

**To All Persons in Canada Who, Between January 1, 2003 and December 31, 2013, Entered Into an FX Instrument<sup>\*</sup>, Either Directly or Indirectly Through an Intermediary, and/or Purchased or Otherwise Participated in an Investment or Equity Fund, Mutual Fund, Hedge Fund, Pension Fund Or Any Other Investment Vehicle that Entered into an FX Instrument**

<sup>\*</sup>FX Instruments includes FX spot transactions, outright forwards, FX swaps, FX options, FX futures contracts, options on FX futures contracts, and other instruments traded in the FX Market.

---

## **Settlements May Affect Your Rights.**

*A court authorized this notice.*

- You could be affected by a class action lawsuits involving alleged manipulation of the foreign exchange market (the “FX Market”).
  - Beginning at least as early as 2003 and continuing through 2013, it is alleged that the Defendants conspired with each other to fix prices in the FX Market. It is alleged in the claim that the Defendants communicated directly with each other to coordinate their: (i) fixing of spot prices; (ii) controlling and manipulating FX benchmark rates; and (iii) exchanging key confidential customer information in an effort to trigger client stop loss orders and limit orders. The Defendants’ alleged conspiracy affected dozens of currency pairs, including the U.S. and Canadian dollar (USD/CAD) currency pair, which is one of the world’s highest volume trading currency pairs. Due to the importance of spot prices, it is alleged that the Defendants’ alleged conspiracy impacted all manner of FX instruments, including those trading both over-the-counter and on exchanges.
  - In Ontario, the Court has approved the lawsuit as a class action that includes all Persons in Canada, and, in Quebec, the Court has approved the lawsuit as a class action that includes all Persons in Quebec who, between January 1, 2003 and December 31, 2013, entered into an FX Instrument<sup>[1]</sup> either directly or indirectly through an intermediary, and/or purchased or otherwise participated in an investment or equity fund, mutual fund, hedge fund, pension fund or any other investment vehicle that entered into an FX Instrument.
- <sup>[1]</sup> “FX Instrument” includes FX spot transactions, outright forwards, FX swaps, FX options, FX futures contracts, options on FX futures contracts, and other instruments traded in the FX Market.
- Settlements have been reached with UBS AG, UBS Securities LLC and UBS Bank (Canada) (collectively, “UBS”); BNP Paribas Group, BNP Paribas North America, Inc., BNP Paribas (Canada), and BNP Paribas (collectively, “BNP”); and Bank of America Corporation, Bank of America, N.A., Bank of America Canada, and Bank of America

National Association (collectively “Bank of America” and, together with UBS and BNP, the “Settlement Agreements”). The Settlement Agreements, if approved and their conditions fulfilled, will settle, extinguish and bar all claims relating in any way to or arising out of the Proceedings against UBS, BNP and Bank of America. If the Settlement Agreements are approved, UBS has agreed to pay CAD\$4,950,000; BNP has agreed to pay CAD\$4,500,000; and Bank of America has agreed to pay CAD\$6,500,000 (the “Settlement Amounts”) to settle the class actions and to provide co-operation to the Plaintiffs in order to continue the cases against the other Defendants. The settlements are a compromise of disputed claims and UBS, BNP and Bank of America do not admit any wrongdoing or liability.

- The Settlement Amounts will not be distributed at this time. Rather, the Settlement Amounts will be paid into an interest bearing account for the benefit of the Class and may be used to fund disbursements and any adverse award of costs in the case.
- Hearings will be held during which Class Counsel will seek the Court’s approval of (i) the Settlement Agreements; and (ii) the fees and expense reimbursement of Class Counsel (The “Approval Hearings”). The hearing before the Ontario Superior Court of Justice will be held on November 9, 2016 at 10AM (ET) at Osgoode Hall, 130 Queen Street West, Toronto, Ontario. The hearing before the Quebec Superior Court will be held on November 15, 2016 at 10AM at the Quebec City Court house, 300, Jean Lesage boulevard, Quebec City, Quebec.
- The Courts have not decided whether the Defendants did anything wrong and the cases are currently proceeding against the remaining Defendants. There is also no money available now. However, if your rights are affected, you have a choice to make now.

