

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 72851 / August 14, 2014

ADMINISTRATIVE PROCEEDING
File No. 3-15098

In the Matter of	:	
	:	
CREDIT SUISSE SECURITIES (USA)	:	
LLC; DLJ MORTGAGE CAPITAL,	:	
INC.; CREDIT SUISSE FIRST	:	NOTICE OF PROPOSED
BOSTON MORTGAGE ACCEPTANCE	:	PLAN OF DISTRIBUTION
CORP.; CREDIT SUISSE FIRST	:	(FIRST PAYMENT
BOSTON MORTGAGE SECURITIES	:	DEFAULT PRACTICE)
CORP.; AND ASSET BACKED	:	AND OPPORTUNITY
SECURITIES CORPORATION,	:	FOR COMMENT
	:	
Respondents.	:	

Notice is hereby given, pursuant to Rule 1103 of the Securities and Exchange Commission's ("Commission") Rules on Fair Fund and Disgorgement Plans, 17 CFR 201.1103, that the Division of Enforcement has submitted to the Commission a proposed plan for the distribution of monies paid in the above-captioned matter.

On November 16, 2012, the Commission issued an Order Instituting Cease-and-Desist Proceedings Pursuant to Section 8A of the Securities Act of 1933 and Section 21C of the Securities Exchange Act of 1934, Making Findings, and Imposing a Cease-and-Desist Order ("Order") against Credit Suisse Securities (USA) LLC ("Credit Suisse"), DLJ Mortgage Capital, Inc., Credit Suisse First Boston Mortgage Acceptance Corp., Credit Suisse First Boston Mortgage Securities Corp., and Asset Backed Securities Corporation ("Asset Backed Securities") (collectively, "Respondents").¹ The Order stated that Credit Suisse and affiliated entities made omissions of material facts and failed to comply with offering documents in transactions for which Respondents sponsored and/or underwrote residential mortgage backed securities. The Commission simultaneously accepted Respondents' offers of settlement, whereby Respondents agreed to pay disgorgement of \$55,747,769, prejudgment interest of \$13,000,000, and a civil money penalty in the amount of \$33,000,000 for violations relating to the Bulk Settlements Practice, and Credit Suisse and an affiliate, Asset Backed Securities, agreed to pay disgorgement of \$10,056,561, prejudgment interest of \$2,200,000, and a civil

¹ Securities Act Rel. No. 9368 (Nov. 16, 2012).

money penalty in the amount of \$6,000,000 for violations relating to the First Payment Default (“FPD”) Practice.

The Order provided that, pursuant to Section 308(a) of the Sarbanes-Oxley act of 2002, as amended, two separate fair funds may be created for the disgorgement, interest and penalties paid by Respondents. This Notice refers solely to the fair fund to be created by an order of the Commission in conjunction with the request for Commission approval of the Proposed Plan of Distribution (“Plan”) for the First Payment Default Practice (“Fair Fund”).

OPPORTUNITY FOR COMMENT

Pursuant to this Notice, all interested parties are advised that they may obtain a copy of the Plan from the Commission’s public website, <http://www.sec.gov>. Interested parties may also obtain a written copy of the Plan by submitting a written request to Nancy Chase Burton, Esq., United States Securities and Exchange Commission, 100 F Street, NE, Washington, DC 20549-5631. All persons who desire to comment on the Plan may submit their comments, in writing, no later than thirty (30) days from the date of this Notice:

1. to the Office of the Secretary, United States Securities and Exchange Commission, 100 F Street, NE, Washington, DC 20549-1090;
2. by using the Commission’s Internet comment form (<http://www.sec.gov/litigation/admin.shtml>); or
3. by sending an e-mail to rule-comments@sec.gov.

Comments submitted should include “Administrative Proceeding File No. 3-15098 FPD” in the submit line. Comments received will be publicly available. Persons should submit only information that they wish to make publicly available.

THE DISTRIBUTION PLAN

The Fair Fund will be comprised of the amounts of disgorgement (\$10,056,561), prejudgment interest (\$2,200,000), and civil monetary penalty (\$6,000,000) paid by Respondents Credit Suisse and Asset Backed Securities, plus any accumulated interest. The Plan provides for compensation to investors in residential mortgage backed securities trusts (“RMBS Trusts”) harmed by Credit Suisse’s misrepresentations and omissions in its offering materials regarding the FPD Practice. As set forth in the Plan, the proposed methodology allocates the Fair Fund amongst the RMBS Trusts based on the proportion of mortgage collateral in each Trust that was originated by a specific Originator. The funds are then allocated to each Trust’s eligible claimants based on the proportion of their claim to all other eligible claims for the Trust.

For the Commission, by its Secretary, pursuant to delegated authority.

Lynn M. Powalski
Deputy Secretary