

EXHIBIT 2

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

DAVID G. RAY, INDIVIDUALLY AND ON
BEHALF OF ALL OTHERS SIMILARLY
SITUATED,

Plaintiff,

v.

TIERONE CORPORATION,
GILBERT G. LUNDSTROM,
EUGENE B. WITKOWICZ,
MICHAEL J. FALBO,
JAMES A. LAPHEN, AND
CHARLES W. HOSKINS,

Defendants.

Lead Case No. 8:10-cv-00199

DOUGLAS L. STEJSKAL,

Plaintiff,

v.

GILBERT G. LUNDSTROM,

Defendant.

Member Case No. 4:10-cv-3177

DOUGLAS L. STEJSKAL,

Plaintiff,

v.

JAMES A. LAPHEN,

Defendant.

Member Case No. 8:10-cv-332

**DECLARATION OF JOSEPHINE BRAVATA
CONCERNING MAILING OF NOTICE OF PENDENCY AND SETTLEMENT OF
CLASS ACTION AND PROOF OF CLAIM AND RELEASE**

I, Josephine Bravata, declare:

1. I submit this declaration in order to provide the Court and the parties to the above-captioned litigation with information regarding the mailing of the Notice of Pendency and Settlement of Class Action (“Notice”) and the Proof of Claim and Release (“Claim Form”) (collectively, “Notice and Claim Form”) and the publication of the Summary Notice (“Publication Notice”). Please see **Exhibit A** for the Notice and Claim Form. I am over 21 years of age and am not a party to this action. I have personal knowledge of the facts set forth herein.

2. I am the Quality Assurance Manager of Strategic Claims Services (“SCS”), a nationally recognized class action administration firm. I have over eleven years of experience specializing in administration of class action cases. SCS was established in April 1999 and has administered over two-hundred and twenty-five (225) class action cases since its inception.

3. SCS was retained to provide administrative services as part of the settlement administration process in the above-captioned litigation. Our services include the printing and mailing of the Notice and Claim Form; supplying the Notice and Claim Form to the Class; notifying brokerage firms or other nominee accounts of the appropriate manner to provide individual notice to class members, both individually and on a published basis; tracking requests for exclusion; distributing, accepting and processing Claim Forms filed by class members; reviewing submitted Claim Forms for accuracy and completeness and to ensure that they are supported by sufficient documentary evidence; providing notices to those claims that are deficient or rejected, when appropriate; calculating recognized losses of the class, on both an individual and class-wide basis; and all other services necessary to administer this securities litigation class action (“Settlement”).

4. To provide actual notice to those persons or entities who purchased the common stock of TierOne Corporation (“TierOne”) during the time period from August 9, 2007 through May 14, 2010, inclusive, (“Class Period”), we mailed, by first class mail, postage prepaid, the Notice and Claim Form approved by the Court to all individuals and organizations identified on the records of TierOne’s transfer agent, American Stock Transfer & Trust Company. These records reflect persons and entities that purchased the common stock of TierOne for their own account or for the account(s) of their clients during the Class Period. A letter was also mailed or emailed to all brokerage companies, banks and trust companies contained on our master mailing list notifying them of the settlement and asking them to within 10 days either send the Notice and Claim Form to beneficial owners or provide SCS with a list of names and addresses of such beneficial owners so that SCS could promptly mail the Notice and Claim Forms directly to them. SCS maintains a master list consisting of the 1,063 largest banks and brokerage companies (“Nominee Account Holders”), as well as 807 mutual funds, insurance companies, pension funds, and money managers (“Institutional Groups”) which may have traded or owned TierOne’s common stock in their clients’ or their own accounts. The Notice and Claim Forms were mailed or emailed on August 2, 2012 as required by the Order Preliminarily Approving Settlement and Providing for Notice Pursuant to Rule 23 of the Federal Rules of Civil Procedure, dated July 12, 2012 (the “Court’s July 12, 2012 Order”). Moreover, the Notice and Claim Form, Preliminary Approval Order, Stipulation of Settlement, and operative second amended consolidated complaint were made available to the public on SCS’s website, www.strategicclaims.net.

5. As noted in the paragraph above, SCS mailed or e-mailed 1,870 letters (attached as **Exhibit B**) to the Nominee Account Holders and Institutional Groups contained on SCS’s master mailing list. In addition, as of September 25, 2012, SCS has mailed 13,986 Notice Claim Forms to potential Class Members or nominees. SCS mailed 1,586 Notice and Claim Forms to

individuals and organizations from the shareholders' list provided by the transfer agent and the additional 12,400 Notice and Claim Forms were requested by, and provided to, the Nominee Account Holders and Institutional Groups and other individuals.

6. Out of the 13,986 Notice and Claim Forms mailed, 459 were returned. Of these, the post office provided forwarding addresses for 43; SCS immediately mailed another Notice and Claim Form to these Class Members at the updated addresses. The remaining 416 Notice and Claim Forms returned as undeliverable were "skip-traced" to obtain updated addresses and re-mailed if updated addresses were provided.

7. As required by the Court's July 12, 2012 Order, the Publication Notice was published in *Investor's Business Daily* and electronically on the *Globe Newswire* on August 9, 2012, as shown in the confirmations of publication attached hereto as **Exhibit C**.

8. The notice procedures described in paragraphs three (3) through seven (7) above are consistent with the procedures SCS has used in each of the class action securities litigation cases in which I have been involved with over the past eleven years.

9. To date, SCS has received seven letters requesting exclusion. The deadline for the exclusion requests was postmarked no later than September 14, 2012. Please see **Exhibit D** for copies of the exclusion letters.

10. To date, SCS has received one objection and Class Counsel has notified SCS that there were an additional two objections filed. One of the objections provided to us by Class Counsel was because the class member just received his notice and claim form. We contacted Mr. Reimnitz and notified him that his claim will be processed. **Exhibit E** is a copy of two objection letters and **Exhibit F** is a copy of Mr. Reimnitz's objection and his withdrawal letters. The deadline for objections is postmarked no later than October 11, 2012.

11. SCS has received 1,848 claims. The claims filing deadline was postmarked no later than September 14, 2012.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 25th day of September 2012, in Media, Pennsylvania.


Josephine Bravata

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

DAVID G. RAY, Individually and on Behalf of All
Others Similarly Situated,

Plaintiff,

v.

TIERONE CORPORATION,
GILBERT G. LUNDSTROM,
EUGENE B. WITKOWICZ,
MICHAEL J. FALBO,
JAMES A. LAPHEN, AND
CHARLES W. HOSKINS,

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Plaintiff,

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Defendant.

