

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

Civil Docket No. 3:12-cv-00456-MOC-DSC
(Consolidated with No. 3:12-cv-00474 and No. 3:12-cv-00624)

MAURINE NIEMAN, et al.,

Plaintiffs,

v.

DUKE ENERGY CORPORATION, et al.,

Defendants.

CLASS ACTION

PROOF OF CLAIM AND RELEASE FORM

I. GENERAL INSTRUCTIONS

A. To recover as a member of the Settlement Class based on your Claim in the action entitled *Maurine Nieman, et al. v. Duke Energy Corporation, et al.*, No. 3:12-cv-456 (the "Action"), you must complete this Proof of Claim and Release Form ("Proof of Claim"). If you fail to submit a Proof of Claim by the deadline, your Claim may be rejected and you may be precluded from any recovery from the Settlement Fund created in connection with the settlement of the Action ("Settlement"), as set forth in the Stipulation of Settlement dated March 5, 2015 ("Stipulation").

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

C. YOU MUST MAIL OR SUBMIT ONLINE YOUR COMPLETED AND SIGNED PROOF OF CLAIM FORM, ACCOMPANIED BY COPIES OF THE DOCUMENTS REQUESTED HEREIN, **NO LATER THAN JULY 13, 2015**, TO THE FOLLOWING ADDRESS:

Duke Energy Corp. Securities Litigation Settlement

c/o Gilardi & Co. LLC

Claims Administrator

P.O. Box 990

Corte Madera, CA 94976-0990

www.dukesecuritiessettlement.com

D. If you are NOT a member of the Settlement Class, as defined in the Notice of Pendency and Proposed Settlement of Class Action, Motion for Attorneys' Fees and Expenses and Final Approval Hearing (the "Notice"), then DO NOT submit a Proof of Claim.

E. If you are a member of the Settlement Class as defined in the Notice and do not timely request exclusion therefrom, you are bound by the terms of any judgment entered in the Action, WHETHER OR NOT YOU SUBMIT A PROOF OF CLAIM.

II. INSTRUCTIONS FOR CLAIMANT IDENTIFICATION SCHEDULE

A. This Proof of Claim must be submitted by the beneficial purchaser or acquirer of the Duke common stock upon which this Claim is based, or by the authorized legal representative of such purchaser or acquirer.

B. If you purchased or acquired shares of Duke Energy Corporation ("Duke") common stock between June 11, 2012 and July 9, 2012, inclusive (the "Settlement Class Period"),¹ and held the stock in your name, you are the beneficial purchaser or acquirer as well as the record purchaser or acquirer. If, however, the stock was registered in the name of a third party, such as a nominee or brokerage firm, you are the beneficial purchaser or acquirer and the third party is the record purchaser or acquirer.

C. Use Part I of this form (below) entitled "Claimant Identification" to identify the beneficial purchaser or acquirer.

D. **NOTE:** A separate Proof of Claim should be submitted for each separate person or legal entity (e.g., a Proof of Claim from joint owners should not include separate transactions of just one of the joint owners, and an individual should not combine his or her IRA transactions with transactions made solely in the individual's name). Conversely, a single Proof of Claim should be submitted on behalf of one legal entity that includes all transactions made by that entity no matter how many separate accounts that entity has (e.g., a corporation with multiple brokerage accounts should include

¹ This includes former Progress Energy Inc. ("Progress") shareholders who acquired shares of Duke common stock directly in the merger of Duke and Progress that took place on July 2, 2012 (the "Merger").

all transactions in Duke common stock on one Proof of Claim, no matter how many accounts were associated with the transactions).

E. All joint purchasers/acquirers must sign this Proof of Claim.

F. If you are acting in a representative capacity on behalf of a Settlement Class Member, such as an executor, administrator, guardian, conservator, trustee, or other legal representative, you must complete and sign this Proof of Claim on behalf of persons and entities so represented. Satisfactory evidence of your authority must accompany this Proof of Claim and your titles or capacities must be stated. The last four digits of 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 the Claim or result in rejection of the Claim.

III. INSTRUCTIONS FOR SCHEDULE OF TRANSACTIONS

A. Use Part II of this form (below) entitled "Schedule of Transactions in Duke Common Stock," to supply all required details of your transactions in and holdings of Duke common stock. If you need more space or additional schedules, attach separate sheets in accordance with the instructions in Part II below. Sign and print or type your name on each additional sheet.

