

# PROOF OF CLAIM AND RELEASE FORM

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

KIN-YIP CHUN, Individually and on Behalf of  
All Others Similarly Situated,

Plaintiff,

vs.

FLUOR CORPORATION, et al.,

Defendants.

Case No. 3:18-cv-01338-X

CLASS ACTION

## ***Fluor Securities Settlement***

**Toll-Free Number: 1-888-964-2130**

**Email: [info@FluorSecuritiesSettlement.com](mailto:info@FluorSecuritiesSettlement.com)**

**Website: [www.FluorSecuritiesSettlement.com](http://www.FluorSecuritiesSettlement.com)**

Your completed and signed Proof of Claim must be received on or before **October 14, 2022**, by mail or submitted online.

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## A. GENERAL INSTRUCTIONS & INFORMATION

1. You are urged to read carefully the Notice of Proposed Settlement of Class Action, Motion for Attorneys' Fees and Expenses, and Settlement Fairness Hearing (the "Notice").
2. To file a claim and recover under the Settlement of this Action, you must submit this Proof of Claim and Release Form (the "Proof of Claim"). However, such filing is not a guarantee that you will share in the proceeds of the Settlement in the Action.
3. **Your completed and signed Proof of Claim must be received by mail on or before October 14, 2022, addressed to the Claims Administrator at the address below or submitted online at [www.FluorSecuritiesSettlement.com](http://www.FluorSecuritiesSettlement.com) by 11:59 pm (PST) on October 14, 2022.**

*Fluor Securities Settlement*  
c/o JND Legal Administration  
P.O. Box 91325  
Seattle, WA 98111  
Tel: (888) 964-2130  
Website: [www.FluorSecuritiesSettlement.com](http://www.FluorSecuritiesSettlement.com)  
Email: [info@FluorSecuritiesSettlement.com](mailto:info@FluorSecuritiesSettlement.com)

4. If you are a member of the Settlement Class and you do not timely request exclusion, you will be bound by the terms of any judgment entered in the Action.
5. If you are **not** a member of the Settlement Class, **do not** submit a Proof of Claim.
6. **For help completing this Proof of Claim, please contact the Claims Administrator.**

## B. INSTRUCTIONS FOR FILLING OUT THE PROOF OF CLAIM

**Important additional information regarding the Settlement and this Proof of Claim is contained in the Notice. Please refer to the Plan of Allocation set forth in the Notice for a detailed explanation of how a Claimant's Recognized Loss will be calculated.**

1. To be eligible to participate in the distribution of the Net Settlement Fund, a claimant ("Claimant") must have purchased, or otherwise acquired, the common stock of Fluor (NYSE: FLR) between August 14, 2013 and February 14, 2020, both dates inclusive (the "Settlement Class Period").
2. The submission of a Proof of Claim does not ensure that your claim will be upheld or that you will share in any recovery. All claims are subject to verification and investigation. You may be requested to provide further information.
3. All claims must be made by persons or entities who were beneficial owners (as opposed to record holders or nominees) of shares of Fluor common stock. (Brokerage firms, banks and other nominees are requested to transmit copies of the Notice to their present or former customers who were such beneficial owners). If the Fluor common stock was owned jointly, all joint owners must complete and sign the Proof of Claim. If you have questions or need additional Proofs of Claim, contact the Claims Administrator via the information in the preceding paragraph. You may make photocopies of this form.

4. Executors, administrators, guardians, conservators and trustees may complete and sign the Proof of Claim on behalf of persons or entities represented by them, but they must identify such persons or entities and provide proof of their authority (e.g., powers of attorney or currently effective letters testamentary or letters of administration) to do so.

5. You must file a separate Proof of Claim for each differently named account or ownership, such as an individual account, an IRA account, a joint account, or a custodial account, etc. Joint tenants, co-owners, or custodians UGMA should file a single claim. Claimants who file one or more claims (e.g., one in Claimant's name and one for an IRA or joint ownership) must identify the other claims filed.

