crown Resorts, Australia's largest gaming and entertaining group, publicly confirmed that several of its employees were detained in China on suspicion of illicit gambling activities designed to attract VIP gamblers from the Chinese mainland to Australia. On this news, the company's share price fell dramatically, prompting investors to initiate this class action. The proceeding alleged that Crown Resorts failed to disclose the entirety of its operations in China and attempted to conceal its activities, including by removing logos from their private jets traveling to China, misleading Chinese authorities, and using coded language in their communications. The proceeding further alleged that Crown Resorts knew or should have known of the risks it was incurring through its illegal operations in China, and the resultant risks posed to the company's revenue streams.

While this case has settled, Maurice Blackburn is pursuing a related class action in the Supreme Court of Victoria against Crown Resorts including allegations that the company systemically misrepresented its compliance with anti-money laundering financing laws. Shareholders that purchased Crown Resorts Limited shares from December 11, 2014, to October 18, 2020, and held those shares as of December 10, 2014, may participate in the new action.

THE ADMINISTRATIVE CHALLENGES

Australian law and claim filings This case is a representative proceeding in the Federal Court of Australia, brought under the Corporations Act of 2001 and the Federal Court of Australia Act 1976. Most proceedings in Australia follow a similar process to that of the United States, where class members file claims once a settlement has been reached. However, unlike in the U.S., injured investors in Australian proceedings may want to consider registering their claims early with the law firms prosecuting the action, which may include signing a retainer agreement, and entering into a funding agreement in some cases.

IMPACT: Investors may wish to evaluate Australian opportunities at an earlier stage in the litigation process, much like they are required to for international opt-in litigations which may require opting-in to the litigation prior to filing a complaint. There are often several steps that must be completed to perfect the registration process, requiring additional time and resources to complete. Further, there may be several concurrent opportunities that must be evaluated when choosing to register earlier. However, this upfront investment will ensure that all required deadlines and documentation are handled up-front, maximizing any potential recovery, and alleviating any concerns over last minute or inopportune mediation or settlements notifications.

An international exchange Eligible securities include common stock purchased on the ASX (Australian Securities Exchange).

IMPACT: A higher level of review may be required to locate all eligible security purchases made on an international exchange.

Last-in, first-out (LIFO) The Plan of Allocation for this case uses the principles of last-in first-out (LIFO), a calculation method that deems securities to be sold in the opposite order that they were purchased.

IMPACT: This is not a typical type of calculation for securities cases, so additional care in calculating claims is needed. Furthermore, even filers and claims administrators do not apply LIFO matching consistently, so extra attention is needed to ensure accurate data collection.

8. CannTrust Global Settlement

JUST THE FACTS	
FULL CASE NAME:	U.S. Federal: *In re CannTrust Holdings Inc. Securities Litigation* (1:19-cv-06396); U.S. California: *Owens v. CannTrust Holdings Inc.* (19-cv-352374); Canada: *Earle v. CannTrust Holdings Inc.* (CV-19-000625181-00CP)
CLASS DEFINITION:	Global Resolution Class: All persons, wherever they reside or be domiciled, that purchased or otherwise acquired common shares of CannTrust during the period from June 1, 2018, through September 17, 2019. U.S. Settlement Class: (i) All persons and entities who or which purchased the publicly traded common stock of CannTrust Holdings Inc. on the New York Stock Exchange or on any U.S.-based trading platform during the period from June 1, 2018 through March 31, 2020, inclusive; and/or (ii) all persons and entities who or which purchased or otherwise acquired CannTrust Holdings Inc. common stock pursuant or traceable to the Offering Materials issued in connection with the secondary public offering, completed on or about May 6, 2019.
THE ALLEGATIONS:	Complaints filed in Canada and the United States allege that defendants made materially false and misleading statements and omissions regarding CannTrust's compliance with cannabis regulations in Canada, including that it had been growing marijuana in five unlicensed rooms at its facilities.
SETTLEMENT AMOUNT:	$83,000,000 CAD
SECURITY:	CannTrust common stock which traded in Canada on the Toronto Stock Exchange and in the United States on the New York Stock Exchange
COURT:	U.S. Federal: United States District Court for the Southern District of New York; U.S. California: California Superior Court, Santa Clara County; Canada: Ontario Superior Court of Justice
JUDGE:	U.S. Federal: Honorable J. Paul Oetken; U.S. California: Honorable Mary E. Arand; Canada: Justice Glenn Hainey
CLAIMS ADMINISTRATOR:	Epiq Class Action Services Canada Inc.
CLASS COUNSEL:	U.S. Federal: Labaton Sucharow LLP; U.S. California: Girard Gibbs, LLP; Canada: Strosberg Sasso Sutts LLP, Henein Hutchison LLP, Kalloghlian PC and A. Dimitri Lascaris Law PC
LEAD PLAINTIFFS:	U.S. Federal: Granite Point Master Fund, LP and Granite Point Capital Scorpion Focused Ideas Fund; U.S. California: Ryan Owens; Canada: Patrick Hrusa and Dharambir Singh
INITIAL COMPLAINT FILED:	U.S Federal: July 10, 2019; U.S. California: August 5, 2019; Canada: August 8, 2019
PRELIMINARY APPROVAL ORDER ENTERED:	U.S Federal: September 2, 2021; U.S. California: N/A; Canada: April 16, 2021 (Plan of Arrangement and Reorganization pursuant to the CCAA)
FINAL APPROVAL ORDER ENTERED:	U.S Federal: December 2, 2021; U.S. California: N/A; Canada: July 16, 2021 (CCAA Sanction Order authorizing implementation of the proposed settlements)
CLAIM FILING DEADLINE:	March 16, 2022

AN OVERVIEW

CannTrust Holdings Inc. is a Canadian cannabis company that found itself facing three separate securities class actions in the United States and Canada after allegedly making materially false and misleading statements and omissions regarding its compliance with relevant cannabis regulations administered in part by Health Canada. Throughout the class period it is alleged that CannTrust represented to investors that it met all standards for security, quality assurance, standard operating procedures and document retention—statements included in its prospectus where CannTrust raised $230 million USD. By the end of the class period, however, it was revealed that CannTrust had knowingly misrepresented its compliance with several Health Canada regulations, primarily concerning the storage of cannabis in unlicensed rooms at its facilities. Through a series of five public disclosures concerning the investigation into its practices, CannTrust shares dropped 73% throughout the class period. Its securities are all now delisted.

Parties have agreed to settle all pending litigation for $83 million CAD implemented via a CCAA Plan of Arrangement pursuant to Canada's Companies' Creditors Arrangement Act, R.S.C. 1985, c. C-36, as amended. The plan, which was approved by the Ontario Superior Court of Justice, required, among other things, approval of the U.S. class action in federal court.

THE ADMINISTRATIVE CHALLENGES

Unique eligibility considerations The CCAA Plan of Arrangement provides for the global resolution of all related securities claims, with no domiciliary or residency requirements. However, investors who met the definition of a U.S. Securities Claimant benefited from greater eligibility and claims, including eligibility for purchases or acquisitions of CannTrust common stock pursuant to or traceable to the Offering Materials in connection with CannTrust's secondary public offering, which was completed May 6, 2019.

IMPACT: Identifying shares purchased pursuant to a secondary offering versus the open market is complicated when the secondary offering falls within the class period. This challenge leads to a more complicated and involved review and quality assurance process to confirm the accuracy and completeness of the claims administrator's findings and to ensure an accurate recovery. Further, having multiple class periods in a single case greatly impacts the portfolio-monitoring process, especially if an automated process is used.

Multiple exchanges Eligible securities include securities listed on the Toronto Stock Exchange and the New York Stock Exchange.

IMPACT: This requires a higher-level review to locate each transaction and confirm the transaction occurred on the correct exchange.

Detailed supporting documentation required The settlement here, as implemented and approved by the CCAA Sanction Order, requires that claimants submit genuine and sufficient documentation for all holdings.

IMPACT: All filers are required to submit the supporting documentation needed to prove the claim before verification of the claim will take place. Institutions that had many class period transactions will need significant planning and clean preparation work to prove their claims and maximize recovery. This is especially true in this case, with a global settlement resolving claims across all jurisdictions.

7. Luckin Coffee Inc. Securities Litigation

JUST THE FACTS	
FULL CASE NAME:	*In Re Luckin Coffee Inc. Securities Litigation* (1:20-cv-01293)
CLASS DEFINITION:	All persons and entities that purchased or otherwise acquired Luckin Coffee American Depositary Shares (ADSs) between May 17, 2019, and July 15, 2020, including all persons and entities who purchased Luckin ADSs on the open market and/or in or traceable to the May 17, 2019, Initial Public Offering and January 10, 2020, Secondary Public Offering.
THE ALLEGATIONS:	The complaint alleges that Luckin Coffee reported false and misleading financial figures in its offering materials for its IPO and SPO, including that $300 million of its sales reported in the second and fourth quarters of 2019 were fabricated.
SETTLEMENT AMOUNT:	$175,000,000
SECURITY:	Luckin Coffee American Depositary Shares
COURT:	United States District Court for the Southern District of New York
JUDGE:	Honorable John P. Cronan
CLAIMS ADMINISTRATOR:	Epiq Class Action & Claim Solutions, Inc.
CLASS COUNSEL:	Kessler Topaz Meltzer & Check, LLP and Bernstein Litowitz Berger & Grossmann LLP
LEAD PLAINTIFFS:	Sjunde AP-Fonden and Louisiana Sheriffs' Pension & Relief Fund
INITIAL COMPLAINT FILED:	February 13, 2020
PRELIMINARY APPROVAL ORDER ENTERED:	October 26, 2021
FINAL APPROVAL ORDER ENTERED:	July 22, 2022
CLAIM FILING DEADLINE:	March 15, 2022

AN OVERVIEW

Luckin Coffee Inc. is a Chinese company that operates more than 5,000 retail coffeehouses around the world. Through two public offerings, which had raised approximately $1 billion, Luckin's ADSs traded on the U.S. NASDAQ. In April 2020, several private, internal, and public investigations revealed that Luckin fabricated its financial performance metrics in 2019, inflating sales during the period by roughly $310 million, among other allegations. Later that month, trading was suspended on U.S. exchanges. In April alone, the price of Luckin shares fell by over 80%. In the ensuing months more details of the accounting scandal emerged causing additional stock drops, culminating in Luckin's shares being delisted on NASDAQ and the initiation of insolvency proceedings in the Cayman Islands and United States.

