

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 12/02/2021
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UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

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 IN RE: :  
 : 14-MD-2548 (VEC)  
 COMMODITY EXCHANGE, INC., GOLD : 14-MC-2548 (VEC)  
 FUTURES AND OPTIONS TRADING :  
 LITIGATION :  
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*This Document Relates to All Actions* :  
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**ORDER**

VALERIE CAPRONI, United States District Judge:

WHEREAS on December 9, 2016, the Court preliminarily approved a settlement with Deutsche Bank (the “First Settlement Agreement”), Dkt. 187;

WHEREAS on February 12, 2021, the Court preliminarily approved a settlement with HSBC Bank (the “Second Settlement Agreement”), Dkt. 515;

WHEREAS on August 4, 2021, 65 class members, former members of the Commodity Exchange, Inc. (the “COMEX Objectors”), objected to the proposed Plan of Allocation of the Net Settlement Fund, Dkt. 578;

WHEREAS on October 19, 2021, the Court adjourned *sine die* a hearing to consider the fairness, reasonableness, and adequacy of the First and Second Settlement Agreements (the “Fairness Hearing”), Dkt. 599;

WHEREAS on November 12, 2021, Plaintiffs filed a motion for preliminary approval of a settlement agreement with Barclays Bank PLC, the Bank of Nova Scotia, Société Générale, and the London Gold Market Fixing Limited (the “Third Settlement Agreement”), Dkt. 605; and

WHEREAS on November 12, 2021, Plaintiffs filed a motion for approval of a notice plan with respect to the Third Settlement Agreement and for preliminary approval of the Plan of Allocation with respect to the First, Second, and Third Settlement Agreements, Dkt. 608;

IT IS HEREBY ORDERED that the Fairness Hearing is rescheduled to **Tuesday, January 4, 2022 at 2:30 P.M.** The Court will also discuss Plaintiffs' motions with respect to the Third Settlement Agreement and the revised Plan of Allocation as to all three settlements (Dkts. 605, 608) at the Hearing. Accordingly, Plaintiffs and all Defendants must attend the hearing.

IT IS FURTHER ORDERED that the hearing will be held in Courtroom 443 of the Thurgood Marshall United States Courthouse, located at 40 Foley Square, New York, New York 10007. All parties must attend the Hearing in person. Interested members of the public may attend the Hearing in person or remotely, by dialing 1-888-363-4749, using the access code 3121171 and the security code 2548. All of those accessing the hearing are reminded that recording or rebroadcasting of the proceeding is prohibited by law.

IT IS FURTHER ORDERED that by no later than **Friday, December 10, 2021**, counsel for the COMEX Objectors must inform the Court whether they wish to be heard at the Fairness Hearing. Any request must include a short description, not to exceed one page, of the content of the proposed presentation. Were the request to be granted, the COMEX Objectors would be limited to ten minutes.

IT IS FURTHER ORDERED that per the SDNY COVID-19 COURTHOUSE ENTRY PROGRAM, any person who appears at any SDNY courthouse must complete a questionnaire and have his or her temperature taken. Please see the enclosed instructions. Completing the questionnaire ahead of time will save time and effort upon entry. Only those individuals who meet the entry requirements established by the questionnaire will be permitted entry. Additionally, any person who appears at any SDNY courthouse must comply with Standing Order M10-468 (21-MC-164), which further pertains to courthouse entry.

IT IS FURTHER ORDERED that, by no later than **Wednesday, December 8, 2021**, Plaintiffs must post on the settlement website that the Fairness Hearing has been rescheduled.

See Order, Dkt. 516 ¶ 28. By no later than **Wednesday, December 8, 2021**, Plaintiffs must inform the Court that the settlement website has been updated.

IT IS FURTHER ORDERED that all other deadlines, including with respect to the motion for class certification and any *Daubert* motions, are hereby STAYED.

**SO ORDERED.**

**Date: December 2, 2021**  
**New York, NY**



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**VALERIE CAPRONI**  
**United States District Judge**

## **Instructions for Courthouse Entry**

All members of the public, including attorneys, appearing at a Southern District of New York courthouse must complete a questionnaire and have their temperature taken before being allowed entry into that courthouse.

On the day you are due to arrive at the courthouse, click on the following weblink to begin the enrollment process. Follow the instructions and fill out the questionnaire. If your answers meet the requirements for entry, you will be sent a QR code to be used at the SDNY entry device at the courthouse entrance.

Weblink: <https://app.certify.me/SDNYPublic>

Note: If you do not have a mobile phone or mobile phone number, you must complete the questionnaire and temperature screening at an entry device at the courthouse.