<b>YOUR OPTIONS AT THIS STAGE</b>	
<b>STAY IN THIS(THESE) LAWSUIT(S)</b>	<p><b>Await the outcome. Share in possible money and other benefits. Give up certain rights.</b></p> <p>By doing nothing, you keep the possibility of getting money or other benefits that may come from a trial or settlements. But you give up any right to sue the Defendants on your own about the same legal claims in these lawsuits.</p>
	<p><b>Object to the Settlements or Class Counsel Fees</b></p> <p>If you want to object to the proposed settlements with UBS, BNP and/or Bank of America or the payment of Class Counsel’s fees and expenses, you should do so by setting out your objection in writing addressed to Class Counsel at the address below.</p>
<b>REMOVE YOURSELF</b>	<p><b>Get out of this(these) lawsuit(s). Get no money or other benefits from it. Keep rights.</b></p>

<b>(OPT OUT)</b>	If you ask to be removed (opt out) and money or other benefits are later awarded, you won't share in that money or benefits. But, you keep any rights to sue the Defendants on your own about the same legal claims in these lawsuits.
------------------	--

- Lawyers must prove the claims against the Defendants at trial. If money or benefits are distributed you will be notified about how to ask for your share.
- Your options are explained in this notice. To be removed, you must act by December 5, 2016.
- To object to the proposed settlements or the payment of Class Counsel's fees and expenses, you should do so by setting out your objection in writing addressed to Class Counsel at Koskie Minsky LLP, 20 Queen St West, Suite 900, Box 52, Toronto, Ontario, M5H 3R3 or by email at fxclassaction@kmlaw.ca.

## WHAT THIS NOTICE CONTAINS

### BASIC INFORMATION .....Page 4

1. Why was this notice issued?
2. What are the settlements benefits?
3. What are these lawsuits about?
4. Why is a class action?
5. Who is a member of the Class?
6. What are the Plaintiffs asking for?
7. Is there any money available now?

### YOUR OPTIONS .....Page 7

8. What happens if I do nothing?
9. What if I don't want to be in the Class?
10. What if I don't agree with the Settlement Agreements or Class Counsel fees or disbursements?

### THE LAWYERS REPRESENTING YOU .....Page 8

11. Do I have a lawyer in these cases?
12. How will the lawyers be paid?

### A TRIAL.....Page 8

13. How and when will the Court decide who is right?

14. Will I get money after the trials?

GETTING MORE INFORMATION .....Page 8

15. How do I get more information?

OPT OUT FORM.....Page 9

## **BASIC INFORMATION**

### 1. Why is there a notice?

These lawsuits have been “certified” as a class action for settlement purposes. This means that these lawsuits meet the requirements for a class action against the Settling Defendants. If you are included, you may have legal rights and options before the Court decides whether the claims being made against the Defendants on your behalf are correct. This notice explains all these things.

The cases are known as follow:

Ontario: *Staines v. Royal Bank of Canada, et al*, Court File No. CV-15-536174CP.

Quebec: *Béland c. Banque Royale du Canada et als.*, No de Cour : 200-06-000189-152.

The persons who started these lawsuits are called the Plaintiffs.

The Defendants are as follows:

- Bank of America Corporation
- Bank of America, N.A.
- Bank of America Canada
- Bank of America, National Association
- Bank of Tokyo Mitsubishi UFJ Ltd.
- Bank of Tokyo-Mitsubishi UFJ (Canada)
- Barclays Bank PLC
- Barclays Capital Inc.
- Barclays Capital Canada Inc.
- BNP Paribas Group
- BNP Paribas North America, Inc.
- BNP Paribas (Canada)
- BNP Paribas
- Citigroup, Inc.
- Citibank, N.A.
- Citibank Canada
- Citigroup Global Markets Canada Inc.
- Credit Suisse Group AG
- Credit Suisse Securities (USA) LLC
- Credit Suisse AG

