

**NOTICE TO CERTAIN CUSTOMERS OF MONEX DEPOSIT COMPANY,
MONEX CREDIT COMPANY, AND NEWPORT SERVICE CORPORATION**

In the matter known as Commodity Futures Trading Commission (“Plaintiff” or “CFTC”) vs. MONEX Deposit Company, MONEX Credit Company and Newport Service Corporation (“Defendants” or “MONEX”), case number 8:17-CV-01868-JVS-DFM in the Southern District of the Central District of California, the Court has entered a Consent Order. Without admitting or denying the allegations in the CFTC’s complaint, MONEX has agreed to the terms of the Consent Order, including payment of Restitution Obligation of \$33,000,000 to fund the MONEX Restitution Fund which will be distributed by a Court-appointed Monitor to customers who lost money in leveraged transactions in MONEX’s Atlas Trading Program during the relevant time period of July 16, 2011, through December 31, 2021. The Monitor has confirmed customer losses and will be making pro-rated distributions based on each customer’s loss as a percentage of the total customer net losses of \$448,734,874. The amount that you will receive is not known at this time and will depend on the number and amount of the claims that are submitted to the Receiver prior to the Bar Date (as defined below).

The Consent Order provides that the amounts payable to each customer shall not limit the ability of any customer from proving that a greater amount is owed from MONEX or any other person or entity. Nothing in the Consent Order shall be construed in any way to limit or abridge the rights of any customer that exists under state or common law. The Consent Order states that each customer of MONEX who suffered a loss is explicitly made an intended third-party beneficiary of the Consent Order and may enforce obedience of the Consent Order to obtain satisfaction of any portion of the restitution to ensure continued compliance with any provision of the Consent Order and to hold Defendants in contempt for any violations of any provision of the Consent Order.

In order to participate in the MONEX Restitution Fund, customers need to complete, sign and return a claim form (“Claim Form”). The most efficient and fastest way to complete the Claim Form is through the on-line claim portal. Alternatively, Customers may submit their Claim Form by mail which must be received by the Monitor on or before February 3, 2024, at 11:59 p.m. (prevailing Eastern Time) (the “Bar Date”). If you do not submit a Claim Form by the Bar Date, then you will forfeit your right to participate in or receive a payment from the Restitution Fund. If you do not agree with the amount of loss as set forth on the portal or on the attached Claim Form, please submit the amount of your loss and any documentation in support of the loss. If you have not received your claim form by December 19, 2023, please contact the Monitor’s office either by email to mail@monexrestitutionfund.com or by leaving a voice mail with your contact information at (949) 222-0305. Please have your MONEX account number available, if possible. The Monitor will evaluate the submission and provide you with his determination. If necessary, unresolved claims will be submitted to the U.S. District Court to determine the amount of the claims. Please also confirm your mailing address and email address. In addition, please indicate whether you would like a check mailed to you or to receive payment by PayPal or Venmo, in which case kindly provide your PayPal or Venmo account information. If the amount of your loss is equal to or greater than \$750,000 and you elect to receive payment via wire transfer, please provide wire instructions with the Claim Form.

You may submit a Claim Form to the Monitor, using either of the following methods: (1) electronically via the link to the on-line claim filing portal sent to you by the Monitor or by accessing the link posted to the Monitor’s website (<https://www.monexrestitutionfund.com>); or (2) via overnight mail, courier service, hand delivery, or first-class mail addressed to:

MONEX Restitution Fund
c/o Thomas Seaman Company, Monitor
1 Park Plaza, Suite 580
Irvine, CA 92614