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DOUGLAS L. STEJSKAL,

Plaintiff,

v.

JAMES A. LAPHEN,

Defendant.

Member Case No.: 8:10-cv-332

NOTICE OF PENDENCY AND SETTLEMENT OF CLASS ACTION

If you purchased the common stock (“Stock”) of TierOne Corporation (“TierOne” or the “Company”) during the time period from August 9, 2007 through May 14, 2010, inclusive, you could get a payment from a class action settlement (the “Settlement”).

Under law, a federal court has authorized this notice.

Statement of Recovery. If approved by the Court, the Settlement will provide \$3,100,000 (the “Settlement Amount”), plus interest (collectively, the “Gross Settlement Fund”), to pay claims of investors who purchased TierOne Stock during the time period from August 9, 2007 through May 14, 2010, inclusive (the “Class Period”). The Settlement represents an average recovery of \$0.242 per share of TierOne Stock for the 12.8 million shares that were publicly owned and available for trading (TierOne’s “float”) as of May 14, 2010, the end of the Class Period. This estimate solely reflects the average recovery per outstanding share of TierOne Stock and is not an estimate of the actual recovery per share you should expect.

Statement of Potential Outcome. The parties disagree about a number of issues, including but not limited to: (1) whether certain statements or omissions that Lead Plaintiffs allege are attributable to Defendants were material, in any way false, or otherwise actionable under the federal securities laws; (2) the appropriate method for determining the amount by which TierOne shares were allegedly inflated (if at all); (3) the amount by which TierOne shares were allegedly artificially inflated (if at all); (4) the extent to which certain statements or information that Lead Plaintiffs allege were materially false or improperly omitted influenced (if at all) the trading price of TierOne shares; and (5) the extent to which external factors, such as general market and industry conditions, and other information about TierOne, influenced the trading price of TierOne shares.

The parties disagree on the average amount of damages per share that would be recoverable if Lead Plaintiffs were to prevail on their claims.

Lead Plaintiffs estimate that, if the Settlement Class were to prevail on all claims in this litigation through trial and on appeal, the maximum recoverable damages would be \$23 million or \$1.79 per share.

Defendants disagree with Lead Plaintiffs' estimate of the maximum recoverable damages. Defendants contend that even if the Settlement Class were to succeed at trial and on appeal, the maximum damages the Settlement Class could recover is likely to be far closer to the Settlement Amount. Here, on the date Lead Plaintiffs allege the "truth" was revealed, TierOne stock declined \$1.28 per share; therefore, the theoretical maximum damages would be \$1.28 per share for a 12.8 million share float. However, Defendants contend that under federal law that figure overestimates the total damages that the Class Members could recover even if they succeeded at trial and on appeal. First, a significant portion of the price decline is not recoverable because it was caused by broad forces affecting the market. *Dura Pharm., Inc. v. Broudo*, 544 U.S. 336, 342-43 (2005); *Miller v. Asensio & Co.*, 364 F.3d 223, 232 (4th Cir. 2004). For example, on the day the "truth" about TierOne allegedly was revealed, a regional banking index fell \$0.21 per share and several other regional banks declined more than 6%. Assuming the market forces existing that day affected TierOne to a similar extent, the maximum recovery per share would decline from \$1.28 to approximately \$1.07. Second, the portion of the decline caused by other negative information disclosed about TierOne on that date, such as the fact that TierOne faced new regulatory restrictions, is not recoverable. *In re BankAtlantic Bancorp, Inc. Sec. Litig.*, 2011 WL 1585605, at *19-22 (S.D. Fla. Apr. 25, 2011). Third, any damages award would be reduced by the amount of gains each investor made on shares sold at the allegedly inflated price. *Arenson v. Broadcom Corp.*, 2004 WL 3253646, at *2 (C.D. Cal. Dec. 6, 2004). Fourth, the total number of damaged shares (if any) is less than the 12.8 million share float. In securities cases, damaged shares are the shares purchased during the class period and held through the corrective disclosure date, not the total number of publicly held shares. *Kaufman v. Motorola, Inc.*, 2000 WL 1506892, at *1 (N.D. Ill. Sept. 21, 2000).

Lead Plaintiffs disagree with Defendants' contentions.

Statement of Attorneys' Fees and Expenses Sought. Attorneys for the Lead Plaintiffs ("Class Counsel") intend to ask the Court to award them attorneys' fees of approximately one-third of the Settlement Amount, plus reimbursement of litigation costs and expenses of no more than \$100,000. Class Counsel also intends to ask the Court to grant each Lead Plaintiff an award of \$2,500, for a total award of \$7,500. The attorneys' fees and expenses and awards to the Lead Plaintiffs are estimated to average \$0.089 per share of TierOne Stock and, if approved by the Court, will be paid from the Gross Settlement Fund.

Identification of Lead Plaintiffs' Lawyers Representatives. Questions concerning the proposed settlement may be directed to Class Counsel, The Rosen Law Firm, 275 Madison Avenue, 34th Floor, New York, NY 10016. The firm's telephone number is (212) 686-1060.

Reasons for Settlement. Class Counsel has undertaken an extensive factual investigation and analysis of the legal principles applicable to Lead Plaintiffs' claims against Defendants, and of Defendants' defenses to those claims, and has analyzed potential damages with the aid of a financial consultant, including the difficulty of establishing the amount of potential damages attributable to Defendants. Based on that investigation, Lead Plaintiffs and Class Counsel believe the Settlement is fair, reasonable, and adequate to Class Members, and they wish to settle the litigation on the terms and conditions stated in the Settlement.

Defendants deny all allegations of wrongdoing, fault, liability, violation of any law, or damage to Lead Plaintiffs and the Settlement Class. Defendants, however, recognize the uncertainty and risk of the outcome of any litigation, especially complex securities litigation, and the difficulties and substantial expense and length of time necessary to defend the litigation through the conclusion of potential discovery, summary judgment motions, trial, and appeals. To eliminate the burden and expense of further litigation, Defendants wish to settle the litigation on the terms and conditions stated in the Settlement.

