

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.**

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9. If you have questions about submitting a Claim Form or need additional copies of the Claim Form or the Notice, you may contact the Settlement Administrator.

**II. CLAIMANT IDENTIFICATION**

The Settlement Administrator will use this information for all communications relevant to this Claim Form. If this information changes, please notify the Settlement Administrator in writing. If you are a trustee, executor, administrator, custodian, or other nominee and are completing and signing this Claim Form on behalf of the Claimant, you must attach documentation showing your authority to act on behalf of Claimant.

**Section A – Claimant Information**

Claimant’s First Name MI Claimant’s Last Name

Co-Claimant’s First Name MI Co-Claimant’s Last Name

Entity Name (if Claimant is not an individual)

Representative or Custodian Name (if different from Claimant[s] listed above)

Claimant Address 1 (street name and number)

Claimant Address 2 (apartment, unit, or box number)

City State ZIP Code/Postal Code

Province/Region (if outside U.S.)

Claimant Country

Claimant Tax ID (For most U.S. Claimants, this is their individual Social Security number, employer identification number, or Taxpayer Identification Number. For non-U.S. Claimants, enter a comparable government-issued identification number.)

Telephone Number (home or cell) Telephone Number (work)

Email Address (If you provide an email address, you authorize the Settlement Administrator to use it in providing you with information relevant to this claim.)

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**Section B – Authorized Representative Information**

Name of the person you would like the Settlement Administrator to contact regarding this claim (if different from the Claimant name listed above):

First Name	MI	Last Name
<input type="text"/>	<input type="text"/>	<input type="text"/>

Telephone Number (home or cell)	Telephone Number (work)
<input type="text"/> - <input type="text"/> - <input type="text"/>	<input type="text"/> - <input type="text"/> - <input type="text"/>

Address 1 (street name and number)

Address 2 (apartment, unit, or box number)

City	State	ZIP Code/Postal Code
<input type="text"/>	<input type="text"/>	<input type="text"/>

Province/Region (if outside U.S.)

Email Address (If you provide an email address, you authorize the Settlement Administrator to use it in providing you with information relevant to this claim.)

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### 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.

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**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.


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**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.**

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**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.



**SECTION B: SIGNATURE**

**PLEASE READ THE RELEASE, CONSENT TO DISCLOSURE AND CERTIFICATION, AND SIGN BELOW.**

I (We) acknowledge that, as of the Effective Date of the Settlement, pursuant to the terms set forth in the Settlement Agreement, and by operation of law and the Final Judgment, I (we) shall be deemed to release and forever discharge and shall be forever enjoined from prosecuting the Released Claims against the Released Parties (as defined in the Settlement Agreement and/or Final Judgment).

By signing and submitting this Claim Form, I (we) consent to the disclosure of information relating to my (our) transactions in Precious Metals Futures or Options on Precious Metals Futures during the Class Period, and 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 information and transaction data relating to my (our) trades, for use in the claims administration process.

If signing as an Authorized Representative on behalf of an entity, I (we) certify that I (we) have legal rights and authorization from the entity to file this Claim Form on the entity's behalf.

**UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA, I (WE) CERTIFY THAT ALL THE INFORMATION PROVIDED BY ME (US) ON THIS CLAIM FORM IS TRUE, CORRECT, AND COMPLETE AND THAT THE DATA SUBMITTED IN CONNECTION WITH THIS CLAIM FORM ARE TRUE AND CORRECT COPIES OF WHAT THEY PURPORT TO BE.**

\_\_\_\_\_  
Signature of Claimant (if Claimant is an individual filing on his or her own behalf)

Date: \_\_\_\_\_  
MM/DD/YY

\_\_\_\_\_  
Print Name of Claimant (if Claimant is an individual filing on his or her own behalf)

\_\_\_\_\_  
Authorized Representative Completing Claim Form (if any)

Date: \_\_\_\_\_  
MM/DD/YY

\_\_\_\_\_  
Print name of Authorized Representative Completing Claim Form (if any)

\_\_\_\_\_  
Capacity of Authorized Representative (if other than an individual (e.g., trustee, executor, administrator, custodian, or other nominee))

**REMINDER: YOUR CLAIM FORM AND REQUIRED DATA MUST BE SUBMITTED ONLINE BY 11:59 P.M. EASTERN TIME ON DECEMBER 6, 2023 OR POSTMARKED AND MAILED NO LATER THAN DECEMBER 6, 2023.**

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