

# FULLY COVERED

**PORTFOLIO MONITORING** with **CLAIMS FILING**  
and **LEGAL GUIDANCE**

**KTMC**   
**SECURITIES TRACKER**





**PORTFOLIO ADVOCATE**

# ONE-STOP RESOURCE

means having **THE CONFIDENCE** that fiduciary responsibilities are fulfilled

Kessler Topaz is uniquely situated with the skill, resources, experience, and expertise to guide and assist institutional investors with the identification, evaluation and management of securities class and direct actions and claims anywhere in the world. Through our robust, integrated and comprehensive monitoring, claims filing and legal services, institutional investors have come to rely on Kessler Topaz's one-stop resource to fulfill all of their fiduciary obligations related to protecting shareholder recoveries.

**PROVIDING  
MONITORING AND  
CLAIMS FILING  
SERVICES TO  
INSTITUTIONAL  
INVESTORS  
SINCE 2003**

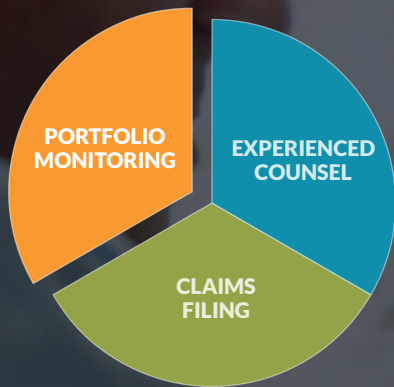
**LEADERS IN  
SHAREHOLDER  
LITIGATION  
THE LEGAL 500**

# ALL TOGETHER, BETTER



- Currently providing shareholder litigation monitoring services for over **300 institutional investors** from around the world with combined **assets under management exceeding \$3 trillion**.
- Filed over **20,000 claims** spread across more than 800 class action settlements, and has recovered **hundreds of millions of dollars** for our clients.
- Filed claims for our clients in **cases outside of the United States**, including in the Netherlands, Canada, Australia, and elsewhere.
- Claims filing is provided for all shareholder actions, including Antitrust cases like LIBOR and F/X, at no extra cost.





**PORTFOLIO MONITORING**

# RETURN ON INFORMATION

Kessler Topaz attorneys and staff work with our clients to identify, analyze, investigate, and monitor potential securities fraud, corporate mismanagement, and other fiduciary or shareholder claims.



# PRIVATE AND SECURE

Kessler Topaz is dedicated to providing secure uninterrupted service to our clients and has implemented numerous measures in order to ensure the safeguard of client transaction data.

**Highlights are as follows:**

- Kessler Topaz has and complies with, an ISO/IEC 27000-series based Information Security Framework.
- Kessler Topaz's Information Security controls are audited annually by a licensed CPA firm. The SOC 2 Type II audit report is available upon request.
- Kessler Topaz maintains an in-house IT department consisting of seven employees and led by Head of IT Andrew Wells who alone has over 20 years of experience in the field.
- Kessler Topaz follows industry standards to protect both the physical security of our systems and network access to client transaction data.
- Kessler Topaz has designed a cutting edge data analytics environment built on the Microsoft Technology Stack in conjunction with Qlik Sense for data visualization and discovery. Our data analytics environment leverages Microsoft Azure security.
- Client transaction data is logically separated from all other clients and is only accessible by Kessler Topaz's 25-member, internal Portfolio Monitoring & Claims Administration Department.
- Client transaction data is encrypted both in transit and at rest and user-level access controls are in place. Kessler Topaz provides an SFTP enabled FIPS-140-2 compliant server for our clients to transfer data securely. Kessler Topaz's public PGP key is provided to clients to add an additional layer of encryption to transaction data.
- Kessler Topaz regularly updates procedures and tests our ability to maintain services during and after disasters in order to minimize any impact on our clients. Transaction data is regularly backed up and all servers and data are replicated from Microsoft's US-East location to Microsoft's US-West location using Microsoft Azure Site Recovery service.
- To ensure our standards are met and in order to provide the most secure environment for our client's transaction data, Kessler Topaz partners with an outside security firm. Kessler Topaz's security partner enhances our internal efforts with numerous services: **Security Configuration Benchmarking, Quarterly Internal Vulnerability Assessment, Monthly External Vulnerability Assessment, SOC 2 Control Monitoring, SIEM (Security information and event management), Phishing Simulation Testing, Annual Information Security Awareness Training, and Consulting in various areas including Risk Management and Legal and Regulatory Compliance such as GDPR.**



