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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

WAYMAN TRIPP and SVEN
MOSSBERG, Individually and on Behalf
of all Others Similarly Situated,

Plaintiffs,

v.

INDYMAC BANCORP, INC. and
MICHAEL W. PERRY,

Defendants.

Case No. 2:07-CV-1635-GW (VBK)

**SUPPLEMENTAL DECLARATION
OF ERIC J. MILLER REGARDING
(A) MAILING OF THE NOTICE AND
PROOF OF CLAIM AND RELEASE
FORM; (B) REPORT ON EXCLUSION
REQUESTS RECEIVED; AND (C)
REPORT ON CLAIMS RECEIVED TO
DATE**

Date: January 28, 2013
Time: 8:30 a.m.
Room: 10
Judge: Hon. George H. Wu

1 I, Eric J. Miller, declare as follows:

2 1. I am a Client Services Director at Rust Consulting, Inc. ("Rust"). Rust
3 was retained by Kessler Topaz Meltzer & Check, LLP ("Lead Counsel") as the
4 Claims Administrator in connection with the settlement (the "Settlement") obtained
5 in the above-captioned action (the "Action"). Rust's retention was authorized by this
6 Court pursuant to its Order Preliminarily Approving Settlement dated August 10,
7 2012 (the "Preliminary Approval Order"). I am responsible for overseeing all aspects
8 of the notice and claims administration services performed by Rust with respect to
9 the Settlement.

10 2. I previously executed a declaration that was filed with this Court on
11 December 7, 2012 ("Initial Mailing Declaration"), testifying to, among other things,
12 (i) the mailing of the Notice of Pendency of Class Action and Proposed Settlement,
13 Motion for Attorneys' Fees and Expenses and Settlement Fairness Hearing
14 ("Notice") and Proof of Claim and Release Form ("Proof of Claim") (together, the
15 "Notice Packet"); (ii) the publication of the Summary Notice of Pendency and
16 Proposed Settlement of Class Action and Settlement Fairness Hearing ("Summary
17 Notice"); and (iii) the requests for exclusion from the Class ("Exclusion Requests")
18 received as of the date of the Initial Mailing Declaration. I respectfully submit this
19 supplemental declaration in order to provide the Court with updated information
20 regarding the mailing of Notice Packets, the Exclusion Requests received as well as
21 the Proofs of Claim received to date. I am over 21 years of age and am not a party to
22 this Action. I have personal knowledge of the facts set forth herein and, if called as a
23 witness, could and would testify competently thereto.

24 **MAILING OF THE NOTICE PACKET**

25 3. Since the execution of the Initial Mailing Declaration on December 4,
26 2012, Rust has continued to receive requests from potential Class Members, brokers
27 and other nominees for copies of the Notice Packet. As a result, Rust has
28 disseminated an additional 4,428 Notice Packets since the execution of the Initial

1 Mailing Declaration. As of January 16, 2013, Rust has disseminated a total of 75,598
2 Notice Packets to potential Class Members and nominees. Rust confirms that the
3 mailings have been completed in accordance with the terms of the Court's
4 Preliminary Approval Order.

5 **REQUESTS FOR EXCLUSION**

6 4. The Notice informed Class Members of the December 28, 2012 deadline
7 for requesting exclusion from the Class. The Notice further instructed Class
8 Members on how to properly submit a request for exclusion and the information that
9 was required to be included in such request.

10 5. As previously reported in the Initial Mailing Declaration, Rust received
11 two (2) Exclusion Requests as of December 4, 2012. Since that time, Rust has
12 received four (4) additional Exclusion Requests, three (3) of which were received by
13 Rust on or before the December 28, 2012 deadline. Accordingly, to date, a total of
14 six (6) Exclusion Requests have been received in connection with the Settlement.
15 Copies of all six (6) Exclusion Requests are attached hereto as Exhibit A.¹

16 **OBJECTIONS**

17 6. The Notice informed potential Class Members that objections were to be
18 received by the Clerk of the Court, Lead Counsel and Defendants' Counsel no later
19 than December 28, 2012. Although objections were not to be sent to Rust,
20 nevertheless, as part of its standard procedures, Rust personnel examine all mail
21 received to search for objections. As of January 16, 2013, Rust has received zero (0)
22 objections.

23 **PROOFS OF CLAIM**

24 7. As of January 16, 2013, Rust has received a total of 3,798 Proofs of
25 Claim which have been loaded into the database created for the Action. Of these
26 3,798 Proofs of Claim, a total of 3,515 have been preliminarily processed, with
27

28 ¹ All confidential information has been redacted from the attached Exclusion Requests.

