



*In re Bank of Nova Scotia Spoofing Litigation*

**ELECTRONIC CLAIMS FILING GUIDELINES**



A.B. DATA, LTD.

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## Overview

Electronic Claims Filing applies to institutions or entities that are filing multiple Proof of Claim and Release forms on behalf of themselves and/or others, as well as individuals or entities that are filing Proof of Claim and Release forms with a large number of transactions (50+).

Electronic Claims Filings are subject to rejection if not prepared in compliance with these Electronic Claims Filing Guidelines.

PLEASE NOTE: No Electronic Claims Filings will be considered to have been properly submitted unless the Claims Administrator issues to the filer a written acknowledgment of receipt and acceptance of electronically submitted data.

## Electronic Filing Requirements

### I. Complete and Sign a paper Proof of Claim and Release form:

- One executed “paper” master Proof of Claim and Release form should be completed per submission. This Proof of Claim and Release form serves as a master Proof of Claim and Release form for one or all of the accounts included on your file. The Proof of Claim Form is attached hereto as Appendix B.
- Be sure to include company name, account name/number, and company address. If submitting an electronic file on behalf of several accounts, enter “Various Accounts” for the account name/number.
- Complete the signature page on the Proof of Claim and Release form. If you are filing on behalf of your clients, you must include a letter or document providing your authorization to sign on behalf of your clients, as set forth in Appendix C.
- A valid email address must be on file with the Claims Administrator. Communication regarding deficiencies and rejections on electronically filed claims may be conducted by email. A valid email address **MUST** be included on the Proof of Claim and Release form, and the email address provided **MUST** be updated in the event the contact person or email address changes; it is the sole responsibility of the filing party to maintain up-to-date, complete contact information with the Claims Administrator.

### II. Prepare a cover letter:

- A cover letter **MUST** be included with the master Proof of Claim and Release form. The cover letter must include the total number of accounts; total number of transactions; total number of Precious Metals Futures or Options on Precious Metals Futures purchased, acquired, and sold; and contact name(s) with phone number(s) and email address(es). Please see the sample cover letter as set forth in Appendix D.



### III. Prepare a data file:

- An Excel spreadsheet or other electronic file containing account information and transactional data **MUST** be prepared in accordance with A.B. Data, Ltd.'s Electronic Claims Filing Template Mapping Instructions found in Appendices E and F. The following formats are acceptable: a) MEDIA: CD, DVD, and flash drive and b) DATA: ASCII, MS Excel, and MS Access. For your convenience, an Excel spreadsheet template is available for your use and may be downloaded from the settlement website.
- If you cannot provide the information in the aforementioned formats or you have other requests, questions, concerns, or comments, please email A.B. Data, Ltd., at [efiling@abdata.com](mailto:efiling@abdata.com) or you may call 1-877-388-1727 to speak to an Electronic Claims Filing Specialist.

### IV. Mail your executed master Proof of Claim and Release form with a cover letter and media format to:

Bank of Nova Scotia Spoofing Settlement  
Attention: Electronic Claims Department  
c/o A.B. Data, Ltd.  
PO Box 173093  
Milwaukee, WI 53217

or

Bank of Nova Scotia Spoofing Settlement  
Attention: Electronic Claims Department  
c/o A.B. Data, Ltd.  
3410 West Hopkins Street  
Milwaukee, WI 53217

## Documentation Requirements

A.B. Data, Ltd., reserves the right to request additional documentation at any time after your Proof of Claim and Release form and file have been received and processed. The documentation provided should be sufficient to verify the validity and accuracy of the data provided in the file.



If you provided a letter/affidavit attesting to the truth and accuracy of your data when initially submitting your file, A.B. Data may still require specific documentary evidence (trade confirmations, monthly statement, or equivalent) to verify the details of your transactions and/or holdings.

## Claim Balancing

All transactions must be positive values.