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“Kessler Topaz’s claims filing service is an added value to the strong litigation skills they are providing to our fund. They have helped us recover settlement dollars we might have otherwise missed . . .”

–Scott W. Jarvis, Retirement Administrator  
Imperial County Employees Retirement System

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## SECURITIESTRACKER ONLINE PORTAL

A sample *SecuritiesTracker* client page may be viewed on the *SecuritiesTracker* website: [www.SecuritiesTracker.com](http://www.SecuritiesTracker.com) (click on the orange “Log In” button on the top right-hand corner of the homepage; Username: ABCFundManagement, Password: Asdf123456! then click on the blue “Log In” button). We are happy to provide an online tutorial upon request.





CLAIMS FILING

# LESS MEANS MORE

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"I have worked with Kessler Topaz for over a decade. In a crowded field of shareholder litigation firms, I have found their lawyers to be truly zealous and competent advocates for institutional investors and the classes they represent. I trust and value their diligent counsel."

– Robert L. Gaumer, General Counsel – Sacramento County Employees' Retirement System

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When a case in which you have a financial interest settles or otherwise resolves, Kessler Topaz ensures that claims are properly filed and paid. We will complete and file all necessary proofs of claim, resolve any deficiencies with claims administrators, and ensure that you receive all payments to which you are entitled.

#### **Fewer Hassles, More Recoveries**

Our Claims Filing program enables clients to easily inventory the settled class actions impacting their portfolio and allows them to easily track how much money they have recovered from securities litigation.

#### **Fiduciary Responsibilities Fulfilled**

Our services provide clients with another tool to demonstrate that they are fulfilling their fiduciary duties and protecting their assets.

#### **Electronic Payments Enabled**

We provide electronic payments for class action recoveries received, alleviating administrative burdens and costs associated with receiving paper checks. Complete fund by fund recovery reports are provided.

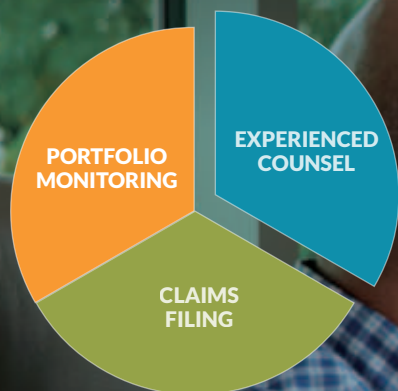
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**CURRENTLY FILING CLAIMS FOR  
MORE THAN 150 INSTITUTIONAL  
INVESTORS AROUND THE GLOBE**

**FILED MORE THAN 20,000 CLAIMS  
ACROSS MORE THAN 800 CLASS  
ACTION SETTLEMENTS**

"We like the flexible and professional way Kessler Topaz has been working with us in different cases and their filing of settlement claims is invaluable."

