

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re: Amaranth Natural Gas Commodities Litigation

MASTER FILE No. 07 CV 6377 (SAS)

This Document Relates To:

All Actions

**NOTICE OF MOTION FOR DISTRIBUTION
OF THE NET SETTLEMENT FUND AND INCENTIVE AWARDS**

PLEASE TAKE NOTICE that upon the supporting memorandum of law, the Affidavit of Jason Rabe of Rust Consulting, Inc. (“Rust”), the Settlement Agreement, and all prior proceedings herein, the undersigned hereby move this Court for an Order pursuant to Federal Rule of Civil Procedure 23(e): (i) approving the administrative determinations by Rust concerning Settlement Class members’ proofs of claim; (ii) directing distribution of the Net Settlement Fund to the Settlement Class members who have submitted claims which Rust has determined to be eligible to share in the Net Settlement Fund, including those otherwise-eligible claims submitted after the claims submission deadline; (iii) establishing a reserve fund in the amount of \$5,238,000; and (iv) approving incentive awards to the four class representatives in an aggregate amount of \$200,000.

WHEREFORE, Class Counsel respectfully request that the Court enter an Order in the form of the [Proposed] Settlement Distribution Order attached hereto as Exhibit 1.

Dated: New York, New York
June 24, 2016

Respectfully submitted,

/s/ Christopher Lovell

Christopher Lovell

Christopher M. McGrath

LOVELL STEWART HALEBIAN JACOBSON LLP

61 Broadway, Suite 501

New York, New York 10006

Telephone: (212) 608-1900

Facsimile: (212) 719-4775

/s/ Vincent Briganti

Vincent Briganti

Geoffrey Horn

LOWEY DANNENBERG COHEN & HART, P.C.

One North Broadway

White Plains, New York 10601

Telephone: (914) 997-0500

Facsimile: (914) 997-0035

/s/ Louis F. Burke

Louis F. Burke

LOUIS F. BURKE P.C

460 Park Avenue, 21st Floor

New York, New York 10022

Telephone: (212) 682-1700

Lead Counsel for Plaintiffs and the Class

EXHIBIT 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re: Amaranth Natural Gas Commodities Litigation

MASTER FILE No. 07 CV 6377 (SAS)

This Document Relates To:

All Actions

**[PROPOSED] ORDER FOR DISTRIBUTION
OF NET SETTLEMENT FUND AND INCENTIVE AWARDS**

WHEREAS, the Court previously granted final approval of the Stipulation and Agreement of Settlement (“Settlement”) [Docket No. 404];

WHEREAS, the Court-appointed Settlement Administrator has made its determinations concerning proof of claim forms submitted by persons seeking to share in the proceeds from the Settlement;

WHEREAS, Plaintiffs have filed a Motion for Distribution of the Net Settlement Fund and Incentive Awards (“Distribution Motion”);

WHEREAS, notice of the Distribution Motion has been posted on the official Settlement website and notice has otherwise been provided to persons who submitted claims seeking to share in the Settlement proceeds;

WHEREAS, the Court having considered all papers filed and proceedings had herein and otherwise being fully informed in the premises and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The Court approves the administrative determinations of the Court-appointed Settlement Administrator, Rust Consulting, Inc. (“Rust”), concerning the proofs of claim submitted

by members of the Settlement Class as set forth in the Affidavit of Jason Rabe (“Rabe Affidavit”) submitted in connection with the Distribution Motion.

2. The Court finds that the determinations made by Rust with respect to Settlement Class members’ proofs of claim and the distribution of the Net Settlement Fund based on Rust’s calculations and determinations are all fair, reasonable and adequate to the Settlement Class and are hereby approved.

3. Accordingly, the Court hereby directs the distribution of the Net Settlement Fund to the members of the Settlement Class who have submitted claims which Rust has determined to be eligible to share in the net settlement proceeds and in such amounts as set forth in the Rabe Affidavit after (a) the creation of a reserve fund of \$5,238,000; (b) payment of \$1,708,667.38 from the Settlement Fund to Rust for its outstanding fees and expenses incurred and additional estimated fees and expenses to be incurred in connection with administering the Settlement Fund and processing claims referenced in ¶ 4 below; and (c) payment of incentive awards totaling \$200,000 referenced in ¶ 5 below. The Court authorizes Rust to include the 100 otherwise-valid claims submitted after the claims submission deadline as claims eligible to share in the net settlement proceeds.

4. The Court authorizes a payment of \$1,708,667.38 from the Settlement Fund to Rust for the balance of its fees and expenses incurred and to be incurred in connection with the notice, administration and distribution of the Net Settlement Fund.

5. The Court authorizes a payment of \$200,000 from the Settlement Fund to be shared among the three Court-appointed class representatives (*i.e.*, Roberto E. Calle Gracey, John F. Special and Gregory H. Smith) and plaintiff Alan H. Martin, who was a proposed class representative for almost three years until the definition of the Class was amended in June 2010.

6. Class Counsel and the Settlement Administrator are directed to execute this Order

and shall not be liable to Class members for any reason in executing and complying with this Order.

IT IS SO ORDERED.

DATED: _____, 2016

United States District Court Judge