In addition to this settlement, Luckin Coffee also agreed to pay a $180 million penalty to the U.S. SEC and $7 million to settle a New York state securities class action on behalf of a class of purchasers of Luckin's convertible notes.

THE ADMINISTRATIVE CHALLENGES

Class members may have a claim under two separate securities laws Class members who purchased or acquired Luckin ADSs during the class period have a potential claim under the Exchange Act, and those who purchased or acquired Luckin ADSs in or traceable to Luckin's May 17, 2019 initial public offering or January 10, 2020 secondary public offering have a potential claim under the Securities Act. The Securities Act claim included an additional wrinkle in that pre-IPO shares were permitted to be converted to ADSs following the post-IPO lock-up period. To the extent a class member has a recognized loss amount under both the Exchange and Securities Acts (for the same purchase) the claimant will receive the larger recognized loss amount of either the Exchange or Securities Act amounts.

IMPACT: Having two different legal claims in a single case creates a material impact on the portfolio-monitoring process. Specifically, in this case, identifying and isolating eligible transactions to support any Securities Act claim is a material part of your total recognized loss. Perhaps even a greater impact is in the claim-filing process and dealing with any deficiencies identified by the claims administrator. Careful tracking, claim preparation, and data management are essential to ensuring maximum recovery.

Multiple offerings during the class period Luckin conducted an initial public offering of ADSs on May 17, 2019, and a secondary public offering of ADSs on January 10, 2020, during the class period.

IMPACT: Properly identifying and classifying purchases when the class period includes shares traceable to public offerings—especially secondary offerings—and sufficiently documenting the same, is very difficult when those transactions occurred on the open market.

Unusually complicated loss formula The court-approved Plan of Allocation was exceptionally complicated in several ways. First, a claimant must calculate separate Recognized Claim Amounts with respect to any Securities Act claims and Exchange Act claims. Each Recognized Claim Amount involves a complicated calculation and Exchange Act claims also require an adjustment to be accounted for depending on when the security was sold due to the nine alleged corrective disclosures that occurred throughout the class period. Once each Recognized Loss Amount is calculated, the final step includes aggregating all purchases to determine a Recognized Claim which may then be paid out on a pro rata basis, depending on the total sum of Recognized Claims submitted by all authorized claimants.

IMPACT: This challenge first requires you to have a deep understanding of the legal principles in the Plan necessary to build an appropriate algorithm to calculate the damages of multiple potential claims. Second, while you will want to do this in every case, it is particularly important in a complicated case like this to ensure proper handling of each claim by the claims administrator.

6. Airbus SE

JUST THE FACTS	
FULL CASE NAME:	Airbus SE
THE ALLEGATIONS:	Plaintiffs allege that Airbus SE facilitated a large-scale bribery and corruption scheme that included the practice of bribing government officials and airline executives around the world to obtain illegal business advantages, from at least 2008 to 2015. The extent of the scheme was not fully disclosed until 2020, after a series of governmental and private investigations and corruption probes.

AN OVERVIEW

Two competing international litigations with different law firms, different legal funders, and differing legal and damages theories are being pursued against the Dutch multinational aerospace corporation and defense contractor, Airbus SE, after it was allegedly involved in a near-decades-long, large-scale bribery scheme. Separately, in 2022, Airbus SE settled a U.S. securities class action for a class of ADR purchasers and entered into agreements worth over $4 billion to settle investigations by British, U.S. and French authorities.

Any interested investor must analyze the various litigations and determine which provides the best opportunity for recovery, which can vary greatly depending on how the investor's trading matches with the eligibility requirements of each case.

	Stichting for Investor Loss Compensation	Airbus Investors Recovery Stichting	Airbus Securities Litigation
ELIGIBLE INVESTORS:	All persons and entities that bought and held ordinary shares in Airbus through the Paris, Frankfurt or Spanish stock exchanges during the period April 24, 2015, through December 31, 2020, and suffered a loss.	All persons and entities that bought and held ordinary shares in Airbus through the Paris, Frankfurt or Spanish stock exchanges during the period January 1, 2008, through July 31, 2020, and suffered a loss.	All persons and entities that purchased or otherwise acquired Airbus SE securities in the United States as ADRs or foreign ordinaries.
RELEVANT PERIOD:	April 24, 2015, through December 31, 2020	January 1, 2008, through July 31, 2020	February 24, 2016, through July 30, 2020
PAYMENT AMOUNT:	Litigation Pending	Litigation Pending	$5,000,000
SECURITY:	Airbus ordinary shares listed on the Paris Stock Exchange, Frankfurt Stock Exchange, and the Spanish stock exchanges in Madrid, Bilbao, Barcelona and Valencia	Airbus ordinary shares listed on the Paris Stock Exchange, Frankfurt Stock Exchange, and the Spanish stock exchanges in Madrid, Bilbao, Barcelona and Valencia	Airbus American Depositary Receipts or Foreign Ordinary Shares
FILING COURT:	District Court The Hague, the Netherlands	District Court The Hague, the Netherlands	United States District Court for the District of New Jersey
LITIGATION FUNDER:	Therium Capital Management	Woodsford Litigation Funding	N/A
COUNSEL:	DRRT	Scott+Scott	Robbins Geller Rudman & Dowd
REGISTRATION DEADLINE:	December 31, 2022 (soft deadline)	December 31, 2022 (soft deadline)	September 13, 2022

THE ADMINISTRATIVE CHALLENGES

Multiple proceedings Interested parties need to decide which opportunity to pursue for recovery of losses incurred due to the alleged Airbus bribery scandal.

IMPACT: It is important for institutional investors to understand time periods, defendants, and damage theories in relation to their trading patterns.

International opt-in and Dutch collective action procedures First, these collective actions are opt-in litigations and not a settled class action. The two opt-ins are being pursued under the relatively new Dutch Resolution of Mass Damage in Collective Action Act (*"Wet Collectieve Afwikkeling Massaschade"* or simply, "WAMCA"), which came into force in the Netherlands on January 1, 2020. Under WAMCA, representative organizations (typically, a Dutch Foundation or *"stichting"*) are permitted to seek monetary damages on a class-wide basis, but to participate, foreign (non-Dutch) investors must get involved at the onset of the litigation, well before settlement, by engaging a law firm and oftentimes, litigation funder. In contrast, Dutch investors have a separate opt-out procedure more akin to what investors may be familiar with in the U.S., Canada, and Australia. Often, like here, there are multiple cases on parallel tracks. To weigh the various options, claimants must understand the differences between the cases, their legal theories, damage calculations, and potential outcomes. They must also understand how those differences impact their losses and trading patterns, which requires a very individual review. Further, the different firms and funders may have different relevant periods and contractual terms, all of which must be considered.

IMPACT: There are several steps that must be completed to be part of the litigation. Data for a preliminary loss analysis or damages calculation must be provided to the funder. Claimants who wish to remain anonymous at first can have an agent do this on their behalf. After a review of the information, clients interested in pursuing a claim can enter into a funding agreement, at which point fulsome data and claim preparation can proceed, provided that the entity has proper legal standing to participate. Further, since this must be done before a settlement is reached, the process is necessarily longer and active participation in the litigation may be necessary depending on the jurisdiction and claims being pursued.

Limitation period continues to run One important aspect to be aware of with respect to the Dutch process is that joining the Foundation before settlement may not toll the limitations period of the party's claims.

IMPACT: Each individual or firm must be aware that if a Foundation case fails to move forward prior expiration of the limitations period, they may be barred from bringing another suit for recovery. Foundations do their best to mitigate this risk and both foundations here have sought to suspend the statute of limitations on behalf of all Airbus investors. Regardless, individuals and/or firms must be aware of the limitations period in each case to ensure their rights are preserved.

Documentation required at filing Registration in an opt-in proceeding often requires all investors to submit supporting documentation to prove their claim in advance of settlement. Failure to provide adequate supporting documentation for all transactions in addition to the data set may lead to an incomplete registration.

IMPACT: All claimants are required to submit the supporting documentation needed to prove the claim before verification of the claim will take place. Institutions that had many class period transactions will need significant planning and clean preparation work to prove their claims and maximize recovery.

International exchange and complex instruments Eligible securities include securities listed on the Paris Stock Exchange, Frankfurt Stock Exchange, or Spanish stock exchanges in Madrid, Bilbao, Barcelona, or Valencia, and Airbus ADRs publicly traded over the counter in the United States.

IMPACT: This requires a higher-level review to locate each transaction and confirm the transaction occurred on the correct exchange with special attention and handling required due to the various currencies and date formats that may be utilized in the relevant data.