1 approximately 6,290,086 shares of IndyMac Bancorp, Inc. common stock being
2 claimed. In addition to the foregoing number of Proofs of Claim, there are
3 approximately 10,427 separate accounts that have been submitted to Rust
4 electronically, with approximately 220,203,887 shares of IndyMac Bancorp, Inc.
5 common stock being claimed. As these accounts have not yet been loaded into
6 Rust's database, this share number is unaudited. The number of Proofs of Claim
7 received and shares claimed is subject to change as more claims are received, loaded
8 and processed in their entirety.

9 8. As set forth in the Notice and Proof of Claim, Proofs of Claim were to
10 be postmarked no later than December 28, 2012. Given that the deadline is a
11 "postmark" deadline, Rust expects to continue to receive Proofs of Claim; however
12 any Proof of Claim received postmarked after December 28, 2012 has been and will
13 continue to be marked as late.

14 I declare under penalty of perjury under the laws of the State of California that
15 the foregoing statements are true and correct. Executed this 17th day of January, 2013
16 in Palm Beach Gardens, Florida.

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Eric J. Miller

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CERTIFICATE OF SERVICE

1
2 I hereby certify that on January 17, 2013, I electronically filed the foregoing
3 with the Clerk of the Court using the CM/ECF system which will send notification of
4 such filing to the e-mail addresses denoted on the attached Electronic Mail Notice
5 List.

6 I certify under penalty of perjury under the laws of the United States of
7 America that the foregoing is true and correct. Executed on January 17, 2013.

8
9 /s/ Stacey M. Kaplan

10 Stacey M. Kaplan
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EXHIBIT A

MUST BE POSTMARKED
NO LATER THAN
December 28, 2012

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
Mossberg, et al. v. IndyMac Bancorp, Inc., et al.
Case No. 2:07-CV-1635-GW (VBK)
PROOF OF CLAIM AND RELEASE



Please Type or Print - Use Blue or Black Ink Only

Page 1 of 4

PART I. CLAIMANT IDENTIFICATION - Complete either Section A or B and then proceed to C. Please type or print.

A. Complete this Section ONLY if the Beneficial Owner is an individual, joint, or IRA account. Otherwise, proceed to B.

Last Name (Beneficial Owner) <i>Telling</i>	First Name (Beneficial Owner) <i>Ann</i>
Last Name (Joint Beneficial Owner, if applicable)	First Name (Joint Beneficial Owner)
Name of IRA Custodian, if applicable	
If this account is an IRA, and if you would like any check that you MAY be eligible to receive made payable to the IRA account, please include "IRA" in the "Last Name" box above (e.g., Jones IRA).	

B. Complete this Section ONLY if the Beneficial Owner is an Entity; i.e., corporation, trust, estate, etc. Then, proceed to C.

Entity Name <i>Partnership of [unclear]</i>
Name of Representative, if applicable (Executor, administrator, trustee, c/o, etc.) <i>[unclear]</i>

C. Account/Mailing Information:

Specify one of the following:

Individual(s) Corporation UGMA Custodian IRA Partnership Estate Trust

Other: *Ann L Telling*

Number and Street or P.O. Box

City: *Shore Oaks* State: *CA* Zip Code:

Foreign Province and Postal Code Foreign Country

Telephone Number (Day) Telephone Number (Evening)

E-mail Address Account Number

Enter Taxpayer Identification Number below for the Beneficial Owner(s).

Social Security No. (for individuals) or Taxpayer Identification No.



PART II. SCHEDULE OF TRANSACTIONS IN INDYMAC COMMON STOCK

A. BEGINNING HOLDINGS

Number of shares of IndyMac common stock held at the beginning of trading on March 1, 2006.
(If none, write "zero" or "0"; if other than zero, must be documented.)

Number of Shares

B. PURCHASES/ACQUISITIONS

List (in chronological order) all purchases and/or acquisitions of IndyMac common stock made between March 1, 2006 and May 30, 2007, inclusive.¹ (If none, write "zero" or "0"; if other than zero, must be documented.)

Date(s) of Purchase (List Chronologically) Month/Day/Year	Number of Shares of IndyMac Common Stock Purchased and/or Acquired	Purchase/Acquisition Price Per Share of IndyMac Common Stock	Amount Paid (Excluding Commissions, Taxes & Fees)

C. SALES

List (in chronological order) all sales of IndyMac common stock made between March 1, 2006 and May 30, 2007, inclusive. (If none, write "zero" or "0"; if other than zero, must be documented.)

