

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK  
COMMERCIAL DIVISION

<p>JOSEFINA VALLE and WILFREDO VALLE,  individually and on behalf of all others similarly  situated,</p> <p style="text-align: right;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>POPULAR COMMUNITY BANK  f/k/a BANCO POPULAR NORTH AMERICA  a/k/a BANCO POPULAR NORTH AMERICA,</p> <p style="text-align: right;">Defendant.</p>	<p>Index No. 653936/2012</p> <p>Hon. O. Peter Sherwood, J.S.C.</p> <p><del>PROPOSED</del> ORDER  DIRECTING PAYMENT OF  SETTLEMENT CLAIMS</p>
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WHEREAS, Plaintiffs and Settlement Class Representatives<sup>1</sup> Josefin Valle and Wilfredo Valle (“Plaintiffs”), individually and on behalf of the Settlement Class, and Defendant Popular Bank f/k/a and a/k/a Popular Community Bank and Banco Popular North America (“Popular” or “Defendant” and collectively, with Plaintiffs, the “Parties”) entered into a Settlement Agreement and Release (the “Settlement Agreement”), which this Court finally approved on August 6, 2018 and entered on August 10, 2018. *See* Amended Notice of Entry of Final Approval Order and Final Judgment (the “Final Approval Order”) (NYSCEF Doc. No. 460).

WHEREAS, Plaintiffs, by letter dated October 15, 2018, sought relief from the Court to allow otherwise valid claims filed after July 23, 2018, but on or before September 13, 2018 (the “Effective Date”), as Qualified Claims for inclusion and consideration by the Settlement Administrator.

WHEREAS, Popular, by letter dated October 16, 2018, opposed the relief sought.

<sup>1</sup> Capitalized terms are defined in the Settlement Agreement.

WHEREAS, the Settlement Agreement provides that as soon as practicable, but no later than sixty (60) days from the Effective Date, the Settlement Administrator will make the requisite distribution of Settlement Class Members Payments to Settlement Class Members who submitted Qualified Claims.

WHEREAS, Plaintiffs seek relief from the deadline for the Settlement Administrator to make the requisite distribution until such time as the Court issues an order resolving the Parties' dispute.

WHEREAS, having duly considered the Parties' submissions and respective positions, the Final Approval Order, and all prior proceedings had in this action, for good cause shown, IT IS HEREBY ORDERED AND ADJUDGED as follows:

1. This Court hereby grants the relief sought by Plaintiffs and directs the Settlement Administrator to include the otherwise valid claims submitted after July 23, 2018, but on or before September 13, 2018, as Qualified Claims for inclusion and consideration for a Settlement Class Member Payment. No claim submitted after September 13, 2018 will be included or considered for a Settlement Class Member Payment.

2. The Court extends the deadline for the Settlement Administrator to distribute the Settlement Class Members Payments to Settlement Class Members, who submitted Qualified Claims in accordance with the Settlement Agreement, no later than twenty-one (21) days from the date of entry of this Order.

Dated: New York, New York

11/27, 2018.

SO ORDERED: O.P. Sherwood  
Hon. O. Peter Sherwood, J.S.C.

cc: All Counsel of Record

P.A.T.  
CLERK

**FILED**

NOV 30 2018

COUNTY CLERK'S OFFICE  
NEW YORK

653936/12

Judgment

**FILED**

NOV 30 2018

AT 2:16 PM  
N.Y., CO. CLK'S OFFICE