5. Navient Securities Litigation

JUST THE FACTS	
FULL CASE NAME:	*Lord Abbett Affiliated Fund, Inc., et al. v. Navient Corporation, et al.* (1:16-cv-00112)
CLASS DEFINITION:	Exchange Act Class: All persons and entities that purchased or otherwise acquired Navient Corporation's common stock or Navient call options, or sold Navient put options, from April 17, 2014 through September 29, 2015, inclusive; and Securities Act Class: All persons and entities that purchased or otherwise acquired Navient's 5.000% Senior Notes due 2020, 5.875% Senior Notes due 2024, and 5.875% Senior Notes due 2021 and together with Navient common stock, call options, and put options, from November 6, 2014, through December 28, 2015, inclusive.
THE ALLEGATIONS:	The complaint alleged that Navient Corporation violated federal securities laws by making false and misleading statements concerning its business operations and financial results throughout the class period, including claims under the Exchange Act concerning Navient's alleged misrepresentations regarding the credit quality of the company's loan portfolio, and the Securities Act for certain alleged untrue or omitted statements of material fact from its registration statement, prospectuses, and supplements thereof issued in connection with several debt offerings.
SETTLEMENT AMOUNT:	$35,000,000
SECURITY:	Navient Corporation common stock, call options, put options, and 5.000% Senior Notes due 2020, 5.875% Senior Notes due 2024, and 5.875% Senior Notes due 2021
COURT:	United States District Court for the District of Delaware
JUDGE:	Honorable Maryellen Noreika
CLAIMS ADMINISTRATOR:	JND Legal Administration
CLASS COUNSEL:	Bernstein Litowitz Berger & Grossmann LLP
LEAD PLAINTIFFS:	Lord Abbett Affiliated Fund, Inc., Lord Abbett Equity Trust—Lord Abbett Calibrated Mid Cap Value Fund, Lord Abbett Bond-Debenture Fund, Inc., and Lord Abbett Investment Trust—Lord Abbett High Yield Fund
INITIAL COMPLAINT FILED:	February 26, 2016
PRELIMINARY APPROVAL ORDER ENTERED:	November 22, 2021
FINAL APPROVAL ORDER ENTERED:	March 17, 2022
CLAIM FILING DEADLINE:	April 13, 2022

AN OVERVIEW

Navient Corporation is a U.S.-based provider of education loan management and business processing solutions primarily engaged in the collection of the near-$300 billion in student loans it manages. On February 11, 2016, a securities class action complaint was filed under the Exchange Act and Securities Act, alleging that between April 2014 and September 2015 Navient made materially false and misleading statements, and failed to disclose to the public that it was placing student loan borrowers into forbearance —regardless of the impact it would have on those customers and without accounting for borrowers' particular circumstances. Plaintiffs allege that Navient engaged in this practice to avoid recording and thereby reporting delinquent accounts to investors, possibly signaling that its loan portfolios were a greater risk than advertised and disclosed. On November 16, 2021, the parties entered a stipulation of settlement.

This same year, Navient settled a related securities class action in New Jersey for $7,500,000, bringing the total recovery for investors to $42.5 million. The New Jersey settlement includes Exchange Act claims only and applies to investors who acquired Navient stock between January 18, 2017, and November 20, 2018. The claim filing deadline was March 22, 2022.

THE ADMINISTRATIVE CHALLENGES

Class members may have a claim under two separate securities laws Class members may have a claim under two separate securities laws: Sections 10(b) and 20(a) of the Exchange Act and Sections 11, 12(a)(2) and 15 of the Securities Act. Section 10(b) claims are the most common, and such settlements require that a security has been purchased (or acquired) during a specific period. This case had that, but it also involved allegedly material misstatements and omissions contained in Navient's registration statements and prospectuses issues in connection with multiple debt offerings. Thus, to recover in that part of the settlement, unique and separate eligibility considerations had to be met

IMPACT: Having two different legal claims in a single case materially impacts the portfolio monitoring and claims filing process. In essence, you must accurately prepare two claims to maximize your recovery. Perhaps an even greater impact is in the claim filing process and dealing with any deficiencies identified by the administrator. Careful tracking, claim preparation, and data management are essential to ensuring maximum recovery.

Multiple eligible security types This settlement includes Navient corporation common stock, call options, and put options (with over ten inflation and deflation periods, respectively), as part of the Exchange Act class, and three types of Navient Senior Notes, including 5.000% Senior Notes due 2020, 5.875% Senior Notes due 2024, and 5.875% Senior Notes due 2021 as part of the Securities Act class.

IMPACT: First, identifying the impacted securities through a standard portfolio-monitoring process is more difficult when holders of equity, various debt instruments, and derivative securities are all eligible to recover in the settlement. Identifying these types of shares through a standard portfolio monitoring process is difficult because the acquisition may not be reflected as a "purchase" in the underlying transactional data. Further, for options and puts it's important that the disposition of the contract is included in the transactional data as well. Second, even after the transactions have been identified as eligible, additional work is required to ensure all data is populated into the required filing formats prior to submission. Failure to accomplish either can lead to a failure to file, a reduced distribution, or a rejected claim.

Corporate actions Navient Corporation was spun off from Sallie Mae on April 30, 2014, via a distribution by Sallie Mae of all the shares of common stock of Navient to the shareholders of the Sallie Mae corporation. The Exchange Act class included all persons and entities who received shares as part of Navient's formation through the spin-off.

IMPACT: Due to the inconsistent nature of transactional records associated with shares acquired via a corporate spin-off, which may not be recorded as purchases, separate reviews must be performed to ensure that any shares received as part of the spin-off are properly accounted for when preparing your claim to maximize recovery.

This is not simply a purchaser class Most settlements provide asset recovery opportunities to those financial institutions that purchased an eligible security during the class period. Not so, in this case, as least as it pertains to Exchange Act class members. In this case, financial institutions and their clients who sold Navient Corporation put options during the class period had significant asset recovery opportunities.

IMPACT: First, portfolio monitoring becomes more complicated, especially when automated scripts are used to look for eligible transactions. Bespoke processes are needed. Second, special care is needed when preparing claim files to ensure all eligible transactions are pulled.

Old class period The class period began on April 17, 2014.

IMPACT: Financial institutions and individuals typically keep copies of statements, broker confirmations and house data relating to their accounts for approximately seven years. Consequently, it may be difficult for class members to (a) provide transaction information beyond seven years, and (b) provide all required supporting documentation. As a result, class members may miss eligible transactions, negatively impacting their potential recognized loss. However, since this case was originally filed in 2016, early preparation and data warehousing would put the class member in good standing.

4. Precious Metals Antitrust Litigations (Gold Fix Settlement and Precious Metals Spoofing Litigation)

JUST THE FACTS	
FULL CASE NAME:	*Commodity Exchange, Inc., Gold Future and Options Trading Litigation* (1:14-md-2548)
CLASS DEFINITION:	All persons and entities that during the period from January 1, 2004, through June 30, 2013, sold any physical gold or financial or derivative instrument in which gold is the underlying reference asset, or bought gold put options in transactions conducted over the counter or in whole or in part on the Commodity Exchange Inc. (COMEX) or on any other exchange operated in the United States.
THE ALLEGATIONS:	Plaintiffs allege that several global banks conspired to drive down the price of gold during the "PM Gold Fix," a secret and unregulated, daily meeting, whereby the defendant banks allegedly capitalized on the lack of regulatory oversight to manipulate and fix gold prices and the prices of Gold Investments during the settlement class period, violating federal antitrust laws and the Commodity Exchange Act.
SETTLEMENT AMOUNT:	$50 million (in addition to the $102 million settlements in 2021)
SECURITY:	Physical gold or financial or derivative instruments in which gold is the underlying reference asset, including, but not limited to (i) gold bullion, gold bullion coins, gold bars, gold ingots or any form of physical gold, (ii) gold futures contracts in transactions conducted in whole or in part on COMEX or any other exchange operated in the United States, (iii) shares in gold exchange-traded funds, (iv) gold call options in transactions conducted over the counter or in whole or in part on COMEX or any other exchange operated in the United States; and (v) gold spot, gold forwards or gold swaps over the counter, and gold put options in transactions conducted over-the-counter or in whole or in part on COMEX or on any other exchange operated in the United States.
COURT:	United States District Court for the Southern District of New York
JUDGE:	Honorable Valerie E. Caproni
CLAIMS ADMINISTRATOR:	Kroll Settlement Administration, f/k/a Heffler Claims Group
CLASS COUNSEL:	Quinn Emanuel Urquhart & Sullivan, LLP and Berger & Montague, P.C.
LEAD PLAINTIFFS:	Compañía Minera Dayton SCM, Frank Flanagan, Quitman D. Fulmer, KPFF Investment, Inc., Duane Lewis, Larry Dean Lewis, Kevin Maher, Robert Marechal, Blanche McKennon, Kelly McKennon, Thomas Moran, J. Scott Nicholson, Santiago Gold Fund LP, Steven Summer, and David Windmiller
INITIAL COMPLAINT FILED:	August 13, 2014 (JPML transfer order, consolidating similar actions creating the Gold Fix multidistrict litigation)
PRELIMINARY APPROVAL ORDER ENTERED:	January 13, 2022
FINAL APPROVAL ORDER ENTERED:	August 8, 2022
CLAIM FILING DEADLINE:	April 19, 2022

AN OVERVIEW

In 2022 Plaintiffs settled with two additional global financial institutions in the sprawling gold price fixing multidistrict litigation (MDL). The bank defendants, members of the London Gold Market Fixing—the panel involved in setting the London benchmark gold price—allegedly met daily to manipulate gold prices and the prices of gold investments for a period of nine and a half years. These non-public interactions allegedly gave banks the ability to "name their own" fix price and therefore gain an advantage over contracts, derivatives, and physical positions each bank held in the market. Plaintiffs filed multiple class actions against the defendant banks alleging claims under federal antitrust law for price fixing and unlawful restraint of trade; under the Commodity Exchange Act for price manipulation, manipulation by false reporting and fraud and deceit, aiding and abetting and principal-agent liability, and under the common law. Soon thereafter the cases were assembled into an MDL for pre-trial coordination. Earlier settlements of $102 million were featured in our 2021 Annual Report, bringing the cumulative settlement sum for the alleged Gold Fix scandal to $152 million.