Summary of Settlement

- If approved by the Court, the Settlement will provide \$3,100,000, plus interest, to pay claims of investors who purchased TierOne Stock during the time period from August 9, 2007 through May 14, 2010, inclusive.
- The Settlement represents an average recovery of \$0.242 per share of TierOne Stock for the 12.8 million shares that were publicly owned and available for trading as of May 14, 2010, the end of the Class Period. A share may have been traded more than once during the Class Period. This estimate solely reflects the average recovery per outstanding share of TierOne Stock. The indicated average recovery per share will be the total average recovery for all purchasers of that share. This is not an estimate of the actual recovery per share you should expect. Your actual recovery will depend on the aggregate losses of all Class Members, the date(s) you purchased and sold TierOne Stock, and the total number and amount of claims filed.
- Attorneys for the Lead Plaintiffs intend to ask the Court to award them attorneys' fees of approximately one-third of the Settlement Amount, plus reimbursement of litigation costs and expenses of no more than \$100,000. Class Counsel also intends to ask the Court to grant each of the Lead Plaintiffs an award of \$2,500, for a total award of \$7,500. Collectively, the attorneys' fees and expenses and awards to the Lead Plaintiffs are estimated to average \$0.089 per share of TierOne Stock. If approved by the Court, these amounts will be paid from the Gross Settlement Fund.

- The approximate recovery, after deduction of attorneys’ fees and expenses and Lead Plaintiffs’ awards approved by the Court, is an average of \$0.15 per share of TierOne Stock. This estimate is based on the assumptions set forth in the preceding paragraph. Your actual recovery, if any, will vary depending on your purchase price and sales price, and the number and amount of claims filed.
- The Settlement resolves the lawsuit concerning whether TierOne and its former officers and directors made false and misleading statements, in violation of federal securities laws, based upon the allegations set forth in the Second Amended Consolidated Complaint. Those allegations include: (1) that the defendants stated falsely that TierOne’s internal controls were effective during the Class Period; (2) that the defendants knew or should have known that TierOne’s securities filings contained untrue statements of material facts; (3) that the defendants stated falsely that TierOne’s calculation of Allowance for Loan and Lease Losses and the loan loss provision comported with Generally Accepted Accounting Principles and TierOne’s own critical accounting policies; and (4) that the defendants stated falsely that the board of directors and management were committed to addressing all issues raised in a supervisory agreement with the Office of Thrift Supervision. Defendants Gilbert G. Lundstrom, Eugene B. Witkowitz, Michael J. Falbo, James A. Laphen, and Charles W. Hoskins (the “Individual Defendants”) deny all allegations of misconduct.
- Your legal rights will be affected whether you act or do not act. If you do not act, you may permanently forfeit your right to recover on this claim. Therefore, you should read this notice carefully. Upon entry of final judgment approving the Settlement, claims of Class Members who do not exclude themselves from the Class will be released and barred consistent with the dictates of Federal Rule of Civil Procedure 23 and due process.

The terms of the release provided by Class Members are set forth in the Stipulation of Settlement, available from Class Counsel identified above.

| YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT | |
|---|--|
| CLASS MEMBERS: | |
| SUBMIT A CLAIM FORM AND INCLUDE ALL REQUESTED DOCUMENTATION NO LATER THAN SEPTEMBER 14, 2012 | The only way to get a payment. |
| EXCLUDE YOURSELF NO LATER THAN SEPTEMBER 14, 2012 | Get no payment. This is the only option that allows you to be part of any other lawsuit against the Individual Defendants about the legal claims in this case. |
| OBJECT NO LATER THAN OCTOBER 11, 2012 | Write to the Court about why you do not like the settlement. |
| GO TO THE HEARING ON OCTOBER 25, 2012 | Speak in Court about the fairness of the settlement. |
| DO NOTHING | Get no payment. Give up your rights. |

INQUIRIES

Please do not contact the Court regarding this notice. All inquiries concerning this Notice, the Proof of Claim form, or any other questions by Class members should be directed to:

TierOne Corporation Securities Litigation
 Claims Administrator
 c/o Strategic Claims Services
 P.O. Box 230
 600 North Jackson Street, Suite 3
 Media, PA 19063

1. Why did I get this Notice?

You or someone in your family may have purchased TierOne Stock during the Class Period.

2. What is this lawsuit about?

The case is known as *Ray v. Lundstrom et al.*, Case No. 8:10-CV-0199 (the "Class Action"). The Court in charge of the case is the United States District Court for the District of Nebraska.

The Class Action involves whether the defendants violated the federal securities laws because the Company allegedly made false and misleading statements to the investing public as set out in the Second Amended Consolidated Complaint, including that: (1) TierOne's internal controls were effective during the Class Period; (2) TierOne's securities filings contained no untrue statements of material facts; (3) TierOne's calculation of the Allowance for Loan and Lease Losses and the loan loss provision complied with Generally Accepted Accounting Principles and the Company's own critical accounting policies; and (4) the board of directors and management were committed to addressing all issues raised in a supervisory agreement with the Office of Thrift Supervision. The Individual Defendants deny they did anything wrong. The Settlement resolves all of the claims raised against the Individual Defendants in the Class Action.

3. Why is this a class action?

In a class action, one or more persons and/or entities, called the Lead Plaintiffs, sue on behalf of all persons and/or entities who have similar claims. All of these persons and/or entities are referred to collectively as a Class, and these individual persons and/or entities are known as Class Members. One court resolves all of the issues for all Class Members, except for those Class Members who exclude themselves from the Class.

4. Why is there a Settlement?

Lead Plaintiffs and the Individual Defendants do not agree regarding the merits of the Lead Plaintiffs' allegations with respect to liability or the average amount of damages per share that would be recoverable if the Lead Plaintiffs were to prevail at trial on each claim. The issues on which the Lead Plaintiffs and the Individual Defendants disagree include: (1) whether the Individual Defendants made false and misleading statements; (2) whether the Individual Defendants made such statements with the intent to defraud the investing public; (3) whether the statements were the cause of the Class Members' alleged damages; and (4) the amount of damages, if any, suffered by the Class Members.

This matter has not gone to trial and the Court has not decided in favor of either Lead Plaintiff or the Individual Defendants. Instead, Lead Plaintiffs and the Individual Defendants have agreed to settle the Class Action. The Lead Plaintiffs and Lead Counsel believe the settlement is best for all Class Members because of the risks associated with continued litigation and the nature of the defenses raised by the Individual Defendants. Even if Plaintiffs win at trial, and also withstand the Individual Defendants' inevitable challenge on appeal, Plaintiffs might not be able to collect some, or all, of the judgment.

5. How do I know if I am part of the Class settlement?

To be a Class Member, you must have purchased TierOne Stock during the period from August 9, 2007 through May 14, 2010, inclusive (the "Settlement Class Period").

