

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

*In Re: Amaranth Natural Gas Commodities Litigation*

MASTER FILE No. 07 CV 6377 (CM)

This Document Relates To:

All Actions

**NOTICE OF MOTION FOR A SECOND DISTRIBUTION  
OF THE NET SETTLEMENT FUND**

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) directing distribution of the remaining monies in the Net Settlement Fund on a *pro rata* basis to the 365 claimants previously determined by Rust to be eligible to share in the Net Settlement Fund; (ii) authorizing a disbursement of \$20,884 from the Net Settlement Fund as payment to Rust for expenses to be incurred in connection with administering the second distribution of the Net Settlement Fund; and (iii) approving certain steps to be taken by Rust in order to wind down the Settlement administration framework.

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

Dated: New York, New York  
July 21, 2017

Respectfully submitted,

/s/ Christopher Lovell

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***Lead Counsel for Plaintiffs and the Class***

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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**[PROPOSED] ORDER FOR A SECOND DISTRIBUTION  
OF THE NET SETTLEMENT FUND**

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

WHEREAS, the Court previously approved an initial distribution of the Net Settlement Fund to authorized claimants (Dkt. No. 428);

WHEREAS, the Court-appointed Settlement Administrator, Rust Consulting, Inc. (“Rust”), has executed the initial distribution approved by the Court;

WHEREAS, monies remain in the Net Settlement Fund following the initial distribution that are available for distribution to authorized claimants;

WHEREAS, Plaintiff has filed a Motion for a Second Distribution of the Net Settlement Fund (“Second Distribution Motion”);

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 Rust concerning the second distribution of the Net Settlement Fund as set forth in the Affidavit of Jason Rabe (“Rabe Affidavit”) submitted in connection with the Second Distribution Motion. Dkt. No. 431.

2. The Court hereby authorizes a disbursement of \$20,884 from the Net Settlement Fund as payment to Rust for fees and expenses to be incurred in connection with administering the second distribution of the Net Settlement Fund.

3. The Court hereby directs a distribution of the reserve monies in the Net Settlement Fund (net of the Settlement Administrator's fees and expenses necessary to effect the second distribution and wind up the Settlement) to the members of the Settlement Class Rust previously determined to be eligible to share in the Net Settlement Fund and in such *pro rata* shares as set forth in the Rabe Affidavit.

4. In order to encourage authorized claimants to promptly deposit their payments, all distribution checks will include a notation: "This check will remain valid for 45 days. Please deposit this check promptly. If this check is not cashed within 45 days, you will forfeit your right to participate in the Net Settlement Fund and your *pro rata* share will revert back to the Net Settlement Fund. No reissue requests will be honored after the 45 days."

5. If the distribution herein results in a full and final distribution of all remaining monies in the Net Settlement Fund, then, two months after such distribution has become final, Rust shall close the post office box, disconnect the telephone number and remove the Settlement website and e-mail address from the internet, all of which were specifically designed and created for the Settlement. Additionally, Rust shall (a) destroy all paper copies of claim forms, supporting documents and other correspondence, six months after a full and final distribution has occurred; (b) destroy all electronic copies of claim forms, supporting documents and other corresponded, one year after final distribution has occurred; and (c) close the Settlement Fund.

6. If any funds in the amount of \$10,000 or less remain in the Net Settlement Fund by reason of uncashed distributions or otherwise, then, after Rust has made reasonable and diligent efforts to have authorized claimants cash their second distribution, such balance remaining six (6)

months after the distribution herein shall after payment of any unpaid costs or fees incurred in administering the Net Settlement Fund be contributed to the Investor Protection Trust, a non-sectarian, not-for-profit 501(c)(3) organization. If funds greater than \$10,000 remain in the Net Settlement Fund after the distribution directed by this Order, then Class Counsel shall seek Court approval for a final distribution of the remaining monies in the Net Settlement Fund.

7. 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: \_\_\_\_\_, 2017

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Honorable Colleen McMahon  
Chief Judge, United States District Court