—Richard Gröttheim, CEO, AP7 –  
Seventh Swedish National Pension Fund



EXPERIENCED COUNSEL

# ADDING LEGAL VALUE

**LEADING  
LITIGATION FIRM**  
BENCHMARK LITIGATION

**PLAINTIFFS' HOT LIST**  
NATIONAL LAW JOURNAL

**RECOGNIZED AS LEADERS  
IN THE SHAREHOLDER  
LITIGATION FIELD**  
THE LEGAL 500

**HONOR ROLL OF MOST  
FEARED LAW FIRMS**  
BTI CONSULTING GROUP

**CLASS ACTION  
LITIGATION  
FIRM OF THE YEAR**  
LEGAL INTELLIGENCER

**HONOR ROLL OF MOST  
FEARED LAW FIRMS**  
THE LEGAL 500



Kessler Topaz is one of the world's foremost law firms in protecting investors against corporate fraud and other wrongdoing. Our lawyers regularly take on elite defense attorneys—and win—in class actions, direct actions, shareholder derivative actions, antitrust actions, and other complex litigation around the globe. We are proud to have recovered billions of dollars for the benefit of our clients.

### Navigating Legal Complexity with Business Sense

As the laws and requirements for pursuing actions and claims in the United States and around the world continue to evolve, and as the number, magnitude and complexity of claims continue to grow, it is more important than ever for institutional investors to implement, and perhaps at a later stage demonstrate that they have, a process for identifying global claims and analyzing what is required to pursue such claims and the prospects for success. This process should be designed to provide this level of information on a timely basis so institutional investors are well positioned to protect and/or recover investment assets.

Through its *SecuritiesTracker* platform, Kessler Topaz is uniquely positioned to provide its institutional investor clients with real time guidance on new and potential claims worldwide. Clients receive case summary reports or detailed case memoranda (depending on magnitude of financial losses and level of interest for each filed or potential claim that impacts their portfolios. In connection therewith, Kessler Topaz offers a legal recommendation for how best to proceed considering the jurisdiction, judge, strengths and weaknesses of allegations/likely defenses, damages, costs, and prospects for success. Kessler Topaz will answer all questions and help its clients analyze the various factors of import to them. These resources and the attorneys at Kessler Topaz serve as effective and efficient guides for institutional investors that are burdened with making informed decisions to protect their interests and rights amid legal complexity.

### Understanding Your Legal Options

Kessler Topaz works closely with our institutional clients to consult on all aspects how best to protect or recover their investment assets, including whether to serve as a lead or representative plaintiff or remain an absent class member, objecting to a proposed settlement, filing a direct/opt-out action, filing a derivative action in state or federal court depending on the situation, or filing or registering a claim in a jurisdiction outside the United States. We take the time to develop and analyze the facts, issues and the law of each claim and jurisdiction for purposes of evaluating all opportunities for our clients. From this analysis and evaluation, we are able to make legal recommendations to each of our clients that are impacted by the claim, regardless of the size of the client or financial loss.

Most third parties (claims filing companies, investment managers and custodian banks are not equipped or able to provide guidance on legal matters. In fact, some of these third parties regularly seek guidance on legal matters from Kessler Topaz for purposes of providing it along to their respective clients.

Kessler Topaz understands the importance and value in providing timely legal analysis, evaluations and recommendations for institutional investors. More than ever, there is a premium for institutions to make informed decisions to protect and recover investment assets around the globe.

### Flexibility

Utilizing *SecuritiesTracker* does not obligate investors to participate in any litigation. In fact, when there are multiple or competing actions, e.g., an individual or direct (non-class action against a company in a jurisdiction outside the United States, Kessler Topaz will routinely provide an analysis and evaluation of the different and sometimes competing actions. A client is free to choose to pursue any or no action. Further, should a client choose to pursue any action, regardless of whether it is in or outside the United States, it is also NOT obligated to retain Kessler Topaz as its counsel.

We offer these services to clients as a value add proposition. We hope that clients will see and appreciate the time, resources and effort we devote to ensuring that their interests are covered. We look forward to the opportunity to develop a long-term relationship with you as your legal services provider.

# PARTICIPATING IN ACTIONS

## BROUGHT OUTSIDE OF NORTH AMERICA

With the continued growth of not just the sheer number of shareholder litigation cases brought outside of the United States and Canada, but also the variety of jurisdictions in which they are being brought, it is imperative for every global investor to establish guidelines concerning how to review and determine if participation is appropriate for all such actions.