6. Are there exceptions to being included?

Yes. Excluded from the Settlement Class are all of the Individual Defendants and all former officers and directors of TierOne Corporation, and such excluded persons' immediate families, legal representatives, heirs, predecessors, successors, and assigns, and any entity in which any excluded person has or had a controlling interest. Also, if you exclude yourself from the Class, as described below, you are not a part of the Class.

7. What does the Settlement provide?**a. What is the Settlement Fund?**

The proposed Settlement calls for the Individual Defendants' insurers to create a Gross Settlement Fund in the amount of \$3,100,000. The Settlement is subject to Court approval. Also, subject to the Court's approval, a portion of the Gross Settlement Fund will be used to pay and award to the Lead Plaintiffs and to pay the Lead Plaintiffs' attorneys' fees and reasonable litigation expenses. A portion of

the Gross Settlement Fund also will be used to pay taxes due on interest earned by the Gross Settlement Fund, if necessary, and any notice and claims administration expenses permitted by the Court. After the foregoing deductions from the Gross Settlement Fund have been made, the amount remaining (the “Net Settlement Fund”) will be distributed to Class Members who submit valid claims.

b. What can you expect to receive under the proposed Settlement?

Your share of the Net Settlement Fund will or may depend on: (i) the number of claims filed; (ii) the dates you purchased and sold TierOne Stock; (iii) the prices of your purchases and sales; (iv) the amount of administrative costs, including the costs of notice; and (v) the amount awarded by the Court to the Lead Plaintiffs and to the Lead Counsel for attorneys’ fees, costs, and expenses.

The compensable loss (“Recognized Loss”) for each share of TierOne common stock that you purchased or otherwise acquired during the Class Period (i.e., August 9, 2007 to May 14, 2010, inclusive) will be calculated as follows:

- (A) For shares purchased or otherwise acquired during the Class Period and sold during the Class Period, the Recognized Loss per share will be the lesser of: (1) the inflation per share upon purchase (as set forth in Inflation Table A below) less the inflation per share upon sale (as set forth in Inflation Table A below); or (2) the purchase price per share minus the sales price per share.
- (B) For shares purchased or otherwise acquired during the Class Period and retained as of the close of trading on May 14, 2010, the Recognized Loss will be the *lesser* of: (1) the inflation per share upon purchase (as set forth in Inflation Table A below); or (2) the purchase price per share minus \$.07¹ per share.

| INFLATION TABLE A | |
|--|------------------|
| TierOne Common Stock Purchased or Acquired During the Class Period | |
| Period | Inflation |
| August 9, 2007 to January 15, 2009, inclusive | \$2.64 per share |
| January 16, 2009 to October 14, 2009, inclusive | \$1.36 per share |
| October 15, 2009 to November 10, 2009, inclusive | \$1.07 per share |
| November 11, 2009 to March 30, 2010, inclusive | \$0.43 per share |
| March 31, 2010 to May 4, 2010, inclusive | \$0.13 per share |
| May 5, 2010 to May 14, 2010, inclusive | \$0.02 per share |
| After May 14, 2010 | \$0.00 per share |

c. Are there any further limitations on the amount I may receive?

1. To the extent there are sufficient funds in the Net Settlement Fund, each Class Member with a Recognized Loss that satisfies the requirements approved by the Court (“Authorized Claimant”) will receive an amount equal to the Authorized Claimant’s Recognized Loss described above. If, however, the amount in the Net Settlement Fund is not sufficient to permit payment of the total Recognized Loss of each Authorized Claimant, then each Authorized Claimant shall be paid the percentage of the Net Settlement Fund that each Authorized Claimant’s Recognized Loss bears to the total of the Recognized Losses of all Authorized Claimants.

2. For Class members who conducted multiple transactions in TierOne Stock during the Class Period, the earliest subsequent sale shall be matched first against those shares in the Class member’s opening position on the first day of the Class Period, and then matched chronologically thereafter against each purchase made during the Class Period.

3. Transactions during the Class Period resulting in a gain shall be netted against the Class member’s transactions resulting in a loss to arrive at the Recognized Loss.

¹ Pursuant to Section 21(D)(e)(1) of the Private Securities Litigation Reform Act of 1995, “in any private action arising under this title in which the plaintiff seeks to establish damages by reference to the market price of a security, the award of damages to the plaintiff shall not exceed the difference between the purchase or sale price paid or received, as appropriate, by the plaintiff for the subject security and mean trading price of that security during the 90 day period beginning on the date on which the information correcting the misstatement or omission that is the basis for the action is disseminated.” \$.07 per share is the mean (average) daily closing trading price of TierOne’s common stock during the 90 day period beginning on May 17, 2010 and ending on October 6, 2010. This 90-day period does not include the period from July 22, 2010 to September 10, 2010 at which time TierOne’s common stock was delisted from trading on the NASDAQ Stock Market.

4. Any Class members whose collective transactions in TierOne Stock during the Class Period resulted in a net gain shall not be entitled to share in the Net Settlement Fund.

5. The purchase and sales prices exclude any brokerage commissions, transfer taxes or other fees.

6. The covering purchase of a short sale is not an eligible purchase. Gifts and transfers are not eligible purchases.

8. How can I get a payment?

To qualify for a payment, you must send in a claim form entitled "Proof of Claim and Release." This claim form is attached to this Notice. You may also obtain a claim form on the Internet at www.strategicclaims.net. Read the instructions carefully, fill out the form, sign it in the location indicated, and mail the claim form together with all documentation requested in the form, postmarked no later than September 14, 2012, to:

TierOne Corporation Securities Litigation
Claims Administrator
c/o Strategic Claims Services
P.O. Box 230
600 North Jackson Street, Suite 3
Media, PA 19063

The Claims Administrator will process your claim and determine whether you are an "Authorized Claimant."

9. What am I giving up to get a payment or stay in the Class?

Unless you exclude yourself, you will remain in the Class. That means that if the Settlement is approved, you and all Class Members will release (agreeing never to sue, continue to sue, or be part of any other lawsuit) all claims against the Individual Defendants and all other former officers, directors, and employees of TierOne Bank or TierOne Corporation and any of their current, former, or future legal representatives, heirs, successors-in-interest, assigns, insurers, reinsurers, agents (acting in their capacity as agents), attorneys, trustees, advisors, accountants, associates, and/or any other individual or entity in which any Individual Defendant has or had a controlling interest or which is related to or affiliated with any Individual Defendant ("Released Persons") in connection with your acquisition of TierOne Stock during the Class Period, except that you do not release the Released Persons from any claim or action to enforce the Settlement. It also means that all of the Court's orders will apply to you and legally bind you.

