

BY ORDER OF THE COURT, A SUPPLEMENTAL NOTICE WAS MAILED TO PROVIDE CLARIFICATION OF THE PROVISION OF THE SETTLEMENT DESCRIBING THE INDIVIDUALS WHO ARE EXCLUDED FROM THE CLASS BECAUSE THEY WERE OFFICERS OF OPUS BANK DURING THE CLASS PERIOD. A SUMMARY OF IMPORTANT DATES IS LISTED BELOW.

**FINAL APPROVAL HEARING**

THE FINAL APPROVAL HEARING HAS BEEN SCHEDULED FOR **NOVEMBER 2, 2018 AT 10:00 A.M.**

**EXTENSION OF THE CLAIMS FILING DEADLINE**

THE CLAIMS FILING DEADLINE HAS BEEN EXTENDED TO **OCTOBER 22, 2018.**

**EXTENSION OF DEADLINE TO BE EXCLUDED FROM THE SETTLEMENT**

THE DEADLINE TO BE EXCLUDED FROM THE SETTLEMENT HAS BEEN EXTENDED TO **OCTOBER 19, 2018.**

**EXTENSION OF DEADLINE TO OBJECT TO THE SETTLEMENT**

THE DEADLINE TO OBJECT TO THE SETTLEMENT HAS BEEN EXTENDED TO **OCTOBER 19, 2018**

**PLEASE SEE THE SUPPLEMENTAL NOTICE FOR FURTHER DETAILS. THE SUPPLEMENTAL NOTICE CAN BE FOUND ON THE SETTLEMENT WEBSITE:**

**[WWW.OPUSBANKSECURITIESLITIGATION.COM](http://WWW.OPUSBANKSECURITIESLITIGATION.COM)**

# PROOF OF CLAIM FORM

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

MUST BE  
POSTMARKED  
NO LATER THAN  
JULY 10, 2018

*Schwartz v. Opus Bank*

Case No.: 2:16-cv-07991-AB-JPR

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# INSTRUCTIONS FOR COMPLETING PROOF OF CLAIM FORM

## **GENERAL RULES FOR RECOVERING**

1. To recover as a Class Member based on your claims in the action entitled *Schwartz v. Opus Bank*, No. 2:16-cv-07991-AB-JPR (the “Action”),<sup>1</sup> you must complete and, on page 8 hereof, sign this Proof of Claim Form. If you fail to file a properly addressed (as set forth in paragraph 3 below) Proof of Claim Form, your Claim may be rejected and you may be precluded from any recovery from the Settlement Fund created in connection with the proposed Settlement of the Action.
2. Submission of this Proof of Claim Form, however, does not assure that you will share in the proceeds of the Settlement of the Action. Your recovery, if any, will be calculated as described in the Plan of Allocation in the Notice of Pendency of Class Action and Proposed Settlement (“Notice”).
3. **YOU MUST MAIL YOUR COMPLETED AND SIGNED PROOF OF CLAIM FORM POSTMARKED ON OR BEFORE JULY 10, 2018, ADDRESSED AS FOLLOWS:**

***Opus Bank Securities Litigation***  
**c/o JND Legal Administration**  
**P.O. Box 91346**  
**Seattle, WA 98111**
4. If you are NOT a Class Member (as defined in the Notice), DO NOT submit a Proof of Claim Form.
5. If you are a Class Member and you do not timely and validly request exclusion from the proposed Settlement, you will still be bound by the terms of the Settlement and any judgment entered in the Action, including the releases provided therein, WHETHER OR NOT YOU SUBMIT A PROOF OF CLAIM FORM.

## **IDENTIFICATION OF CLAIMANT**

6. THIS PROOF OF CLAIM FORM MUST BE FILED BY THE ACTUAL BENEFICIAL PURCHASER(S), OR THE LEGAL REPRESENTATIVE OF SUCH PURCHASER(S), OF OPUS COMMON STOCK UPON WHICH THESE CLAIMS ARE BASED.
7. Use Part I of this form entitled “Claimant Identification” to identify each beneficial purchaser.

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<sup>1</sup> This Proof of Claim Form incorporates by reference the definitions in the Stipulation and Agreement of Settlement dated as of December 22, 2017 (“Settlement” or the “Stipulation”), and all capitalized terms used, but not defined herein, shall have the same meanings as in the Stipulation. A copy of the Stipulation can be obtained at [www.opusbanksecuritieslitigation.com](http://www.opusbanksecuritieslitigation.com).

