

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

IN RE: LIBOR-BASED FINANCIAL INSTRUMENTS ANTITRUST LITIGATION	MDL No. 2262 (NRB) Honorable Naomi Reice Buchwald
THIS DOCUMENT RELATES TO:	
MAYOR AND CITY COUNCIL OF BALTIMORE, et al.,  Plaintiffs,  v.  CREDIT SUISSE AG, et al.,  Defendants.	No. 11-cv-5450 (NRB)

**DECLARATION OF AMY L. LAKE IN SUPPORT OF OTC PLAINTIFFS’  
MOTION TO AUTHORIZE AMENDED DISTRIBUTION OF THE BARCLAYS,  
CITIBANK, DEUTSCHE BANK, AND HSBC NET SETTLEMENT FUNDS TO  
CLAIMANTS AND REIMBURSEMENT OF  
ADDITIONAL CLAIMS ADMINISTRATION EXPENSES**

AMY L. LAKE declares and states as follows:

1. I am a Director of Client Services at Rust Consulting, Inc. (“Rust”). Rust was appointed by the Court to serve as the Claims Administrator for the OTC Plaintiffs’ settlement with Barclays Bank plc (the “Barclays Settlement”) pursuant to ¶ 1 of the Order Approving OTC Plaintiffs’ Notice Program and Preliminary Approval of Plan of Distribution (the “Barclays Preliminary Approval Order”). *See* Dkt. 1948.<sup>1</sup> Rust was also appointed to serve as the Claims

<sup>1</sup> All docket citations refer to MDL No. 2262.

Administrator for the OTC Plaintiffs' settlement with Citibank N.A. and Citigroup, Inc. (the "Citi Settlement") pursuant to ¶ 5 of the Order Preliminarily Approving Settlement (the "Citi Preliminary Approval Order"), *see* Dkt. 2247, the OTC Plaintiffs' settlement with Deutsche Bank Aktiengesellschaft ("Deutsche Bank Settlement") pursuant to ¶ 5 of the Order Preliminarily Approving Settlement Between OTC Plaintiffs and Deutsche Bank Aktiengesellschaft, *see* Dkt. 2481, and OTC Plaintiffs' settlement with HSBC Bank plc ("HSBC Settlement") pursuant to ¶ 5 of the Order Preliminarily Approving Settlement Between OTC Plaintiffs and HSBC Bank plc, *see* Dkt. 2480. I have the responsibility for overseeing all aspects of the notice and claims administration services performed by Rust with respect to the Barclays Settlement, Citi Settlement, Deutsche Bank Settlement, and HSBC Settlement (together, the "Settlements"). I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

2. I previously submitted a declaration in support of OTC Plaintiffs' Motion to Authorization Distribution of the Barclays, Citibank, Deutsche Bank, and HSBC Net Settlement Funds to Claimants and Reimbursement of Claims Administration Expenses ("Motion for Distribution"). *See* Dkt. 3298.

3. After the Court approved the distribution proposed by Class Counsel in the Motion for Distribution ("Approved Distribution"), *see* Dkt. 3300 (order approving distribution); *see also* Dkt. 3297-1 (approved distribution amounts), Rust received several inquiries from claimants regarding the amount of their distribution.

4. One such inquiry came from a third-party filer ("Third-Party Filer A") regarding a claimant for which Third-Party Filer A had submitted a claim ("Claimant A"). Claimant A was not allocated any distribution in the Approved Distribution.

5. Another such inquiry came from another third-party filer (“Third-Party Filer B”) regarding a claimant for which Third-Party Filer B had submitted a claim (“Claimant B”). Claimant B was not allocated any distribution in the Approved Distribution.

6. As described in my prior declaration, Rust sent notifications to Claimants between December 2020 and January 2021 and provided an opportunity for Claimants to correct errors or provide additional information about their Claim. *See* Dkt. 3298 ¶ 25.

7. After investigation, Rust determined that Third-Party Filer A had not received a notification between December 2020 and January 2021 for Claimant A because its submission for Claimant A had been incorrectly labeled due to a clerical oversight.

8. After investigation, Rust also determined that Third-Party Filer B had not received a notification between December 2020 and January 2021 for Claimant B. Claimant B had originally submitted its Claim directly to Rust, but Rust later received notice from Third-Party Filer B that it had been hired to manage that Claim on behalf of Claimant B. Due to a clerical oversight, Claimant B was not linked to Third-Party Filer B in Rust’s database, and therefore any transactional data submission from Third-Party Filer B on behalf of Claimant B was not linked to Claimant B’s Claim. Accordingly, the notification that Rust prepared for Claimant B between December 2020 and January 2021 was sent directly to Claimant B instead of Third-Party Filer B, and that notification did not reflect submissions from Third-Party B on behalf of Claimant B.

9. In October 2021, Rust prepared notifications for Claimant A and Claimant B reflecting the submissions made on their behalf by Third-Party Filer A and Third-Party Filer B, respectively, and provided an opportunity for these Claimants to correct errors or provide additional information about their Claims. These notifications were based on validated Claim information provided to Rust by Bates White. *See* Dkt. 3298 ¶¶ 19, 23.

10. Both Third-Party Filer A (on behalf of Claimant A) and Third-Party Filer B (on behalf of Claimant B) responded within the deadline provided by Rust. These responses were provided to Bates White, which processed the responses and prepared an amended proposed distribution that includes allocations to Claimant A and Claimant B for any valid transactions associated with their Claims. Rust recommends that the Court approve the amended proposed distribution because the omission of Claimant A and Claimant B from the previous Approved Distribution was inadvertent and should not be held against the Claimants.

11. Rust also investigated additional inquiries received after the Court approved the distribution proposed by Class Counsel in the original Motion for Distribution, including inquiries from both Third-Party Filer A and Third-Party Filer B related to Claimants other than Claimant A and Claimant B. Rust was assisted by Bates White as necessary in investigating and/or responding to these inquiries. One of these additional inquiries was submitted by another third-party filer (“Third-Party Filer C”) and contested the allocations made to certain clients of Third-Party Filer C pursuant to the Approved Distribution. In consultation with Class Counsel, Rust has determined that no other changes to the Approved Distribution should be made in response to these additional inquiries, including Third-Party Filer C’s inquiry, as any contested issues could have been but were not previously raised in response to the notifications that Rust sent between December 2020 and January 2021. I understand that Class Counsel communicated Rust’s determination to Third-Party Filer C in writing and asked that Third-Party Filer C provide notice by November 21, 2021 if it intended to seek review by the Court. I am not aware of any response from Third-Party Filer C indicating that it would appeal Rust’s determination.

12. For the foregoing reasons, it is respectfully requested that this Court approve Rust’s amended determinations accepting and rejecting Claims in the Settlements as set forth herein and

authorize the distribution of checks reflecting the amended determinations to Authorized Claimants.

I declare under penalty of perjury that the foregoing statements are true and correct.

Executed this 30th day of November, 2021 in Minneapolis, Minnesota.



A handwritten signature in cursive script that reads "Amy L. Lake". The signature is written in black ink and is positioned above a solid horizontal line.

Amy L. Lake