Kessler Topaz Meltzer & Check (KTMC) has an unparalleled amount of experience in shareholder litigation around the globe and has developed a systematic approach to providing clients with transparency and comprehensive support in this challenging marketplace.



## Transparency

KTMC monitors clients' entire worldwide trading environment to identify potential eligibility in shareholder litigation actions wherever they are brought.

Once potential eligibility is identified, a memorandum is provided to the client regarding the specific action, identifying the client's losses (if applicable), describing the allegations of the action and its status, explaining the mechanics of litigation in that particular jurisdiction and any particular group they are being asked to join, and making a recommendation regarding participation in the action.

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## Comprehensive Support

### *Memorandum:*

Because KTMC believes that it is critical for each client to have a clear picture of the action prior to making a decision whether or not to participate, we provide a detailed memorandum that includes the following:

- General details on the action (Registration Deadline, Class Period, Court);
- Review of each separate action against the Issuer (it is commonplace for multiple actions to be pursued by different law firms and shareholder groups);
- Details on each law firm and litigation funder that is supporting an action;
- Overall losses calculated using the methodology or methodologies utilized in the given jurisdiction, and where multiple actions are being pursued by different law firms, loss information is provided for each action;
- Review and analysis of allegations;
- Description of market losses and their relation to damages;
- Detailed analysis of shareholder litigation in that jurisdiction;
- Recommendation on whether or not to participate;

### *Filing in the Action:*

- If a client chooses to participate in the action, KTMC can assist in registering the claims with the law firm and/or funder managing the action;
- KTMC will serve as the liaison/go-between for the client and the local counsel or litigation funder or the client can choose to retain their own contact with these parties;
- KTMC will oversee the filing of any necessary claims and address issues as they arise or reach out to the client where further information is needed;
- KTMC will support the filed claim to make sure it is in good standing until there is a final resolution and payment is secured if warranted;

## Conclusion

With the extensive volume of actions being brought now in over 20 jurisdictions, it is increasingly important for each global institutional investor to partner with a vendor who can provide transparency, legal guidance, experience and expertise. KTMC offers an industry-leading service for our clients to give them comfort that all of their needs are met in one location and at the highest level of service.

# OUR TEAM

The Portfolio Monitoring and Claims Administration team at Kessler Topaz consists of over 20 professionals that collectively have decades of experience with shareholder litigation, monitoring cases, filing claims, working with custodians and claims administrators, and consults on all aspects of the process with institutional investors of all sizes. The *SecuritiesTracker* program is managed and maintained entirely in-house and is not outsourced. Below are profiles of our team leaders.



**Darren J. Check**

*Partner*

Darren concentrates his practice in the area of shareholder litigation and client relations. Darren consults with institutional investors from around the world with regard to their investment rights and responsibilities. He currently works with clients in

the U.S., Canada, the Netherlands, Sweden, Denmark, Norway, Finland, U.K., Italy, Germany, Austria, Switzerland, France, and Australia and throughout Asia and the Middle East.

Darren has been actively involved in the precedent setting Shell and Fortis settlements in the Netherlands, the Olympus shareholder case in Japan, direct actions against Petrobras, BP, Vivendi, and Merck, and securities class actions against Bank of America, Lehman Brothers, Royal Bank of Scotland (U.K.), and Hewlett-Packard.



**Stuart L. Berman**

*Partner*

Stuart is head of the Firm's global litigation efforts, representing institutional investors in actions filed outside the United States. Stuart was actively involved in the precedent-setting Shell and Fortis settlements achieved in the Netherlands, the

Olympus settlement in Japan and the Royal Bank of Scotland settlement in the U.K. Stuart currently is actively managing actions filed in Brazil, Japan, France, Portugal, Germany and Australia on behalf of global institutional investors.

