

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

DANIEL AUDE, Individually and on Behalf of)
All Others Similarly Situated,)

Plaintiff,)

vs.)

KOBE STEEL, LTD., HIROYA KAWASAKI,)
YOSHINORI ONOE, AKIRA KANEKO,)
AND NAOTO UMEHARA,)

Defendants.)

) CASE NO. 17-CV-10085-VSB

PROOF OF CLAIM AND RELEASE¹

THIS FORM MUST BE DELIVERED OR POSTMARKED BY March 27, 2019

If you purchased or otherwise acquired American Depository Receipts or ordinary shares of Kobe Steel, Ltd. on the open market in the United States from May 29, 2013 through and including March 5, 2018, and were damaged thereby, you may be a member of the Settlement Class and may be entitled to recover a portion of a Settlement Fund established in connection with a proposed Settlement of the action captioned *Aude v. Kobe Steel, Ltd. et al.*, Case No. 1:17-cv-10085-VSB (the “Action”).

I. GENERAL INSTRUCTIONS

It is important that you completely read and understand the Notice of Proposed Class Action Settlement, available at www.kobesteelsecuritieslitigation.com, including the Plan of Allocation of the Net Settlement Fund set forth in the Notice. The Notice describes the proposed Settlement, how Settlement Class Members are affected by the Settlement, and the manner in which the Net Settlement Fund will be distributed if the Settlement and Plan of Allocation are approved by the Court. The Notice also contains the definitions of many of the defined terms (which are indicated by initial capital letters) used in this Proof of Claim and Release Form (“Proof of Claim”). By signing and submitting this Proof of Claim form, you will be certifying that you have read and that you understand the Notice, including the terms of the releases described therein and provided for herein.

¹ This Notice incorporates by reference the definitions in the Stipulation of Settlement dated as of September 21, 2018 (the “Stipulation”). Unless otherwise specified, all capitalized terms used, but not defined herein, shall have the same meanings as in the Stipulation. The Stipulation can be obtained at www.wolfpopper.com and www.kobesteelsecuritieslitigation.com.

A. To recover as a member of the Settlement Class, you must complete, sign, and submit this Proof of Claim form in accordance with the instructions provided herein. If you fail to submit a valid and timely Proof of Claim in accordance with these instructions, your claim may be rejected and you may be precluded from any recovery from the Settlement Fund created in connection with the proposed Settlement of the Action.

B. Submission of this Proof of Claim, however, does not assure that you will share in the proceeds of the Settlement of the Action.

C. **YOU MUST MAIL YOUR COMPLETED AND SIGNED PROOF OF CLAIM AND RELEASE FORM SO THAT IT IS **POSTMARKED ON OR RECEIVED BY MARCH 27, 2019**, ADDRESSED TO THE CLAIMS ADMINISTRATOR AS FOLLOWS: *Aude v. Kobe Steel, Ltd. et al.*, c/o A.B. Data, Ltd., P.O. Box 173058, Milwaukee, WI 53217; Tel: 1-800-513-1506; email: info@kobesteelsecuritieslitigation.com. **You will bear all risks of delay or non-delivery of your Proof of Claim.****

D. If you are a member of the Settlement Class (as that term is defined in the Notice of Proposed Class Action Settlement (hereinafter, "Notice") and you do not timely request exclusion in accordance with the instructions provided in the Notice, you will be bound by the terms of any order of dismissal or judgment entered in the Action, including the releases provided herein, **WHETHER OR NOT YOU SUBMIT A PROOF OF CLAIM.**

E. If you are NOT a Settlement Class Member (as defined in the Notice), **DO NOT** submit a Proof of Claim.

II. CLAIMANT IDENTIFICATION INSTRUCTIONS

A. If you purchased or acquired American Depository Receipts ("ADRs") or ordinary shares of Kobe Steel, Ltd. ("Kobe") on the open market in the U.S. and held the certificate(s) in your own name, you are the beneficial owner as well as the record owner. If, however, the certificate(s) were registered in the name of a third party, such as a nominee or brokerage firm, you are the beneficial owner and the third party is the record owner.

B. Use Section IV of this form entitled "Claimant Identification" to identify each owner of record ("nominee"), if different from the beneficial owner of ADRs or ordinary shares of Kobe which form the basis of this claim.

C. **THIS PROOF OF CLAIM MUST BE FILED BY THE ACTUAL BENEFICIAL OWNERS OF KOBE'S ADRs OR ORDINARY SHARES UPON WHICH THIS CLAIM IS BASED, OR BY THEIR LEGAL REPRESENTATIVES.**

D. A separate Proof of Claim must be filed for each type of account or ownership (*i.e.*, individual account, IRA account, joint account, custodial account, etc.). Joint tenants or Uniform Gifts to Minors Act ("UGMA") custodians should file a single claim.