JUST THE FACTS	
FULL CASE NAME:	*Precious Metals Spoofing Litigation* (1:18-cv-10356)
CLASS DEFINITION:	All Persons and entities, wherever located, that purchased or sold any Precious Metals Futures or Options on Precious Metals Futures on the New York Mercantile Exchange (NYMEX) or Commodity Exchange Inc. (COMEX) from March 1, 2008, through August 31, 2016.
THE ALLEGATIONS:	The complaint alleges that the defendant, a multinational investment bank and a group of futures traders it employed, manipulated the prices of Precious Metals Futures and Options on Precious Metals Futures by placing orders for Precious Metals Futures and cancelling them prior to execution in a practice known as "spoofing," in order to manipulate the prices of Precious Metals Futures and Options at the expense of the class.
SETTLEMENT AMOUNT:	$60,000,000
SECURITY:	Precious Metals Futures, which includes Gold Futures contract(s), Silver Futures contract(s), Platinum Futures contract(s) or Palladium Futures contract(s), and any option on Precious Metals Futures
COURT:	United States District Court for the Southern District of New York
JUDGE:	Honorable Gregory H. Woods
CLAIMS ADMINISTRATOR:	A.B. Data, Ltd.
CLASS COUNSEL:	Lowey Dannenberg, P.C.
LEAD PLAINTIFFS:	Dominick Cognata, Melissinos Trading, LLC, Casey Sterk, Kevin Maher, Kenneth Ryan, Robert Charles Class A, L.P., Robert L. Teel, Mark Serri, Yuri Alishaev, Abraham Jeremias, and Morris Jeremias
INITIAL COMPLAINT FILED:	November 7, 2018
PRELIMINARY APPROVAL ORDER ENTERED:	December 20, 2021
FINAL APPROVAL ORDER ENTERED:	July 7, 2022
CLAIM FILING DEADLINE:	August 8, 2022

AN OVERVIEW

In November 2018, plaintiffs filed this class action complaint alleging that the employees of defendant, a multinational investment bank and financial services holding company, engaged in a technique known as "spoofing" in an effort to manipulate the prices of Precious Metals Futures and options on the same. Shortly thereafter, the case was stayed while the U.S. Department of Justice conducted its own investigation, ultimately concluding in several guilty pleas and a deferred prosecution agreement north of $920 million (including $311,737,008 for victim compensation with claims due late 2023). Later, on September 1, 2021, the parties negotiated and entered into a formal settlement agreement for an additional $60,000,000 to settle the class action here.

THE ADMINISTRATIVE CHALLENGES

Numerous eligible security types/products Both settlements include numerous securities and products: The Gold Futures settlement included gold futures, shares in gold ETFs, over-the-counter gold call options, over-the-counter gold put options, and gold spots, forwards, or swaps also traded over the counter. Any person who sold physical gold or financial or derivative instrument in which gold was the underlying reference asset was also included in this class. The Precious Metals Futures case included Gold Futures contracts, Silver Futures contracts, Platinum Futures contracts or Palladium Futures contracts, and any option on Precious Metals Futures.

IMPACT: When there are various impacted securities, it is often more difficult to identify the impacted securities through a standard portfolio-monitoring process. Once data is gathered, there is an additional challenge in ensuring that the various data is properly formatted prior to submission. If not formatted correctly, there is a possibility that the claim can be rejected, or at the least there can be a reduction in distribution.

Old class period The class period for the Gold Futures action began in 2004, and the Precious Metals Futures case in 2008.

IMPACT: Financial institutions and individuals typically keep copies of statements, broker confirmations and house data relating to their accounts for approximately seven years. This is especially troublesome in the Gold Futures action, where the class period spans nearly ten years, and the initial claim was filed nearly two decades ago. Consequently, it may be difficult for class members to (a) provide transaction information beyond seven years, and (b) provide all required supporting documentation. As a result, class members may miss eligible transactions, negatively impacting their potential recognized loss.

Complex instruments involved Most cases involve a company's common stock; however, the cases here involve various security types, some of which are transacted on various exchanges, COMEX or NYMEX.

IMPACT: Figuring out if you are even eligible, through portfolio monitoring, can become more complicated. Additional quality assurance measures are needed for complex instruments, adding time to the already hundreds of hours dedicated to formatting the relevant data. Cases involving these types of securities will require complex audits and any work that you do, by getting your data in order, or the work your claims administrator does, should be carefully checked to guarantee maximum recovery.

Revised Plan of Allocation As mentioned, the Gold Futures settlement here is the third such settlement in the Gold Fix MDL, with prior settlements totaling $102 million being previously approved. Prior claimants who submitted claims in the original settlements are not required to submit a new claim for this third settlement pool. However, the new claim form and Plan of Allocation was revised to permit claimants to file claims for positions that were opened and closed the same day (day trades), which were excluded under the original settlements.

IMPACT: The importance of monitoring settled litigation, even after claim filing, is highlighted here, where to maximize recovery, you may be required to submit additional claims that were not included in earlier settlement rounds. This is mostly unique to antitrust litigations that can easily span a decade, with many settlements occurring at different intervals.

Unusually complicated loss formula The court-approved Plan of Allocation for the Gold Futures case required each claimant to submit its total Gross Transaction Amount separately, by year, which was subject to a Litigation Multiplier depending on the year and product type. It also included pro rata calculations and alternative minimum payments. The Precious Metals Futures case also had a complicated plan of allocation, requiring the calculation of an instrument amount, which is the product of three different factors: a "Volume Multiplier," "Instrument Multiplier," and a "Futures Contract Specification Multiplier," each of which requires its own unique calculation.

IMPACT: Complicated recognized loss calculations increase the amount of time and expertise necessary to accurately calculate each claim's recognized loss amount. Incorrect calculations can ultimately lead to rejected claims and a decreased ability to accurately review and challenge the claims administrator's determinations. This challenge can lead to a more complicated and involved review and quality assurance process to confirm the accuracy and completeness of the claims administrator's findings to ensure accurate recoveries for claimants.

Not simply a purchaser class Most settlements provide asset recovery opportunities to those financial institutions that purchased an eligible security during the class period. Accordingly, longtime holders or class period sellers typically cannot recover. However, in both the Gold Fix and Precious Metals Spoofing cases the settlement classes included financial institutions and their clients who purchased (or sold) the relevant securities during the class period, with each presenting significant asset recovery opportunities.

IMPACT: First, portfolio monitoring becomes vastly more complicated, especially when automated scripts are used to look for purchasers. Bespoke processes are needed. Second, special care is needed when preparing claim files to ensure all eligible transactions are pulled. Typically, when all eligible securities were purchased before the class period, no claim would be filed. In this case, such an account is eligible and must be filed.

3. Teva Securities Litigation

JUST THE FACTS	
FULL CASE NAME:	*In re Teva Securities Litigation* (3:17-cv-00558)
CLASS DEFINITION:	All persons or entities that purchased or otherwise acquired, in a domestic transaction, Teva Pharmaceutical Industries Ltd.'s American Depositary Shares, 7.00% mandatory convertible preferred shares, and/or certain Teva Pharmaceutical Finance Netherlands III B.V. U.S.-dollar-denominated senior notes during the period from February 6, 2014, through May 10, 2019.
THE ALLEGATIONS:	The complaint alleges that defendants made material misstatements and omissions regarding its "inherently risky and unsustainable" "Price-Hike Strategy", which imposed price increases in generic drugs, allegedly inflating profits by over $2.3 billion throughout the class period. Moreover, the complaint alleges that Teva engaged in an industry-wide, international price-fixing conspiracy, and failed to disclose the negative impact its Actavis acquisition had on the business. The complaint alleges violations of the Securities Exchange Act of 1934, the Securities Act of 1933 and state common law.
SETTLEMENT AMOUNT:	$420,000,000
SECURITY:	Teva Pharmaceutical Industries Ltd. American Depositary Shares, Teva 7% mandatory convertible preferred shares and Teva Pharmaceutical Finance Netherlands III B.V. U.S.-dollar-denominated senior notes: (a) 1.400% Senior Notes due July 20, 2018; (b) 1.700% Senior Notes due July 19, 2019; (c) 2.200% Senior Notes due July 21; (d) 2.800% Senior Notes due July 21, 2023; (e) 3.150% Senior Notes due October 1, 2026; and (f) 4.100% Senior Notes due October 1, 2046
COURT:	United States District Court for the District of Connecticut
JUDGE:	Honorable Stefan R. Underhill
CLAIMS ADMINISTRATOR:	Epiq Class Action & Claims Solutions, Inc.
CLASS COUNSEL:	Bleichmar Fonti & Auld LLP
LEAD PLAINTIFFS:	Ontario Teachers' Pension Plan Board
INITIAL COMPLAINT FILED:	April 4, 2017
PRELIMINARY APPROVAL ORDER ENTERED:	January 27, 2022
FINAL APPROVAL ORDER ENTERED:	June 2, 2022
CLAIM FILING DEADLINE:	May 17, 2022

AN OVERVIEW

Teva Pharmaceuticals is an Israeli multinational pharmaceutical company headquartered in Tel Aviv. Throughout the class period, Teva reported remarkable quarter-after-quarter financial growth, which it attributed to cost cutting and product management. In truth, however, plaintiffs allege that Teva's success was the result of collusion with its competitors to carry out coordinated price increases for generic drugs worldwide.

In August 2020, Teva was indicted by the U.S. Department of Justice and is currently facing criminal charges for its role in the alleged generic price-fixing scheme. Further, antitrust claims are being pursued by a coalition of state attorneys general, and there are several ongoing investigations into potential opt-in litigations in international jurisdictions.

THE ADMINISTRATIVE CHALLENGES

Numerous eligible securities This settlement included American Depositary Shares, convertible preferred shares, and six U.S.-dollar-denominated senior notes.

IMPACT: This challenge impacts a variety of areas of the case. First, portfolio monitoring is made more complicated by the size of the searches and resulting data exports. Second, the time required to prepare and file claims can be increased exponentially. Finally, significant quality assurance measures are needed to ensure accuracy and completeness of the files before they can even be filed.

