

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re: Vale S.A. Securities Litigation

Case No. 15 Civ. 09539 (GHW)

Consolidated with Case No. 16 Civ.
00658 (GHW)

CLASS ACTION

AMENDMENT TO THE STIPULATION AND AGREEMENT OF SETTLEMENT

This Amendment to the Stipulation and Agreement of Settlement dated as of February 5, 2020 (ECF No. 183-1) (the “Stipulation”), is made and entered into by and among the Parties (as defined in ¶ 1(bb) of the Stipulation), by and through their respective counsel.

1. The Parties hereby agree that the definition of “Released Plaintiffs’ Claims” set forth in ¶ 1(ii) of the Stipulation is amended to read:

“Released Plaintiffs’ Claims” means all claims, debts, demands, rights, or causes of action of every nature and description, whether known claims or Unknown Claims, whether arising under federal, state, local, statutory, common, or foreign law, that Lead Plaintiffs or any other member of the Settlement Class asserted in the Complaint or could have asserted in any forum that arise out of or are based upon those allegations, transactions, facts, matters or occurrences, representations or omissions involved, set forth, or referred to in the Complaint which occurred prior to the collapse of the Fundão Dam on November 5, 2015 and that relate to the purchase or acquisition of Vale common or preferred American Depositary Receipts (“ADRs”) during the Class Period. For the avoidance of doubt, Released Plaintiffs’ Claims do not include: (i) any claims relating to the enforcement of the Settlement; and (ii) any claims of any person or entity who or which submits a request for exclusion that is accepted by the Court.

2. The Parties hereby agree that the proposed Order Preliminarily Approving Settlement and Authorizing Dissemination of Notice of Settlement (attached hereto as Exhibit A) and Notice of (I) Pendency of Class Action and Proposed Settlement; (II) Settlement Fairness Hearing; and (III) Motion for Attorneys’ Fees and Litigation Expenses (attached hereto as Exhibit

A-1); Summary Notice of (I) Pendency of Class Action and Proposed Settlement; (II) Settlement Fairness Hearing; and (III) Motion for Attorneys' Fees and Litigation Expenses (attached hereto as Exhibit A-3), and Judgment Approving Class Action Settlement (attached hereto as Exhibit B) replace and supersede the versions of those exhibits attached to the Stipulation.

IN WITNESS WHEREOF, the Parties have caused this Amendment to the Stipulation and Agreement of Settlement to be executed, by their duly authorized attorneys, dated as of February 20, 2020.

**BERNSTEIN LITOWITZ BERGER &
GROSSMANN LLP**

By: 

John C. Browne

Richard Gluck

1251 Avenue of the Americas

New York, NY 10020

Telephone: (212) 554-1400

Facsimile: (212) 554-1444

*Lead Counsel for Lead Plaintiffs
and the Settlement Class*

GIBSON, DUNN & CRUTCHER LLP

By: 

Christopher M. Joralemon

Mark A. Kirsch

200 Park Avenue

New York, NY 10166-0193

Telephone: (212) 351-4000

Facsimile: (212) 351-4035

Counsel for Defendants