

Lieff Cabraser Heimann & Bernstein, LLP, Kessler Topaz Meltzer & Check, LLP and McTigue Law LLP announce proposed settlement of class action lawsuits involving BNYM's Standing Instruction FX Program

NEW YORK, May 11, 2015/PR Newswire/ -- The following statement is being issued by Lieff Cabraser Heimann & Bernstein, LLP, Kessler Topaz Meltzer & Check, LLP and McTigue Law LLP regarding the In re Bank of New York Mellon Corp. Forex Transactions Litigation

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

IN RE BANK OF NEW YORK MELLON CORP. FOREX TRANSACTIONS LITIGATION, No. 12-MD-2335 (LAK) (JLC)

THIS DOCUMENT RELATES TO: *Southeastern Pennsylvania Transportation Authority v. The Bank of New York Mellon Corporation, et al.*, No. 12-CV-3066 (LAK) (JLC); *International Union of Operating Engineers, Stationary Engineers Local 39 Pension Trust Fund v. The Bank of New York Mellon Corporation, et al.*, No. 12-CV-3067 (LAK) (JLC); *Ohio Police & Fire Pension Fund, et al. v. The Bank of New York Mellon Corporation, et al.*, No. 12-CV-3470 (LAK) (JLC); *Carver, et al. v. The Bank of New York Mellon, et al.*, No. 12-CV-9248 (LAK) (JLC); *Fletcher v. The Bank of New York Mellon, et al.*, No. 14-CV-5496 (LAK) (JLC)

**SUMMARY NOTICE OF (I) PENDENCY OF CLASS ACTION, (II) PROPOSED SETTLEMENT, (III) SETTLEMENT HEARING, (IV) PLAN OF ALLOCATION FOR DISTRIBUTION, AND (V) LEAD SETTLEMENT COUNSEL'S MOTION FOR ATTORNEYS' FEES AND REIMBURSEMENT OF LITIGATION EXPENSES**

TO: ALL DOMESTIC CUSTODY CUSTOMERS OF BNYM<sup>1</sup> THAT USED BNYM'S STANDING INSTRUCTION FX PROGRAM BETWEEN JANUARY 12, 1999 AND JANUARY 17, 2012 (THE "SETTLEMENT CLASS"). CERTAIN PERSONS ARE EXCLUDED FROM THE DEFINITION OF THE SETTLEMENT CLASS, AS SET FORTH IN DETAIL IN THE STIPULATION AND AGREEMENT OF SETTLEMENT.

**PLEASE READ THIS NOTICE CAREFULLY. YOUR RIGHTS WILL BE AFFECTED BY CLASS ACTION LAWSUITS PENDING IN THIS COURT. IF YOU BELIEVE YOU ARE A MEMBER OF THE SETTLEMENT CLASS DESCRIBED ABOVE, BUT YOU HAVE NOT RECEIVED A NOTICE IN THE MAIL, PLEASE CONTACT THE CLAIMS ADMINISTRATOR.**

YOU ARE HEREBY NOTIFIED, pursuant to Rule 23 of the Federal Rules of Civil Procedure and Order of the United States District Court for the Southern District of New York, that the above-captioned lawsuits ("Litigation") have been provisionally certified as a class action for the purposes of settlement only and that a settlement has been proposed for \$335,000,000 ("Settlement"). In addition, the Settlement Class will benefit from a separate \$155,000,000 pursuant to a settlement that Defendants reached with the New York Attorney General (the "NYAG Settlement Amount") and a separate \$14,000,000 pursuant to a settlement that Defendants reached with the United States Department of Labor which is for the benefit of those members of the Settlement Class who are ERISA Plans ("DOL Settlement Amount"). A hearing will be held in Courtroom 21B before the Honorable Lewis A. Kaplan, at the United States District Court for the Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007 at 10:00 a.m. on September 24, 2015, to, among other things: determine whether the proposed Settlement should be approved by the Court as fair, reasonable, and adequate; determine whether the proposed Plan of Allocation for distribution of the Settlement proceeds should be approved as fair and reasonable; consider the application for an award of attorneys' fees to Plaintiffs' Counsel and reimbursement of expenses to Plaintiffs' Counsel and Plaintiffs; and consider any application for service awards to Plaintiffs for the effort and time spent by them in connection with the prosecution of the Litigation.