No foreign transactions The settlement class is limited to those individuals and entities that acquired Teva securities in a domestic transaction in the United States. However, Teva shares are listed on the Tel Aviv Stock Exchange, with only certain ADS and preferred shares or notes trading in the United States.

IMPACT: Claim preparation and filing is complicated when additional processes are required to identify eligible transactions properly to confirm the transaction occurred on the correct exchange.

Class members may have a claim under two separate securities laws Class members may have a claim under two separate securities laws: Sections 10(b) and 20(a) of the Exchange Act and Sections 11, 12(a)(2), and 15 of the Securities Act. Section 10(b) and 20(a) claims are the most common, and such settlements require that a security has been purchased (or acquired) during a specific period. This case had that, but it also involved multiple allegedly misleading statements and other public disclosures in connections with its ADS/Preferred Shared Offering, as well as Section 11, 12(a)(2) and 15 claims. Thus, to recover in that part of the settlement, unique and separate eligibility considerations had to be met.

IMPACT: Having two different legal claims in a single case causes material impact on the portfolio monitoring and claims filing process. In essence, you must accurately prepare two claims to maximize your recovery. Perhaps an even greater impact is in the claim filing process and dealing with any deficiencies identified by the administrator. Careful tracking, claim preparation, and data management are essential to ensuring maximum recovery.

Unusually complicated loss formula The court-approved Plan of Allocation was exceptionally complicated in several ways. First, a claimant must calculate separate Recognized Claim Amounts with respect to any Securities Act claims (certain Teva ADS or Preferred Shares purchased or acquired in or traceable to Teva's ADS/Preferred Offering, and any Notes purchased or acquired in or traceable to Teva's Notes Offering) and Exchange Act claims (certain Teva ADS purchased during the class period). Each Recognized Claim Amount involves a complicated calculation depending on the security at issue, with Exchange Act claims also requiring an adjustment to be accounted for depending on when the security was sold due to the nine alleged corrective disclosures throughout the class period. Once each Recognized Loss Amount is calculated, the final step includes aggregating all purchases to determine a Recognized Claim which may then be paid out on a pro rata bases depending on the sum total of Recognized Claims submitted by all authorized claimants.

IMPACT: This challenge requires you to first, have a deep understanding of the legal principles in the Plan necessary to build an appropriate algorithm to calculate the damages of multiple potential claims. Second, while you will want to do this in every case, it is particularly important in a complicated case like this to ensure proper handling of each claim by the claims administrator.

Old class period The class period began on February 6, 2014.

IMPACT: Financial institutions and individuals typically keep copies of statements, broker confirmations and house data relating to their accounts for approximately seven years. This class period began nearly ten years ago. Consequently, it may be difficult for class members to (a) provide transaction information beyond seven years, and (b) provide all required supporting documentation. As a result, class members may miss eligible transactions, negatively impacting their potential recognized loss. However, since the original complaint was first filed in 2017, early preparation and data warehousing would put the class member in good standing.

2. SIBOR/SOR Antitrust Litigation

JUST THE FACTS	
FULL CASE NAME:	*Fund Liquidation Holdings LLC. v. Citibank, N.A.* (1:16-cv-5263)
CLASS DEFINITION:	All persons and entities who purchased, sold, held, traded, or otherwise had any interest in SIBOR and/or SOR-based derivatives from January 1, 2007, through December 31, 2011.
THE ALLEGATIONS:	The complaint alleges that over a dozen global banks unlawfully and intentionally conspired to manipulate the Singapore Interbank Offered Rate (SIBOR) and the Singapore Swap Offer Rate (SOR), benchmark interest rates causing the class to be overcharged or underpaid in their SIBOR and SOR-based derivative transactions throughout the class period.
SETTLEMENT AMOUNT:	$155,458,000 aggregate
SECURITY:	SIBOR and/or SOR-based derivatives, including: (i) SIBOR and/or SOR-based interest rate swaps; (ii) options on a SIBOR and/or a SOR-based interest rate swaps ("swaption"); (iii) Singapore Dollar currency forward agreements; (iv) SIBOR and/or SOR-based forward rate agreements; and/or (v) SIBOR and/or SOR-based foreign exchange swaps.
COURT:	United States District Court for the Southern District of New York
JUDGE:	Honorable Alvin K. Hellerstein
CLAIMS ADMINISTRATOR:	A.B. Data, Ltd.
CLASS COUNSEL:	Lowey Dannenberg P.C.
LEAD PLAINTIFFS:	Fund Liquidation Holdings LLC, Moon Capital Partners Master Fund Ltd., and Moon Capital Master Fund Ltd.
INITIAL COMPLAINT FILED:	July 1, 2016
PRELIMINARY APPROVAL ORDER ENTERED:	June 9, 2022
FINAL APPROVAL ORDER ENTERED:	November 29, 2022
CLAIM FILING DEADLINE:	Extended to January 20, 2023 (previously, December 29, 2022)

AN OVERVIEW

SIBOR is the benchmark interest rate used for lending between banks in the Asian market, set daily by the Association of Banks in Singapore (ABS). The bank defendants allegedly conspired to manipulate SIBOR and SOR by submitting inaccurate costs of borrowing funds in the Singapore market, causing U.S. investors to be either overcharged or underpaid in SIBOR and/or SOR-based derivative transactions.

Defendants allegedly profited at the expense of their U.S. counterparties by working on SIBOR and/or SOR-derivative positions around the clock with the help of their international traders in New York, London, Singapore, and other global financial centers. Defendants' employees allegedly transferred their "trading books" to keep the operation running 24 hours a day.

A similar settlement was reached in 2020 with similar allegations concerning the manipulation of LIBOR (London Interbank Offered Rate), a benchmark interest rate used by major global banks for interbank short-term loans. Individuals and institutions who purchased U.S. Dollar LIBOR-based financial instruments from several global banks between August 2007 and May 2010 were eligible to recover from the aggregate $340 million settlement. The start of 2022 initiated the phase-out of LIBOR entirely.

THE ADMINISTRATIVE CHALLENGES

Numerous eligible securities Unlike most cases, the settlements here do not involve securities with easily traced security identifiers; rather the settlements involve multiple SIBOR and/or SOR-based derivatives. Further, the volume of SIBOR and SOR-based derivatives traded each year is estimated to be worth hundreds of billions of dollars in notional value. Over a five-year class period, that can be substantial amount of money, and trades, to account for.

IMPACT: This challenge impacts a variety of areas in the case. First, portfolio monitoring is made more complicated by the size of the searches and resulting data exports. Second, the time required to prepare and file claims can be increased exponentially. Finally, significant quality assurance measures are needed to ensure accuracy and completeness of the data before they can even be filed.

Complicated security type The court-approved Distribution Plan covers many complicated security types, such as SIBOR and/or SOR-based interest rate swaps, swaptions, currency forward agreements, forward rate agreements, and/or foreign exchange swaps.

IMPACT: First, portfolio monitoring is complicated by the fact that these instruments do not have CUSIPs. Filers must create one-off procedures to identify and export the data. Second, the claims filing process becomes vastly more complicated because the data is generally in a different format than a normal data extract. Significant work is needed to format and review data before a submission can be filed. Likewise, the opportunity for administrative error increases, and care must be taken to ensure your claims are paid accurately.

Foreign derivative market Eligible securities in this case involve SIBOR- and SOR-based derivatives linked to the Singapore Dollar. The alleged manipulation in this antitrust case spreads across traders' offices in financial centers all over the world, notably, New York, London, and Singapore.

IMPACT: Although the derivatives were sold to U.S. based investors, eligible transactions may be difficult to locate and confirm, requiring a higher-level of review.

Unusually complicated loss formula As noted above, this case includes numerous complex security types, and the court-approved Plan of Allocation (styled Distribution Plan in this action), requires a Transaction Notional Amount to be calculated for each of these instruments. For example, the Transaction Notional Amount For Interest Rate Swaps, Forward Rate Agreements and Swaptions is the quotient of the sum of the national values for all interest payments in Singapore Dollars during the class period divided by the number of intertest payment dates in a one year period.

IMPACT: This challenge increases the amount of both time and expertise required to accurately calculate each claim's recognized loss amount. An incorrect calculation can lead to claims not being filed and will lessen the ability to review and challenge a claims administrator's determination, if needed.

Not just a purchaser class Most settlements provide asset recovery opportunities to those financial institutions that purchased an eligible security during the class period. Accordingly, longtime holders or class period sellers typically cannot recover. Not so for the SIBOR/SOR Antitrust Litigation. In this case, financial institutions and their clients who purchased, sold, held, traded, or otherwise had any interest in SIBOR and/or SOR-based derivatives products during the class period had significant asset recovery opportunities.

IMPACT: First, portfolio monitoring becomes vastly more complicated, especially when automated scripts are used to look for purchasers. Bespoke processes are needed. Second, special care is needed when preparing claim files to ensure all eligible transactions are pulled. Typically, when all eligible securities were purchased before the class period, no claim would be filed. However, in this case, such an account is eligible and must be filed.

Old class period The class period began on January 1, 2007.

IMPACT: Most financial institutions and individuals typically keep copies of statements, broker confirmations and house data relating to their accounts for seven years. Here, the class period began nine years prior to the commencement of this action. Consequently, it may be difficult for class members to (a) provide transaction information beyond seven years, and (b) provide all required supporting documentation. As a result, class members may miss eligible transactions, negatively impacting their potential recognized loss.