Date(s) of Sale (List Chronologically) Month/Day/Year	Number of Shares of IndyMac Common Stock Sold	Sale Price Per Share of IndyMac Common Stock	Amount Received (Excluding Commissions, Taxes & Fees)

D. UNSOLD HOLDINGS

Number of shares of IndyMac common stock held at the close of trading on May 30, 2007.
(If none, write "zero" or "0"; if other than zero, must be documented.)

Number of Shares

YOU MUST READ AND SIGN THE RELEASE ON PAGE 4. FAILURE TO SIGN THE RELEASE MAY RESULT IN A DELAY IN PROCESSING OR THE REJECTIONS OF YOUR CLAIM. IF YOU REQUIRE ADDITIONAL SPACE, ATTACH EXTRA SCHEDULES IN THE SAME FORMAT AS ABOVE. COPIES OF BROKER'S CONFIRMATIONS OR OTHER DOCUMENTATION EVIDENCING YOUR TRANSACTIONS IN INDYMAC COMMON STOCK SHOULD BE ATTACHED.

¹ **Please note:** Information requested with respect to your purchases/acquisitions of IndyMac common stock between March 2, 2007 and May 30, 2007, inclusive, is needed in order to balance your claim; purchases/acquisitions during this period, however, are not eligible to participate in the Settlement as these purchases/acquisitions are outside the Class Period (i.e., March 1, 2006 through March 1, 2007, inclusive) and will not be used for purposes of calculating your Recognized Claim pursuant to the Plan of Allocation.

PART III: SUBMISSION TO JURISDICTION OF COURT AND ACKNOWLEDGEMENTS

1. I (We) submit this Proof of Claim and Release under the terms of the Stipulation and Agreement of Settlement described in the Notice. I (We) also submit to the jurisdiction of the United States District Court for the Central District of California with respect to my claim as a Class Member and for purposes of enforcing the release set forth herein and any Judgment which may be entered in the Action. I (We) further acknowledge that I am (we are) bound by and subject to the terms of any Judgment that may be entered in the Action.
2. I (We) agree to furnish additional information to the Claims Administrator to support this claim if required to do so.

PART IV: DEFINITIONS AND RELEASE

1. I (We) hereby acknowledge full and complete satisfaction of, and do hereby fully, finally and forever settle, discharge and release all "Released Claims" against all "Released Parties," including "Unknown Claims," as defined below.

(a) "Released Claims" means any and all claims, causes of action, demands, rights, obligations, duties, damages, losses, costs, expenses, matters and issues of every nature and description whatsoever, whether known or unknown, whether accrued or unaccrued, whether legal or equitable, whether contingent or absolute, whether suspected or unsuspected, whether disclosed or undisclosed, whether liquidated or unliquidated, that arise out of or relate in any way to the subject matter of the Action and/or the purchase or acquisition of IndyMac common stock during the Class Period and shall include (without limitation) (i) all claims or causes of action that have been asserted by or on behalf of Lead Plaintiff or any member of the Class in the Action, or (ii) all claims or causes of action that could have been asserted in any forum by or on behalf of Lead Plaintiff or any member of the Class against any of the Released Parties that arise out of or relate in any way to the allegations, transactions, facts, matters or occurrences, representations or omissions involved, set forth or referred to in the Complaint or any prior complaint in the Action, and that relate to the purchase or acquisition of IndyMac common stock during the Class Period. Notwithstanding the foregoing, "Released Claims" does not include any of the claims asserted in *Daniels v. Perry, et al.*, Case No. 08-cv-3812 (C.D. Cal.).

(b) "Released Parties" means the Defendant, all former co-defendants, and all of their related parties, including their respective past and present agents, associates, attorneys (including Defendant's Counsel), advisors, spouses, family members, partners, trustees, executors, estates, administrators, subsidiaries, affiliates, predecessors, successors, assigns and insurers.

(c) "Unknown Claims" means any and all Released Claims that Lead Plaintiff and/or any Class Member does not know or suspect to exist in his, her or its favor as of the Effective Date and any Settled Parties' Claims that any Released Party does not know or suspect to exist in his, her or its favor as of the Effective Date, 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 and Settled Parties' Claims, the Parties stipulate and agree that upon the Effective Date, Lead Plaintiff and the Defendant shall expressly waive, and each Class Member and Released Party shall be deemed to have waived, and by operation of the Judgment shall expressly have waived, any and all provisions, rights and benefits conferred by any law of any state of the United States, or principle of common law or otherwise, which is similar, comparable, or equivalent to California Civil Code § 1542, which provides:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR.