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## Appendix A

### Case Specific Information

CLASS DEFINITION:	All Persons and entities that purchased or sold any COMEX Gold Futures contract, COMEX Silver Futures contract, NYMEX Platinum Futures contract, or NYMEX Palladium Futures contract (together “Precious Metals Futures”), or any option on those futures contracts (“Options on Precious Metals Futures”), during the period of at least January 1, 2008 through at least July 31, 2016 (the “Class Period”).
CLAIM FILING DEADLINE:	December 6, 2023

**Transactions for each account should include:**

Transaction Type	Definition	Valid Dates
P	Purchases during the Class Period.	January 1, 2008 through July 31, 2016, inclusive
S	Sales during the Class Period.	January 1, 2008 through July 31, 2016, inclusive

**\*\*\*Please see Appendix E for mapping instructions detailing how to properly submit your file. Files submitted that do not follow the mapping instructions are subject to rejection.**



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## Appendix B



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This Form Must Be Electronically  
Submitted OR Postmarked AND Mailed No  
Later Than December 6, 2023.

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

IN RE BANK OF NOVA SCOTIA SPOOFING  
LITIGATION

Case No.: 3:20-cv-11059 (MAS)  
(RLS)

**PROOF OF CLAIM AND  
RELEASE**

**I. INSTRUCTIONS**

1. If you transacted in Precious Metals Futures or Options on Precious Metals Futures on the Commodity Exchange Inc. (“COMEX”) or New York Mercantile Exchange (“NYMEX”) from January 1, 2008 through July 31, 2016 (the “Class Period”), you may be eligible to receive a payment from the \$6.6 million settlement reached between Class Plaintiffs and Defendants Bank of Nova Scotia in *In re Bank of Nova Scotia Spoofing Litigation*, No. 3:20-cv-11059 (MAS) (RLS).

2. “Precious Metals Futures” means COMEX Gold Futures contract(s), COMEX Silver Futures contract(s), NYMEX Platinum Futures contract(s), or NYMEX Palladium Futures contract(s), and “Options on Precious Metals Futures” means any option on Precious Metals Futures.

3. Unless otherwise defined herein, all capitalized terms contained in this Proof of Claim and Release (“Claim Form”) have the same meaning as in the accompanying **Notice of Proposed Class Action Settlement** (“Notice”) and the Stipulation and Agreement of Settlement between Class Plaintiffs and Bank of Nova Scotia, which are available at [www.bankofnovascotiaspoofingsettlement.com](http://www.bankofnovascotiaspoofingsettlement.com) (the “Settlement Website”).

4. It is important that you read the Notice that accompanies this Claim Form. By signing and submitting this Claim Form, you will be certifying that you have read the Notice, including the terms of the Release and Covenant Not to Sue described in the Notice under the heading “What Am I Giving Up to Receive a Payment?” and provided for in the Settlement Agreement.

5. To be eligible to receive a payment from the Net Settlement Fund, you must submit a timely and valid Claim Form along with the required data and/or information described in Parts II through IV below. **To be considered timely, your Claim Form must be submitted online at [www.bankofnovascotiaspoofingsettlement.com](http://www.bankofnovascotiaspoofingsettlement.com) by 11:59 p.m. Eastern Time on December 6, 2023 OR postmarked and mailed to the Settlement Administrator no later than December 6, 2023.** If you are unable to submit the required data as described below at Parts II through IV, you should call the Settlement Administrator for further instructions.

6. As described in Part III below, you are required to submit additional information about your transactions in Precious Metals Futures or Options on Precious Metals Futures as part of your Claim Form to be submitted to the Settlement Administrator.

7. Your payment amount will be determined based on the Settlement Administrator’s review of your Claim Form and calculated pursuant to the Distribution Plan that the Court approves. Submission of a Claim Form does not guarantee that you will receive a payment from the Settlement. For more information, please refer to the Notice and Distribution Plan available at the Settlement Website.