6. The date of purchase and/or sale of shares of Fluor common stock is the "trade" date and not the "settlement" date.

7. The first-in, first-out basis ("FIFO") will be applied to both purchases and sales.

8. With respect to Fluor common stock purchased or sold through the exercise of an option, the purchase/sale date of the stock shall be the exercise date of the option and the purchase/sale price of the stock shall be the closing price of Fluor common stock on the date of exercise.

9. The date of covering a "short sale" is deemed to be the date of purchase of Fluor common stock; and the date of a "share sale" is deemed to be the date of sale of Fluor common stock. Stock originally sold short will have a Recognized Loss of zero.

10. No cash payment will be made on a claim where the potential distribution is less than ten dollars (\$10.00).

11. You must attach to your claim form, **copies** of brokerage confirmations, monthly statements or other documentation of your transactions in Fluor common stock for your claim to be valid. Failure to provide this documentation could delay verification of your claim or could result in rejection of your claim.

12. If your trading activity during the Settlement Class Period exceeds 50 transactions, you must provide all purchase and sale information required in the Schedule of Transactions in an electronic file. For a copy of instructions and the parameters concerning an electronic submission, contact the Claims Administrator by phone: (888) 964-2130; by email: [info@FluorSecuritiesSettlement.com](mailto:info@FluorSecuritiesSettlement.com); or via the website: [www.FluorSecuritiesSettlement.com](http://www.FluorSecuritiesSettlement.com).

13. 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 Settlement website at [www.FluorSecuritiesSettlement.com](http://www.FluorSecuritiesSettlement.com) or you may email the Claims Administrator's electronic filing department at [FLRSecurities@JNDLA.com](mailto:FLRSecurities@JNDLA.com). Any file not in accordance with the required electronic filing format will be subject to rejection. The complete name of the beneficial owner of the securities must be entered where called for. 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 [FLRSecurities@JNDLA.com](mailto:FLRSecurities@JNDLA.com) to inquire about your file and confirm it was received.

# C. 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)

Entity Name (if Beneficial Owner is not an individual)

Name of Representative, if applicable (executor, administrator, trustee, c/o, etc.), if different from Beneficial Owner

Street Address

City

State

Zip Code

Foreign Province / Country (if not US)

Last four digits of Social Security or Taxpayer ID

Foreign Postal Code (if applicable)

Foreign Country (if applicable)

Telephone Number (Day)

Telephone Number (Evening)

E-Mail Address

Account Number

Specify one of the following:

- Individual(s)       Corporation       UGMA Custodian       IRA       Partnership  
 Estate       Trust       Other (describe): \_\_\_\_\_

## D. SCHEDULE OF TRANSACTIONS IN FLUOR'S COMMON STOCK

1. State the total number of Fluor shares owned at the close of trading on August 13, 2013  
(if none, enter "0"; if other than zero, must be documented):

2. Separately list each and every **purchase or acquisition** of Fluor common stock during the period August 14, 2013 **through** May 18, 2020, inclusive,<sup>1</sup> and provide the following information (must be documented):

Purchase/Acquisition Date (list chronologically) Month/Day/Year	Number of Shares Purchased or Acquired	Price Per Share (excluding commissions, taxes, and other fees)	Total Purchase or Acquisition Price (excluding commissions, taxes, and other fees)
/ /		\$	\$
/ /		\$	\$
/ /		\$	\$
/ /		\$	\$

3. Separately list each and every **sale** of Fluor common stock during the period August 14, 2013 **through** May 18, 2020, inclusive, and provide the following information (must be documented):

Sale Date (list chronologically) Month/Day/Year	Number of Shares Sold	Price Per Share (excluding commissions, taxes, and other fees)	Total Sale Price (excluding commissions, taxes, and other fees)
/ /		\$	\$
/ /		\$	\$
/ /		\$	\$
/ /		\$	\$

4. State the total number of Fluor shares owned at the close of trading on May 18, 2020 (if none, enter "0"; if other than zero, must be documented):

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

<sup>1</sup> Please note information with respect to your purchases of Fluor common stock between after the opening of trading on February 15, 2020 and including the close of trading on May 18, 2020 is needed in order to perform the necessary calculations for your claim; purchases during this period, however, are not eligible transactions and will not be used for purposes of calculating Recognized Loss Amounts pursuant to the Plan of Allocation.