- Credit Suisse Securities (Canada) Inc
- Deutsche Bank AG
- The Goldman Sachs Group, Inc.
- Goldman, Sachs & Co.
- Goldman Sachs Canada Inc.
- HSBC Holdings PLC
- HSBC Bank PLC
- HSBC North America Holdings Inc.
- HSBC Bank USA, N.A.
- HSBC Bank Canada
- JPMorgan Chase & Co.
- J.P. Morgan Bank Canada
- J.P. Morgan Canada
- JPMorgan Chase Bank, National Association
- Morgan Stanley
- Morgan Stanley Canada Limited
- Royal Bank of Canada
- RBC Capital Markets LLC
- Royal Bank of Scotland Group PLC
- RBS Securities, Inc.
- Royal Bank of Scotland N.V.
- Royal Bank of Scotland plc
- Société Générale S.A.
- Société Générale (Canada)
- Société Générale
- Standard Charter plc
- UBS AG
- UBS Securities LLC
- UBS Bank (Canada)

## 2. What are the settlements benefits?

Settlements have been reached with UBS AG, UBS Securities LLC and UBS Bank (Canada) (collectively, “UBS”); BNP Paribas Group, BNP Paribas North America, Inc., BNP Paribas (Canada), and BNP Paribas (collectively, “BNP”); and Bank of America Corporation, Bank of America, N.A., Bank of America Canada, and Bank of America National Association (collectively “Bank of America” and, together with UBS and BNP, the “Settlement Agreements”). The Settlement Agreements, if approved and their conditions fulfilled, will settle, extinguish and bar all claims relating in any way to or arising out of the Proceedings against UBS, BNP and Bank of America.

If the Settlement Agreements are approved, UBS has agreed to pay CAD\$4,950,000; BNP has agreed to pay CAD\$4,500,000; and Bank of America has agreed to pay CAD\$6,500,000 (the “Settlement Amounts”) to settle the class actions and to provide co-operation to the Plaintiffs in order to continue the case against the other Defendants. The settlements are a compromise of disputed claims and UBS, BNP and Bank of America do not admit any wrongdoing or liability.

The Settlement Amounts will not be distributed at this time. Rather, the Settlement Amounts will be paid into an interest bearing account for the benefit of the Class and may be used in part to fund the disbursements of case and any adverse costs award in the case.

### 3. What are these lawsuits about?

Beginning at least as early as 2003 and continuing through 2013, it is alleged that the Defendants conspired with each other to fix prices in the FX market. It is alleged that the Defendants communicated directly with each other to coordinate their: (i) fixing of spot prices; (ii) controlling or manipulating FX benchmark rates; and (iii) exchanging key confidential customer information in an effort to trigger client stop loss orders and limit orders. It is alleged that the Defendants' alleged conspiracy affected dozens of currency pairs, including the U.S. and Canadian dollar (USD/CAD) currency pair, which is one of the world's highest volume trading currency pairs. Due to the importance of spot prices, it is alleged that the Defendants' alleged conspiracy impacted all manner of FX Instruments, including those trading both over-the-counter and on exchanges.

It is alleged that to give effect to their conspiracy, the Defendants did the following:

- created and participated in exclusive interbank chat rooms;
- improperly shared confidential client and proprietary trading information;
- executed coordinated trading to influence the FX rates;
- monitored the conduct of co-conspirators to ensure secrecy and compliance with the conspiracy;
- used code names and misspelled words in interbank communications to evade detection; and
- agreed to “stand down” by holding off buying or selling currency to benefit co-conspirators.

### 4. What is a class action?

In a class action one or more people called “representative plaintiffs” sue on behalf of people who have similar claims. All of these people with similar claims are called the “class” or “class members”. The court resolves the issues for all class members, except those who removed themselves from the class.

