

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

CHARLOTTE KRUMAN, CHARLES TABACHNICK,  
MORTAB LIMITED, SOPHIE S. McGEE, TIMOTHY  
STOTHERT, MAGGS BROS. LTD, RONALD W.  
BURKLE and NICOLA SMITH, individually  
and on behalf of a class of persons similarly situated,

Plaintiffs,

v.

CHRISTIE'S INTERNATIONAL PLC, CHRISTIE'S INC.,  
SOTHEBY'S HOLDINGS, INC. SOTHEBY'S INC.,  
SIR ANTHONY J. TENNANT, CHRISTOPHER M.  
DAVIDGE, CHRISTOPHER J. BURGE, STEPHEN S. LASH,  
PATRICIA G. HAMBRECHT, DANIEL P. DAVISON,  
FRANCOIS CUIEL, A. ALFRED TAUBMAN,  
DIANA D. BROOKS, MAX M. FISHER, MICHAEL AINSLIE,  
and KEVIN A. BOUSQUETTE,

Defendants.

---

MASTER FILE  
00 Civ. 6322 (LAK)

**SECOND NOTICE**

**THIS SECOND NOTICE IS BEING SENT TO YOU TO ADVISE YOU THAT THE COURT HAS APPROVED THE CHRISTIE'S AND SOTHEBY'S SETTLEMENTS FOR THE FOREIGN AUCTION HOUSES CASE AND TO EXPLAIN HOW TO COMPLETE YOUR PERSONALIZED PROOF OF CLAIM FORM, WHICH IS INCLUDED IN THIS PACKET. THE PROOF OF CLAIM FORM SETS FORTH YOUR TRANSACTION(S) UPON WHICH YOU ARE ELIGIBLE TO BASE A CLAIM FOR RECOVERY AGAINST THE SETTLEMENT FUND. THE PROOF OF CLAIM FORM ALSO PROVIDES AN ESTIMATE OF YOUR DISTRIBUTION AMOUNT. PLEASE BE AWARE THAT YOU MAY FILE THE ENCLOSED PROOF OF CLAIM FORM OR YOU MAY FILE A VALID PROOF OF CLAIM ELECTRONICALLY THROUGH THE WEBSITE ESTABLISHED BY THE SETTLEMENT ADMINISTRATOR. THE WEBSITE SETS FORTH SIMPLE DIRECTIONS FOR THE FILING OF VALID ELECTRONIC PROOFS OF CLAIM. PLEASE READ THIS ENTIRE NOTICE CAREFULLY AS IT MAY AFFECT YOUR LEGAL RIGHTS.**

In the case of Buyer Eligible Class Members, filing the enclosed Proof of Claim is your only opportunity to participate in the distribution of monies from the Settlement Fund. There will be only one distribution to Buyer Eligible Class Members. For Seller Eligible Class Members, the submission of the Proof of Claim Form will permit your participation in the first distribution of Settlement proceeds allocable to Seller Eligible Class Members. Depending on the number of Seller Eligible Class Members who submit a Proof of Claim, there may be a second distribution. For more information regarding the distribution of Settlement proceeds, please access the Website at [www.internationalauctionsettlement.com](http://www.internationalauctionsettlement.com) and/or refer to the *Notice of Pendency of Class Action, Proposed Class Settlement and Hearing* dated March 25, 2003 ("the Notice").

A Fairness Hearing was held on June 2, 2003, in the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007-1312 to determine: (1) whether the terms of and conditions of the Settlement Agreements, dated March 10, 2003, are fair, reasonable and adequate for the settlement of all claims asserted by the Class against the Defendants in the Complaint, including the release of the Defendants and the Released Parties, and should be approved; (2) whether the proposed class should be finally certified; (3) whether judgment should be entered dismissing the Complaint on the merits and with

prejudice in favor of the Defendants and as against all persons or entities who are members of the Class who have not requested exclusion therefrom; (4) whether to approve the allocation formulas as fair and reasonable methods to allocate the settlement proceeds; and (5) whether and in what amount to award Plaintiffs' Counsel fees and reimbursement of expenses and costs. By Order entered June 13, 2003, the Court approved the Settlement as fair, reasonable and adequate and directed the parties to consummate the Settlement in accordance with the terms and provisions of the Settlement Agreements. In addition, Plaintiffs' Counsel were awarded fees, which the Court found to be fair and reasonable, and they were reimbursed expenses and costs; such amounts to be paid to Plaintiffs' Counsel from the Settlement Fund. Please refer to the Order and Final Judgment entered June 13, 2003. The Order can be accessed from the Website at [www.internationalauctionsettlement.com](http://www.internationalauctionsettlement.com).