8. All joint purchasers must sign this Proof of Claim Form. Executors, administrators, guardians, conservators, and trustees must complete and sign this Proof of Claim Form on behalf of Persons represented by them, and their authority must accompany this Claim and their titles or capacities must be stated. The last four digits of the Social Security (or taxpayer identification) number and telephone number of the beneficial owner(s) may be used in verifying the Claim. Failure to provide the foregoing information could delay verification of your Claim or result in rejection of the Claim.

### **IDENTIFICATION OF TRANSACTION(S)**

9. Use Part II of this form entitled "Schedule of Transactions in Opus Common Stock" to supply all required details of your transaction(s) in Opus common stock. If you need more space or additional schedules, attach separate sheets giving all of the required information in substantially the same form. Sign and print or type your name on each additional sheet.
10. On the schedules, provide all of the requested information with respect to **all** of your purchases of Opus common stock which took place during the Class Period, whether such transactions resulted in a profit or a loss. Failure to report all such transactions may result in the rejection of your Claim.
11. List each transaction separately and in chronological order, by trade date, beginning with the earliest. You must accurately provide the month, day, and year of each transaction you list.
12. You should attach documentation verifying your transactions in Opus common stock, such as copies of broker confirmations. Failure to provide this documentation could delay verification of your Claim or result in rejection of your Claim.

# I. CLAIMANT IDENTIFICATION

**MUST BE POSTMARKED NO LATER THAN JULY 10, 2018**

## **Claimant/Representative Contact Information:**

The Claims Administrator will use the contact information for all correspondence relevant to this Claim (including the distribution (check), if the Claim is ultimately determined to be eligible for payment). If the contact information changes, then you must notify the Claims Administrator in writing at the above address.

Claimant's Name (as you would like it to appear on your check if eligible for payment)

Address Line 1 (Number and Street or P.O. Box)

Address Line 2 (if needed)

City

State or Province

Zip Code

Country Name

Last 4 Digits of Social Security Number (for individuals)  
Or T.I.N. (for estates, trusts, corporations, etc.)

Representative's Name (if different from the Claimant's Name(s) listed above)

Telephone Number (Work)

Telephone Number (Home)

Email

## II. SCHEDULE OF TRANSACTIONS IN OPUS COMMON STOCK

**A. List all shares of Opus common stock held at the opening of trading on January 26, 2015.**

Quantity of Shares Held:

**B. Purchases: List all purchases of Opus common stock between January 26, 2015 and May 1, 2017, inclusive. Be sure to attach documentation verifying your transactions.**

PLEASE NOTE: Information requested with respect to your purchases of Opus common stock from after the opening of trading on January 30, 2017 through and including the close of trading on May 1, 2017 is needed in order to balance your claim; purchases of Opus common stock during this period, however, are not eligible under the Settlement and will not be used for purposes of calculating your Recognized Loss pursuant to the Plan of Allocation.

Trade Date (List Chronologically) (Month/Day/Year)	Number of Shares	Price Per Share	Total Purchase Price
/ /		\$	\$
/ /		\$	\$
/ /		\$	\$

**C. Sales: List all sales of Opus common stock from January 26, 2015 through May 1, 2017, inclusive. Be sure to attach documentation verifying your transactions.**

Trade Date (List Chronologically) (Month/Day/Year)	Number of Shares	Price Per Share	Total Sales Proceeds
/ /		\$	\$
/ /		\$	\$
/ /		\$	\$

**D. Unsold Holdings: List the number of shares of Opus common stock held as of closing of trading on May 1, 2017. Be sure to attach documentation verifying your holdings such as a current account statement.**

Quantity of Shares Held:

If you require additional space to list your transactions, use photocopies of this page and check this box.