8. Separate Claim Forms should be submitted for each separate legal entity. Conversely, a single Claim Form should be submitted on behalf of only one legal entity.

Questions? Visit [www.BankofNovaScotiaSpoofingSettlement.com](http://www.BankofNovaScotiaSpoofingSettlement.com), email [info@BankofNovaScotiaSpoofingSettlement.com](mailto:info@BankofNovaScotiaSpoofingSettlement.com),  
**or call toll free at 1-877-388-1727.**







This Form Must Be Electronically  
Submitted OR Postmarked AND Mailed No  
Later Than December 6, 2023.

### III. REQUIREMENTS FOR CLAIM SUBMISSION

#### 1. YOU MUST SUBMIT YOUR CLAIM FORM ELECTRONICALLY OR ON PAPER IN THE REQUIRED FORMAT

Claimants must electronically submit their Claim Forms online at [www.bankofnovascotiaspoofingsettlement.com](http://www.bankofnovascotiaspoofingsettlement.com) by **11:59 p.m. Eastern Time on December 6, 2023 OR postmark and mail** the Claim Forms to the Settlement Administrator at Bank of Nova Scotia Spoofing Settlement, P.O. Box 173093, Milwaukee, WI 53217 **no later than December 6, 2023**. Claim Forms must be submitted in the format specified in this Claim Form or posted by the Settlement Administrator on the Settlement Website.

Along with your Claim Form, you are required to submit the details of your transactions in Precious Metals Futures or Options on Precious Metals Futures reflected in Part IV, below. A Data Template, including the information you must provide about your transactions in Precious Metals Futures or Options on Precious Metals Futures is below and also available at the Settlement Website. In addition, please provide any of the following types of supporting documentation that verifies the transaction information you provide:

- a. Transaction data from your bank, broker, or internal trade system;
- b. Bank confirmations by individual trade;
- c. Bank transaction reports or statements;
- d. Trading venue transaction reports or statements;
- e. Prime broker reports or statements;
- f. Custodian reports or statements;
- g. Daily or monthly account statements or position reports;
- h. Email confirmations from counterparty evidencing transactions;
- i. Bloomberg confirmations or communications evidencing transactions; and/or
- j. Other documents evidencing transactions in Precious Metals Futures or Options on Precious Metals Futures during the Class Period.

Please keep all data and documentation related to your eligible Precious Metals Futures or Options on Precious Metals Futures transactions. Having data and documentation may be important to substantiating your Claim Form.

This Form Must Be Electronically Submitted OR Postmarked AND Mailed No Later Than December 6, 2023.

**IV. TABLE OF TRANSACTIONS IN PRECIOUS METALS FUTURES OR OPTIONS ON PRECIOUS METALS FUTURES**

Complete this Part IV if and only if you entered into transactions in Precious Metals Futures or Options on Precious Metals Futures from January 1, 2008 through July 31, 2016. Do not include information regarding instruments other than Precious Metals Futures or Options on Precious Metals Futures and do not include transactions in Precious Metals Futures or Options on Precious Metals Futures in which you acquired the instrument as an agent for another individual or entity.

**List of Brokers or Futures Commission Merchants**

Please list all brokers or futures commission merchants (“FCMs”) at which you maintained accounts in which you traded or held Precious Metals Futures or Options on Precious Metals Futures.


**List of Account Names and Account Numbers**

Please provide a list of all account names and account numbers for each entity you listed in response above in which you traded or held Precious Metals Futures or Options on Precious Metals Futures.


This Form Must Be Electronically Submitted OR Postmarked AND Mailed No Later Than December 6, 2023.