The Class on whose behalf the lawsuit was brought and settled is defined as all persons who (i) sold any items through an auction (excluding internet transactions) conducted outside of the United States by any Christie's Entity or any Sotheby's Entity between September 1, 1995 and February 7, 2000, and/or (ii) purchased any items at auction (excluding internet transactions) conducted outside of the United States by any Christie's Entity or any Sotheby's Entity between January 1, 1993 and February 7, 2000. Excluded from the Class are Christie's Defendants, Sotheby's Defendants, Christie's Entities, Sotheby's Entities, parents, subsidiaries, and/or affiliates of any Christie's Entity or Sotheby's Entity, or any of their present and former officers, directors, and employees (to the extent that the claims of such persons are based on auction transactions conducted while they were officers, directors or employees during the Class periods).

If you did not exclude yourself from the proposed Class, you may be entitled to share in the Settlement Fund. The enclosed Claim Form includes personal transaction data for all purchases and sales you made during the applicable Class periods described above, as reflected in the books and records of Christie's and Sotheby's. The Settlement Administrator, The Garden City Group, Inc. ("GCG"), mailed the *Notice of Pendency of Class Action, Proposed Class Settlement and Hearing* dated March 25, 2003, to all Class Members who could be identified from the records of Sotheby's and Christie's. The Notice more fully describes the Settlement and the rights of Class Members. If you did not receive the Notice and would like a copy, you may request one by calling 1-888-707-5883 in the United States or you may reach the Settlement Administrator by calling the toll free number associated with the country you are calling from on Appendix E, which is enclosed or by accessing the Website at [www.internationalauctionsettlement.com](http://www.internationalauctionsettlement.com).

**IF YOU HAVE ANY QUESTIONS, UNITED STATES RESIDENTS MAY CONTACT THE SETTLEMENT ADMINISTRATOR AT 1-888-707-5883. THE ENCLOSED APPENDIX E LISTS THE TOLL FREE NUMBERS FOR CLASS MEMBERS OUTSIDE OF THE UNITED STATES TO USE TO CONTACT THE SETTLEMENT ADMINISTRATOR.**

## **INSTRUCTIONS FOR COMPLETING AND SUBMITTING CLAIM FORM**

### **GENERAL INSTRUCTIONS**

Read these instructions and the enclosed Claim Form carefully before filling it out. Your completed Claim Form must be returned to the Settlement Administrator in the pre-addressed, postage prepaid envelope provided to you, **postmarked no later than December 10, 2003**. You may also file a valid Proof of Claim Form electronically through the Website set up by the Settlement Administrator at **www.internationalauctionsettlement.com**. The Website sets forth simple directions for the filing of valid electronic proofs of claim. All information, whether provided electronically or on paper to the Settlement Administrator, will be held in confidence.

In Section II of the Claim Form, entitled "Preprinted Transactional Information Supplied by Christie's and Sotheby's," the Settlement Administrator has listed all of your eligible transaction(s) during the Class Period according to the records of Sotheby's or Christie's. Please review all of the preprinted transaction data carefully.

If you have numerous transactions from a particular auction house, there may be multiple pages included in your Claim Form.

If you had transactions at both Auction Houses and/or within multiple accounts at one auction house, you will receive more than one Claim Form.

If you believe information, including any additional transactions, is missing or inaccurate, you may provide that information as requested in Section III.

**Please Note:** Any information the Class Members provide about additional transactions will be held in confidence. Information about specific additional transactions will be shared only with the Auction House identified in the information provided by the Class Member in order to investigate or verify the information.

### **HOW TO FILL OUT YOUR CLAIM FORM**

#### **SECTION I - CLAIMANT IDENTIFICATION**

Please check the box or boxes that best describes on whose behalf you are submitting the Claim Form.