E. All joint owners must sign this Proof of Claim form. Executors, administrators, guardians, conservators and trustees must complete and sign this Proof of Claim on behalf of persons represented by them. Documentation establishing their authority must accompany this Proof of Claim and their titles or capacities must be stated.

F. The Social Security or Taxpayer Identification number and telephone number of the beneficial owner may be used in verifying the claim. Failure to provide the foregoing information could delay verification of your claim or result in rejection of the claim.

III. TRANSACTION SCHEDULE INSTRUCTIONS

A. Use Section V of this form entitled “Schedule of Transactions in ADRs or ordinary shares of Kobe” to supply all required details of your transaction(s) in ADRs or ordinary shares of Kobe. If you need more space or additional schedules, attach separate sheets giving all of the required information in substantially the same form. Sign and print or type your name and Social Security or Taxpayer Identification number on each additional sheet.

B List each transaction during the Class Period separately and in chronological order, by trade date (not the “settlement” date), beginning with the earliest. You must accurately provide the month, day and year of each transaction you list.

C. The price per share, paid or received, should be exclusive of all commissions, taxes, fees and other charges.

D. **Copies of broker confirmation slips or monthly statements of your transactions in Kobe ADRs or ordinary shares must be attached to your Proof of Claim.** If such documents are not in your possession, please obtain equivalent contemporaneous documents from your broker or financial advisor. Failure to provide this documentation could delay verification of your claim or result in rejection of your claim.

E. NOTICE REGARDING ELECTRONIC FILES: Certain Claimants with large numbers of transactions may request, or may be requested, to submit information regarding their transactions in electronic files. To obtain the mandatory electronic filing requirements and file layout, you may visit the website at www.kobesteelsecuritieslitigation.com or you may email the Claims Administrator’s electronic filing department at info@kobesteelsecuritieslitigation.com. Any file not in accordance with the required electronic filing format will be subject to rejection. Only one claim should be submitted for each separate legal entity (*see* Section II.D. above) and the complete name of the beneficial owner(s) of the securities must be entered where called for (*see* Section II.E. above). No electronic files will be considered to have been submitted unless the Claims Administrator issues an email to that effect. Do not assume that your file has been received until you receive this email. If you do not receive such an email within 10 days of your submission, you should contact the electronic filing department at efiling@abdata.com to inquire about your file and confirm it was received.

**MUST BE POSTMARKED BY
MARCH 27, 2019**

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

Aude v. Kobe Steel, Ltd. et al.
Case No. 1:17-cv-10085-VSB

Please Type or Print



FOR INTERNAL USE ONLY

PROOF OF CLAIM AND RELEASE

IV. CLAIMANT IDENTIFICATION

Beneficial Owner's Name (*as it appears on your brokerage statement*)

Joint Beneficial Owner's name (*as it appears on your brokerage statement*)

Street Address

City

State

Zip Code

Foreign Province

Country

Social Security Number or
Taxpayer Identification Number

Area Code & Telephone Number (day)

Area Code & Telephone Number (evening)

Specify one of the following:

- Individual/Sole Proprietor Joint Ownership Corporation UGMA Custodian IRA Partnership Pension Plan Estate Trust
 IRA Other: _____

Record Owner's Name and Address (if different from beneficial owner listed above)

V. SCHEDULE OF TRANSACTIONS IN KOBE ADRs OR ORDINARY SHARES

A. Number of Kobe ADRs or ordinary shares held at the close of trading on May 28, 2013:

Kobe ADRs	Kobe ordinary shares

B. Separately list each and every purchase of Kobe ADRs or ordinary shares during the period May 29, 2013 through and including March 5, 2018 on the open market in the U.S., and provide all of the following information (*must be documented*):

Type of Security	Trade Date (list chronologically) Month/Day/Year	Number of Securities Purchased	Price Per Share (excluding commissions, taxes, and other fees)	Total Purchase Price (excluding commissions, taxes, and other fees)
	__/__/__		\$	\$
	__/__/__		\$	\$
	__/__/__		\$	\$
	__/__/__		\$	\$
	__/__/__		\$	\$
	__/__/__		\$	\$
	__/__/__		\$	\$

C. Separately list each and every sale of Kobe ADRs or ordinary shares during the period May 29, 2013 through and including March 5, 2018 on the open market in the U.S., and provide the following information (*must be documented*):