**YOU MUST READ THE RELEASE AND YOUR SIGNATURE ON PAGE 8 WILL CONSTITUTE YOUR ACKNOWLEDGMENT OF THE RELEASE.**

### **III. SUBMISSION TO JURISDICTION OF COURT AND ACKNOWLEDGMENTS**

I (WE) SUBMIT THIS PROOF OF CLAIM FORM UNDER THE TERMS OF THE SETTLEMENT DESCRIBED IN THE NOTICE. I (WE) ALSO SUBMIT TO THE EXCLUSIVE JURISDICTION OF THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA WITH RESPECT TO MY (OUR) CLAIM AS A CLASS MEMBER AND FOR PURPOSES OF ENFORCING THE RELEASES SET FORTH IN THE SETTLEMENT AND REPEATED HEREIN. I (WE) FURTHER ACKNOWLEDGE THAT I AM (WE ARE) BOUND BY AND SUBJECT TO THE TERMS OF ANY JUDGMENT THAT MAY BE ENTERED IN THE ACTION. I (WE) AGREE TO FURNISH ADDITIONAL INFORMATION TO THE CLAIMS ADMINISTRATOR TO SUPPORT THIS CLAIM IF REQUESTED TO DO SO. I (WE) HAVE NOT SUBMITTED ANY OTHER CLAIM COVERING THE SAME PURCHASES OR SALES OF OPUS COMMON STOCK AND KNOW OF NO OTHER PERSON HAVING DONE SO ON MY (OUR) BEHALF.

### **IV. RELEASE**

1. I (WE) HEREBY ACKNOWLEDGE, ON BEHALF OF MYSELF (OURSELVES) AND EACH OF MY (OUR) HEIRS, BENEFICIARIES, TRUSTEES, EXECUTORS, ADMINISTRATORS, PREDECESSORS, SUCCESSORS AND ASSIGNS, AND ANY OTHER PERSON CLAIMING BY, THROUGH OR ON BEHALF OF ME (US), THAT I (WE) (A) RELEASE, RESOLVE, RELINQUISH, WAIVE, DISCHARGE AND DISMISS EACH AND EVERY ONE OF THE RELEASED CLAIMS AGAINST THE RELEASED PARTIES; (B) ARE FOREVER ENJOINED FROM COMMENCING, INSTITUTING OR PROSECUTING ANY OR ALL OF THE RELEASED CLAIMS AGAINST ANY OF THE RELEASED PARTIES; AND (C) ARE FOREVER ENJOINED FROM INSTITUTING, CONTINUING, MAINTAINING OR ASSERTING, EITHER DIRECTLY OR INDIRECTLY, WHETHER IN THE UNITED STATES OR ELSEWHERE, ON MY (OUR) OWN BEHALF OR ON BEHALF OF ANY CLASS OR ANY OTHER PERSON, ANY ACTION, SUIT, CAUSE OF ACTION, CLAIM OR DEMAND AGAINST ANY PERSON OR ENTITY WHO MAY CLAIM ANY FORM OF CONTRIBUTION OR INDEMNITY FROM ANY OF THE RELEASED PARTIES IN RESPECT OF ANY RELEASED CLAIM OR ANY MATTER RELATED THERETO.
2. "RELEASED PARTIES" MEANS ANY AND ALL OF THE DEFENDANTS, EACH OF THE DEFENDANTS' RESPECTIVE PAST AND PRESENT SUBSIDIARIES, PARENTS, SUCCESSORS, PREDECESSORS, ASSIGNS, AFFILIATES, CONTROLLED PERSONS, CONTROLLING PERSONS, FAMILY MEMBERS AND PARTNERS, AND AS TO EACH OF THE FOREGOING, THEIR LEGAL REPRESENTATIVES, HEIRS, EXECUTORS, ADMINISTRATORS, TRUSTEES, BENEFICIARIES, MANAGERS, OFFICERS, DIRECTORS, AGENTS, EMPLOYEES, AND ATTORNEYS.
3. "RELEASED CLAIMS" MEANS ANY AND ALL CLAIMS, DEBTS, DEMANDS, RIGHTS OR CAUSES OF ACTION OR LIABILITIES WHATSOEVER (INCLUDING, BUT NOT LIMITED TO, ANY CLAIMS FOR DAMAGES, INTEREST, ATTORNEYS' FEES, EXPERT OR CONSULTING FEES, AND ANY OTHER COSTS, EXPENSES OR LIABILITY WHATSOEVER), WHETHER BASED ON FEDERAL, STATE, LOCAL, STATUTORY, OR COMMON LAW OR ANY OTHER