If you sign the claim form, you are agreeing to a "Release of Claims," which will bar you from ever filing a lawsuit against any Released Person to recover losses from the purchase or sale of TierOne Stock during the Class Period, except to enforce the Settlement. That means you will accept a share in the Net Settlement Fund as sole compensation for any losses you have suffered in the purchase and sale of TierOne Stock during the Class Period.

10. How do I get out of the Settlement?

If you do not want to receive a payment from this Settlement, and you want to keep any right you may have to sue or continue to sue the Individual Defendants on your own based on the legal claims raised in this Class Action, then you must take steps to get out of the Settlement. This is called excluding yourself from – or "opting out" of – the Settlement. To exclude yourself from the Settlement, you must mail a letter stating you want to be excluded as a Class Member from *David G. Ray et al. v. Gilbert G. Lundstrom et al.*, Case No. 8:10-CV-0199. Be sure to include your name, address, telephone number and your signature, along with an accurate list of all of your purchases and sales of TierOne Stock including the number and price of the shares purchased, the number and price of shares sold during the Class Period, and the date of each such purchase or sale. You must mail your exclusion request, postmarked no later than September 14, 2012, to:

TierOne Corporation Securities Litigation
Claims Administrator
c/o Strategic Claims Services
P.O. Box 230
600 North Jackson Street, Suite 3
Media, PA 19063

You cannot exclude yourself by telephone or by e-mail. If you ask to be excluded, you will not receive a settlement payment, and you cannot object to the Settlement. If you ask to be excluded, you will not be legally bound by anything that happens in this Class Action.

11. If I do not exclude myself, can I sue the Individual Defendants for the same thing later?

No. Unless you exclude yourself, you give up any right to sue the Individual Defendants for the claims that this Settlement resolves. If you have a pending lawsuit, speak to your lawyer in that case immediately, since you may have to exclude yourself from this Class to continue your own lawsuit.

12. Do I have a lawyer in this case?

The Court appointed The Rosen Law Firm, P.A. to represent you and the other Class Members. These lawyers are called Lead Counsel or Class Counsel. If you want to be represented by your own lawyer, you may hire one at your own expense.

13. How will the lawyers be paid?

Lead Counsel have expended considerable time litigating this action on a contingent fee basis, and have paid for the expenses of the litigation themselves and have not been paid attorneys' fees in advance of this Settlement. Lead Counsel have done so with the expectation that if they are successful in recovering money for the Class, they will receive attorneys' fees and be reimbursed for their litigation expenses from the Settlement Fund, as is customary in this type of litigation. Lead Counsel will not receive attorneys' fees or be reimbursed for their litigation expenses except from the Settlement Fund. Therefore, Lead Counsel will file a motion asking the Court at the Settlement Hearing to make an award of attorneys' fees in an amount of approximately one-third of the Settlement Amount, and for reimbursement of reasonable litigation costs and expenses of no more than \$100,000. The Court may award less than these amounts. Any amounts awarded by the Court will come out of the Gross Settlement Fund.

14. How do I tell the Court that I do not like the Settlement?

You can tell the Court you do not agree with the Settlement, any part of the Settlement, or Lead Counsel's motion for attorneys' fees, and that you think the Court should not approve the Settlement, by mailing a letter stating that you object to the Settlement in the matter of *Ray v. Lundstrom et al.*, Case No. 8:10-CV-0199. Be sure to include your name, address, telephone number, your signature, a list of your purchases and sales of TierOne Stock in order to show your membership in the Class, and all of the reasons you object to the Settlement. Be sure to mail the objections to the two different places listed below, postmarked no later than October 11, 2012, so the Court will consider your views:

- a. Clerk of the Court
United States District Court District of Nebraska
111 South 18th Plaza, Suite 1152
Omaha, NE 68102
- b. Phillip Kim
THE ROSEN LAW FIRM, P.A.
275 Madison Avenue, 34th Floor
New York, NY 10016
(212) 686-1060
Lead Counsel

Any document you send to the court, including any letter or document expressing your desire to be excluded from the class and any objection to the proposed settlement, voluntary dismissal, or compromise, will be filed electronically by the clerk of the court and therefore will be available for public review.

15. What is the difference between objecting and requesting exclusion?

Objecting is simply telling the Court you do not like something about the Settlement. You can object only if you stay in the Class. Requesting exclusion is telling the Court you do not want to be part of the Class and Settlement. If you exclude yourself, you cannot object to the Settlement because it no longer concerns you. If you stay in the Class and object, but your objection is overruled, you will not be allowed a second opportunity to exclude yourself.

16. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Settlement Hearing on October 25, 2012, at 1:00 p.m., at the United States District Court for the District of Nebraska, 111 South 18th Plaza, Suite 1152, Omaha, NE 68102.

If you wish to be heard orally at the Settlement Hearing in opposition to any aspect of the Settlement you are required to submit a letter to the two places identified in response to Question No. 14 above by October 19, 2012

indicating that you wish to be heard orally at the hearing. Be sure to include your name, address, telephone number, your signature, and a list of your purchases and sales of TierOne Stock in order to show your membership in the Class. If you wish to present evidence at the Settlement Hearing, you must include in the letter the identity of any witnesses you wish to call to testify and the exhibits you wish to introduce into evidence at the Settlement Hearing.

At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate and whether to approve the Settlement. If there are objections, the Court will consider them, and the Court will listen to people who have asked to speak at the hearing. The Court may also decide how much to pay Lead Counsel for attorneys' fees and expenses, and whether to pay an award to each of the Lead Plaintiffs.

17. Do I have to come to the hearing?

No. Lead Counsel will answer any questions the Court may have. However, you are welcome to attend at your own expense. If you send an objection, you do not have to come to Court to talk about it. As long as you mail your written objection on time, the Court will consider it.

18. What happens if I do nothing at all?

If you do nothing, you will not receive a payment from the Settlement. However, unless you exclude yourself, you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Individual Defendants about the claims made in this case ever again.

DATED: JULY 12, 2012.

BY ORDER OF THE UNITED STATES
DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DAVID G. RAY, Individually and on Behalf of All
Others Similarly Situated,

Plaintiff,

v.

TIERONE CORPORATION,
GILBERT G. LUNDSTROM,
EUGENE B. WITKOWICZ,
MICHAEL J. FALBO,
JAMES A. LAPHEN, AND
CHARLES W. HOSKINS,

Defendants.

Lead Case No.: 8:10-cv-00199

DOUGLAS L. STEJSKAL,

Plaintiff,

v.

