

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
NORA FERNANDEZ; AUGUSTO SCHREINER; :
EDDIE TORO VELEZ; VICTOR R. VELA DIEZ :
DE ANDINO; GEORGINA VELEZ MONTES; and :
JUAN VIERA and ESTHER SANTANA, on behalf :
of themselves and all others similarly situated, :

Plaintiffs, :

v. :

UBS AG; UBS FINANCIAL SERVICES, INC.; :
UBS FINANCIAL SERVICES INCORPORATED :
OF PUERTO RICO; UBS TRUST COMPANY OF :
PUERTO RICO; UBS BANK USA; CARLOS V. :
UBIÑAS; MIGUEL A. FERRER; BANCO :
POPULAR de PUERTO RICO; and POPULAR :
SECURITIES, LLC, :

No.: 15-cv-02859-SHS

STIPULATION AND
~~PROPOSED~~ ORDER

Defendants. :
-----X

JOINT STIPULATION AND ~~PROPOSED~~ ORDER FOR
DISMISSAL OF CLAIMS AGAINST POPULAR SECURITIES, LLC

WHEREAS, on May 18, 2015, plaintiffs filed the Amended Class Action Complaint in the above-referenced action (Dkt. No. 68) (“Amended Complaint”);

WHEREAS, the only claims in the Amended Complaint against Popular Securities, LLC (“Popular Securities”) and Banco Popular de Puerto Rico (“Banco Popular”) were asserted by plaintiffs Eddie Toro Velez (“Toro”) and Victor R. Vela Diez de Andino (“Vela”) (Dkt. No. 68 at ¶¶ 21-22);

WHEREAS, this Court entered an Opinion and Order on December 7, 2016 (“December 7 Order”) that dismissed (i) Mr. Toro’s claims against Popular Securities and Banco Popular, (ii) Mr. Vela’s claims against Banco Popular, and (iii) Mr. Vela’s claims for breach of fiduciary duty and breach of the covenant of good faith and fair dealing as to Popular Securities,

but did not dismiss (iv) Mr. Vela's breach of contract claim against Popular Securities (Dkt. No. 127 at 46-48);

WHEREAS, the only claim remaining against Popular Securities and Banco Popular after December 28, 2016 was Mr. Vela's breach of contract claim against Popular Securities;

WHEREAS, Mr. Vela passed away and counsel representing Mr. Vela filed a Notice of Death on March 24, 2017 pursuant to Fed. R. Civ. P. 25(a) (Dkt. No. 143);

WHEREAS, no motion to substitute a party for Mr. Vela has been filed pursuant to Fed. R. Civ. P. 25(a)(1) and the time to substitute has passed;

WHEREAS, counsel that represented Mr. Vela has conferred with counsel for Mr. Vela's heirs, and has been informed that Mr. Vela's heirs do not wish to pursue this action, as evidenced by the attached Declarations of Luis Molero, Rafael López-Soler, and Pedro Pereira;

IT IS HEREBY STIPULATED AND AGREED among the undersigned parties that Mr. Vela's breach of contract claim against Popular Securities and Banco Popular is dismissed with prejudice from this action, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

IT IS FURTHER STIPULATED AND AGREED that no party to this Stipulation and Order will seek to appeal from the rulings in the December 7 Order on claims asserted against Popular Securities and/or Banco Popular.

IT IS FURTHER STIPULATED AND AGREED that each party will bear its own costs and attorneys' fees in connection with the claims dismissed herein, and no party will

assert that the claims were brought, prosecuted, or defended in bad faith or in violation of Rule
11 of the Federal Rules of Civil Procedure.

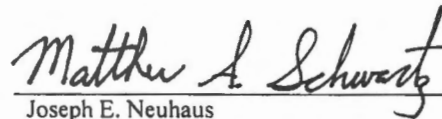
July 6, 2017, New York, NY

SO ORDERED:



The Honorable Sidney H. Stein, U.S.D.J.

Dated: New York, NY
July 5, 2017



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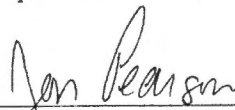
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Former Attorneys for Plaintiff Victor R. Vela Diez de Andino

Dated: New York, NY
July 5, 2017

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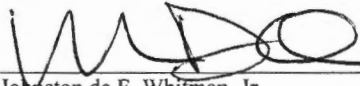
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Dated: New York, NY
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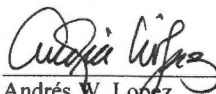
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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NORA FERNÁNDEZ; AUGUSTO SCHREINER;
EDDIE TORO VELEZ; VICTOR R. VELA DIEZ
DE ANDINO; GEORGINA VELEZ MONTES;
and JUAN VIERA and ESTHER SANTANA, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

UBS AG; UBS FINANCIAL SERVICES, INC.;
UBS FINANCIAL SERVICES INCORPORATED
OF PUERTO RICO; UBS TRUST COMPANY
OF PUERTO RICO; UBS BANK USA; CARLOS
V. UBIÑAS; MIGUEL A. FERRER; BANCO
POPULAR de PUERTO RICO; and POPULAR
SECURITIES, LLC,


Defendants.

