

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | |
|---|--|
| _____ | X |
| In re DEUTSCHE BANK AG SECURITIES LITIGATION | : Master File No. 1:09-cv-01714-GHW-RWL : : : : <u>CLASS ACTION</u> |
| _____ | : |
| This Document Relates To: | : SUPPLEMENTAL DECLARATION OF |
| | : ROSS D. MURRAY REGARDING NOTICE |
| ALL ACTIONS. | : DISSEMINATION, REQUESTS FOR |
| | : EXCLUSION RECEIVED TO DATE, AND |
| | : REVIEW OF OBJECTION FILED BY |
| _____ | : RICHARD AGAY X |

I, ROSS D. MURRAY, declare and state as follows:

1. I am employed as a Vice President of Securities by Gilardi & Co. LLC (“Gilardi”), located at 3301 Kerner Blvd., San Rafael, California. Pursuant to this Court’s February 26, 2020 Order Preliminarily Approving Settlement and Providing for Notice (“Preliminary Approval Order”) (ECF No. 297), Gilardi was appointed to supervise and administer the notice procedure as well as the processing of claims in connection with the proposed Settlement of the above-captioned litigation (the “Litigation”). I oversaw the notice services that Gilardi provided in accordance with the Preliminary Approval Order.¹

2. I submit this declaration as a supplement to my earlier declaration, the Declaration of Ross D. Murray Regarding Notice Dissemination, Publication, and Requests for Exclusion Received to Date, dated May 5, 2020 (the “Initial Mailing Declaration”) (ECF No. 310). The following statements are based on my personal knowledge and information provided to me by other Gilardi employees and, if called to testify I could and would do so competently.

UPDATE ON DISSEMINATION OF THE CLAIM PACKAGE

3. As more fully detailed in the Initial Mailing Declaration, as of May 5, 2020, Gilardi had mailed 70,276 copies of the Notice of Proposed Settlement of Class Action (the “Notice”) and the Proof of Claim and Release form (the “Proof of Claim”) (collectively, the “Claim Package”) to potential Class Members and their nominees. *See* Initial Mailing Declaration, ¶10.

4. Since May 5, 2020, Gilardi has mailed an additional 42,121 copies of the Claim Package in response to additional requests from potential Class Members, brokers, and nominees and as a result of mail returned as undeliverable for which new addresses were identified and re-

¹ Unless otherwise defined herein, all capitalized terms shall have the same meanings as set forth in the Stipulation of Settlement, dated November 11, 2019 (ECF No. 290).

mailed to those new addresses. Therefore, as of June 4, 2020, Gilardi has mailed a total of 112,397 Claim Packages to potential Class Members and nominees.

REQUESTS FOR EXCLUSION RECEIVED TO DATE

5. Pursuant to the Preliminary Approval Order, the Notice informed potential Class Members that written requests for exclusion from the Class were to be mailed to *Deutsche Bank Securities Settlement*, c/o Gilardi & Co. LLC, EXCLUSIONS, 3301 Kerner Blvd., San Rafael, CA 94901, such that they were postmarked no later than May 21, 2020. As reported in the Initial Mailing Declaration, as of May 5, 2020, Gilardi had not received any requests for exclusion from the Class at this mailing address. *See* Initial Mailing Declaration, ¶15.

6. Since the Initial Mailing Declaration was executed, and as of the date of this declaration, Gilardi has received four requests for exclusion, redacted copies of which are attached hereto as Exhibit A.

OBJECTION FILED BY RICHARD AGAY

7. Lead Counsel has provided Gilardi with a copy of the letter submitted by Richard Agay, dated May 17, 2020 (the “Agay Objection”), which includes comments and objections regarding the process and timing of the mailing of the Claim Package sent to Mr. Agay, the contact information and call center answers to frequently asked questions available to Class Members, information requested by the Proof of Claim, potential eligibility of his transactions, and also includes supporting documentation for Mr. Agay’s purchases and sales of certain Deutsche Bank securities.

PROCESS AND TIMING OF THE CLAIM PACKAGE MAILING TO MR. AGAY

8. As set forth in the Initial Mailing Declaration, Gilardi began its outreach to Nominee Holders and other institutions on March 12, 2020 by mailing these entities a copy of the Claim Package and a cover letter requesting their cooperation in providing Gilardi with names and

addresses and/or forwarding the Claim Packages to potential Class Members. Furthermore, as part of Gilardi's standard procedure, since the initial notice mailing on March 12, 2020, Gilardi has also provided as many as four supplemental notification letters to Nominee Holders who had not yet responded to Gilardi's request to provide the names and addresses of their clients who may be potential Class Members. Those supplemental notifications were mailed to these Nominee Holders on April 2, 2020, April 21, 2020, May 4, 2020 and May 15, 2020.