Type of Security	Trade Date (list chronologically) Month/Day/Year	Number of Securities Purchased	Price Per Share (excluding commissions, taxes, and other fees)	Total Purchase Price (excluding commissions, taxes, and other fees)
	__/__/__		\$	\$
	__/__/__		\$	\$
	__/__/__		\$	\$
	__/__/__		\$	\$
	__/__/__		\$	\$
	__/__/__		\$	\$
	__/__/__		\$	\$

D. Number of Kobe ADRs or ordinary shares held at the close of trading on March 5, 2018 (*must be documented; if none, enter "0"*):

Kobe ADRs	Kobe ordinary shares

E. Separately list each and every purchase of Kobe ADRs or ordinary shares during the period March 6, 2018 through and including April 26, 2018 on the open market in the U.S., and provide all of the following information (*must be documented*):

Type of Security	Trade Date (list chronologically) Month/Day/Year	Number of Securities Purchased	Price Per Share (excluding commissions, taxes, and other fees)	Total Purchase Price (excluding commissions, taxes, and other fees)
	__/__/__		\$	\$
	__/__/__		\$	\$
	__/__/__		\$	\$
	__/__/__		\$	\$
	__/__/__		\$	\$
	__/__/__		\$	\$
	__/__/__		\$	\$

F. Separately list each and every sale of Kobe ADRs or ordinary shares during the period March 6, 2018 through and including April 26, 2018 on the open market in the U.S., and provide the following information (*must be documented*):

Type of Security	Trade Date (list chronologically) Month/Day/Year	Number of Securities Purchased	Price Per Share (excluding commissions, taxes, and other fees)	Total Purchase Price (excluding commissions, taxes, and other fees)
	__/__/__		\$	\$
	__/__/__		\$	\$
	__/__/__		\$	\$
	__/__/__		\$	\$
	__/__/__		\$	\$
	__/__/__		\$	\$
	__/__/__		\$	\$
	__/__/__		\$	\$

G. Number of Kobe ADRs or ordinary shares held at the close of trading on April 26, 2018 (*must be documented; if none, enter "0"*):

Kobe ADRs	Kobe ordinary shares

H. Please check applicable box:

I certify that the submitting party is **not** an ERISA plan.

I/We certify that the submitting party is an ERISA plan and has complied with the applicable ERISA exemption.

If you need more space, attach the required information on separate, numbered sheets in the same format as above, and sign and print your name and Social Security or Taxpayer Identification number at the top of each additional sheet.

YOU MUST READ THE RELEASE AND SIGN THE DECLARATION ON PAGE 9. FAILURE TO SIGN THE RELEASE MAY RESULT IN A DELAY IN PROCESSING OR THE REJECTION OF YOUR CLAIM.

VI. SUBMISSION TO JURISDICTION OF COURT AND ACKNOWLEDGMENTS

I/We submit this Proof of Claim and Release under the terms of the Stipulation of Settlement described in the Notice. I/We also submit to the jurisdiction of the United States District Court for the Southern District of New York with respect to my/our claim as a Settlement Class Member and for purposes of enforcing the release set forth herein. I/We further acknowledge that I/we am/are bound by and subject to the terms of any judgment that may be entered in the Action. I/we agree to furnish additional information to Lead Counsel or the Claims Administrator to support this claim if requested to do so. I/we have not submitted any other claim covering the same purchases or sales of Kobe ADRs or ordinary shares purchased or sold on the open market in the U.S. during the Class Period and know of no other person having done so on my/our behalf.

VII. RELEASE

A. On behalf of the claimant listed above and any other individual or business or legal entity claiming (now or in the future) through or on behalf of the claimant, directly or indirectly (collectively, the "Releasing Parties"), as of the date the Settlement becomes effective, I/we hereby acknowledge full and complete satisfaction of, and do hereby fully, finally, and forever settle, release, relinquish, waive, and dismiss and discharge from each and all of the Settled Claims, including Unknown Claims, each and all of the Released Persons (the Defendants and certain of their affiliates, as defined in the Stipulation), and covenant not to sue any Released Person with respect to any Settled Claim.