GILBERT G. LUNDSTROM,

Defendant.

Member Case No.: 4:10-cv-3177

DOUGLAS L. STEJSKAL,

Plaintiff,

v.

JAMES A. LAPHEN,

Defendant.

Member Case No.: 8:10-cv-332

PROOF OF CLAIM AND RELEASE

Deadline for Submission: September 14, 2012

IF YOU PURCHASED THE COMMON STOCK OF TIERONE CORPORATION DURING THE PERIOD FROM AUGUST 9, 2007 THROUGH MAY 14, 2010, INCLUSIVE (THE "CLASS PERIOD"), YOU ARE A "CLASS MEMBER" AND YOU MAY BE ENTITLED TO SHARE IN THE SETTLEMENT PROCEEDS.

IF YOU ARE A CLASS MEMBER, YOU MUST COMPLETE AND SUBMIT THIS FORM IN ORDER TO BE ELIGIBLE FOR ANY SETTLEMENT BENEFITS AND ATTACH ALL THE REQUESTED DOCUMENTATION.

YOU MUST COMPLETE AND SIGN THIS PROOF OF CLAIM AND RELEASE ("PROOF OF CLAIM") AND MAIL IT BY FIRST CLASS MAIL, POSTMARKED NO LATER THAN SEPTEMBER 14, 2012 TO STRATEGIC CLAIMS SERVICES, THE CLAIMS ADMINISTRATOR, AT THE FOLLOWING ADDRESS:

TierOne Corporation Securities Litigation
Claims Administrator
c/o Strategic Claims Services
P.O. Box 230
600 North Jackson Street, Suite 3
Media, PA 19063

YOUR FAILURE TO SUBMIT YOUR PROOF OF CLAIM BY SEPTEMBER 14, 2012 WILL SUBJECT YOUR CLAIM TO REJECTION AND PRECLUDE YOU FROM RECEIVING ANY MONEY IN CONNECTION WITH THE SETTLEMENT OF THIS ACTION. DO NOT MAIL OR DELIVER YOUR PROOF OF CLAIM TO THE COURT OR TO ANY OF THE PARTIES OR THEIR COUNSEL AS ANY SUCH CLAIM WILL BE DEEMED NOT TO HAVE BEEN SUBMITTED. SUBMIT YOUR PROOF OF CLAIM ONLY TO THE CLAIMS ADMINISTRATOR.

CLAIMANT'S STATEMENT

1. I (we) purchased common stock in TierOne Corporation and was (were) damaged thereby. (Do not submit this Proof of Claim if you did not purchase TierOne common stock during the designated Class Period).

2. By submitting this Proof of Claim, I (we) state that I (we) believe in good faith that I am (we are) a Class Member as defined above and in the Notice of Pendency and Settlement of Class Action (the "Notice"), or am (are) acting for such person(s); that I am (we are) not a Defendant in the Action or anyone excluded from the Class; that I (we) have read and understand the Notice; that I (we) believe that I am (we are) entitled to receive a share of the Net Settlement Fund, as defined in the Notice; that I (we) elect to participate in the proposed Settlement described in the Notice; and that I (we) have not filed a request for exclusion. (If you are acting in a representative capacity on behalf of a Class Member [e.g., as an executor, administrator, trustee, or other representative], you must submit evidence of your current authority to act on behalf of that Class Member. Such evidence would include, for example, letters testamentary, letters of administration, or a copy of the trust documents.)

3. I (we) consent to the jurisdiction of the Court with respect to all questions concerning the validity of this Proof of Claim. I (we) understand and agree that my (our) claim may be subject to investigation and discovery under the Federal Rules of Civil Procedure, provided that such investigation and discovery shall be limited to my (our) status as a Class Member(s) and the validity and amount of my (our) claim. No discovery shall be allowed on the merits of the Action or Settlement in connection with processing of the Proof of Claim.

4. I (we) have set forth where requested below all relevant information with respect to each purchase of TierOne common stock during the Class Period, and each sale, if any, of such securities. I (we) agree to furnish additional information to the Claims Administrator to support this Claim if requested to do so.

5. I (we) have enclosed photocopies of the stockbroker's confirmation slips, stockbroker's statements, or other documents evidencing each purchase, sale or retention of TierOne common stock listed below in support of my (our) claim. (IF ANY SUCH DOCUMENTS ARE NOT IN YOUR POSSESSION, PLEASE OBTAIN A COPY OR EQUIVALENT DOCUMENTS FROM YOUR BROKER BECAUSE THESE DOCUMENTS ARE NECESSARY TO PROVE AND PROCESS YOUR CLAIM.)

6. I (we) understand that the information contained in this Proof of Claim is subject to such verification as the Claims Administrator may request or as the Court may direct, and I (we) agree to cooperate in any such verification. (The information requested herein is designed to provide the minimum amount of information necessary to process most simple claims. The Claims Administrator may request additional information as required to efficiently and reliably calculate your recognized claim. In some cases, the Claims Administrator may condition acceptance of the claim based upon the production of additional information, including, where applicable, information concerning transactions in any derivatives securities such as options.)

7. Upon the occurrence of the Court's approval of the Settlement, as detailed in the Notice, I (we) agree and acknowledge that my (our) signature(s) hereto shall effect and constitute a full and complete release, remise and discharge by me (us) and my (our) heirs, joint tenants, tenants in common, beneficiaries, executors, administrators, predecessors, successors, attorneys, insurers and assigns (or, if I am (we are) submitting this Proof of Claim on behalf of a corporation, a partnership, estate or one or more other persons, by it, him, her or them, and by its, his, her or their heirs, executors, administrators, predecessors, successors, and assigns) of each of the "Released Persons" of all "Released Claims," as defined in the Notice.

8. 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 form listing all their transactions whether or not they also submit electronic copies. If you wish to file your Claim electronically, you must contact the Claims Administrator at (610) 565-9202 or visit their website at www.strategicclaims.net 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.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

David G. Ray v. Gilbert G. Lundstrom et al
Douglas L. Stejskal v. Gilbert G. Lundstrom
Douglas L. Stejskal v. James A. Laphen

PROOF OF CLAIM

Must be received by Claims Administrator postmarked no later than September 14, 2012.

