UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

COMMODITY EXCHANGE, INC., GOLD FUTURES AND OPTIONS TRADING LITIGATION

This Document Relates To All Actions

Case No. 14-MD-2548 (VEC)
14-MC-2548 (VEC)

Hon. Valerie E. Caproni

PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF THE SETTLEMENT AGREEMENT WITH DEUTSCHE BANK AG

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Approval of the Settlement Agreement with Deutsche Bank AG, and all papers submitted therewith, Plaintiffs, through their undersigned counsel, hereby move this Court before the Honorable Valerie E. Caproni, United States District Judge, for entry of the [Proposed] Order Preliminarily Approving the Deutsche Bank Settlement Agreement, Certifying the Settlement Class, and Appointing Class Representatives for the Settlement Class, pursuant to Rule 23 of the Federal Rules of Civil Procedure. This [Proposed] Order has been agreed to by Plaintiffs and Deutsche Bank AG and consists of:

(1) preliminarily approving the Settlement set forth in the Settlement Agreement;

(2) preliminarily certifying the following Settlement Class for purposes of settlement only:

> All persons or entities who during the period from January 1, 2004 through June 30, 2013, either (A) sold any physical gold or financial or derivative instrument in which gold is the underlying reference asset, including, but not limited to, those who sold (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 ("ETFs"), (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; (v) gold spot, gold forwards or gold swaps over-the-counter; or (B) bought 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.

(3) preliminarily appointing Berger & Montague, P.C. and Quinn Emanuel Urquhart & Sullivan, LLP as Co-Lead Counsel for the Settlement Class for purposes of settlement only;

(4) preliminarily appointing Plaintiffs American Precious Metals, Ltd.; Norman Bailey; Patricia Benvenuto; Michel de Chabert-Ostland; Edward R. Derksen; Frank Flanagan; Quitman D. Fulmer; Thomas Galligher; KPFF Investment, Inc.; Duane Lewis; Larry Dean Lewis; Kevin Maher; Robert Marechal; David Markun; Trieste Matte; Blanche McKennon; Kelly McKennon; Thomas Moran; Eric Nalven; Nando, Inc.; J. Scott Nicholson; Ken Peters; Santiago Gold Fund LP; Albert Semrau; Steven E. Summer; Richard White; White Oak Fund LP; and David Windmiller as class representatives for the Settlement Class for purposes of settlement only;

(5) preliminary approving The Huntington National Bank as the Escrow Agent and preliminary approving certain administrative expenses to be paid as agreed to by the parties in the Settlement Agreement;

(6) preliminary approving the funds in the Escrow Account as Qualified Settlement Funds;

(7) staying all proceedings in the Action and any other action alleging any claims released by the Settlement Agreement with respect to the Settling Defendant; and

(8) granting such other and further relief as the Court deems just and proper.

DATED: December 2, 2016

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