A well-known authority on global shareholder litigation, Stuart regularly consults with global institutional investors regarding how best to pursue claims and recover assets lost to fraud as well as to fulfill their fiduciary responsibilities.



**Jonathan R. Davidson**

*Partner*

Jonathan concentrates his practice in the area of shareholder litigation. Jonathan currently consults with institutional investors from around the world, including public pension funds at the state, county and municipal level, as well as Taft-Hartley

funds across all trades, with regard to their investment rights and responsibilities.

Jonathan assists clients in evaluating and analyzing opportunities to take an active role in shareholder litigation. He is frequently called upon by his clients to help ensure that they are taking an active role when their involvement can make a difference, promote corporate accountability, and to ensure they are not leaving money on the table.



**Emily N. Christiansen**

*Partner*

Emily focuses her practice on securities litigation and non-U.S. actions. Emily's experience includes non-U.S. opt-in actions, International law, and portfolio monitoring and claims administration.

Emily devotes her time to advising clients on the challenges and benefits of pursuing particular litigation opportunities in jurisdictions outside the United States. In those non-U.S. actions where Kessler Topaz is actively involved, Emily liaises with local counsel, helps develop case strategy, reviews pleadings, and helps clients understand and successfully navigate the legal process.



**Bram Hendriks***Client Relations Manager, Europe*

Bram guides European Institutional Investors through the intricacies of the U.S. class action litigation as well as securities litigation in Europe and Asia and has been involved in some of the highest-profile U.S. securities class actions of the last 20 years. Before joining Kessler Topaz,

Bram handled securities litigation and policy development for NN Group N.V., a publicly-traded financial services company with approximately EUR 19 billion in assets under management.

A globally-respected investor advocate, Bram has co-chaired the International Corporate Governance Network Shareholder Rights Committee since 2009. In that capacity, he works with investors from more than 50 countries to advance public policies that give institutional investors a voice in decision-making.

**Andrew B. Cottrell***Client Development Manager*

Andy focuses on client engagement globally to better educate firms on shareholder litigation taking place in jurisdictions around the world and how they can best participate in and recover assets from that litigation.

Andy has over 15 years of experience in securities

litigation and corporate governance, specializing in securities class actions, proxy voting, and vote disclosure reporting.

**Michael G. Kania***Director of Operations*

Michael is the Director of Operations in Securities & Claims Administration. Michael has over 20 years of experience in securities custody operations, specializing in securities class actions, corporate actions, and proxy voting.

Michael has designed and built securities class action claims processes and applications to support the filing and payment of tens of thousands of claims annually, recovering billions of dollars for damaged investors. Michael has worked with some of the largest institutional investors worldwide to educate them about the securities litigation process and to suggest securities litigation solutions to meet their needs.

**Jean F. Chuba***Manager, Claims Administration Department*

Jean oversees the analysis of transactional data from the Firm's clients and manages the preparation and filing of proofs of claim in securities class action settlements, along with the Firm's portfolio monitoring and

client report servicing. Jean has over 13 years of experience at the Firm working on securities class action- related litigation and claims administration.

**Christopher T. Smith***Senior Portfolio Analyst*

Chris concentrates his practice in the area of business development for securities fraud litigation, opt-out and direct actions, and global portfolio monitoring for institutional investors.

Chris has over 15 years of experience in financial services community, beginning his career at PaineWebber/UBS in their Philadelphia office. Prior to joining the Firm, Chris worked in case development for Wapner Newman, where he helped develop cases for the firm's FINRA Arbitration Practice.

# FULLY ENGAGED

**MARKET MOVEMENTS** partnered with **LEGAL STRATEGY**

## CONTACT US

For more information on the services detailed here, or to schedule a *SecuritiesTracker* demonstration please contact Darren J. Check, Esquire at 610-822-2235 or [dcheck@ktmc.com](mailto:dcheck@ktmc.com)

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[SecuritiesTracker.com](http://SecuritiesTracker.com)