The Parties acknowledge (a) that they may discover facts that are in addition to or different from those which they now believe to be true and have taken that possibility into account in reaching this Settlement; (b) that the releases granted in connection with the Settlement shall remain valid and binding notwithstanding the discovery or existence of any such additional or different facts; (c) that they are relying on their own judgment and not on any representations of an opposing party or opposing counsel in evaluating the released claims; (d) that they have received, and relied upon, independent advice from their advisors regarding the value of the released claims; (e) that the actual value of the Released Claims may be above or below the Settlement Amount; and (f) that the releases granted in the Settlement shall remain valid and binding even if they in the future sustain unanticipated additional damages, losses, costs or expenses arising out of or relating to any claim released as part of the Settlement. The Parties acknowledge, and Class Members and Released Parties by operation of law shall be deemed to have acknowledged, that the inclusion of "Unknown Claims" in the definition of Released Claims and Settled Parties' Claims was separately bargained for and was a key element of the Settlement.

2. This release shall be of no force or effect unless and until the Court gives final approval to the Settlement and the Effective Date occurs.

PART V: REPRESENTATIONS

1. I (We) hereby warrant and represent that I (we) have not assigned or transferred or purported to assign or transfer, voluntarily or involuntarily, any matter released pursuant to this release or any other part or portion thereof.

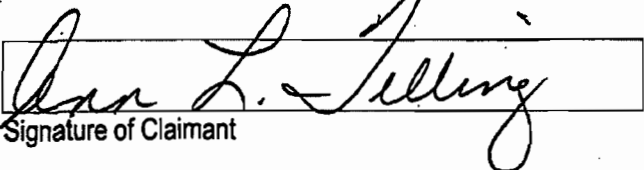
2. I (We) hereby warrant and represent that I (we) have included information about all of my (our) purchases, acquisitions and sales transactions in IndyMac common stock which occurred from March 1, 2006 through May 30, 2007, inclusive, as well as the number of shares of IndyMac common stock held by me (us) at the beginning of trading on March 1, 2006 and the close of trading on May 30, 2007.

3. I (We) certify that I am (we are) not subject to backup withholding under the provisions of Section 3406(a) (1) (c) of the Internal Revenue Code.

NOTE: If you have been notified by the Internal Revenue Service that you are subject to backup withholding, please strike out the language that you are not subject to backup withholding in the certification above.

I (We) declare under penalty of perjury under the laws of the United States of America that all of the foregoing information supplied on this Proof of Claim by the undersigned is true and correct.

Executed this 5th day of Sept, 2012 in Thousand Oaks CA
(City) (State/Country)


Signature of Claimant

Ann L Telling
(Type/print name of Claimant)

Signature of Joint Claimant, if any

(Type/print name of Joint Claimant, if any)

Signature of person signing on behalf of Claimant

(Type/print name of person signing on behalf of Claimant)

Capacity of person signing on behalf of Claimant, if other than an individual (e.g., Administrator, Executor, Trustee, etc.)

Phyllis T Chesier

Garland Tx

October 31, 2012

Indy Mac Class Action Settlement
Exclusions
c/o Rest Consulting, Inc.
PO Box 2760
Fairbault, MN 55021-9670

Dear Excluders:

Please exclude me from your claimants list,
as I inclose a copy showing my initial - and only -
purchase of Indy Mac Bancorp Inc. being on 08/02/96.

Thank you,
Phyllis T. Chesier

RECEIVED AT CHARLES SCHWAB & CO, INC. ON 03/03/08 FOR ACCOUNT NO:
20 INDYMAC BANCORP INC
2254-674 456607-10-0 20080303-Q3 -0004 BY: Q3RH

PHYLLIS T CHESHIER

SAN ANGELO TX

20.00000 DNY13625

08/02/96

IMPORTANT INFORMATION REGARDING YOUR DEPOSIT: THE NEGOTIABILITY OF
CERTIFICATES IS SUBJECT TO VERIFICATION. THERE MAY BE RESTRICTIONS ON SALES
OF NON-NEGOTIABLE SECURITIES. IF YOU WANT TO SELL THESE SECURITIES, OR
REINVEST YOUR DIVIDENDS, PLEASE CONTACT THE TRADING DESK FOR ASSISTANCE