The proposed representative Plaintiffs in these cases are Christopher Staines, in Ontario, and Christine Béland, in Quebec.

### 5. Who is a member of the class?

In Canada, you are included in this lawsuit if:

- you are a person in Canada who, between January 1, 2003 and December 31, 2013, entered into an FX Instrument<sup>[1]</sup> either directly or indirectly through an intermediary, and/or purchased or otherwise participated in an investment or equity fund, mutual fund, hedge fund, pension fund or any other investment vehicle that entered into an FX Instrument.

<sup>[1]</sup> “**FX Instruments**” includes FX spot transactions, outright forwards, FX swaps, FX options, FX futures contracts, options on FX futures contracts, and other instruments

traded in the FX Market.

In Quebec, you are included in this lawsuit if:

- you are a person in Quebec who, between January 1, 2003 and December 31, 2013, entered into an FX Instrument<sup>[1]</sup> either directly or indirectly through an intermediary, and/or purchased or otherwise participated in an investment or equity fund, mutual fund, hedge fund, pension fund or any other investment vehicle that entered into an FX Instrument. Excluded from the Class are the Defendants, their parent companies, subsidiaries, and affiliates. In addition, any legal person established for a private interest, partnership or association is a Class member only if, at all times during the 12 months preceding the motion for authorization, it had under its direction or control no more than 50 persons bound to it by a contract of employment and was not related to the Plaintiff.

<sup>[1]</sup> “**FX Instruments**” includes FX spot transactions, outright forwards, FX swaps, FX options, FX futures contracts, options on FX futures contracts, and other instruments traded in the FX Market.

6. What are the plaintiffs asking for?

The Plaintiffs are asking for money or other benefits for the Class. They are also asking for lawyers’ fees and costs, plus interest.

7. Is there any money available now?

No. The Settlement Amounts will not be distributed at this time. Rather, the Settlement Amounts will be paid into an interest bearing account for the benefit of the Class and may be used in part to fund the disbursements and any adverse costs awards made in the case.

**YOUR OPTIONS**

You have to decide whether to stay in the Class or whether to remove yourself before a possible trial, and you have to decide this by December 5, 2016.

8. What happens if I do nothing at all?

If you do nothing you will automatically remain in the Class. If any benefits, including any settlement funds, become available for distribution to the Class, you will be notified about how to ask for a share. If any benefit is obtained for the Class, you may need to take action in order to receive any benefits.

9. What if I don't agree with the Settlement Agreements or Class Counsel fees or disbursements?

Hearings will be held during which Class Counsel will seek the Court's approval of (i) the Settlement Agreements; and (ii) the fees and expense reimbursement of Class Counsel (The "Approval Hearings"). The hearing before the Ontario Superior Court of Justice will be held on November 9, 2016 at 10AM (ET) at Osgoode Hall, 130 Queen Street West, Toronto, Ontario. The hearing before the Quebec Superior Court will be held on November 15, 2016 at 10AM at the Quebec City Court house, 300, Jean Lesage boulevard, Quebec City, Quebec.

If you want to object to the proposed settlements with UBS, BNP and/or Bank of America or the payment of Class Counsel's fees and expenses, you should do so by setting out your objection in writing addressed to Class Counsel at Koskie Minsky LLP, 20 Queen St West, Suite 900, Box 52, Toronto, Ontario, M5H 3R3 or by email at [fxclassaction@kmlaw.ca](mailto:fxclassaction@kmlaw.ca)

10. What if I don't want to be in the Class?

If you decide not to participate in these lawsuits, you must remove yourself – this is sometimes referred to as "opting out." If you remove yourself, you will not receive any money or benefit that may be obtained as a result of these lawsuits. You will not be bound by any Court orders and you keep your right to sue the Defendants regarding the issues in these cases. You cannot change your mind later and opt back into the class actions.

Please note that after December 5, 2016 no further right to opt out of this(these) action(s) will be provided. However, if there are further settlements in these actions, you will be given an opportunity to oppose such settlements or the payment of Class Counsel's fees and expenses at that time if you wish to do so.