LAW, RULE OR REGULATION, WHETHER FIXED OR CONTINGENT, ACCRUED OR UNACCRUED, LIQUIDATED OR UNLIQUIDATED, AT LAW OR IN EQUITY, MATURED OR UNMATURED, WHETHER CLASS OR INDIVIDUAL IN NATURE, INCLUDING BOTH KNOWN CLAIMS AND UNKNOWN CLAIMS, THAT HAVE (1) BEEN ASSERTED IN THIS ACTION BY LEAD PLAINTIFF, THE CLASS MEMBERS, OR ANY OF THEM AGAINST ANY OF THE RELEASED PARTIES, OR (2) THAT COULD HAVE BEEN ASSERTED IN ANY FORUM BY LEAD PLAINTIFF, THE CLASS MEMBERS OR ANY OF THEM AGAINST ANY OF THE RELEASED PARTIES WHICH IN ANY WAY ARISE OUT OF, ARE RELATED TO, OR ARE BASED UPON (I) THE PURCHASE, SALE, TRANSFER, ACQUISITION OR OWNERSHIP OF OPUS COMMON STOCK DURING THE CLASS PERIOD AND (II) THE ALLEGATIONS, TRANSACTIONS, FACTS, MATTERS OR OCCURRENCES, REPRESENTATIONS OR OMISSIONS INVOLVED, SET FORTH, OR REFERRED TO IN EITHER OF THE COMPLAINTS FILED IN THIS ACTION. NOTWITHSTANDING THE FOREGOING, "RELEASED CLAIMS" DOES NOT INCLUDE (1) CLAIMS RELATING TO THE ENFORCEMENT OF THE SETTLEMENT OR ITS TERMS AND (2) THE CLAIMS ALLEGED IN *KLEIN V. GORDON*, NO. 8:17-CV-00123-AB-JPR (C.D. CAL.) AND *DILLARD V. GORDON*, NO. BC651522 (LOS ANGELES SUP. CT.).

4. "UNKNOWN CLAIMS" MEANS ANY AND ALL RELEASED CLAIMS THAT LEAD PLAINTIFF OR ANY CLASS MEMBER DOES NOT KNOW OR SUSPECT TO EXIST IN HIS, HER OR ITS FAVOR AT THE TIME OF THE RELEASE OF THE RELEASED PARTIES, AND ANY OF THE SETTLED DEFENDANTS' CLAIMS WHICH ANY DEFENDANT DOES NOT KNOW OR SUSPECT TO EXIST IN HIS, HER OR ITS FAVOR, WHICH IF KNOWN BY HIM, HER OR IT MIGHT HAVE AFFECTED HIS, HER OR ITS DECISION(S) WITH RESPECT TO THE SETTLEMENT. WITH RESPECT TO ANY AND ALL RELEASED CLAIMS AND SETTLED DEFENDANTS' CLAIMS, LEAD PLAINTIFF AND DEFENDANTS STIPULATE AND AGREE THAT UPON THE EFFECTIVE DATE, LEAD PLAINTIFF AND DEFENDANTS SHALL EACH, FOR THEMSELVES AND ALL PERSONS CLAIMING BY, THROUGH, OR ON BEHALF OF THEM, EXPRESSLY WAIVE, AND EACH CLASS MEMBER SHALL BE DEEMED TO HAVE WAIVED, AND BY OPERATION OF THE JUDGMENT SHALL HAVE EXPRESSLY WAIVED, ANY AND ALL PROVISIONS, RIGHTS AND BENEFITS CONFERRED BY ANY LAW OF ANY STATE OR TERRITORY OF THE UNITED STATES, OR PRINCIPLE OF COMMON LAW, THAT IS SIMILAR, COMPARABLE, OR EQUIVALENT TO CAL. CIV. CODE § 1542, WHICH PROVIDES:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR.

LEAD PLAINTIFF AND DEFENDANTS ACKNOWLEDGE, AND CLASS MEMBERS' AND DEFENDANTS' SUCCESSORS AND ASSIGNS AND ANY PERSONS OR ENTITIES CLAIMING THROUGH OR ON THEIR BEHALF SHALL, BY OPERATION OF LAW, BE DEEMED TO HAVE ACKNOWLEDGED, THAT THE INCLUSION OF "UNKNOWN CLAIMS" IN THE DEFINITION OF RELEASED CLAIMS AND SETTLED DEFENDANTS' CLAIMS WAS SEPARATELY BARGAINED FOR AND WAS A MATERIAL ELEMENT OF THIS SETTLEMENT.