Ms. Phyllis T. Cheshier
Garland, TX

CERTIFIED MAIL



7007 2680 0000 0458 4397



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U.S. POSTAGE
PAID
GARLAND, TX
OCT 31, 2012
AMOUNT

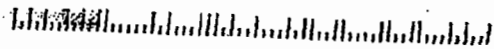
\$5.75
00048891-03

REC'D NOV 05 2012

IndyMac Class Action Settlement
EXCLUSIONS
c/o Rust Consulting, Inc.
P.O. Box 2760
Fairbault, MN 55021-9760

REC'D NOV 05 2012

550219760



Charles E. Pirkheim

November 16, 2012

Roseville, MI 48066

To:

IndyMac Class Action Settlement – Exclusions
c/o Rust Consulting, Inc.
P.O. Box 2760
Faribault, MN 55021-9760

To the Lawyers at Rust Consulting Inc,

Please remove my name and exclude me from this class action lawsuit in *Mossberg. et al v. IndyMac Bancorp, Inc., et al.*, Case No. 2:07-CV-1635-GW (VBK). Even though I am sure I would qualify, I wish to be excluded because I am sure I only had 100 shares of Indymac Stock and for \$0.06 it is not worth my time or effort to go through all my files to research when I bought and sold my stock. I also do not want to be liable for anything if the settlement case goes awry. And now I also own Bank of America stock so I am essentially hurting my own stock value.

You class action lawyers, need to get a real job and quit being the parasites that you are. How much is your cut going to be of this settlement? AND on top of this I have to redo this letter and send it to Heffler Claims Administrator for *Coady, et al. v. Perry, et al.*, Case No. CV 08-03812-GW (VBKx). Maybe I would get a whole \$0.08, in that class action suit if I participated which I won't. You guys are scum.

I demand to be excluded even though it can't find my specifics. I expect this letter to be proof enough. My shares were purchase through Charles Schwab.

Charles E. Pirkheim

Charles E. Pirkheim ORIGINAL 11/16/12

C. Pinkeim

Roseville, MI 48066

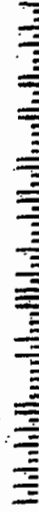
METROPLEX MI 480

REC'D DEC 07 2012 DEC 2012 PM 2 L



Indy Mac Class Action Settlement - Exclusions
C/O Rust Consulting, Inc.
P.O. Box 2760
Faribault, MN 55021-9760

55021976060



TLC

Thomas L. Curth

Indio, Cal 92201

December 10, 2012

IndyMac Class Action Settlement Exclusions
c/o Rust Consulting, Inc.
P.O. Box 2760
Faribault, MN 55021-9760

To who it concerns:

I the undersigned Thomas L Curth which to be excluded from, from the class in Mossberg, et al. v. IndyMac Bancorp, Inc., case No. 2:07-CV-1635-GW (VBK).

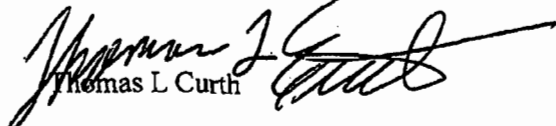
See the following shares purchased and/or sold by the undersigned.

NDE shares purchased,

01-06-2006	250.000 shares	per share cost \$39.61, plus \$20.00 transaction fee
02-09-2007	140.000 "	" " " 36.51, " 20.00 " "
?????	40.613 "	" " " ???? , " 0.00 " "

NDE shares sold,

04-28-2011	430.613 "	sold all shares for \$1.00, no transaction fee
------------	-----------	--



Thomas L Curth

Copy to: TLC

RECEIVED
 12/10/2012
 10:00 AM
 12/10/2012
 10:00 AM
 12/10/2012
 10:00 AM



USA POSTAGE
PAID
PERMIT NO. 1000
MINNEAPOLIS, MN 55401

REC'D DEC 17 2012

DEC 20 12 PM 5:1

Tom Church
31910 575 72201



IndyMac Class Action Settlement Exclusions
c/o Rust Consulting, Inc.
P.O. Box 2760
Faribault, MN 55021-9760

55021976060

12.21.12

IndyMac Class Action Settlement
EXCLUSIONS
c/o Rust Consulting, Inc.
P.O.Box 2760
Faribault, MN 55021-9760

Gentlemen:

I wish to be excluded from the class in *Mossberg, et al. v. IndyMac Bancorp, Inc., et al.*, Case No. 2:07-CV-1635-GW (VBK), for several reasons, including the following:

Attachment A shows that I purchased **200 shares** of IndyMac through Piper Jaffray for on **11.18.2005** for \$7,542.44. (This was **PRIOR** to the class action specification that shares be purchased from March 1, 2006 through March 1, 2007).