B. Please provide all of the requested information with respect to **all** of your purchases, acquisitions, and sales of Duke common stock, regardless of whether such transactions resulted in a profit or a loss. **Failure to report all such transactions may result in the rejection of your claim.** Please note: Only Duke common stock purchased or acquired during the period June 11, 2012 and July 9, 2012, inclusive is eligible to potentially recover under the Settlement. However, because information regarding your sales of Duke common stock during the period from July 9, 2012 through October 5, 2012, inclusive, will be used for purposes of calculating your Recognized Claim under the Plan of Allocation contained in the Notice, information with respect to your purchases and acquisitions of Duke common stock during that period as well as your holdings of Duke common stock at the close of trading on June 10, 2012 and October 5, 2012 is needed in order to balance your Claim.

C. List each transaction separately and in chronological order by trade date, beginning with the earliest. You must accurately provide the month, day, and year of each transaction you list.

D. Copies of documents evidencing your transactions in and holdings of Duke common stock (such as broker confirmations) must be attached to the Proof of Claim when you submit it. Failure to provide this documentation could delay verification of your Claim or result in the rejection of your Claim.

E. The above requests are designed to provide the minimum amount of information necessary to process the simplest claims. The Claims Administrator may request additional information as required to calculate your losses, if any, efficiently and reliably, and to process your Claim. If the Claims Administrator cannot perform the calculation accurately or at a reasonable cost to the Settlement Class with the information provided, the Claims Administrator may condition acceptance of the Claim on the production of additional information and/or your agreement to pay any increased costs due to the nature and/or scope of the Claim.

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. All Claimants **MUST** submit a manually signed paper Proof of Claim, whether or not they also submit electronic copies, either listing all of their transactions or including a notation to see the corresponding electronic file for all transactions. If you wish to file your Claim electronically, you must contact the Claims Administrator at (888) 287-5302 to obtain the required file layout. No electronic files will be considered to have been properly submitted unless the Claims Administrator issues to the Claimant a written acknowledgment of receipt and acceptance of electronically submitted data.

Official
Office
Use
Only

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

Must Be Postmarked or
Received No Later Than
July 13, 2015

Duke Energy Corp. Securities Litigation Settlement
Civil Docket No. 3:12-cv-00456-MOC-DSC

DUKEEC

PROOF OF CLAIM AND RELEASE

Please Type or Print in the Boxes Below
Do NOT use Red Ink, Pencil, or Staples



PART I: CLAIMANT IDENTIFICATION

Last Name (Beneficial Purchaser/Acquirer)

[Grid for Last Name]

M.I.

[Grid for M.I.]

First Name (Beneficial Purchaser/Acquirer)

[Grid for First Name]

Last Name (Co-Beneficial Purchaser/Acquirer)

[Grid for Last Name]

M.I.

[Grid for M.I.]

First Name (Co-Beneficial Purchaser/Acquirer)

[Grid for First Name]

IRA Joint Tenancy Employee Individual Other _____ (specify)

Company Name (Beneficial Purchaser/Acquirer – If Claimant is not an individual) or Custodian Name if IRA

[Grid for Company Name]

Trustee/Asset Manager/Nominee/Record Purchaser Name (If Different from Beneficial Purchaser/Acquirer Listed Above)

[Grid for Trustee Name]

Account#/Fund# (Not Necessary for Individual Filers)

[Grid for Account/Fund#]

Last Four Digits of Social Security Number

[Grid for Social Security Number]

Taxpayer Identification Number

[Grid for Taxpayer ID Number]

or

Telephone Number (Domestic)

[Grid for Domestic Telephone Number]

Telephone Number (International)

[Grid for International Telephone Number]

Email Address

[Grid for Email Address]

MAILING INFORMATION

Address

[Grid for Address]

Address

[Grid for Address]

City

[Grid for City]

State

[Grid for State]

Zip Code

[Grid for Zip Code]

Foreign Province

[Grid for Foreign Province]

Foreign Postal Code

[Grid for Foreign Postal Code]

Foreign Country Name/Abbreviation

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FOR CLAIMS
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FOR CLAIMS
PROCESSING
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IV. SUBMISSION TO JURISDICTION OF COURT AND ACKNOWLEDGEMENTS

1. I (We) submit this Proof of Claim 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 Western District of North Carolina with respect to my (our) claim as a Settlement Class Member and for purposes of enforcing the release set forth herein and any Judgment which may be entered in the Action. I (We) further acknowledge that I am (we are) bound by and subject to the terms of any Judgment that may be entered in the Action.

2. I (We) agree to furnish additional information to the Claims Administrator to support this claim if required to do so.

V. DEFINITIONS AND RELEASE

1. I (We) hereby acknowledge full and complete satisfaction of, and do hereby fully, finally and forever settle, discharge and release all "Settled Claims" against all "Released Parties," including "Unknown Claims," as defined below.