B. As defined in the Stipulation, "Settled Claims" means any and all claims, debts, demands, liabilities, rights, and causes of action of every nature and description whatsoever (including, but not limited to, any claims for damages, interest, attorneys' fees, expert or consulting fees, and any other costs, expenses, or liabilities whatsoever), whether based on federal, state, local, statutory or common law, or any other law, rule, or

regulation, whether fixed or contingent, accrued or unaccrued, liquidated or unliquidated, at law or in equity, matured or unmatured, whether class or individual in nature, including both known claims and Unknown Claims (as defined in the Stipulation): (i) that have been asserted in the Litigation by the Lead Plaintiff and/or Settlement Class Members or any of them against any of the Released Parties, including, without limitation, all statements made by any of the Defendants that Lead Plaintiff alleges in the Litigation were false or misleading, or any of the alleged acts, omissions, representations, facts, events, matters, transactions, or occurrences asserted in or relating to the Litigation, or otherwise alleged, asserted, or contended in the Litigation; or (ii) that relate to the purchase of Kobe Steel ADRs or ordinary shares on the open market in the United States, including, without limitation, claims for fraud, negligent misrepresentation, or claims based upon or related in any way to the purchase, acquisition, or sale of Kobe Steel ADRs or ordinary shares publicly traded on the open market in the United States during the Class Period by the Lead Plaintiff or any Settlement Class Member, on behalf of themselves, their heirs, executors, administrators, successors, and assigns against the Released Parties or any of them. Settled Claims also include any and all claims arising out of, relating to, or in connection with the Settlement or resolution of the Litigation against the Released Parties (including Unknown Claims that arise out of, relate to, or are in connection with the Settlement or resolution of the Litigation against the Released Parties), except claims to enforce any of the terms of the Stipulation.

C. On behalf of the Releasing Parties, as of the date the Settlement becomes effective, I/we hereby agree that the Releasing Parties are permanently barred, enjoined, and restrained from commencing, instituting, asserting, maintaining, enforcing, prosecuting, or otherwise pursuing, either directly or in any other capacity, any of the Settled Claims (including any Unknown Claims) against any Released Person.

D. The foregoing releases shall be of no force or effect unless and until the Court approves the Stipulation of Settlement and the Stipulation becomes effective on the Effective Date.

E. I/We hereby warrant and represent that I/we have not assigned or transferred or purported to assign or transfer, voluntarily or involuntarily, in whole or in part, any matter released herein.

F. I/We hereby warrant and represent that I/we have included information about all of my/our transactions in Kobe ADRs or ordinary shares on the open market in the U.S. during the Class Period.

VIII. DECLARATION

UNDER THE PENALTY OF PERJURY, I/WE CERTIFY THAT:

- A. The number shown on this form is my correct Social Security or Taxpayer Identification number.
- B. I am/we are NOT subject to backup withholding under the provisions of Section 3406(a)(1)(C) of the Internal Revenue Code.

NOTE: If you have been notified by the Internal Revenue Service that you are subject to backup withholding, you must cross out the word “NOT” in the sentence above.

C. I/We declare under penalty of perjury under the laws of the United States of America that the foregoing information supplied by the undersigned and any supporting documents attached hereto are true, correct and complete to the best of my/our knowledge, information and belief, and that this Proof of Claim and Release was executed this _____ day of _____, 201__ in

(City/State/Country)

Signature of Claimant

Signature of Joint Claimant, if any

(Print your name here)

(Print your name here)

Signature of person signing on Claimant’s behalf

(Print your name here)

Capacity of person signing on Claimant’s behalf,
if other than an individual, (e.g., Executor,
President, Custodian, etc.)

**ACCURATE CLAIMS PROCESSING TAKES A SIGNIFICANT
AMOUNT OF TIME. THANK YOU FOR YOUR PATIENCE.**

Reminder Checklist:

1. Remember to sign the above release and declaration.
2. Pages four (4) through nine (9) of this Proof of Claim form must be included with your submission. Please confirm that all information requested is complete.
3. Remember to attach only copies of acceptable supporting documentation, a complete list of which can be found on the Claims Administrator's website.
4. Do not send originals of securities certificates.
5. Keep copies of the completed Proof of Claim form and documentation for your own records.
6. If you desire an acknowledgment of receipt of your Proof of Claim form, please send it Certified Mail, Return Receipt Requested, or its equivalent. You will bear all risks of delay or non-delivery of your claim.
7. If your address changes in the future, or if these documents were sent to an old or incorrect address, please send us written notification of your new address.
8. Do not use highlighter on the Proof of Claim or supporting documentation.
9. If you have any questions or concerns regarding your claim or how to complete and submit this Proof of Claim, please contact the Claims Administrator at 1-800-513-1506, or at [info@ kobesteelsecuritieslitigation.com](mailto:info@kobesteelsecuritieslitigation.com).

AUDE v. KOBE STEEL, LTD. et al.
CLAIMS ADMINISTRATOR
c/o A.B. DATA, LTD.
PO BOX 173058
MILWAUKEE, WI 53217