

## If You Transacted in ISDAfix Instruments Between January 1, 2006, and January 31, 2014, You May Be Affected by a New and Additional Class Action Settlement.

For the purposes of this Settlement<sup>1</sup>, “ISDAfix Instrument” means (i) any and all interest rate derivatives, including, but not limited to, any swaps, swap spreads, swap futures, variance swaps, volatility swaps, range accrual swaps, constant maturity swaps, constant maturity swap options, digital options, cash-settled swaptions, physically settled swaptions, swapnote futures, cash-settled swap futures, steepeners, flatteners, inverse floaters, snowballs, interest rate-linked structured notes, and digital and callable range accrual notes, where denominated in USD or related to USD interest rates; and (ii) any financial instruments, products, or transactions related in any way to any USD ISDAfix Benchmark Rates, including, but not limited to, any instruments, products, or transactions that reference ISDAfix Benchmark Rates and any instruments, products, or transactions relevant to the determination or calculation of ISDAfix Benchmark Rates.

### THIS NOTICE

This is a **new notice** concerning an **additional** proposed settlement (the “Proposed Settlement”) reached in this litigation. It is to alert you to a **new, additional settlement** with five Defendants: BNP Paribas (named in the Action as “B.N.P. Paribas SA”); ICAP Capital Markets LLC (now known as Interco Capital Markets LLC); Morgan Stanley & Co. LLC; Nomura Securities International, Inc.; and Wells Fargo Bank, N.A. (collectively, the “Newly Settling Defendants”) in a class action against Newly Settling Defendants and other Defendants who previously settled. The lawsuit alleges that Defendants, including the Newly Settling Defendants, engaged in anticompetitive acts that affected the market for ISDAfix Instruments in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1. The lawsuit also alleges that certain Defendants were unjustly enriched under common law and breached ISDA Master Agreements. The lawsuit was brought by persons who transacted in ISDAfix Instruments. All Defendants deny they did anything wrong.

A Proposed Settlement has been reached with the Newly Settling Defendants. This is separate from the settlements that have already been given final approval by the Court, which covered other Defendants in the same action (the “Approved Settlements”). The Newly Settling Defendants have agreed to pay \$96 million (the “Settlement Fund”). This amount is in addition to the fund created from the \$408.5 million paid in connection with the Approved Settlements. The United States District Court for the Southern District of New York (the “Court”) authorized this Summary Notice. Before any money is paid, the Court will have a hearing to decide whether to approve the additional Proposed Settlement. Approval of the Proposed Settlement by the Court will resolve this lawsuit in its entirety.

### WHO IS A SETTLEMENT CLASS MEMBER?

Subject to certain exceptions, the Settlement Class includes all persons or entities (together, “Persons”) who, from January 1, 2006, through January 31, 2014, entered into, received or made payments on, settled, terminated, transacted in, or held an ISDAfix Instrument, as defined above.

If you are unsure whether you are a Settlement Class Member, you can find more information, including a detailed Notice of an Additional Proposed Settlement of Class Action (the “Notice”), at [www.ISDAfixAntitrustSettlement.com](http://www.ISDAfixAntitrustSettlement.com), or by calling 1-844-789-6862 (U.S.), or +1-503-597-5526 (Int.).

### WILL I GET A PAYMENT?

If you are a member of the Settlement Class and do not opt out of the Settlement Class, you will be

eligible to file a Proof of Claim and Release Form (the “Claim Form”). Claim Forms can be found at [www.ISDAfixAntitrustSettlement.com](http://www.ISDAfixAntitrustSettlement.com). The amount of your payment will be determined by a Plan of Distribution to be approved by the Court. The proposed plan is functionally the same as the plan that was given final approval by the Court in connection with the Approved Settlements. Details are available at [www.ISDAfixAntitrustSettlement.com](http://www.ISDAfixAntitrustSettlement.com). A date for distribution of the Settlement Fund has not been set. Claim Forms must be submitted by **December 23, 2018**.

**You do not need to do anything if you submitted a timely and valid claim form in connection with the Approved Settlements.** Any such submission will be treated as a valid and timely Claim Form with respect to this additional Proposed Settlement. If you are unsure whether you did so, please contact the Claims Administrator by calling 1-844-789-6862 (U.S.), or +1-503-597-5526 (Int.).

### WHAT ARE MY RIGHTS AS A SETTLEMENT CLASS MEMBER?

If you are a Settlement Class Member and do not opt out, you will release certain legal rights against the Newly Settling Defendants and the Released Defendant Parties, as explained in the detailed Notice and Settlement Agreement, available at [www.ISDAfixAntitrustSettlement.com](http://www.ISDAfixAntitrustSettlement.com). If you do not want to take part in the Proposed Settlement, you must opt out by **October 13, 2018**.

You may, but do not have to, comment on or object to the additional Proposed Settlement, or Lead Counsel’s application to the Court for an award of attorneys’ fees, expenses, and incentive awards to the Class Plaintiffs for representing the Settlement Class with respect to the Proposed Settlement. To do so, you must file your comments or objections with the Court by **October 13, 2018**.

Further information on how to opt out, or file a comment or objection with the Court, is available at [www.ISDAfixAntitrustSettlement.com](http://www.ISDAfixAntitrustSettlement.com).

### WHEN IS THE FAIRNESS HEARING?

The Court will hold a hearing on **November 8, 2018**, at the United States District Court for the Southern District of New York, Thurgood Marshall United States Courthouse, 40 Foley Square, Courtroom 1105, New York, NY 10007, to consider whether to approve the Proposed Settlement, and Lead Counsel’s application for an award of attorneys’ fees, expenses, and incentive awards to the Class Plaintiffs. You or your lawyer may ask to appear and speak at the hearing at your own expense, but you do not have to.

The Court has appointed the lawyers listed below as Lead Counsel to represent the Settlement Class in this Action:

Daniel L. Brockett  
Quinn Emanuel Urquhart &  
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51 Madison Avenue, 22nd Floor  
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David W. Mitchell  
Robbins Geller Rudman  
& Dowd, LLP  
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<sup>1</sup> Throughout this Summary Notice of an Additional Proposed Settlement of Class Action (the “Summary Notice”), all capitalized terms used, but not immediately defined, have the same meanings given to them in the Stipulation and Agreement of Settlement (“Settlement Agreement”), which is available at [www.ISDAfixAntitrustSettlement.com](http://www.ISDAfixAntitrustSettlement.com).