**TABLE I – PURCHASE(S) AND SALE(S) OF PRECIOUS METALS FUTURES CONTRACTS DURING THE SETTLEMENT CLASS PERIOD**

For each purchase or sale of a Precious Metals Future, provide the following information for each transaction:

<b>Contract Traded (Description or Code)</b>	<b>U.S.-based Exchange (COMEX/ NYMEX)</b>	<b>Trade Date (MM/DD/YYYY)</b>	<b>Number of Contracts</b>	<b>Transaction Price</b>	<b>Purchase or Sale (P/S)</b>	<b>Brokerage Firm and Account Number in Which Transaction Was Made</b>

**Questions? Visit [www.BankofNovaScotiaSpoofingSettlement.com](http://www.BankofNovaScotiaSpoofingSettlement.com), email [info@BankofNovaScotiaSpoofingSettlement.com](mailto:info@BankofNovaScotiaSpoofingSettlement.com), or call toll free at 1-877-388-1727.**

This Form Must Be Electronically Submitted OR Postmarked AND Mailed No Later Than December 6, 2023.

**TABLE II – PURCHASE(S) AND SALE(S) OF OPTIONS ON PRECIOUS METALS FUTURES DURING THE SETTLEMENT CLASS PERIOD**

For a purchase or sale of an Option on Precious Metals Futures, please provide the following information for each transaction:

Contract Traded (Description or Code)	Trade Date (MM/DD/YYYY)	Call (C) or Put (P)	Expiry Type (American or European)	Strike Price	Option Premium	Settlement/ Exercise Date	Number of Contracts	Traded Price (price of futures contract)	Purchase or Sale (P/S)	Brokerage Firm and Account Number in Which Transaction Was Made

Questions? Visit [www.BankofNovaScotiaSpoofingSettlement.com](http://www.BankofNovaScotiaSpoofingSettlement.com), email [info@BankofNovaScotiaSpoofingSettlement.com](mailto:info@BankofNovaScotiaSpoofingSettlement.com), or call toll free at 1-877-388-1727.

## V. CLAIMANT'S CERTIFICATION & SIGNATURE

### SECTION A: CERTIFICATION

#### **BY SIGNING AND SUBMITTING THIS CLAIM FORM, CLAIMANT OR CLAIMANT'S AUTHORIZED REPRESENTATIVE CERTIFIES ON CLAIMANT'S BEHALF AS FOLLOWS:**

1. I (We) have read the Notice and Claim Form, including the descriptions of the Release and Covenant Not to Sue provided for in the Settlement Agreement;
2. I (We) am (are) a Class Member and am (are) not one of the individuals or entities excluded from the Settlement Class;
3. I (We) have not submitted a Request for Exclusion;
4. I (We) have made the transactions submitted with this Claim Form for myself (ourselves) and not as agents of another, and have not assigned my (our) Released Claims to another;
5. I (We) hereby warrant and represent that I (we) have not assigned or transferred or purported to assign or transfer, voluntarily or involuntarily, any matter released pursuant to the release or any other part or portion thereof;
6. I (We) have not submitted any other claim in this Action covering the same transactions and know of no other person having done so on his/her/its/their behalf;
7. I (We) hereby consent to the disclosure of, waive any protections provided by any applicable bank secrecy or data privacy laws (whether foreign or domestic), or any similar confidentiality protections with respect to, and instruct Bank of Nova Scotia or any authorized third party to disclose my (our) information and transaction data relating to my (our) trades for use in the claims administration process;
8. I (We) submit to the jurisdiction of the Court with respect to my (our) claim and for purposes of enforcing the releases set forth in any Final Judgment that may be entered in the Action;
9. I (We) agree to furnish such additional information with respect to this Claim Form as the Settlement Administrator or the Court may require; and
10. I (We) acknowledge that I (we) will be bound by and subject to the terms of the Judgment that will be entered in the Action if the Settlement is approved.
11. I (We) certify that I am (we are) not subject to backup withholding under the provisions of Section 3406(a)(1)(C) of the Internal Revenue Code.