9. Gilardi has promptly mailed Claim Packages to all potential Class Members identified by Nominee Holders. Gilardi has also promptly mailed copies of the Claim Package directly to Nominee Holders who indicated that they would directly forward the documents to their customers and clients who may be Class Members. Gilardi has also promptly mailed copies of the Claim Package directly to any potential Class Members who requested copies of the Claim Package by phone, mail, or e-mail.

10. Mr. Agay's name and address was provided to Gilardi by UBS Financial Services Inc. ("UBS"). UBS was included in Gilardi's initial mailing to Nominee Holders on March 12, 2020 and received two supplemental notifications from Gilardi on April 2, 2020 and April 21, 2020.

11. UBS submitted a data file to Gilardi containing 15,395 records (including Mr. Agay) on April 27, 2020. After downloading the file, removing duplicate records, and otherwise processing the data for mailing, the processed data was released to the print vendor for mailing on May 4, 2020 and the mailing of these Claim Packages commenced on May 7, 2020.

CLAIMS ADMINISTRATOR CONTACT INFORMATION AND CALL CENTER

12. As part of normal procedures, Gilardi has established and monitors a case specific email box established for this Settlement (info@DeutscheBankSecuritiesSettlement.com), which is provided on the Settlement website (www.DeutscheBankSecuritiesSettlement.com). On May

29, 2020, at the request of Lead Counsel, Gilardi reviewed all emails received as of that date, and we do not appear to have received any emails from Mr. Agay.

13. Furthermore, Gilardi established and continues to maintain a case-specific toll-free telephone number, 1-866-476-7307, to accommodate potential Class Member inquiries. Gilardi also keeps a log of notes pertaining to inquiries received on that toll-free number.

14. The call center representative staff is provided a Frequently Asked Questions (FAQ) script to ensure accurate responses to callers. Furthermore, all call center representatives have access to the documents included in the Claim Package. Call center representatives have been directed to only provide information included in the FAQ script, which includes the definition of the Class as approved by the Court, and to encourage investors to submit a claim if they want Gilardi to determine their eligibility. Without receiving and processing a claim with documented proof of all of a caller's transactions, Gilardi cannot be certain whether that caller is or is not an eligible Class Member. Therefore, we would not want to discourage the caller from submitting a potentially eligible claim.

15. On May 29, 2020, Gilardi reviewed all call notes and confirmed that no caller provided the name Richard Agay. Next, Gilardi reviewed all records for callers who did not provide a name between May 9, 2020, which is the date which Mr. Agay indicates he received the Claim Package, and May 17, 2020, which is the date of the Agay Objection.

16. Based on this review, Gilardi believes that Mr. Agay may have called on May 13, 2020. On that date an anonymous caller references trade dates that correspond with his documented trades in the objection. According to the call log, this caller asked "I purchased shares in 2012. Do I qualify for the claim settlement process?" Per the log notes, this caller was provided with the FAQ script reply providing the Class definition.

CLAIM FORM AND POTENTIAL ELIGIBILITY OF CERTAIN DATES

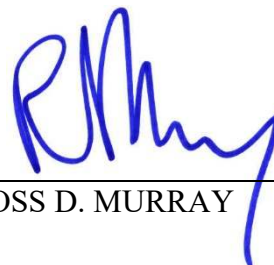
17. The Agay Objection refers to both the information requested by the Proof of Claim as well as to the definition of the Class. However, the information requested by the Proof of Claim is not limited only to eligible purchases or acquisitions of Deutsche Bank securities. The Proof of Claim requests all information required to accurately process a claim and perform multiple different kinds of transaction specific and overall claim data reviews for potential concerns (for example, reviewing the total numbers of shares purchased, sold, and held to confirm that the claim does not appear to be missing any transactions or holding information).

18. The Class in this matter has been defined without a specific date range or class period. In Gilardi's experience this is not unusual for matters such as this which are pursuant or traceable to an initial public offering. The Class is defined as: all persons or entities who purchased or otherwise acquired the 7.35% Noncumulative Trust Preferred Securities of Deutsche Bank Capital Funding Trust X ("7.35% Preferred Securities"), and/or the 7.60% Trust Preferred Securities of Deutsche Bank Contingent Capital Trust III ("7.60% Preferred Securities"), pursuant or traceable to the public offerings that commenced on or about November 6, 2007 and February 14, 2008.

