

**From:** Sembach, Debbie [mailto:Debbie.Sembach@dbr.com] **On Behalf Of** Nash, Jr., Gordon B.  
**Sent:** Tuesday, December 01, 2009 9:45 AM  
**To:** Nash, Jr., Gordon B.  
**Subject:** CME Group, Inc., CBOT Holdings, Inc., The Board of Trade of the City of Chicago, Inc., Michael Floodstrand and Thomas J. Ward v. Chicago Board Options Exchange, et al., Case No. 2369-N

To Participating Class Members:

The Chicago Board Options Exchange (“CBOE”) reached a settlement agreement with the appellants. By the terms of the settlement the CBOE will pay \$4,171,243 to the appellants to settle all appeals. The settlement is conditioned on the Delaware Supreme Court dismissing all the appeals within two weeks.

These payments will not come out of the class settlement funds and will not diminish the consideration going to Class Members. The advantage to Class Members is that this settlement should shorten the time for the resolution of this litigation.

Obviously, by taking this step the CBOE demonstrated its intent to remove impediments to its demutualization. I will continue to keep you informed.

Gordon B. Nash

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Thank you very much.

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