

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

AL-RAYA INVESTMENT COMPANY

and

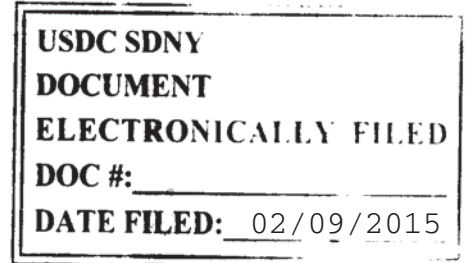
WALEED KHALID AL-BRAIKAN  
As Representative of the Heirs of HAZEM  
KHALID AL-BRAIKAN,

Defendants,

and

KIPCO ASSET MANAGEMENT  
COMPANY (KAMCO),

Relief Defendant.



No. 1:09-CV-6533 (NRB)

ECF Case

**ORDER AMENDING THE PLAN OF DISTRIBUTION**

The Court having considered Plaintiff’s Motion, the Memorandum of Law in support thereof, and other supporting papers, and for good cause shown,

IT IS HEREBY ORDERED:

The Court hereby approves an amendment to the Plan of Distribution (“Plan”) previously approved by the Court, by which Paragraphs 18, 31, 32, 34, and 35 will be modified as follows:

18. “FIFO” shall mean for each investor who held shares of Textron and/or Harman common stock shares as of the beginning of the Recovery Period or who made multiple purchases

or sales during the Recovery Period, such holdings, purchases and sales will be matched, in chronological order. *For investors with a long position at the beginning of the Recovery Period, shares sold will be matched first to shares held at the beginning of the Recovery Period and will be discarded from the Recognized Loss calculation. The remaining sales of shares during the Recovery Period, after the exhaustion of the shares held at the beginning of the Recovery Period, will then be matched, in chronological order, against shares purchased during the Recovery Period. For investors who held no position at the beginning of the Recovery Period, sales of shares during the Recovery Period will be matched, in chronological order, against shares purchased during the Recovery Period. For investors who held a short position at the beginning of the Recovery Period, purchases of shares during the Recovery Period will be matched, in chronological order, against the short position until the short position is exhausted; then sales during the Recovery Period will be matched, in chronological order, against any remaining shares purchased during the Recovery Period.*<sup>1</sup>

31. For shares of Textron common stock that were:

- (a) *Purchased on April 9, 2009* ("Recovery Period"), the Recognized Loss per share is equal to the purchase price less \$13.56. If the purchase price is less than or equal to \$13.56, the Recognized Loss per share is zero.
- (b) *Sold on April 9, 2009* ("Recovery Period"), the Recognized Gain per share is equal to the sale price less \$13.56. If the sale price is less than or equal to \$13.56, the Recognized Gain per share is zero. ***Sold prior to April 9, 2009 (as a short sale), the Recognized Gain per share is zero.***

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<sup>1</sup> Clarifications and additions to the language in the Plan of Distribution are indicated in bold italics.

- (c) *Held throughout April 9, 2009* ("Recovery Period"), the Recognized Loss (or Recognized Gain) per share is zero.

For example, a share purchased on April 9, 2009 at \$16.56 has a Recognized Loss per share of \$3.00. If that share was sold on April 9, 2009 at \$14.56, the Recognized Gain per share is \$1.00 and the Eligible Loss Amount per share is \$2.00. If instead, the share was sold on April 9, 2009 at ***\$13.56 or less, or sold prior to April 9, 2009 (as a short sale) or*** held throughout the day, the Recognized Gain per share is \$0.00 and the Eligible Loss Amount per share is \$3.00.

32. Specifically, for each investor who held shares of Textron (***in a short or long position***) as of the beginning of the Recovery Period or ***who*** made multiple purchases or sales during the Recovery Period, the first-in, first-out ("FIFO") method will be applied to such holdings, purchases and sales ***as described in paragraph 18.*** The date of acquisition or sale is the "trade" date as distinguished from the "settlement" date. Option contracts will not be valued.

34. For shares of Harman common stock that were:

- (a) *Purchased on July 20, 2009* ("Recovery Period"), the Recognized Loss per share is equal to the purchase price less \$25.18. If the purchase price is less than or equal to \$25.18, the Recognized Loss per share is zero.
- (b) *Sold on July 20, 2009* ("Recovery Period"), the Recognized Gain per share is equal to the sale price less \$25.18. If the sale price is less than or equal to \$25.18, the Recognized Gain per share is zero. ***Sold prior to July 20, 2009 (as a short sale), the Recognized Gain per share is zero.***

(c) *Held throughout July 20, 2009* ("Recovery Period"), the Recognized Loss (Recognized Gain) per share is zero.


For example, a share purchased on July 20, 2009 at \$30.18 has a Recognized Loss per share of \$5.00. If that share was sold on July 20, 2009 at \$26.18, the Recognized Gain per share is \$1.00 and the Eligible Loss Amount per share is \$4.00. If instead, the share was sold on July 20, 2009 *at \$25.18 or less, or sold prior to July 20, 2009 (as a short sale), or* held throughout the day, the Recognized Gain per share is \$0.00 and the Eligible Loss Amount per share is \$5.00.

35. Specifically, for each investor who held shares of Harman (*in a short or long position*) as of the beginning of the Recovery Period or *who* made multiple purchases or sales during the Recovery Period, the FIFO method will be applied to such holdings, purchases and sales *as described in paragraph 18*. The date of acquisition or sale is the "trade" date as distinguished from the "settlement" date. Option contracts will not be valued.

A copy of the Amended Plan of Distribution is attached to this Order.

**IT IS SO ORDERED.**

Dated: February 9, 2015

  
Naomi Reice Buchwald  
United States District Judge NR