**Please Note:** If you acted in a transaction as an agent, attorney, trustee or personal representative of any other person or persons, you are responsible for notifying your principal(s) or client(s) of the information contained in this Claim Form. If you complete the Claim Form and submit it on behalf of your client(s) or principal(s), you will be responsible for the receipt and distribution to them of their payment awards under the Settlement.

#### **SECTION II - PREPRINTED TRANSACTIONS SUPPLIED BY CHRISTIE'S AND SOTHEBY'S**

A. Your claim number, the name of the auction house where you completed your participating transactions, and your auction house account number are preprinted at the top of this section.

B. In this section, the Settlement Administrator has listed all of your transactions according to the records of Sotheby's and Christie's. Please do not contact Christie's or Sotheby's for a record of your transactions because such information has already been provided to the Settlement Administrator by the Auction Houses. If you have any questions, you may reach the Settlement Administrator toll free by dialing the number associated with the country listed in Appendix E. Please review line by line the preprinted transactions provided. Check the box to the right of each transaction to indicate whether you agree or disagree with that transaction. If there is a transaction that is not yours, put a line through the entire transaction line and check "disagree". If you simply have placed a line through an entire transaction, then you do not need to fill out Section III with regards to that transaction. If you have additional transactions or disagree with the data for any of the listed transactions or a portion of the transaction, you must also complete Section III, "Additional or Challenged Transactions."

If you agree with all of the preprinted transactions, skip Section III and proceed directly to Section IV of the Claim Form.

### **SECTION III - ADDITIONAL OR CHALLENGED TRANSACTIONS**

A. Please fill out this section **only**:

1. If you disagree with any of the preprinted information (date, type, sale or lot number or stock number, item, or hammer price) regarding the transactions listed in Section II;
2. If there were no preprinted transactions in Section II and you believe that you made transactions; or
3. If you believe that you made transactions in addition to those preprinted in Section II.

B. At the top of Section III, complete the following:

1. Print your first and last name clearly; and
2. In the space provided, write the claim number found at the top of page 1 of the Claim Form.

C. The list of transactions in Section II was compiled by the Settlement Administrator from the records of Sotheby's and Christie's. If you are filling out Section III, you must provide the Settlement Administrator with additional supporting documentation for each transaction that you believe is either missing or listed incorrectly. Documentation that may reflect the existence of a transaction may be:

1. Invoices;
2. Consignment agreements and/or property receipts; or
3. Remittance advices and/or Settlement advices.

D. When filling out the table in Section III, for each transaction (this applies to new transactions and challenged transactions):

1. Identify the auction house where this transaction took place. Please write an "S" if the transaction occurred at Sotheby's or a "C" if this transaction occurred at Christie's.
2. Write the account number under which this transaction was made.
3. Write the date (MM/DD/YY) that this transaction took place.
4. Check the appropriate box indicating whether this transaction was a purchase or sale.
5. Write the sale number, if known.
6. Write the lot number, if known.
7. Write the stock number, if known.
8. Write a very brief description of the item (enough to clearly identify the item).
9. Write the hammer price for this transaction in the currency in which you paid for the transaction.
10. Indicate the Currency (i.e.: British Pounds, US Dollars, Japanese Yen) in which you paid for the item.
11. Provide the country where the auction for this transaction took place. (Only transactions conducted at auctions held outside of the United States should be listed.)
12. Check one of the boxes that pertain to you for this transaction (e.g., were you an agent or principal).

**Note: If you have filled out Section III with any additions or revisions, and attached the required documentation, the Settlement Administrator will review your claim and a revised Claim Form will be sent to you for your review.**

### **SECTION IV – RECEIVING PAYMENT FROM THE SETTLEMENT FUND**

This section explains how your ultimate award will be calculated. You need not do anything in this section.

### **SECTION V - RELEASE OF CLAIMS**

Please read the release of claims in Section V of the Claims Notice because it affects your legal rights.

### **SECTION VI – SIGNATURE**

If you agree with all of the transactions preprinted in Section II and have not filled out any additional or challenged transactions in Section III, you may sign this form and return it in order to receive your benefits according to the terms of the Settlement.

1. Please sign and print your name clearly.
2. If you are an agent, you must also certify that you did (or will) advise your client(s) of the amounts of his/her estimated total overcharge on purchases and/or sales listed in the Claim Form.
3. Retain a copy of this document for your records.