5. THIS RELEASE SHALL BE OF NO FORCE OR EFFECT UNLESS AND UNTIL THE COURT APPROVES THE SETTLEMENT AND THE SETTLEMENT BECOMES EFFECTIVE ON THE EFFECTIVE DATE (AS DEFINED IN THE STIPULATION).
6. 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 SETTLEMENT OR ANY OTHER PART OR PORTION THEREOF.

- 7. I (WE) HEREBY WARRANT AND REPRESENT THAT I (WE) HAVE INCLUDED INFORMATION ABOUT ALL OF MY (OUR) PURCHASES AND SALES OF OPUS COMMON STOCK DURING THE REQUIRED PERIODS AS SET FORTH ABOVE.
- 8. I (WE) HEREBY WARRANT AND REPRESENT THAT I AM (WE ARE) NOT EXCLUDED FROM THE CLASS AS DEFINED IN THE NOTICE.
- 9. 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.

**NOTE: IF YOU HAVE BEEN NOTIFIED BY THE INTERNAL REVENUE SERVICE THAT YOU ARE SUBJECT TO BACKUP WITHHOLDING, PLEASE STRIKE OUT THE LANGUAGE THAT YOU ARE NOT SUBJECT TO BACKUP WITHHOLDING IN THE CERTIFICATION ABOVE.**

**I (WE) DECLARE THAT THE FOREGOING INFORMATION SUPPLIED BY THE UNDERSIGNED IS TRUE AND CORRECT.**

Executed this \_\_\_\_\_ day of \_\_\_\_\_,  
(Month/Year)

in \_\_\_\_\_, \_\_\_\_\_  
(City) (State/Country)

\_\_\_\_\_  
Signature of Claimant

\_\_\_\_\_  
Signature of Joint Claimant, if any

\_\_\_\_\_  
Print Name of Claimant

\_\_\_\_\_  
Print Name of Joint Claimant, if any

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**If Claimant is other than an individual, or is not the person completing this form, the following also must be provided:**

\_\_\_\_\_  
Signature of Person Completing Form

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Person Completing Form

\_\_\_\_\_  
Capacity of Person(s) Signing, (e.g., Beneficial Purchaser, Executor or Administrator)

# REMINDER CHECKLIST

**ACCURATE CLAIMS PROCESSING TAKES A SIGNIFICANT AMOUNT OF TIME. THANK YOU FOR YOUR PATIENCE.**



Please be sure to sign this Proof of Claim Form.

\_\_\_\_\_

Remember to attach **COPIES OF** documentation verifying your transactions listed above.

\_\_\_\_\_

**DO NOT SEND ORIGINALS OF ANY DOCUMENTS VERIFYING YOUR TRANSACTIONS.**



Keep a copy of your Proof of Claim Form for your records.

\_\_\_\_\_

**NOTICE REGARDING ELECTRONIC FILES:** Certain claimants with large numbers of transactions may request, or may be requested, to submit information regarding their transactions in electronic files. To obtain the mandatory electronic filing requirements and file layout, you may visit the Settlement website at [www.OpusbankSecuritiesLitigation.com](http://www.OpusbankSecuritiesLitigation.com) or you may email the Claims Administrator's electronic filing department at [OPSsecurities@JNDLA.com](mailto:OPSsecurities@JNDLA.com). Any file not in accordance with the required electronic filing format will be subject to rejection. No electronic files will be considered to have been properly submitted unless the Claims Administrator issues an email to that effect. Do not assume that your file has been received until you receive this email. If you do not receive such an email within 10 days of your submission, you should contact the electronic filing department at [OPSsecurities@JNDLA.com](mailto:OPSsecurities@JNDLA.com) to inquire about your file and confirm it was received.



If you move, please send your new address to the Claims Administrator at the address below:

*Opus Bank Securities Litigation*  
c/o JND Legal Administration  
P.O. Box 91346  
Seattle, WA 98111  
[info@opusbanksecuritieslitigation.com](mailto:info@opusbanksecuritieslitigation.com)



**Do not use highlighter on the Proof of Claim Form or supporting documentation.**

\_\_\_\_\_