

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

IN RE LIBOR-BASED FINANCIAL
INSTRUMENTS ANTITRUST LITIGATION

Master File No. 11-md-2262 (NRB)

THIS DOCUMENT RELATES TO:

METZLER INVESTMENT GmbH, et al.,

No. 11 Civ. 2613

Plaintiffs,

v.

CREDIT SUISSE GROUP AG, et al.,

Defendants.

**DECLARATION OF DAVID E. KOVEL IN SUPPORT OF EXCHANGE-BASED
PLAINTIFFS' MOTION TO AUTHORIZE DISTRIBUTION OF NET SETTLEMENT
FUND AND FOR REIMBURSEMENT OF CLAIMS ADMINISTRATION EXPENSES**

I, David E. Kovel, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a managing partner of the law firm of Kirby McInerney LLP.
2. Kirby McInerney LLP and Lovell Stewart Halebian Jacobson LLP are Court-appointed Counsel for the Exchange-Based Plaintiffs in the above-captioned action.
3. I submit this declaration in support of Exchange-Based Plaintiffs' Motion to Authorize Distribution of Net Settlement Funds and for Reimbursement of Claims Administration Expenses.
4. As of January 2, 2026, the balance in the Net Settlement Fund is \$2,358,991.61. The balance of the Net Settlement Fund continues to accrue daily interest.
5. In carrying out our role as Court-appointed Counsel, and in accordance with the terms of the Settlement Agreement with the Remaining Defendants¹ (ECF No. 4011-1), Class Counsel directed the Net Settlement Fund to be invested in a fully United States Government-insured account. Through January 2, 2026, the total interest earned by the Net Settlement Fund is over \$160,000.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: January 5, 2026

New York, New York

KIRBY McINERNEY LLP

By: /s/ David E. Kovel
 David E. Kovel
 250 Park Avenue, Suite 820
 New York, New York 10177

¹ "Remaining Settling Defendants" or "Remaining Defendants" refers to: (i) Credit Suisse AG; (ii) Lloyds Bank plc and Bank of Scotland plc; (iii) NatWest Markets plc (f/k/a The Royal Bank of Scotland plc); (iv) Portigon AG (f/k/a WestLB) and Westdeutsche Immobilienbank AG (n/k/a Westdeutsche Immobilien Servicing AG); (v) Royal Bank of Canada and RBC Capital Markets, LLC; (vi) Coöperatieve Rabobank U.A. (f/k/a Coöperatieve Centrale Raiffeisen-Boerenleenbank B.A.); (vii) The Norinchukin Bank; (viii) MUFG Bank, Ltd. (f/k/a The Bank of Tokyo-Mitsubishi UFJ, Ltd.); and (ix) UBS AG. Credit Suisse AG merged with and into UBG AG and ceases to exist.

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