REVIEW OF TRANSACTIONS AND SUPPORTING DOCUMENTATION

19. On each of the purchase trade confirmations, the securities purchased are specifically identified as "callable any payment date starting 02/20/2018 at 25.000 with 0 days notice." The trade confirmations for the disposition of these securities show that the securities were, in fact, redeemed on February 28, 2018 at \$25.00, as specified in the purchase trade confirmations. The Plan of Allocation states that securities redeemed on or after February 16, 2008 result in "zero" claim. Therefore, the redemption of these securities results in no "Recognized Loss Amount" according to the Plan of Allocation.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 4th day of June, 2020, at San Rafael, California.



ROSS D. MURRAY

CERTIFICATE OF SERVICE

I Eric I. Niehaus, hereby certify that on June 4, 2020, I authorized a true and correct copy of the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such public filing to all counsel registered to receive such notice.

s/ Eric I. Niehaus

ERIC I. NIEHAUS

ROBBINS GELLER RUDMAN
& DOWD LLP

655 West Broadway, Suite 1900

San Diego, CA 92101-8498

Telephone: 619/231-1058

619/231-7423 (fax)

E-mail: ericn@rgrdlaw.com

Eric Altenbernd,



Deutsche Bank Securities Settlement

c/o Gilar di + Co. LLC

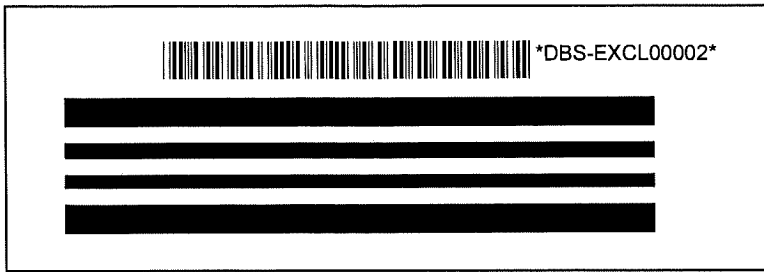
Claims Administrator

Evolucions

3301 Kemer Blvd.

San

Rafael, CA 94901



RECEIVED *PTB*
MAY 21 2020
CLAIMS CENTER

Exclusion Cover Page

Case Name: Deutsche Bank AG Securities

Case Code: DBS

Exclusion Deadline: May 21, 2020 (Postmarked *Date*)

Name of Person Filing Exclusion: Jeanne Carda

EXCLUDE ME
FROM ANY OF
THIS CLASS ACTION.

I NO LONGER HAVE
ANY INFORMATION
REGARDING ANY OF
MY ACCOUNTS.

THIS IS THE ONLY
NOTICE I'M SENDING.

IT'S CONFUSING TO
ME. I AM NOT

INTERESTED

JEANNE CARO

PHONE [REDACTED]

Official
Office
Use
Only

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Must Be Postmarked (if Mailed)
or Received (if Submitted Online)
No Later Than June 10, 2020

DBS

CARDA

In re Deutsche Bank AG Securities Litigation
Master File No. 1:09-cv-01714-DAB-RWL

PROOF OF CLAIM AND RELEASE

Please Type or Print in the Boxes Below
Do NOT use Red Ink, Pencil, or Staples

JEANNE

PART I: CLAIMANT IDENTIFICATION

Last Name: CARDA M.I.: S First Name: JEANNE
 Last Name (Co-Beneficial Owner): M.I.: First Name (Co-Beneficial Owner):
 IRA Joint Tenancy Employee Individual Other
 Company Name (Beneficial Owner - If Claimant is not an Individual) Custodian Name (if an IRA) (spelling)
 Trustee/Asset Manager/Non-Filer/Record Owner's Name (If Different from Beneficial Owner, Listed Above)
 Account#/Fund# (Not Necessary for Individual Filers)

PLEASE EXCLUDE
ME FROM THIS.

Last Four Digits of Social Security Number Taxpayer Identification Number
 Telephone Number (Primary Daytime) Telephone Number (Alternate)
 Address

I DO NOT HAVE
ANY INFORMATION

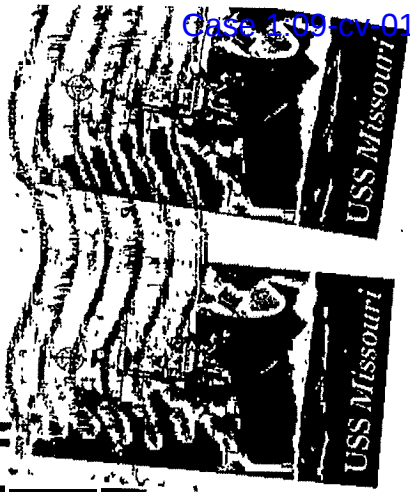
MAILING INFORMATION

Address
 Address
 City State Zip Code
 Foreign Province Foreign Postal Code Foreign Country Name/Abbreviation