To remove yourself, complete the Opt Out Form included with this notice. The Opt Out Form must be sent to Class Counsel at Koskie Minsky LLP, 20 Queen St West, Suite 900, Box 52, Toronto, Ontario, M5H 3R3 or by email at [fxclassaction@kmlaw.ca](mailto:fxclassaction@kmlaw.ca).

You can also get the Opt Out Form or complete the form online at [www.kmlaw.ca/fxclassaction](http://www.kmlaw.ca/fxclassaction).

Your opt out must be received by December 5, 2016.

### **THE LAWYERS REPRESENTING YOU**

11. Do I have a lawyer in the case?

Yes. In Ontario, the Court has appointed the law firms of Sotos LLP, Koskie Minsky LLP, Siskinds LLP, and Camp Fiorante Matthews Mogerman to represent you and other Class Members in the Ontario action. In Quebec, Siskinds Desmeules, s.e.n.c.r.l. represent the Class Members in the Quebec action as “Class Counsel.”

12. How will the lawyers be paid?

You will not have to pay any of the fees and expenses of Class Counsel. If the Court grants their request, Class Counsel’s fees and expenses would be deducted from money obtained for the Class, or paid separately by the Defendants.

### **A TRIAL**

13. How and when will the Court decide who is right?

If these cases are not dismissed or settled, the Plaintiffs will have to prove their claims and the claims of the other Class Members against the Defendants which have not settled at a trial. The trial would be in Toronto, Ontario, in one case and in Quebec City, Quebec, in the other one. During the trials, the court will hear all of the evidence, so that a decision can be reached about whether the Plaintiffs or the Defendants are right about the claims in the lawsuits. There is no guarantee that the Plaintiffs will win any money or benefits for the Class at trials.

14. Will I get money after the trial?

Before the Settlement Amounts are distributed, you will be notified about how to ask for a share or what your other options are at that time. Important information about the case will be posted on the website for the lawyers, [www.kmlaw.ca/fxclassaction](http://www.kmlaw.ca/fxclassaction), as it becomes available.

### **GETTING MORE INFORMATION**

**15. How do I get more information?**

You can get more information about this case and opting out:

**Class Counsel**

Koskie Minsky LLP

Toll Free Hotline: 1-855-535-2624

Email: [fxclassaction@kmlaw.ca](mailto:fxclassaction@kmlaw.ca)

20 Queen St West  
Suite 900, Box 52  
Toronto, Ontario  
M5H 3R3

## OPT OUT FORM

This is **NOT** a claim form. Completing this OPT OUT FORM will exclude you from receiving any compensation arising out of any settlement or judgment in the class proceedings:

To: Class Counsel  
[Address]

**I understand that by opting out, I am confirming that I do not wish to participate in the *Staines v. Royal Bank of Canada, et al* and *Béland c. Banque Royale du Canada et als.* class proceedings.**

**\*\*For the Quebec Class Members, the sending of only one Opt Out Form on time will be worth as a removal in both jurisdictions.**

I understand that any individual action must be commenced within a specified limitation period or it will be legally barred.

I understand that the certification of these class proceedings suspended the running of the limitation period from the time the class proceedings were filed. The limitation period will resume running against me if I opt out of this(these) class proceeding(s).

I understand that by opting out, I take full responsibility for the resumption of the running of any relevant limitation period and for taking all necessary legal steps to protect any claim I may have.

**Optional: Reason for Opting Out:** Please list your reason(s) for opting out.

---



---

**Trading Information:** To the extent known, please list in the space below the names of each of the entities with whom you participated in FX trading between January 1, 2003 and December 31, 2013 and the volume of trading with those entities between those dates.

---



---



---



---

Date \_\_\_\_\_

---

Signature of Witness  
Name:

---

Signature of Class Member Opting Out  
Name:

---

Print Name

---

Print Name

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*Note: To opt out, this form must be properly completed and received at the above-address no later than December 5, 2016.*