Bank of Nova Scotia Spoofing Settlement  
c/o A.B. Data, Ltd.  
P.O. Box 173093  
Milwaukee, WI 53217

**COURT-APPROVED NOTICE REGARDING**  
*In re Bank of Nova Scotia Spoofing Settlement*

Reminder Checklist:

- 1. Please sign the above release and declaration.**
- 2. If this claim is being made on behalf of Joint Claimants, then both must sign.**
- 3. Remember to attach copies of supporting documentation.**
- 4. Do not send originals of certificates.**
- 5. Keep a copy of your Claim Form and all supporting documentation for your records.**
- 6. If you plan to mail your Claim Form, we recommend sending it Certified Mail, Return Receipt Requested.**
- 7. If you move, please send your new address to the address below.**
- 8. Do not use red pen or highlighter on the Claim Form or supporting documentation.**

**THIS PROOF OF CLAIM FORM MUST BE POSTMARKED NO LATER THAN DECEMBER 6, 2023  
ADDRESSED AS FOLLOWS:**

*Bank of Nova Scotia Spoofing Settlement*  
c/o A.B. Data, Ltd.  
P.O. Box 173093  
Milwaukee, WI 53217

## Appendix C

### Authorization Requirements

- 1 **If you are a nominee** filing on behalf of your account holders, you **must** include the following documentation:
  - 1.1. Affidavit attesting that your entity has legal rights and authorization from your account holders to file Proof of Claim and Release forms on their behalf **and** that your account holders understand that they are bound by and subject to the terms of all releases that may be entered in this Settlement, etc.; **and**
    - 1.1.1 Authorization to sign on your account holders' behalf.
  - 1.2 **If you are a third party** filing on behalf of a nominee, you **must** include an Affidavit attesting to the following:
    - 1.2.1 Your entity has the legal right and authorization from the nominee to file and sign any Proof of Claim and Release forms on their behalf; **and**
    - 1.2.2 Your entity has the legal right and authorization from the nominee's account holders to file and sign any Proof of Claim and Release forms on their behalf; **and**
    - 1.2.3 The account holders understand they are bound by and subject to the terms of all releases that may be entered in the *In re Bank of Nova Scotia Spoofing Litigation*.
  - 1.3 **If you are a third party** filing on behalf of another party, you **must** include an Affidavit attesting to the following:
    - 1.3.1 Your entity has the legal right and authorization from the other party to file and sign any Proof of Claim and Release forms on its behalf; **and**
    - 1.3.2 The other party understands it is bound by and subject to the terms of all releases that may be entered in the *In re Bank of Nova Scotia Spoofing Litigation*.
  - 1.4 **IF YOU ARE NOT A NOMINEE OR A THIRD PARTY AND WOULD LIKE TO FILE CLAIMS ELECTRONICALLY, YOU MUST INCLUDE DOCUMENTATION SUPPORTING ALL TRANSACTIONAL DATA OF YOUR CLAIM.**

You must submit supporting documentation with your Proof of Claim and Release form that will support the transactions provided in your file. These documents may include, but are not limited to, a) photocopies of confirmation slips; b) photocopies of monthly statements reflecting ALL transactional data and how it was compiled for the opening of the Class Period through the end of the Class Period; or c) a signed letter from your broker, on their letterhead, providing all of the information that would be found on a confirmation slip and/or other aforementioned documents.



## Appendix D

### Sample Cover Letter

LETTERHEAD

Re: *In re Bank of Nova Scotia Spoofing Litigation*

Date:

Enclosed is a fully executed master Proof of Claim and Release form with required authorizations and affidavits as well as an electronic media attachment, which is being filed in connection with the above-referenced matter on behalf of [COMPANY NAME(S) OR INDIVIDUAL NAME(S)] for the proprietary accounts of [ENTITY].

We, [ENTITY], hereby agree that further communication from the Claims Administrator may be conducted by email, and we accept sole responsibility to ensure the email address for [ENTITY] is updated in the event the email address provided on the master Proof of Claim and Release form should change.