**IF YOU ARE A MEMBER OF THE SETTLEMENT CLASS DESCRIBED ABOVE, YOUR RIGHTS WILL BE AFFECTED BY THE PENDING LITIGATION AND THE SETTLEMENT.** If you are a member of the Settlement Class, you should have received a copy of the full printed Notice of (I) Pendency of Class Action, (II) Proposed Settlement, (III) Settlement Hearing, (IV) Plan of Allocation for Distribution, and (V) Lead Settlement Counsel's Motion for Attorneys' Fees and Reimbursement of Litigation Expenses (the "Notice") in the mail. **IF YOU BELIEVE YOU ARE A MEMBER OF THE SETTLEMENT CLASS AND YOU DID NOT RECEIVE A COPY OF THE NOTICE IN THE MAIL, YOU SHOULD CONTACT THE CLAIMS ADMINISTRATOR:** *In re Bank of New York Mellon Corp. Forex Transactions Litigation*, c/o Garden City Group, LLC, Claims Administrator, P.O. Box 10170, Dublin, OH 43017-3170, (877) 940-1504, in order to confirm that you are a Settlement Class Member and/or that the Claims Administrator has your correct mailing address. If the Claims Administrator cannot verify that you are a Settlement Class Member, you will be asked to provide documentation relating to your BNYM custody account(s).

**If you have been identified as a Settlement Class Member and are eligible for a recovery from the Settlement, you do not have to do anything to receive a payment from the Settlement Amount.** Your recovery will be based on the sales margin that BNYM recorded on standing instruction trades for your respective custodial accounts as determined by Plaintiffs' expert. In addition to the \$335,000,000 obtained from Defendants as a result of the Settlement, the Settlement Class will also receive a distribution from the separate \$155,000,000 NYAG Settlement Amount. The NYAG Settlement Amount is expected to be combined with the Settlement Amount following final approval of the Settlement, including exhaustion of all appeals, and will be distributed consistent with the Plan of Allocation approved by the Court. In addition, the DOL Settlement Amount will be combined with the Settlement Amount and distributed to those members of the Settlement Class who are ERISA Plans consistent with the Plan of Allocation approved by the Court.

If you are a Settlement Class Member, you may exclude yourself from the Settlement Class. To exclude yourself from the Settlement Class, you must submit a written request for exclusion such that it is *received* no later than August 17, 2015, in accordance with the instructions set forth in the Notice. If you are a Settlement Class Member and do not exclude yourself from the Settlement Class, you will be bound by the Settlement, including the releases provided for by the Settlement. *Do not request exclusion if you wish to participate in the Settlement.* If you request exclusion from the Settlement Class: (a) you will *not* be eligible to receive any distribution from the Settlement Amount, the NYAG Settlement Amount or the DOL Settlement Amount; (b) you will not be bound by the terms of the Settlement, including the releases, and you will retain any right you may have to file your own lawsuit concerning the Released Claims; and (c) you will not be able to object to the Settlement.

Any objections to the proposed Settlement, the proposed Plan of Allocation, the request for attorneys' fees and reimbursement of expenses to Plaintiffs' Counsel, or the request for service awards to Plaintiffs must be filed with the Court and delivered to Lead Settlement Counsel for the Settlement Class and counsel for Defendants such that they are *received* no later than August 26, 2015, in accordance with the instructions set forth in the Notice.

You can obtain additional information regarding the Litigation and the Settlement by visiting the website [www.BNYMellonForexSettlement.com](http://www.BNYMellonForexSettlement.com), or by contacting the Claims Administrator at the address and phone number provided above. Questions regarding the Litigation and the Settlement can also be directed to Lead Settlement Counsel:

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**PLEASE DO NOT CONTACT THE COURT OR THE CLERK'S OFFICE REGARDING THIS NOTICE.**

By Order of the Court

<sup>1</sup> BNYM refers collectively to The Bank of New York Mellon Corporation; The Bank of New York Mellon; The Bank of New York Company, Inc.; The Bank of New York, Mellon Bank N.A.; The Bank of New York Mellon Trust Company, N.A. (formerly known as the Bank of New York Trust Company, N.A.); and BNY Mellon, N.A.

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Source: Lief Cabraser Heimann & Bernstein, LLP, Kessler Topaz Meltzer & Check, LLP and McTigue Law LLP

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