REGARDING MY
ACCOUNTS WHICH
HAVE BEEN
CLOSED

FOR CLAIMS PROCESSING ONLY
 ATP BE OP
 KE DE RE
 ICI EM SH
 MM/DD/YYYY





Deutsche Bank Securities Settlement
Claims Administrator
c/o Gilardi & Co. LLC
P.O. Box 43320
Providence, RI 02940-3320

DBS



Ms. Jeanne Cairns





RECEIVED

PEX

MAY 22 2020

CLAIMS CENTER

Exclusion Cover Page

Case Name: Deutsche Bank AG Securities

Case Code: DBS

Exclusion Deadline: May 21, 2020 (Postmarked *Date*)

Name of Person Filing Exclusion: Marilyn Lago



May 19, 2020

To Whom It May Concern:

I am requesting exclusion from the Class in the *Deutsche Bank Securities Settlement*. According to my documents and finance consultants, I don't seem to be involved with your institution, therefore, I have no information about purchases and acquisitions to forward.

Thank you for your attention to this matter.

Sincerely,

Marilyn Lago

A handwritten signature in cursive script that reads "Marilyn Lago".

Home - [REDACTED]

Cell - [REDACTED]

RECEIVED

DBS

MAY 26 2020

CLAIMS CENTER

Barcode: *DBS-EXCL00004*

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Exclusion Cover Page

Case Name: Deutsche Bank AG Securities

Case Code: DBS

Exclusion Deadline: May 21, 2020 (Postmarked *Date*)

Name of Person Filing Exclusion: Betty E Crane

stipulate and agree that, upon the Effective Date, the Settling Parties shall expressly waive and each of the Settling Parties shall be deemed to have, and by operation of the Judgment shall have, expressly waived to the fullest extent permitted by law, the provisions, rights, and benefits of California Civil Code §1542, which provides:

A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release and that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

The Settling Parties shall expressly waive and each of the Class Members shall be deemed to have, and by operation of the Judgment shall have, expressly waived any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States, principle of common law or any provision of foreign law, which is similar, comparable or equivalent to California Civil Code §1542. The Settling Parties acknowledge that they may hereafter discover facts in addition to or different from those which he, she, it or their counsel now knows or believes to be true with respect to the subject matter of the Released Claims or Released Defendants' Claims, but the Settling Parties shall expressly settle and release, and each Class Member, upon

Address



I, Betty Crane wish Request Exclusion from the Class in the Deutsche Bank Securities Settlement

I dont know nothing about when purchased or what I payed for them that was a long time ago I am 94 yrs old.

I am Requesting Exclusion from it. thanks Betty Crane

Phone



ave, fully, Defendants' whether or of law or, conduct e, without ie Settling gment to y element

ntially sue ettlement, ometimes suit based individual ose.

Do the re on

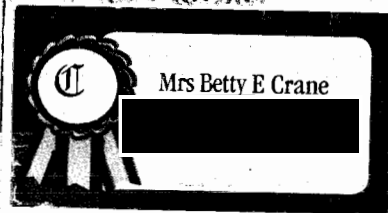
claim that you may wish to pursue would be time barred by the app

11. How do I opt out of the Class and the proposed Settlement?

To exclude yourself from the Class and the Settlement, you must send a letter by First-Class Mail stating that you "request exclusion from the Class in the *Deutsche Bank Securities Settlement*." You **cannot** exclude yourself by telephone or e-mail. Your letter must include your purchases and acquisitions of securities in the Class Offerings, including the dates, the number of shares of securities purchased or acquired and price paid for each such purchase or acquisition. In addition, you must include your name, address, telephone number, and your signature. You must submit your exclusion request so that it is **postmarked no later than May 21, 2020** to:

Deutsche Bank Securities Settlement
c/o Gilardi & Co. LLC
Claims Administrator
EXCLUSIONS
3301 Kerner Blvd.
San Rafael, CA 94901

Your exclusion request must comply with these requirements in order to be valid. If you ask to be excluded, you will not receive any payment from the Settlement, and you cannot object to the Settlement. You will not be legally bound by anything that happens in this lawsuit, and you may be able to sue Defendants and the other Released Persons about the Released Claims in the future.



Deutsche Bank Securities Settlement
c/o Bilardi + Co. LLC
Claim Administrator
EX Clussons
3301 Kerner Blvd.
San Rafael CA
94901

RECEIVED GE
MAY 28 2020
CLAIMS CENTER

94901-485699