**YOU MUST ALSO READ THE RELEASE AND SIGN THE CERTIFICATION  
OR THE W-8 CERTIFICATION BELOW**

## **E. SUBMISSION TO JURISDICTION OF THE COURT**

By submitting this Proof of Claim Form and Release Form, I/we, and every Settlement Class Member I/we represent, submit to the jurisdiction of the United States District Court for the Northern District of Texas for purposes of this Action and the Settlement of the Action, as reflected in the Stipulation of Settlement (the "Stipulation"). I/We further agree to be bound by the orders of the Court, agree that this Proof of Claim and Release Form, my/our status or the status of the Settlement Class Member I/we represent as a Claimant, and the allowable amount of this claim will be subject to review and further inquiry, and that I/we will furnish such additional documentation with respect to this Proof of Claim as may be required.

## **F. RELEASE**

1. By signing this Proof of Claim and Release Form, and in consideration of the establishment of the Settlement Consideration, as of the effective date thereof, the undersigned claimant ("Claimant") on behalf of himself/herself/itself, his/her/its successors, heirs, executors, administrators, and assigns, hereby releases and forever discharges (a) Defendant Fluor (including its subsidiaries, affiliates, heirs and assigns), (b) Defendant David T. Seaton, (c) Defendant Biggs C. Porter, (d) Defendant Bruce A. Stanski, (e) Defendant Matthew McSorley, (f) Defendant Gary G. Smalley, (g) Defendant Carlos M. Hernandez, (h) Defendant D. Michael Steuert, (i) Defendant Robin K. Chopra, (j) all other current and former officers and directors of Fluor, and (k) all other employees, insurers, attorneys, and agents of Fluor (altogether the "Released Parties"), from any and all claims, whether known or Unknown Claims, whether arising under state, federal, local, common, statutory, administrative or foreign law, or any other law, rule or regulation, at law or in equity, whether class or individual in nature, whether accrued or unaccrued, whether liquidated or unliquidated, whether matured or unmatured, that (i) Lead Plaintiffs or any other Settlement Class Members asserted in the First Amended Class Action Complaint ("FAC"); or (ii) could have been asserted in any court or forum that arise out of or relate to the allegations, transactions, facts, matters or occurrences, representations, or omissions set forth or referenced in the FAC and that relate to the purchase or acquisition of shares of Fluor common stock (NYSE: FLR) during the Settlement Class Period (the "Released Settlement Class Claims"), except for claims related to the enforcement of the Settlement.

2. Conversely, Defendants and the other Released Parties, on behalf of themselves, their successors, heirs, executors, administrators, and assigns, hereby fully, finally, and forever release, relinquish, and discharge any and all claims and causes of action of every nature and description whatsoever, whether known or Unknown Claims, against Lead Plaintiffs, Plaintiffs' Counsel or any Settlement Class Member that arise out of or relate in any way to the institution, prosecution, or settlement of the claims against Defendants in the Action, including without limitation for violation of Fed. R. Civ. P. 11 (the "Released Defendant Claims"), except for claims relating to the enforcement of the Settlement.

3. For purposes of these release provisions, "Unknown Claims" means and includes (i) any and all Released Settlement Class Claims that Lead Plaintiffs or any Settlement Class Member do not know or suspect to exist in his, her or its favor, which, if known by him, her or it, might have affected his, her or its decision(s) with respect to the Settlement; and (ii) any and all Released Defendant Claims that any Defendant or other Released Party does not know or suspect to exist in his, her, or its favor, 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 Released Claims, the Parties stipulate and agree that, upon the Effective Date of the Settlement, the Released Parties shall be deemed to have, and by operation of the Judgment, shall have, expressly waived, the provisions, rights, and benefits conferred by any law of any state or territory of the United States, or principle of common law or foreign law, which is similar, comparable, or equivalent to California Civil Code § 1542, which provides: "A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release and that, if known by him or her, would have materially affected his or her settlement with the debtor or released party." The Parties acknowledge, and Settlement Class Members and the other Released Parties by operation of law shall be deemed to have acknowledged, that the inclusion of "Unknown Claims" in the definition of Released Settlement Class Claims and Released Defendant Claims was separately bargained for and is a material element of the Settlement and an essential term of the Settlement of which this release is a part. The Parties may hereafter discover facts beyond those which he, she, it, or they now know or believe to be true with respect to the subject matter of the Released Claims but, upon the Effective Date, the Parties shall expressly and each Settlement Class Member upon the Effective Date shall be deemed to have, and by operation of the Judgment shall have, fully, finally, and forever settled and released any and all Released Claims, known, unknown, suspected or unsuspected, contingent or non-contingent, whether or not concealed or hidden which now exist or heretofore have existed upon any theory of law or equity now existing or coming into existence in the future, including, but not limited to, conduct that is negligent, intentional, with or without malice, or a breach of any duty, law or rule, without regard to the subsequent discovery or existence of such different or additional facts, whether or not previously or currently asserted in any action.