1. Steinhoff Global Settlement

JUST THE FACTS	
PROCEEDINGS:	The Netherlands: Dutch suspension of payments proceedings (Dutch SoP Scheme); South Africa: Proceedings under section 155 of the South African Companies Act 71 of 2008 (S155 Scheme)
CLASS DEFINITION:	All persons that held or purchased shares in Steinhoff International Holdings N.V. (SIHNV) and/or Steinhoff International Holdings Proprietary Limited (SIHPL) between March 2, 2009 and December 5, 2017, including: (1) contractual claimants, whose claims arise from arrangements entered into with SIHPL between March 1, 2009 and December 7, 2015 or SIHNV between December 7, 2015 and December 5, 2017, through which SIHPL or SIHNV shares were purchased, issued, or exchanged as consideration for the contribution of that contractual claimant's business or assets, and (2) "Market Purchase Claimants," whose claims arise from the purchase, acquisition, or transfer of (a) SIHPL shares listed on the Johannesburg Stock Exchange (JSE) between March 2, 2009 and December 6, 2015 (which were converted to SIHNV Shares), or SIHNV shares listed on the JSE or the Frankfurt Stock Exchange (FSE) between December 6, 2015 and December 5, 2017, and/or (b) SIHPL Shares listed on the JSE before March 2, 2009 and holding such shares until December 5, 2017.
THE ALLEGATIONS:	Plaintiffs allege that Steinhoff mismanaged its business, withheld accounting irregularities, misled investors, and engaged in widespread market manipulation by misvaluing assets, engaging with illegal off balance sheet transactions, and inaccurate audit reports amongst other illicit activities.
SETTLEMENT AMOUNT:	€1,400,000,000 aggregate (January 24, 2022)
SECURITY:	Steinhoff International Holdings N.V. (SIHNV) common stock shares (Frankfurt Stock Exchange) and Steinhoff International Proprietary Limited (SIHPL) ordinary shares (Johannesburg Stock Exchange)
COURT:	Dutch SoP Scheme: District Court of Amsterdam; S155 Scheme: Western Cape Division of the High Court of South Africa
JUDGE:	Dutch SoP Scheme: Mr. A.E. de Vos; S155 Scheme: Judge Rosheni Allie
CLAIMS ADMINISTRATOR:	Computershare Limited
CLASS COUNSEL:	Steinhoff Recovery Foundation (the Dutch foundation established to independently oversee the administration of claims filed pursuant to the Global Settlement)
INITIAL COMPLAINT FILED:	Dutch SoP Scheme: February 15, 2021, application for suspension of payment proceedings filed at the Amsterdam District Court; S155 Scheme: January 19, 2021, original S155 proposal filed at the Western Cape Division of the High Court of South Africa
PRELIMINARY APPROVAL ORDER ENTERED:	Dutch SoP Scheme: September 23, 2021 the District Court of Amsterdam confirmed the SIHNV Composition Plan; S155 Scheme: January 24, 2021 the South African High Court approved and sanctioned SIHPL's s155 Proposal
FINAL APPROVAL ORDER ENTERED:	February 15, 2022, the Settlement Effective Date per the S155 proposal and Composition Plan
CLAIM FILING DEADLINE:	May 15, 2022

AN OVERVIEW

On December 5, 2017, Steinhoff International, a Dutch retail holding company headquartered in South Africa, announced that the company had uncovered accounting irregularities. A subsequent investigation conducted by PricewaterhouseCoopers found that Steinhoff had recorded fictitious transactions totaling €6.5B during the period from 2009 to 2017. As a result, Steinhoff shares dropped almost 85%, eliminating more than €10 billion of the company's market value.

Various claims and legal proceedings commenced against Steinhoff International Holdings N.V. (SIHNV) and Steinhoff International Holdings Proprietary Limited (SIHPL), and in July 2020, SIHNV and SIHPL announced a global settlement that would be implemented through two different schemes. The first is a Dutch suspension of payment that affects the settlement of claims against SIHNV (Dutch SoP). The second is a case filed under section 155 of the South African Companies Act 71 of 2008 and only affects the settlement of claims against SIHPL (S155 Scheme).

The €1.4 billion settlement became effective in February 2022.

THE ADMINISTRATIVE CHALLENGES

An international exchange Eligible securities include common stock purchased on the JSE and the FSE.

IMPACT: A higher level of review may be required to locate all eligible security purchases made on an international exchange.

Corporate actions During the class period SIHNV acquired the share capital of SIHPL under South African Law through a Scheme of Arrangement—one SIHNV share was issued in exchange for each share of SIHPL. This arrangement caused every shareholder of SIHPL to become a shareholder in SIHNV.

IMPACT: Transactional records related to shares for acquisitions may be inconsistent, so additional review will be required to ensure that the newly acquired shares are appropriately categorized, following the case requirements. This is all further complicated by the eligible securities being listed on foreign exchanges. Failure to adequately identify shares obtained from an acquisition may result in a claim being found to be valued less that was originally predicted or completely ineligible.

Unusually complicated loss formula The 75-page Steinhoff Allocation Plan was unusually complicated, with specific instructions to follow depending on purchase or transfer date, the exchange, the currency, whether the investor held the security at the end of the class period (a challenge with LIFO as mentioned below), and special instructions for securities acquired as the result of Steinhoff convertible bonds to name a few. For each of these transactions, the Estimated inflation must be calculated, and any Estimated inflation generated by a purchase must not be fully offset by any Estimated Inflation generated by a sale to have a positive MPC Relevant Claim, and thus payable.

IMPACT: The ability to accurately calculate a claim's recognized loss is significant as it is the basis for all audits and quality assurance work conducted by the filer. Inaccurate calculations can lead to the loss of money as the filer is unable to accurately review and confirm the determinations of the administrator.

Detailed supporting documentation required The Steinhoff Allocation Plan requires claimants to provide detailed supporting documentation. This is greatly complicated by the old class period, dating back over ten years. Failure to provide adequate supporting documentation for all transactions may lead to a rejection, or reduction of a claim. For example, if a claimant cannot provide adequate custodial support, any implicit sales (by looking at evidence of end of period shareholdings, for example) will be assumed to have been sold at the maximum inflation value, which may fully offset any Estimated inflation of the claim, leading to a negative MPC Relevant Claim, and no payment.

IMPACT: All filers are required to submit the supporting documentation needed to prove the claim before verification of the claim will take place. Institutions that had many class period transactions will need significant planning and clean preparation work to prove their claims and maximize recovery.

Last-in, first-out (LIFO) The Steinhoff Allocation Plan uses the principal of last-in first-out (LIFO)—wherein securities are deemed to be sold in the opposite order that they were purchased—in the calculation. In other words, the last securities purchased are deemed to be the first sold.

IMPACT: This type of calculation is not typical in most securities matters and can cause issues in determining the true last-in and first-out transactions. Further, it is our experience that filers and even claims administrators do not apply LIFO matching consistently, so additional care is needed.

Old class period The class period began on March 1, 2009.

IMPACT: Financial institutions and individuals typically keep copies of statements, broker confirmations and house data relating to their accounts for approximately seven years. However, this class period began over a decade ago. Consequently, it may be difficult for class members to (a) provide transaction information beyond seven years, and (b) provide all required supporting documentation. As a result, class members may miss eligible transactions, negatively impacting their potential recognized loss.

HONORABLE MENTIONS

Spectrum Brands and HRG Group Securities Litigations

SPECTRUM BRANDS AND HRG GROUP SECURITIES LITIGATIONS (3:19-CV-00178; 3:21-CV-00552)	
SETTLEMENT AMOUNT:	Spectrum Brands: $32,000,000; HRG Group: $7,500,000
SUMMARY:	HRG Group was the former holding company with Spectrum Brands, a consumer goods company, being its principal operating subsidiary. HRG wholly acquired Spectrum by a reverse merger on July 13, 2018. Shortly after the merger, class actions complaints were filed against Spectrum and HRG (Spectrum Brands Securities Litigation), alleging violations of federal securities laws for certain misstatements and omissions related to two major supply-chain consolidation projects that inflated the pre-merger prices of Spectrum and HRG common stock. Spectrum and HRG agreed to settle the litigation for $39 million, however, a sub-class of HRG investors objected to the settlement on the grounds that the proposed settlement discounted the recoveries to HRG class members by 75%. Ultimately, after failed settlement considerations, the Court severed the HRG subclass, and a separate action was initiated (HRG Group Securities Litigation). After a series of mediations, the new HRG subclass, original Spectrum subclass, and defendants agreed to a mutually acceptable allocation of the $39 million settlement, with $32 million being for the benefit of investors in the common stock of pre-merger Spectrum, and $7.25 million being for the benefit of the HRG subclass.
ADMINISTRATIVE COMPLICATIONS AND IMPACT:	Both actions relate to the reverse merger of HRG Group and Spectrum Brands, which closed on July 13, 2018. Due to the inconsistent nature of transactional records associated with shares acquired pursuant to a merger, separate reviews must be performed to ensure that any shares exchanged in the merger are properly categorized according to the case requirements. Failure to adequately identify shares acquired via a merger can lead to a claim being found ineligible or of lower value. Care must be taken to ensure your books and records reflect the proper CUSIP that the claims administrator is looking for. Both cases also had a complex plan of allocation, with individual inflation tables for pre- and post-merger Spectrum stock, and HRG common stock and complex recognized loss calculations with a multiple step formula.

