

**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.