Attachment B shows that I still retain my IndyMac shares in a _____ account which is now with Fidelity Investments.

In the interim, the account was transferred from Piper Jaffray to UBS to Robert W. Baird & subsequently to Fidelity Investments.

In addition, I wish to be excluded on the general principal that only the lawyers representing the defendant appear to be benefiting from this class action.

Sincerely,


Shari A. Johnson

Glencoe, MN 55336

GUIDES FOR THE JOURNEY

#16237

TRADE CONFIRMATION

Attachment A

AS CUST FBO
SHARI A JOHNSON

Financial Advisor

GLENCOE MN 55336-3119

Rep. Cod
AADF

Phone Nt

MINNEAPOLIS MN 55402

Account Number

Transaction Date

11/15/2005

You Bought	Symbol	Price	Cusip	Trade Date	Settle Date
200	NDE	36.85000	456607-10-0	11/15/2005	11/18/2005

Principal Amount:	\$7,370.00
Commissions:	167.44
Transaction Fee:	5.00
Net Amount	\$7,542.44

Investment Description

INDYMAC BANCORP INC

Additional Remarks/Detail

UNSOLICITED
NOTICE: A.R.R.
MKT 06 - AGENCY OVER THE COUNTER



SEE REVERSE SIDE FOR IMPORTANT INFORMATION

We confirm the above transaction to your account subject to agreement and conditions printed on the reverse side. This confirmation is provided to you for notification purposes only. A separate invoice will not be provided. Payment or securities are due on or before settlement date noted above.





10/31/12

Investment Report

October 31, 2012 - October 31, 2012

Attachment B

FIDELITY
 PREMIUM SERVICES™
 00024161.02 AT 0.374 05024161 Envelope 136037462

 SHARI A JOHNSON
 GLENCOE MN 55336-3119

Your Portfolio Summary

Value by Account

Changes in Portfolio Value

Fidelity

SHARI A JOHNSON

FIDELITY MANAGEMENT TRUST CO CUSTODIAN

Holdings (Symbol as of October 31, 2012)	Performance October 31, 2012	Quantity October 31, 2012	Price per Unit October 31, 2012	Total Value October 31, 2012
Stocks 7% of holdings				
INDYMAC BANCORP INC COM USD0.01		200,000	7,542.44	unavailable
ISIN #US4566071001 SEDOL #B0Z6CB7				unavailable

Mrs. Shari Ann Johnson
Glencoe, MN 55336

REC'D DEC 28 2012

MINNEAPOLIS MN 554
27 DEC 2012 PM 6 L
LIBERTY BELL
FOREVER

IndyMac Class Action Settlement
EXCLUSIONS
c/o Rust Consulting, Inc.
P.O. Box 2760
Faribault, MN 55021-9760

55021976060



December 26, 2012

VIA U.S. CERTIFIED MAIL-RETURN RECEIPT REQUESTED

IndyMac Class Action Settlement
EXCLUSIONS
c/o Rust Consulting, Inc.
P.O. Box 2760
Faribault, MN 55021-9760

RE: Request for Exclusion from Settlement Class

To Whom It May Concern:

I write to hereby provide written notice and request for exclusion on behalf of Cracker Barrel Old Country Store, Inc. ("Cracker Barrel") from the proposed settlement class in the matter Sven Mossberg, et al. v. IndyMac Bancorp, Inc., et al, Case No. 2:07-CV-1635-GW (VBK).

Should you have questions or require further information to process this request, please do not hesitate to contact me at the address below. Thank you.

Very Truly Yours,

CRACKER BARREL OLD COUNTRY STORE, INC.

Bridget E. Rains
Staff Attorney

/ber



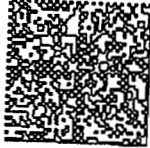
Old Country Store

LEBANON, TENNESSEE 37088-0787

US MAIL PERMIT NO. 10000 LEBANON, TN



7011 1150 0001 0394 1978



U.S. POSTAGE PITNEY BOWES



ZIP 37087 \$005.75
02 1W
0001365283 DEC 26 2012

INDYMAC CLASS ACTION SETTLEMENT
EXCLUSIONS
C/O RUST CONSULTING, INC.
P.O. BOX 2760
FARIBAULT, MN 55021-9760

RECEIVED DEC 8 1 2012

5502139760

