## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

| SECURITIES AND EXCHANGE COMMISSION,           | :                     |
|---|-----------------------|
| Plaintiff,                                    | :<br>Civil Action No. |
| -against-                                     | : 03 Civ. 2943 (WHP)  |
| UBS SECURITIES LLC, f/k/a<br>UBS WARBURG LLC, | :<br>:<br>:           |
| Defendant.                                    | :                     |

## **ORDER REGARDING DISTRIBUTION FUND PLAN**

On October 31, 2003, the Court signed a Final Judgment as to Defendant UBS Securities LLC, f/k/a UBS Warburg LLC ("Final Judgment"). Section II of the Final Judgment calls for the creation of a Distribution Fund, which consists of Defendant's Federal Payment plus any income and interest earned thereon.<sup>1</sup> Under Section V.A of the Final Judgment, "[t]he Distribution Fund Administrator shall formulate and administer a Distribution Fund Plan ... intended to provide for the equitable, cost-effective distribution of funds to Eligible Distribution Fund Recipients." Under Section V.C.1 of the Final Judgment, to be an Eligible Distribution Fund Recipient, a person must have purchased "equity securities in question" through Defendant during the "relevant period of purchase." Also under Section V.C.1, "[i]dentification of the 'equity securities in question' and the 'relevant period of purchase' for each such equity security will be set forth (solely for the purpose of administering the Distribution Fund Plan) in a further order of the Court."

Accordingly, IT IS HEREBY ORDERED that the "equity securities in question" and the

<sup>&</sup>lt;sup>1</sup> All defined terms in the Final Judgment apply to this Order.

"relevant period of purchase" for each such equity security, as those terms are used in Section V.C.1 of the Final Judgment, are as follows:

<u>Equity Securities in Question</u> Triangle Pharmaceuticals, Inc. Interspeed, Inc. <u>Relevant Period of Purchase</u> Oct. 8, 1999 – March 10, 2000 Jan. 3, 2000 – July 21, 2000

IT IS FURTHER ORDERED that the Distribution Fund Administrator shall formulate a Distribution Fund Plan that allocates payments (i) in the first instance to Eligible Distribution Fund Recipients who purchased the equity securities of Triangle Pharmaceuticals, Inc. and Interspeed, Inc. during the relevant period of purchase for such securities; and (ii) if such allocation does not exhaust the amount of funds in the Distribution Fund or expected to be in the Distribution Fund at the time of payment to Eligible Distribution Fund Recipients, in the next instance to Eligible Distribution Fund Recipients who purchased the equity securities of the following additional issuers, which securities will also be deemed "equity securities in question" during the "relevant period of purchase" identified below for such securities:

Equity Securities in Question Flextronics International, Ltd. Atmel Corp. <u>Relevant Periods of Purchase</u> March 2, 2001 – June 1, 2001 Feb. 9, 2000 – May 9, 2000

The identification of "equity securities in question" and "relevant periods of purchase" made in this Order is solely for the purpose of facilitating the efficient administration of the Distribution Fund Plan, is not a judicial or Commission finding, and is not intended to have precedential effect in other actions.

SO ORDERED.

Dated: New York, New York October 31, 2003

## WILLIAM H. PAULEY III UNITED STATES DISTRICT JUDGE