

The Class Action Case Files



USD LIBOR
Eurodollar
Futures
Settlement

Portfolio monitoring and asset recovery of growing global securities class action can be daunting.
Broadridge can help simplify the complex.

Just the Facts

7 settling defendants
9 non-settling defendants
in the exchange-based plaintiffs' action

8-year class period:
1/1/2003-5/31/2011

Entities that transacted during the class period in Eurodollar futures contracts and/or options on Eurodollar futures on exchanges, such as the Chicago Mercantile Exchange, may be eligible to receive payment from the aggregate settlement funds totaling \$187,000,000.

DEADLINES

Claim filing:
December 1, 2020

Objection & exclusion:
August 27, 2020

FINAL APPROVAL HEARING
September 17, 2020

LIBOR

The London Interbank Offered Rate (LIBOR) is the reference point for determining interest rates for financial instruments worldwide.

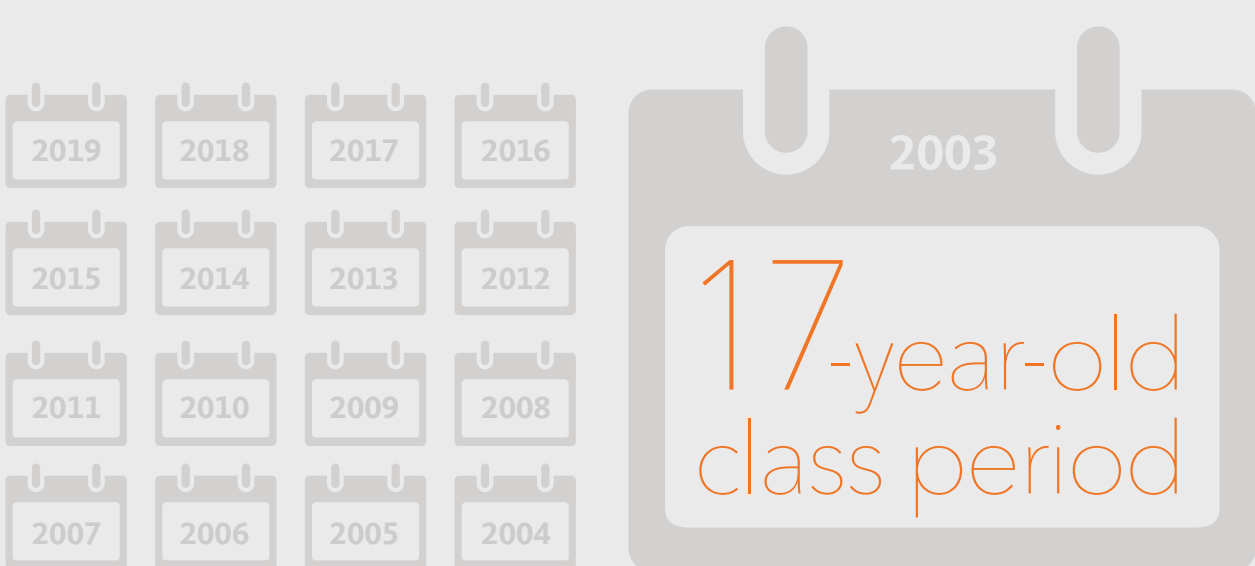
CLASS

This \$187M Settlement is **one of the many LIBOR based antitrust litigations** consolidated with *In re LIBOR-Based Financial Instruments Antitrust Litigation*, MDL No. 2262, No. 11 Civ. 2613, pending in the United States District Court for the Southern District of New York.

Proposed settlement:
\$187M

ALLEGATIONS

Plaintiffs allege that the defendants **manipulated LIBOR** in violation of the Sherman Antitrust Act and the Commodity Exchange Act.



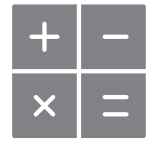
LIBOR rates are determined for several currencies, including the U.S. Dollar, for multiple borrowing periods ranging from overnight to one year. During the relevant period, LIBOR rates were published each business day. During the period at issue in the Action, U.S. Dollar LIBOR was the trimmed average of the rates at which an individual bank on the U.S. Dollar LIBOR panel could borrow funds, were it to do so by asking for and then accepting offers in the London inter-bank market in reasonable market size, just prior to 11:00 am London time. These settlements only involve U.S. Dollar LIBOR.

Case Challenges



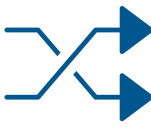
CLASS PERIOD IS OVER 17 YEARS OLD

Typically, most financial institutions and individuals only keep copies of statements, broker confirmation and house data relating to their accounts for 7 years. As such, given the length and the start of these class periods, it is hard for a class member to (i) provide transaction information longer than 7-10 years and (ii) provide any supporting documentation that may be needed. As a result, this could cause the class member to not provide all potential damaged Eurodollar futures contracts and/or options on Eurodollar futures and impact their potential recognized loss.



UNUSUALLY COMPLICATED LOSS FORMULA OR "PLAN OF ALLOCATION"

The proposed Plan provides for distribution of 75% of the Net Settlement Fund on the basis of *pro rata* "Recognized Net Loss" and 25% on the basis of *pro rata* "Recognized Volume." And all of that is subject to a guaranteed minimum payment of \$20. This challenge requires you to first, have a deep understanding of the legal and economic principles in the Plan necessary to build an appropriate algorithm to calculate the damages of your claim. 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.



COMPLEX INSTRUMENTS INVOLVED

This challenge impacts a variety of areas of the case. Portfolio monitoring—knowing if you are even eligible—is vastly more complicated. Claim preparation and filing can take hundreds of hours, just to get the data in the proper format. And significant quality assurance measures are needed to ensure accuracy and completeness. Further, cases as complicated as these all but ensure a complex audit and deficiency process. In order to be able to handle the claims administrator's requests, your data will need to be in order. In addition, mistakes can happen, and all work—yours and the administrator's—should be checked and audited in order to ensure maximum recovery. Finally, if you are recovering on behalf of multiple clients and/or accounts, putting those funds back into the proper account can be complex, and care should be taken.



IDENTIFICATION OF HEDGER OR SWAP DEALER

Whether you were identified as a hedger or a swap dealer plays a role in determining if any discounts are applied during the loss formula calculation.

Each year billions of dollars are being left on the table.
Find the right advocate who can help you maximize recoveries.

Contact: Broadridge Global Class Action Services +1 855 252 3822

