
The Plan provides that a Fair Fund consisting of $375,000,000 in disgorgement and civil penalties, plus any accrued interest, be transferred to Deutsche Bank to be distributed by the Plan Administrator to injured investors according to the methodology set forth in the Plan. From June 2008 to July 2013, the Fund Administrator implemented thirteen waves of distributions to distribute all distributable assets of the Fair Fund to eligible investors. These thirteen waves of distribution resulted in a total disbursement of $303,101,410 to more than 3 million eligible investors. An additional $62,004,695 was disbursed through coordinated disbursements with

---

four fair fund distribution plans: RS Investment Management, Inc. et al., Exch. Act Rel. No. 57661 (Apr. 14, 2008); AIM Advisors, Inc. et al., Exch. Act Rel. No. 9929 (May 14, 2009); Invesco Funds Group, Inc., Exch. Act Rel. No. 60292A (Nov. 20, 2009); and Prudential Equity Group, LLC, Exch. Act Rel. No. 62848 (Sep. 3, 2010). In all, a total of $365,106,105 of the distributable assets in the Fair Fund was disbursed to make distributions to eligible investors. Of this amount, a total of $41,037,141 remained unclaimed, consisting of refused, returned, undeliverable or uncashed checks.

Section 6.12 of the Plan provides that “[i]n situations in which distributions are unclaimed (checks not cashed), or persons to whom a distribution would otherwise be made cannot be identified or located, the distributable amounts will be paid to the fund to which the distribution relates.” The IDC, in coordination with the Fund Administrator and Commission staff, determined that $36,335,607.45 of the $41,037,141 in unclaimed payments relate to and should be remitted to 40 eligible mutual funds (“Eligible Funds”). By Order Directing Disbursement of Fair Fund dated November 20, 2017, the Commission ordered the Fund Administrator to distribute $36,335,607.45 to the Eligible Funds and transfer the remaining $4,701,533.78 in Fair Fund assets at Deutsche Bank to the Commission’s Office of Financial Management. 2

---

Section 6.25 of the Plan provides that “[t]he Fair Fund shall terminate effective upon the later of March 30, 2008 or 60 days after the final distribution of funds to investors and the resolution of uncashed or unclaimed funds and the payment or reserve for taxes and the final accounting by the Fund Administrator has been submitted to and approved by the Commission.” A final accounting, which has been submitted to the Commission for approval as required by Rule 1105(f) of the Commission’s Rules of Fair Fund and Disgorgement Plans, is now approved, and the Commission staff has verified that all taxes, fees and expenses have been paid. The Commission is in possession of the remaining funds in the Fair Fund.

Accordingly, it is ORDERED that:

1. The remaining funds in the Fair Fund in the amount of $49,747,926.17 and any future funds received by the Fair Fund shall be transferred to the U.S. Treasury;

2. The Fund Administrator is discharged; and

3. The Fair Fund is terminated.

By the Commission.

Brent J. Fields
Secretary