

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

*In re Peregrine Financial Group Customer
Litigation*

Civil Action No. 12-cv-5546

Judge Sara L. Ellis

Magistrate Judge Daniel G. Martin

ORDER APPROVING PLAN OF ALLOCATION

The Court, having considered (a) Class Counsel’s Motion for Final Approval of Class Action Settlement and Plan of Allocation; (b) the Memorandum of Law in Support of the Class Counsel’s Motion for Final Approval; (c) the Plan of Allocation for the customer Class (as set out in Exhibit D to the Settlement Agreement, ECF No. 410-7, and as summarized in the proposed Notice previously approved by this Court, ECF No. 410-4); and (d) the Declaration of Co-Lead Counsel; and having held a hearing on October 13, 2015, and considered all of the submissions and arguments with respect thereto; pursuant to Rule 23 of the Federal Rules of Civil Procedure, and in accordance with the terms of the settlement agreement dated June 18, 2015, filed as ECF No. 410-2 (the “Settlement Agreement”) between the Customer Plaintiffs (“Plaintiffs”), U.S. Bank, National Association (“U.S. Bank”), and Ira Bodenstein (the “Trustee”), not individually, but solely as Chapter 7 Trustee for the estate of Peregrine Financial Group, Inc., it is hereby ORDERED that:

1. This Order incorporates by reference the definitions in the Settlement Agreement (previously filed as ECF No. 410-2), and all terms used herein shall have the same meanings set forth in the Settlement Agreement. As set forth in the Preliminary Approval Order (ECF No. 417), dated June 23, 2015, the previously certified Class is defined as follows:

All persons or entities who held money, property, and/or securities pursuant to 7 U.S.C. § 6d(a)(2) at PFG as of July 10, 2012.

2. The Court approves the Plan of Allocation of the Settlement proceeds (net of attorneys' fees and reimbursed expenses) to the Class, as proposed by Class Counsel (Exhibit D to the Settlement Agreement, ECF No. 410-7). The Plan provides, *inter alia*, that the proceeds of the Settlement, net of Court-approved attorneys' fees, costs of litigation, and notice costs ("Net Settlement Fund"), be distributed as follows:

- For "New Claimants" (Class members who do not have allowed claims in the bankruptcy action), each "shall receive a share of the Net Settlement Fund that is determined by multiplying the amount of such New Claimant's timely claim as approved in the Customer Class Action by a payment ratio computed as: the Net Settlement Fund divided by \$215,000,000.00." *Id.* ¶ 5. The amount to be distributed to New Claimants is capped at 50% of the Net Settlement Fund. *Id.* ¶ 6.
- For Class members with allowed claims in the bankruptcy case: "After the determination of the aggregate amount to be disbursed to the New Claimants, the balance of the Net Settlement Fund shall be transferred to the Trustee for distribution to Settlement Class Members who hold Allowed Claims in the Bankruptcy Case." *Id.* ¶ 7.

SO ORDERED this 13th day of October 2015.



Hon. Sara L. Ellis
U.S. District Court for the Northern District
of Illinois