Please Type or Print

I. CLAIMANT INFORMATION

Name

[Grid for Name]

Name 2 (if necessary)

[Grid for Name 2]

Street Address

[Grid for Street Address]

City:

[Grid for City]

State:

[Grid for State]

Zip Code:

[Grid for Zip Code]

Foreign

Province and
Postal Code:

[Grid for Foreign Province and Postal Code]

Foreign
Country:

[Grid for Foreign Country]

Social Security Number or Taxpayer Identification Number (if U.S. Citizen/Resident)

Social Security Number (for individuals)

[Grid for Social Security Number]

Taxpayer Identification Number
(for estates, trusts, corporations, etc.)

[Grid for Taxpayer Identification Number]

(used only to verify claim, and failure to provide could delay same or result in rejection of claim)

Area Code Telephone No. (Day)

[Grid for Area Code and Telephone No. (Day)]

Area Code Telephone No. (Night)

[Grid for Area Code and Telephone No. (Night)]

Area Code Facsimile Number

[Grid for Area Code and Facsimile Number]

Email Address

[Grid for Email Address]

Specify one of the following:

- Individual(s) Corporation UGMA Custodian IRA, Keogh (specify) _____
- Partnership Estate Trust Other: _____

II. SCHEDULE OF TRANSACTIONS IN TIERONE SECURITIES

Beginning Holdings:

A. State the total number of shares of TierOne common stock owned at the close of trading on August 8, 2007, long or short (*must be documented*).

Purchases:

B. Separately list each and every purchase or acquisition of TierOne common stock during the period from August 9, 2007, through May 14, 2010, inclusive, and provide the information requested in the table below (*must be documented*). For each purchase or acquisition of TierOne Stock, if any, that you made through the TierOne Corporation Employee Stock Ownership Plan and/or the TierOne Bank Savings Plan (the "Employee Plans"), please write "Yes" in the fifth column below. The Settlement is not a release of claims in the ERISA Action.

| Trade Date (List Chronologically) Month/Day/Year | Number of Shares Purchased | Price Per Share | Total Cost (Excluding Commissions, Taxes and Fees) | Acquired through the Employee Plans? |
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Sales:

C. Separately list each and every sale of TierOne common stock during the period August 9, 2007 through May 14, 2010, inclusive, and provide the information requested in the table below (*must be documented*). Please note whether the shares sold were originally acquired through the Employee Plans. The Settlement is not a release of claims in the ERISA Action.

| Trade Date (list chronologically) Month/Day/Year | Number of Shares Sold | Price Per Share | Amount Received (Excluding Commissions, Taxes and Fees) | Shares Originally Acquired through the Employee Plans |
|--|-----------------------------|-----------------|---|---|
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Ending Holdings:

D. State the total number of shares of TierOne common stock owned at the close of trading on May 14, 2010, long or short (*must be documented*).

If additional space is needed, attach separate, numbered sheets, giving all required information, substantially in the same format, and print your name and Social Security or Taxpayer Identification number at the top of each sheet.

III. SUBSTITUTE FORM W-9

Request for Taxpayer Identification Number:

Enter taxpayer identification number below for the Beneficial Owner(s). For most individuals, this is your Social Security Number. The Internal Revenue Service (“I.R.S.”) requires such taxpayer identification number. If you fail to provide this information, your claim may be rejected.

| | | |
|--|----|--|
| Social Security Number (for individuals) | or | Taxpayer Identification Number (for estates, trusts, corporations, etc.) |
| _____ | | _____ |

IV. CERTIFICATION

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 because: (a) I am (We are) exempt from backup withholding, or (b) I (We) have not been notified by the I.R.S. that I am (we are) subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the I.R.S. has notified me (us) that I am (we are) no longer subject to backup withholding.

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

UNDER THE PENALTIES OF PERJURY UNDER THE LAWS OF THE UNITED STATES, I (WE) CERTIFY THAT ALL OF THE INFORMATION I (WE) PROVIDED ON THIS PROOF OF CLAIM AND RELEASE FORM IS TRUE, CORRECT AND COMPLETE.

Signature of Claimant (If this claim is being made on behalf of Joint Claimants, then each must sign):

(Signature)

(Signature)

(Capacity of person(s) signing, e.g. beneficial purchaser(s), executor, administrator, trustee, etc.)

Check here if proof of authority to file is enclosed.
(See Item 2 under Claimant’s Statement)

Date: _____

THIS PROOF OF CLAIM MUST BE SUBMITTED NO LATER THAN SEPTEMBER 14, 2012 AND MUST BE MAILED TO:

TierOne Corporation Securities Litigation
 Claims Administrator
 c/o Strategic Claims Services
 P.O. Box 230
 600 North Jackson Street, Suite 3
 Media, PA 19063

A Proof of Claim received by the Claims Administrator shall be deemed to have been submitted when posted, if mailed by September 14, 2012 and if a postmark is indicated on the envelope and it is mailed first class and addressed in accordance with the above instructions. In all other cases, a Proof of Claim shall be deemed to have been submitted when actually received by the Claims Administrator.

You should be aware that it will take a significant amount of time to process fully all of the Proofs of Claim and to administer the Settlement. This work will be completed as promptly as time permits, given the need to investigate and tabulate each Proof of Claim. Please notify the Claims Administrator of any change of address.

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TierOne Corporation Securities Litigation
c/o Strategic Claims Services
600 North Jackson Street — Suite 3
Media, PA 19063

| |
|--|
| FIRST CLASS MAIL U.S. POSTAGE PAID PERMIT NO. 138 PHILADELPHIA, PA |
|--|

PLEASE FORWARD

FIRST CLASS MAIL

PLEASE FORWARD—IMPORTANT LEGAL NOTICE

REMINDER CHECKLIST

1. Please be sure to sign this Proof of Claim on page 13. If this Proof of Claim is submitted on behalf of joint claimants, then both claimants must sign.
2. Please remember to attach supporting documents. Do NOT send any stock certificates. Keep copies of everything you submit.
3. Do NOT use highlighter on the Proof of Claim or any supporting documents.
4. If you move after submitting this Proof of Claim, please notify the Claims Administrator of the change in your address.

NOTICE TO BROKERS/NOMINEES
REQUEST FOR NAMES AND ADDRESSES OF CLASS MEMBERS

STRATEGIC CLAIMS SERVICES
600 N. JACKSON STREET, SUITE 3
MEDIA, PA 19063

PHONE: (610) 565-9202 EMAIL: info@strategicclaims.net FAX: (610) 565-7985

July 31, 2012

This letter is being sent to all entities whose names have been made available to us, or which we believe may know of potential class members.

We request that you assist us in identifying any individuals who fit the following description:

ALL PERSONS WHO PURCHASED THE COMMON STOCK OF TIERONE CORPORATION DURING THE TIME PERIOD OF AUGUST 9, 2007 THROUGH MAY 14, 2010, INCLUSIVE.