(a) "Settled Claims" means any and all claims and causes of action of every nature and description, whether known or Unknown (as defined below), whether arising under federal, state, or common law, that Lead Plaintiffs or any other member of the Settlement Class (a) asserted in the Complaint, or (b) could have asserted in any forum that arise out of or are based upon the allegations, transactions, facts, matters or occurrences, representations, or omissions involved, set forth, or referred to in the Complaint and that relate to any purchase of, acquisition of, or exchange for Duke common stock during the Settlement Class Period. Notwithstanding the foregoing, "Settled Claims" does not include claims asserted in any derivative action or ERISA action based on similar allegations or any claims relating to the enforcement of the Settlement.

(b) "Released Parties" means collectively, the Settling Defendants and the Related Parties (*i.e.*, with respect to each Settling Defendant, its predecessors, successors, past, present or future parents, subsidiaries, affiliates, and each of their respective past or present officers, directors, shareholders, agents, partners, principals, members, employees, attorneys, advisors, auditors and accountants, insurers and reinsurers, and any firm, trust, corporation, or other entity in which any of the Settling Defendants has or had a controlling interest).

(c) "Unknown Claims" means any and all Settled Claims that Lead Plaintiffs and/or any Settlement Class Member does not know or suspect to exist in his, her or its favor as of the Effective Date and any Released Parties' Claims that any Released Party does not know or suspect to exist in his, her or its favor as of the Effective Date, which if known by him, her or it might have affected his, her or its decision(s) with respect to the Settlement. With respect to any and all Settled Claims and Released Parties' Claims, the Parties stipulate and agree that upon the Effective Date, Lead Plaintiffs and the Settling Defendants shall expressly waive, and each Settlement Class Member and Released Party shall be deemed to have waived, and by operation of the Judgment shall expressly have waived, any and all provisions, rights and benefits conferred by California Civil Code §1542, or any law of any state of the United States, or principle of common law or otherwise, which is similar, comparable, or equivalent to California Civil Code §1542, which provides:

A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.

The Parties acknowledge, and Settlement Class Members and Released Parties by operation of law shall be deemed to have acknowledged, that the inclusion of "Unknown Claims" in the definition of Settled Claims and Released Parties' Claims was separately bargained for and was a key element of the Settlement.

2. This release shall be of no force or effect unless and until the Court gives final approval to the Settlement and the Effective Date occurs.

VI. REPRESENTATIONS

1. I (We) hereby warrant and represent that I (we) have not assigned or transferred or purported to assign or transfer, voluntarily or involuntarily, any matter released pursuant to this release or any other part or portion thereof.

2. I (We) hereby warrant and represent that I (we) have included information about all of my (our) purchases, acquisitions and sales transactions in Duke common stock which occurred between June 11, 2012 and October 5, 2012, inclusive, as well as the number of shares of Duke common stock held by me (us) at the close of trading on June 10, 2012 and at the close of trading on October 5, 2012.



I (WE) DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT ALL OF THE FOREGOING INFORMATION SUPPLIED ON THIS PROOF OF CLAIM AND RELEASE FORM BY THE UNDERSIGNED IS TRUE AND CORRECT.

Executed this _____ day of _____ in _____
(Month/Year) (City/State/Country)

(Sign your name here)

(Sign your name here)

(Type or print your name here)

(Type or print your name here)

(Capacity of person(s) signing, e.g.,
Beneficial Purchaser or Acquirer, Executor or Administrator)

(Capacity of person(s) signing, e.g.,
Beneficial Purchaser or Acquirer, Executor or Administrator)

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

Reminder Checklist:

1. Please sign the Representations section of the Proof of Claim on page 6. If this Claim is being made on behalf of joint claimants, then both must sign.
2. Remember to attach only copies of acceptable supporting documentation as these documents will not be returned to you.
3. Do not send original stock certificates or documentation. These items cannot be returned to you by the Claims Administrator.
4. Please do not highlight or use red pen on any portion of the Proof of Claim or any supporting documents.
5. Keep copies of the completed Proof of Claim and documentation for your own records.
6. If you desire an acknowledgment of receipt of your claim form please send it Certified Mail, Return Receipt Requested.
7. If your address changes in the future, or if this Proof of Claim was sent to an old or incorrect address, please send the Claims Administrator written notification of your new address. If you change your name, please inform the Claims Administrator.
8. If you have any questions or concerns regarding your Claim, please contact the Claims Administrator at the address below or toll-free at (888) 287-5302, or visit www.dukesecuritiessettlement.com.

**THIS PROOF OF CLAIM MUST BE SUBMITTED ONLINE OR MAILED NO LATER THAN JULY 13, 2015,
ADDRESSED AS FOLLOWS:**

Duke Energy Corp. Securities Litigation Settlement
c/o Gilardi & Co. LLC
Claims Administrator
P.O. Box 990
Corte Madera, CA 94976-0990
www.dukesecuritiessettlement.com