Civil Case No. 15-cv-02859-SHS

**DECLARATION OF REPRESENTATIVES OF THE HEIRS OF
VICTOR R. VELA DIEZ DE ANDINO**

We, Luis Molero, Rafael López-Soler, and Pedro Pereira, pursuant to 28 U.S.C. § 1746,

declare as follows:



1. I, Luis Molero, represent Maritza Ivonne Maldonado Sepúlveda,, Maritza Alanc Sutcliffe Maldonado, Maricarmen Sutcliffe Maldonado, and Maribelle Sutcliffe Maldonado, who are sister-in-law, niece, niece, and niece, respectively, of deceased Plaintiff Victor R. Vela Diez de Andino ("Mr. Vela").

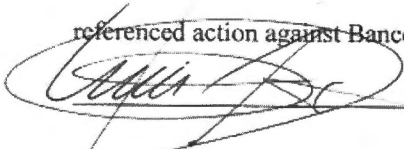
2. I, Rafael López-Soler, represent Delsic María Vela Diez de Andino, Jorge Antonio Rincón-Vela, Andrés Rafael Rincón-Vela, and Delma Mercedes Rincón-Vela, who are sister, nephew, nephew, and niece, respectively, of Mr. Vela.

3. I, Pedro Pereira, represent Migdalia García Díaz, who is Mr. Vela's widow.

4. We confirm that, collectively, the represented persons identified above in paragraphs 1-3 constitute Mr. Vela's known surviving heirs.

5. Each of us has discussed with counsel for the Plaintiffs in the above-referenced action the possibility of pursuing Mr. Vela's claims.

6. Based upon these discussions, and in consultation with, and at the direction of, our respective clients, we and our clients consent to, and have authorized counsel for Plaintiffs in the above-referenced action enter into and file the Stipulation of Voluntary Dismissal pursuant to Rule 41 (a) of the Federal Rules of Civil Procedure dismissing the claims alleged in the above-referenced action against Banco Popular de Puerto Rico and Popular Securities, LLC.



Counsel for

Counsel for

Counsel for

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NORA FERNÁNDEZ; AUGUSTO SCHREINER;
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Sutcliffe Maldonado, Maricarmen Sutcliffe Maldonado, and Maribelle Sutcliffe Maldonado, who
are sister-in-law, niece, niece, and niece, respectively, of deceased Plaintiff Victor R. Vela Diez
de Andino ("Mr. Vela").

2. I, Rafael López-Soler, represent Delsie María Vela Diez de Andino, Jorge Antonio
Rincón-Vela, Andrés Rafael Rincón-Vela, and Delma Mercedes Rincón-Vela, who are sister,
nephew, nephew, and niece, respectively, of Mr. Vela.

3. I, Pedro Pereira, represent Migdalia García Díaz, who is Mr. Vela's widow.

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/s/ Draft

Counsel for


/s/Rafael E. López-Soler

Counsel for Delsie María Vela Diez de Andino, Jorge Antonio Rincón-Vela, Andrés Rafael Rincón-Vela, and Delma Mercedes Rincón-Vela, who are sister, nephew, nephew, and niece, respectively, of Mr. Vela

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de Andino ("Mr. Vela").

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6. Based upon these discussions, and in consultation with, and at the direction of, our respective clients, we and our clients consent to, and have authorized counsel for Plaintiffs in the above-referenced action enter into and file the Stipulation of Voluntary Dismissal pursuant to Rule 41 (a) of the Federal Rules of Civil Procedure dismissing the claims alleged in the above-referenced action against Banco Popular de Puerto Rico and Popular Securities, LLC.

/s/ Draft _____

Counsel for

Lcdo. Pedro J. Pereira Esteves
Digitally signed by Lcdo. Pedro J. Pereira Esteves
DN: cn=Lcdo. Pedro J. Pereira Esteves
Date: 2017.06.21 13:41:18 -04'00'

/s/ Draft _____

Pedro J. Pereira-Esteves
Counsel for Migdalia García Diaz

/s/ Draft _____

Counsel for