Resideo Technologies Securities Litigation

RESIDEO TECHNOLOGIES SECURITIES LITIGATION (0:19-CV-02863)	
SETTLEMENT AMOUNT:	$55,000,000
SUMMARY:	Resideo Technologies, Inc. is a U.S.-based home automation solutions company formed in 2018 as a spin-off of manufacturing conglomerate Honeywell. On November 8, 2019, plaintiffs filed this securities class action alleging that the defendants misled investors regarding Resideo's suitability as a stand-alone company and concealed massive company-wide problems in both its products and internal operations, contradicting Honeywell's portrayal of the company as a well-managed, cutting-edge market leader. Just five months after the spin-off, Resideo released its fourth quarter and full-year 2018 financial results, announcing its intention to lower its 2019 financial forecasts and decrease its profit projections for its Product & Solutions division. Through a series of corrective disclosures, the company's stock price dropped a total of more than 39%, wiping out over $1.3 billion in equity.
ADMINISTRATIVE COMPLICATIONS AND IMPACT:	There were two primary administrative challenges in the Resideo case. First, Resideo common stock was impacted by the spin-off from Honeywell International. Due to the inconsistent nature of transactional records associated with shares acquired pursuant to corporate actions such as a corporate spin-off, separate reviews must be performed to ensure that any shares exchanged in the merger are properly categorized according to the case requirements. Failure to adequately identify shares acquired via a merger can lead to a claim being found ineligible or of lower value. Care must be taken to ensure your books and records reflect the proper CUSIP that the claims administrator is looking for. Further, the sheer number of corrective disclosures throughout the class period complicated the court-approved Plan of Allocation. With no fewer than ten alleged corrective disclosures that must be accounted for when calculating the price impact on Resideo common stock, this case necessarily involved a more complicated and involved review and quality assurance process to confirm the accuracy and completeness of the claims administrator's findings and to ensure an accurate recovery.

Mallinckrodt Securities Litigation

MALLINCKRODT SECURITIES LITIGATION (1:17-CV-00145)	
SETTLEMENT AMOUNT:	$66,750,000
SUMMARY:	Mallinckrodt is a specialty pharmaceutical company that develops, manufactures, and distributes branded and generic pharmaceutical products worldwide. On August 14, 2014, it acquired Questcor Pharmaceuticals, and with it, Acthar Gel, the only approved therapeutic preparation of adrenocorticotropic hormone (ACTH) in the U.S.—a monopoly that the company was allegedly able to maintain due to certain strategic acquisitions—ultimately, permitting Questcor, and later Mallinckrodt, to increase the price of Acthar by 85,000% over the course of 16 years. Plaintiffs filed a class action complaint alleging the defendants made false and misleading statements and failed to disclose material adverse facts about the long-term sustainability of the company's Acthar revenues and the potential exposure of Acthar to reimbursement rates by Medicare and Medicaid. Plaintiffs further allege that the company's true dependance on Acthar revenue began to surface through a series of reports by a short seller, and finally, a $100 million settlement with the FTC and several states over the alleged unlawful efforts to prevent an alternative ACTH treatment from reaching the U.S. market. On October 12, 2020, Mallinckrodt filed a Notice of Suggestion of Pendency of Bankruptcy and Automatic Stay of Proceedings in the Action, stating that it and its affiliated debtors had commenced bankruptcy cases on the same date under chapter 11 of the U.S. bankruptcy laws. The stay was temporarily modified to allow the parties to participate in mediation, which resulted in a negotiated term sheet including a cash payment of $65,750,000, which the Bankruptcy Court authorized Mallinckrodt to enter on February 23, 2022.
ADMINISTRATIVE COMPLICATIONS AND IMPACT:	The settlement here is permitted by the Bankruptcy Court, which has its own challenges, including that unlike claim filing deadlines in securities cases, bankruptcy deadlines are strict, and no late filings are permitted. Further, additional diligence is needed to make sure that any Questcor securities (whose CUSIP is no longer in existence) purchased prior to the acquisition by Mallinckrodt are properly identified and categorized. Finally, the class period here dates back to October 2015. Typically, most financial institutions and individuals only keep copies of statements, broker confirmation and house data relating to their accounts for seven years, making it hard for a class member to provide transaction information or any supporting documentation that may be needed.

Mindbody Securities Litigation

MINDBODY SECURITIES LITIGATION (1:19-CV-08331)	
SETTLEMENT AMOUNT:	$9,750,000
SUMMARY:	Mindbody, Inc. is a California-based company that designs, develops, and operates a cloud-based business management software and payments platform for the wellness services industry. The complaint alleges that Mindbody and other defendants engaged in a scheme to artificially suppress the value of the company's stock in advance of an acquisition that took the company private in 2019, defrauding investors out of hundreds of millions of dollars. The scheme involved forecasting a false downward guidance in the company's fourth quarter 2018 results, and incorrectly blaming this reduction on the struggle to integrate two earlier acquisitions by Mindbody, causing its stock to decline approximately 20%. Plaintiffs filed their initial securities class action complaint in September 2019 and on December 22, 2021, the parties executed a term sheet for this $9.75 million settlement. Mindbody settled a related derivative settlement for $27 million around the same time.
ADMINISTRATIVE COMPLICATIONS AND IMPACT:	Most settlements provide asset recovery opportunities to those financial institutions that purchased an eligible security during the class period. Accordingly, longtime holders or class period sellers typically cannot recover. Not so in this take-private suit. In this case, financial institutions and their clients who sold during the class period had significant asset recovery opportunities. As such, portfolio monitoring becomes vastly more complicated, especially when automated scripts are used to look for purchasers. Bespoke processes are needed. Second, special care is needed when preparing claim files to ensure all eligible transactions are pulled. Typically, when all eligible securities were purchased before the class period, no claim would be filed. In this case, such an account is eligible and must be filed.

Dakota Plains Securities Litigation

DAKOTA PLAINS SECURITIES LITIGATION (1:16-CV-09727)	
SETTLEMENT AMOUNT:	$13,950,000
SUMMARY:	Dakota Plains Holdings was a U.S.-based crude oil transport company that operated a transloading facility in North Dakota. Its co-founders allegedly orchestrated an elaborate scheme to siphon over $30 million from the now-defunct company over a span of eight years. The securities fraud scheme included, among other allegations, installing family members as figurehead executives, hiring one of their mutual friends as the CEO, and enlisting additional friends and associates to pump Dakota Plains stock so that they may receive bonus payments. One co-founder settled with the SEC in 2016, agreeing to pay nearly $8 million. Plaintiffs filed their complaint soon thereafter, on December 16, 2016. On May 23, 2022, plaintiffs, and a subset of the defendants, including Ryan R. Gilbertson, one of the co-founders, entered a $13.95 million settlement. Michael L. Reger, Dakota Plains's remaining co-founder, refused the settlement, instead opting to go to trial. On June 14, 2022, a federal jury found that he was liable for securities fraud and also found that Dakota Plains stock was inflated by 57% through the class period as a result. Reger has expressed that he will appeal the verdict. This case is unique in that it is only the 26th securities class action lawsuit to have gone to trial, with the last one being Puma Biotechnology, which we featured in our 2020 Annual Report.
ADMINISTRATIVE COMPLICATIONS AND IMPACT:	There are potentially two opportunities to recover here, but only one chance to maximize your recovery. That is, to claim any money from the Gilbertson and officer and director settlement, and/or what may arise in the future from the verdict against Reger, you must have submitted a claim form. And you must do so in advance of any appeals being sought by Reger. While we do not know what additional requirements or complications the Reger verdict will present, Broadridge has observed that in the limited subset of jury verdict securities class actions it is not uncommon for the claims administrator to request supporting documentation for many, if not all, of the claims filed electronically in the case. As a result, it is necessary for filers to undertake the time-intensive process of gathering copies of all required supporting documentation (i.e., broker statements, clearing house blotters or other independent, third-party verification of the transactions) before their claims will be deemed eligible. This challenge is further magnified by the fact that the class period here begins on March 23, 2012, nearly ten years ago. This poses a significant challenge given most financial institutions and individuals only keep copies of statements, broker confirmation and house data relating to their accounts for seven years.

Chicago Bridge & Iron Securities Litigation

CHICAGO BRIDGE & IRON SECURITIES LITIGATION (1:17-CV-1580)	
SETTLEMENT AMOUNT:	$44,000,000
SUMMARY:	Chicago Bridge & Iron (CB&I) began as an engineering company, primarily in the bridge design and construction field. Through various acquisitions and a 1997 spin-off, CB&I expanded their services, and ultimately acquired contracts to complete the construction of new nuclear power plants through a 2013 acquisition of The Shaw Group, Inc. (Shaw). Plaintiffs allege that CB&I made unlawful purchase price adjustments to conceal construction delays and cost overruns that arose from the Shaw acquisition. The complaint further alleged that during the class period, CB&I did not provide accurate data about operating income nor the progress of the Nuclear Projects. On June 17, 2014, a report detailing CB&I's alleged improper acquisition accounting was published. That same day, CB&I's stock price dropped from $74.46 per share to $68.26 per share. By December 2014, CB&I's stock fell to under $40 per share. After eight years of litigation, on February 4, 2022, CB&I and plaintiffs agreed to a $44 million deal "to put the released claims to rest finally and forever."
ADMINISTRATIVE COMPLICATIONS AND IMPACT:	This case had several challenges, all complicated by the old class period, which began nearly ten years ago. Most financial institutions and individuals typically keep copies of statements, broker confirmations and house data relating to their accounts for approximately seven years. This greatly complicates assembling and reviewing transactional records, especially here, where there was a merger immediately prior to the class period. The settlement class was also limited to transactions which occurred in the United States and the court approved Plan of Allocation included an estimated artificial inflation table that required class members to calculate the price impact that eight alleged corrective disclosures had on the security during the class period. Accounting for multiple corrective disclosures leads to a more complicated and involved level of review and quality assurance process. Additionally, a higher level of review is needed to ensure an accurate and maximized recovery.

