

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE: VALE S.A. SECURITIES
LITIGATION

Case No. 15 Civ. 09539 (GHW)

Consolidated with Case No. 16 Civ. 00658
(GHW)

**NOTICE OF LEAD PLAINTIFFS' MOTION
FOR APPROVAL OF DISTRIBUTION PLAN**

TO: All Counsel of Record

PLEASE TAKE NOTICE that in accordance with Federal Rule of Civil Procedure 23(e) and this Court's Order Approving Plan of Allocation of Net Settlement Fund (ECF No. 208) and Judgment Approving Class Action Settlement (ECF No. 210), Lead Plaintiffs, Alameda County Employees' Retirement Association and the Orange County Employees Retirement System, on behalf of themselves and the Settlement Class and by and through their attorneys, hereby move this Court for entry of the accompanying [Proposed] Order Approving Distribution Plan (the "Class Distribution Order"), which would, *inter alia*: (i) approve the administrative determinations of JND Legal Administration ("JND") accepting and rejecting Claims submitted in connection with the Settlement reached in the above-captioned Action as stated in the Declaration of Luiggy Segura in Support of Lead Plaintiffs' Motion for Approval of Distribution Plan (the "Segura Declaration"); (ii) direct the distribution of the Net Settlement Fund to Claimants whose Claims are accepted by JND as valid and approved by the Court ("Authorized Claimants"), while maintaining a Reserve for any tax liability or claims administration-related contingencies that may arise; (iii) direct that distribution checks state that the check must be cashed within 90 days after the issue date; (iv) direct that Authorized Claimants will forfeit all recovery from the Settlement if

they fail to cash their distribution checks in a timely manner; (v) approve the recommended plan for any funds remaining after the distribution; (vi) approve JND's fees and expenses incurred and estimated to be incurred in the administration of the Settlement; (vii) release claims related to the administration process; and (viii) authorize the destruction of Claim Forms and supporting documents at an appropriate time.¹

This motion is based upon (i) the Segura Declaration submitted on behalf of JND, the Court-approved Claims Administrator; (ii) the Memorandum of Law in Support of Lead Plaintiffs' Motion for Approval of Distribution Plan; and (iii) all other supporting documentation provided herewith.

Pursuant to the terms of the Stipulation, this Motion is unopposed by Defendants. As discussed in the Memorandum and Segura Declaration, two Claimants have requested that the Court review the denial of their Claims. Lead Plaintiffs have served a copy of the Distribution Motion, the supporting Memorandum, and the relevant portions of the Segura Declaration on the Disputing Claimants. Lead Plaintiffs have informed each Disputing Claimant in a cover letter that the Claimant does not need to take any further action to have the Court consider the Claimant's dispute; however, if the Claimant wishes to make an additional submission the Claimant should direct it to Your Honor's attention with a copy to Lead Counsel and postmarked no later May 11, 2021. If any such submission is made, Lead Plaintiffs would submit a response by May 18, 2021.

¹ All terms with initial capitalization not otherwise defined herein shall have the meanings ascribed to them in the Segura Declaration or the Stipulation and Agreement of Settlement dated February 5, 2020 (ECF No. 183-1), as amended February 20, 2020 (ECF No. 188-2) (as amended, the "Stipulation").

Lead Plaintiffs respectfully suggest that a hearing on this motion is not required and, once the deadline for submission of any additional submissions by the Disputing Claimants has passed, the Court may decide this motion on the papers.

Dated: April 27, 2021

Respectfully submitted,

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