The attachment consists of a [CD, DVD, OR FLASH DRIVE] containing [NUMBER] accounts/claims in [ASCII, MS EXCEL, OR MS ACCESS] format with [NUMBER OF TRANSACTIONS] transactions for Precious Metals Futures/Options for [ENTITY]'s proprietary accounts. Each transaction contains corresponding account information for which the claims are being filed. A complete listing of all account names and numbers can be found on the next page.

The total number of Precious Metal Futures/Options purchased or acquired [##.##] for the amount of [\$0.0000] and Precious Metals Futures/Options sold [##.##] for the amount of [\$0.0000]<sup>1</sup> can be found on the enclosed [CD, DVD, OR FLASH DRIVE].

We, [ENTITY], attest that the data provided on the media attachment corresponds to [ENTITY]'s internal records.

I attest that the above information is true and correct.

Signature

Company Name

Job Title

Contact Information (including telephone number, fax number, and email address)

Account Name

Account Number

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<sup>1</sup> Please list all other transactions, if applicable, including free receipts and free deliveries.





## Appendix F

### Template Mapping Instructions – Transaction Detail Available

Column	Field Name	Max Length	PRECIOUS METALS FUTURES OPTIONS FIELD DESCRIPTION
A	Account Identifier	40	Account identifier from cover page of filing.
B	Beneficial Owner Account Name	40	Name of individual, company, or entity associated with the account listed in Column A.
C	Full Name of the Beneficial Owner	40	Full name of the beneficial owner associated with the account listed in Column A.
D	TIN of the Beneficial Owner	9	Taxpayer identification number (TIN) for beneficial owner, no spaces and no dashes.
E	Beneficial Owner TIN Type (E/S/U/F)	1	<b>E</b> = Employer Identification Number (EIN); <b>S</b> = Social Security Number (SSN); <b>U</b> = Unknown; <b>F</b> = Foreign.
F	Care of:	40	Name of the entity to which correspondence and distributions should be mailed.
G	Attn:	40	Name of the person to whose attention correspondence and distributions should be mailed.
H	Street 1	40	Street Address 1 for correspondence and distributions mailing.
I	Street 2	40	Street Address 2 for correspondence and distributions mailing.
J	City	25	City for correspondence and distributions mailing.
K	State	2	State for correspondence and distributions mailing.
L	Zip Code	5	Zip code for correspondence and distributions mailing.
M	Province	40	Province for correspondence and distributions mailing.
N	Country	40	Country for correspondence and distributions mailing.
O	Brokerage Firm	40	Name of Brokerage firm executing the transaction. *Optional*
P	Account Number	40	The account number in which the transaction was made. *Optional*
Q	U.S.-based Exchange	5	Name the Exchange (such as COMEX or NYMEX).
R	Date of Transaction	10	<b>(MM/DD/YYYY)</b> MM = Month; DD = Day; YYYY = Year.
S	Contract Code	2	The two letter contract code.
T	Contract Month	3	The three letter abbreviation for the delivery month of the contract. (Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec).
U	Contract Year (YYYY)	4	The four digit year for the delivery of the contract.
V	Put or Call	4	P=Put, C=Call
W	Strike Price	13	Strike Price of transaction
X	Transaction Type/Holdings (P or S)	2	<b>P</b> = Purchase; <b>S</b> = Sale.
Y	Number of Options	19	The total number of contracts involved in the particular transaction
Z	Option Price/Premium	13	Option price of the transaction
AA	Settlement/Exercise Date	10	Date of Contract Settlement. <b>(MM/DD/YYYY)</b> MM = Month; DD = Day; YYYY = Year.
AB	Expiry Type (American or European)	8	Expiry Type (American or European).

\*\*\* You MUST include a cover letter with your electronic file that provides the total number of accounts; total number of transactions; total number of purchases and sales; and contact name(s) with phone number(s) and email address(es) in the event that we have any questions or require further information. See Appendix D for a sample cover letter. Any electronic files not in accordance with these Electronic Claims Filing Guidelines are subject to rejection.