Aegean Marine Securities Litigation

AEGEAN MARINE SECURITIES LITIGATION (1-18-CV-04993)	
SETTLEMENT AMOUNT:	$29,800,000 (combined partial settlements)
SUMMARY:	Prior to commencing voluntary Chapter 11 bankruptcy proceedings in the fall of 2018, Aegean Marine Petroleum was one of the world's largest marine fuel logistics companies with a market capitalization of $750 million at its peak. Since the company's 2006 IPO, public disclosures continually portrayed the company as a profitable, well-run business with strong cash flows and a healthy balance sheet. However, internal audits would later reveal that leading up to and throughout the class period (February 27, 2014 through November 5, 2018), company insiders, including certain officers and directors, had perpetrated a scheme to defraud the company and its investors of over $300 million in cash and assets. Ultimately leading to a federal U.S. grand jury subpoena in connection with several suspected felonies. The company has since reorganized as Minerva Bunkering. On June 5, 2018, plaintiff filed its class action complaint alleging that Aegean, including certain officers and directors, and its auditors, violated federal securities laws. Two of Aegean's auditors have agreed to settle these allegations for a combined partial settlement of $29.8 million ($14.9 million each) while the litigation continues against the non-settling defendants.
ADMINISTRATIVE COMPLICATIONS AND IMPACT:	There were several challenges here, first, there were many eligible securities, including: Aegean common stock, two classes of convertible unsecured senior notes, and call or put option contracts on Aegean common stock. Identifying the impacted securities through a standard portfolio-monitoring process is difficult when holders of equity, various debt instruments, and derivative securities are all eligible to recover in the settlement. This is especially true here where the acquisition may not be reflected as a "purchase" in the underlying transactional data. Further, for options and puts it's important that the disposition of the contract is included in the transactional data as well. An added complication is that the class period begins over eight years ago and includes many corrective disclosures when most financial institutions and individuals only keep copies of broker confirmations and house data relating to their accounts for approximately seven years. The greatest challenge however is found in the combined Plan of Allocation, which included separate criteria and eligibility for the two settling auditors related to the time each was servicing Aegean. For example, the first auditor did not issue its opinion until the close of trading on May 16, 2017 (three years into the class period), thus you must have purchased or acquired Aegean securities (or sold Aegean put options) after that date but before November 6, 2018 and held through at least one partial disclosure. Having multiple eligibility periods and criteria in a single case greatly impacts the portfolio-monitoring process, especially if an automated process is used.

Miller Energy Securities Litigation

MILLER ENERGY SECURITIES LITIGATION (3:16-CV-00121)	
SETTLEMENT AMOUNT:	$35,000,000
SUMMARY:	Miller Energy Resources was an independent U.S.-based oil and natural gas exploration and production company that was founded in 1967. The company, which is now defunct after going through bankruptcy and reorganization, operated on the peripheries of the industry, often trading as a penny stock. This changed in 2009 when Miller Energy announced that it had acquired assets (the Alaska Assets) valued at a purported $325 million through a Delaware Chapter 11 Bankruptcy proceeding at a total cost of $2.25 million—a steep discount. By the time the company filed its 10-Q following the acquisition, plaintiffs allege that Miller Energy had materially misstated the value of the Alaska Assets by $479 million after accounting for the double-counting of assets. Eventually, the true value of the Alaska Assets was made known to the public—the assets were essentially worthless. In 2014 Miller Energy settled a securities class action for $2.95 million and on October 1, 2015, the company filed for bankruptcy. Soon after, on March 14, 2016, plaintiffs filed this securities class action against Miller Energy's auditor, for its alleged role in perpetuating the alleged fraudulent scheme.
ADMINISTRATIVE COMPLICATIONS AND IMPACT:	This case had several significant complications. First, the age of the class period (August 29, 2011, through July 30, 2015) is a challenge because most financial institutions and individuals only keep copies of statements, broker confirmation and house data relating to their accounts for seven years. Second, throughout the four year class period there were no fewer than 18 corrective disclosures that must be accounted for when calculating one's recognized loss amount. Finally, there were multiple securities issued during the class period which must be researched and claimed for, each with its own recognized loss calculation, including common stock, and several series of preferred stock. In a case like this the size of the searches and resulting data exports and time required to prepare and file claims increases exponentially, and significant quality assurance measures are needed to ensure accuracy and completeness of the files before they can even be filed.

AmTrust Preferred Stock Litigation

AMTRUST PREFERRED STOCK LITIGATION (1:19-CV-08030)	
SETTLEMENT AMOUNT:	$13,000,000
SUMMARY:	AmTrust Financial Services is an insurance holding company headquartered in New York. Throughout the class period, AmTrust was essentially a privately held company with the defendants owning approximately 55% of the company. In a go-private merger, the remaining 45% of outstanding common shares that the defendant did not own were acquired pursuant to a merger agreement dated March 1, 2018. Plaintiffs in this class action include investors who were left holding over $1 billion worth of preferred stock AmTrust issued between 2013 and 2016. Plaintiffs allege that, throughout the class period, defendants made materially false and misleading statement or omissions regarding whether AmTrust's preferred stock would remain listed on the NYSE following the merger. The buyout closed on November 29, 2018, and within two months AmTrust announced that it would delist all six series of AmTrust preferred stock from the NYSE, leading the plaintiffs to allege that the defendants either intentionally or recklessly misled investors with regard to the preferred stock remaining on the NYSE. Immediately after this announcement, the prices of the preferred stock plummeted by almost 40% the next trading day, wiping out hundreds of millions in shareholder equity.
ADMINISTRATIVE COMPLICATIONS AND IMPACT:	This case has one significant complication, which is the sheer number of preferred stocks issued in such a short period. All told, in a three-year period AmTrust issued six series of preferred stock (some represented by depositary shares). This challenge impacts a variety of areas in the case. First, portfolio monitoring is made more complicated by the size of the searches and resulting data exports. Second, the time required to prepare and file claims can be increased exponentially. Finally, significant quality assurance measures are needed to ensure accuracy and completeness of the files before they can even be filed.

Blackberry Limited Securities Litigation

BLACKBERRY LIMITED SECURITIES LITIGATION (1:13-CV-07060)	
SETTLEMENT AMOUNT:	$165,000,000
SUMMARY:	Blackberry Limited is a Canadian software company best known for developing the Blackberry brand smartphones and tablets. The company ceased manufacturing these devices in 2016, however, electing instead to focus on security software and services. Plaintiffs filed their class action complaint nearly ten years ago, alleging that BlackBerry and several of its former executives made false and misleading statements about the presumed success of BlackBerry's then-new smartphones: the Blackberry 10 and the Blackberry Z10. The complaint alleged that the company misstated revenue recognition and issued press releases that contained inaccurate sales and return data on the newly released BlackBerry phones. Notably, this case was revived in March 2018 after being dismissed earlier in 2015, aided by information that was revealed during a related criminal investigation.
ADMINISTRATIVE COMPLICATIONS AND IMPACT:	There were three challenges here with the first two being further complicated by the third. First, during the class period market trading was halted for Blackberry common stock, requiring additional steps to appropriately calculate recognized losses. Second, the settlement class was limited to individuals and entities that acquired BlackBerry Limited common stock on a U.S. exchange. However, BlackBerry Limited was dually listed, and heavily traded in Canada as well as the U.S., requiring additional processes to identify eligible transactions and confirm the transaction occurred on the correct exchange. Both challenges are further complicated by the old class period which began over nine years ago because most financial institutions and individuals only keep copies of statements, broker confirmations and house data relating to their accounts for seven years. Thus, careful tracking, claim preparation, and data management is essential to ensuring maximum recovery, and additional care is required when dealing with deficiencies identified by the claims administrator.

ABOUT BROADRIDGE

Broadridge Financial Solutions, Inc. ("Broadridge" or the "Company"), part of the S&P 500® Index, is a global financial technology leader providing investor communications and technology-driven solutions to banks, broker-dealers, asset and wealth managers and corporate issuers. With over 50 years of experience, including over 16 years as an independent public company, we provide financial services firms with advanced, dependable, scalable and cost-effective integrated solutions and an important infrastructure that powers the financial services industry. Our solutions enable better financial lives by powering investing, governance and communications, and help reduce the need for our clients to make significant capital investments in operations infrastructure, thereby allowing them to increase their focus on core business activities.

The Broadridge team of dedicated class action experts includes attorneys, client advocates, class action auditors, data analysts, research professionals and client service representatives, all of whom on average have 15-20 years of class action experience. Over 900 organizations rely on Broadridge global class action services because of our industry expertise, comprehensive worldwide coverage, and world-class standards. Our experts analyze and match all investment positions to identify recovery opportunities for each security relevant to every case. Our proprietary technology and processes—the backbone of which is our Advocacy Model—enable you to reduce risk, improve the client experience, protect customer data, and increase filing participation. Given our extensive knowledge of global securities litigation and claims administration, our services are designed to be accurate, timely, and transparent. Our proactive approach and unique system of analysis and reconciliation ensure we do everything possible to maximize your recovery.

For more than a decade, Broadridge has been active in supporting the financial services industry with regards to its class action needs.

Broadridge supports institutions, broker-dealers, trust banks, fund manager, pension funds and other asset managers in the global class action market via its experienced team of career class action industry veterans including attorneys, auditors, data scientists and technologists. As a result, we have a truly unique pedigree and perspective on the class action market.

TO DISCUSS THIS REPORT OR FOR MORE INFORMATION, PLEASE CONTACT US AT +1 855 252 3822

Broadridge, a global Fintech leader with $5 billion in revenues and part of the S&P 500® Index, provides communications, technology, data and analytics. We help drive business transformation for our clients with solutions for enriching client engagement, navigating risk, optimizing efficiency and generating revenue growth.

Broadridge

Ready for Next

Broadridge Financial Solutions (NYSE: BR), a global Fintech leader with $5 billion in revenues, provides the critical infrastructure that powers investing, corporate governance, and communications to enable better financial lives. We deliver technology-driven solutions that drive business transformation for banks, broker-dealers, asset and wealth managers and public companies. Broadridge's infrastructure serves as a global communications hub enabling corporate governance by linking thousands of public companies and mutual funds to tens of millions of individual and institutional investors around the world. Our technology and operations platforms underpin the daily trading of more than U.S. $9 trillion of equities, fixed income and other securities globally.

broadridge.com

© 2023 Broadridge Financial Solutions, Inc., Broadridge and the Broadridge logo are registered trademarks of Broadridge Financial Solutions, Inc.

WM_001414_RT_ClassAction2022