## G. REPRESENTATIONS

I/We acknowledge that I/we have read the Notice, and that pursuant thereto I/we file this claim to participate in the Settlement.

I/We hereby warrant and represent that neither I/we, nor any person I/we represent, is a Defendant (as defined in the Notice) with respect to any of the claims asserted in the Action, a member of the immediate family of any of the Defendants, or anyone excluded from the Settlement Class as it is defined in the Stipulation, or a person or entity who has requested exclusion from the Settlement Class.

I/We hereby warrant and represent that I am/we are authorized to execute and deliver this Proof of Claim and Release Form.

# H. CERTIFICATION

I/We certify that I am/we are not subject to backup withholding. **(If you have been notified by the IRS that you are subject to backup withholding, strike out the previous sentence.)**

**I/We certify that I/we purchased, or otherwise acquired, Fluor common stock listed in the above Schedule during the period between August 14, 2013 and February 14, 2020, both dates inclusive.**

I/We declare and affirm under penalties of perjury that the foregoing information and the documents attached hereto, including the last four digits of my Social Security or Taxpayer Identification Number shown on this Proof of Claim, are true, correct and complete to the best of my/our knowledge, information and belief, and that this Proof of Claim was executed this \_\_\_\_\_ day of \_\_\_\_\_, 2022  
in: \_\_\_\_\_

(City)

(State/Country)

\_\_\_\_\_  
Signature of Claimant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Claimant name here

\_\_\_\_\_  
Signature of joint Claimant, if any

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print joint Claimant name here

\_\_\_\_\_  
Signature of person signing on behalf of Claimant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print name of person signing on behalf of Claimant here

\_\_\_\_\_  
Capacity of person signing on behalf of Claimant, if other than an individual, (Executor, President, Custodian, etc.) (Must provide evidence of authority to act on behalf of claimant – see ¶ 4 on page 3 of this Proof of Claim.)



# SUBSTITUTE FORM W-8

**IF YOU ARE NOT A RESIDENT OR CITIZEN OF THE UNITED STATES,  
COMPLETE THE FOLLOWING:**

Permanent residence (principal office if a corporation)

If your claim is connected with a trade or business conducted in the U.S., please provide the name and address of your U.S. business, the type of business, and the Federal Tax Identification Number of the U.S. business.

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Name of U.S. Business

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Address of U.S. Business

---

Type of Business

---

Tax Identification Number

**W-8 Certification:** Under the penalties of perjury, I certify that the information provided above is true, correct and complete.

Signature(s) \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

**THIS SPACE INTENTIONALLY LEFT BLANK**

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

## REMINDER CHECKLIST



1. Remember to sign the above Release and Certification (or W-8 Certification).

2. Remember to attach only **copies** of acceptable supporting documentation.



3. Do not send originals of stock certificates.



4. Keep copies of the completed claim form and documentation for your own records.

5. If you desire an acknowledgment of receipt of your 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.**



6. 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.

If you have questions or concerns regarding your claim, please contact the Claims Administrator at:

***Fluor Securities Settlement***  
**c/o JND Legal Administration**  
**P.O. Box 91325**  
**Seattle, WA 98111**  
**Tel: (888) 964-2130**  
**Email: [info@FluorSecuritiesSettlement.com](mailto:info@FluorSecuritiesSettlement.com)**