Excluded from the Settlement Class are all of the Individual Defendants and all former officers and directors of TierOne Corporation, and such excluded persons' immediate families, legal representatives, heirs, predecessors, successors, and assigns, and any entity in which any excluded person has or had a controlling interest.

The information below may assist you in finding the above requested information.

| | |
|--|---|
| <p><u>TierOne Corporation Securities Litigation</u> Case No.: 8:10-CV-0199 Claims Filing Deadline: September 14, 2012 Exclusion Deadline: September 14, 2012 Objection Deadline: October 11, 2012 Fairness Hearing: October 25, 2012</p> | <p>Cusip No.: Common Stock #88650R108</p> |
|--|---|

PLEASE RESPOND WITHIN 10 DAYS FROM THE DATE OF THIS NOTICE.

Please comply in one of the following ways:

1. If you have no beneficial purchasers/owners, please so advise us in writing; or
2. Supply us with the names and addresses of your beneficial purchasers/owners and we will do the mailing of the Notice and Proof of Claim. Please provide us this information electronically. If you are not able to do this, labels will be accepted but it is important that a hardcopy list also be submitted of the names of your clients; or
3. Advise us of how many beneficial purchasers/owners you have and we will supply you with ample forms to do the mailing.

You are able to bill us for any reasonable cost not to exceed \$0.10 per name and address plus postage expenses, if applicable. If you believe your invoice will be more than the allowed amount, please contact our office.

You are on record as having been notified of this legal matter. A copy of the Notice of Pendency and Settlement of Class Action and the Proof of Claim and Release form are available on our website at www.strategicclaims.net. You can also request a copy via email at info@strategicclaims.net.

Thank you for your prompt response.

Sincerely,

Claims Administrator
TierOne Corporation Securities Litigation

INVESTOR'S BUSINESS DAILY®

Affidavit of Publication

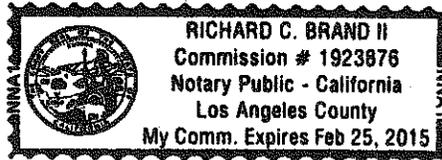
Name of Publication: Investor's Business Daily
 Address: 12655 Beatrice Street
 City, State, Zip: Los Angeles, CA 90066
 Phone #: 310.448.6737
 State of: California
 County of: Los Angeles

I, Paul Mayberry, for the publisher of Investor's Business Daily, published in the city of Los Angeles, state of California, county of Los Angeles hereby certify that the attached notice(s): Lead Case No. 8:10-cv-00199, was printed in said publication on the following date(s): **August 9, 2012**

State of California
 County of Los Angeles

Subscribed and sworn to (or affirmed) before me on the 9th day of August, 2012, by Paul Mayberry, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature Richard C. Brand II (Seal)



Doc # 120-2 Filed 09/25/12 Page 25 of 35 Page ID #: 871

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|------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|
| +13 CBApprec +4 15.62 +.02 | +16 FlexCapital +5 15.10n +.01 | +8 EoInc +3 11.71n -.02 | +12 Cap Apprec +5 49.92n -.07 | +7 TotRetn III 0 10.07n -.01 |
| +10 CBFunVal +6 13.88 +.06 | +15 BlueChipGrS +4 12.38n -.08 | +10 PncBond +3 8.80n +.00 | +11 DepoBkks +3 28.10n +.00 | +6 TotRetn II 11.43n +.00 |
| +11 WA HI Inc +2 6.06 +.00 | \$ 13.0 bil 800-542-6767 | +15 Real Estate 0 13.69n -.11 | +7 IntBond +2 6.48n +.00 | PIMCO P |
| +8 WAMgdMuni +1 17.09 -.01 | +14 BlueChipGrL +4 12.24n -.08 | Neuq Brm Inv | +10 IntGr +6 28.08n -.11 | \$ 26.7 bil 800-426-0107 |
| +5 WAlntndMuni +1 6.78 | +15 BlueChipGrS +4 12.38n -.08 | + 4 Genesis +1 34.37n +.01 | +14 RealEstate 0 22.83n -.17 | + 9 All Asset +3 12.39n +.00 |
| +00 | +16 Grw Opp S +4 8.55n -.06 | + 4 Genesis I +1 48.31n +.02 | +10 RisingDivs +5 17.49n -.01 | +11 AllAsstAuth +3 10.99n +.00 |
| Legg Mason B | + 9 MidGrEqLI A +3 14.54 +.01 | +10 MidGrwth +4 11.57n -.01 | + 9 Value +5 22.70n +.08 | + 7 CommRR +4 6.87n +.01 |
| \$ 1.4 bil 800-822-5544 | +10 MidGrEqLI L +3 15.14n +.01 | Neuq Brm Tr | Oppenhmr C&M | +11 Income +2 11.68n +.00 |
| +15 CBAggGr +5 106.73n | +10 MidGrEqLI S +3 15.62n +.01 | \$ 4.3 bil 800-877-9700 | +14 AMT Free C +2 7.13n -.01 | + 6 LT US Govt -2 12.06n -.05 |
| -12 | +10 MidGrEqLI Y +3 15.45n +.01 | + 4 Genesis +1 50.97n +.02 | +14 CAMuni C +1 8.71n +.00 | + 7 Real Return 0 12.43n -.04 |
| Legg Mason C | Matthews Asia | +15 Real Estate 0 13.66n -.11 | +10 Devlp Mkt C +4 31.13n +.01 | + 7 Total Retn +1 11.43n +.00 |
| \$ 7.6 bil 800-822-5544 | \$ 11.0 bil 800-789-2742 | Nicholas Group | + 8 GloblStratnc +2 4.26n +.00 | Pioneer A |
| +15 CBAggGr +5 109.22n | +14 AsGrInclnc +3 17.02n -.03 | \$ 2.6 bil 800-227-5987 | + 7 Intl Bond C +2 6.46n +.00 | \$ 16.5 bil 800-225-6292 |
| -12 | + 1 ChinaInv 0 21.69n -.05 | + 8 EquityIncl +4 15.65n +.01 | + 5 Ltd Muni C +1 15.02n +.00 | + 6 Eqty Inc +2 27.52 +.00 |
| + 9 CMValueTr +6 40.74n +.04 | +12 DividInv +3 13.82n -.03 | + 6 Ltd Edit I +1 22.11n -.08 | Oppenhmr Rech | + 9 Fundamental +4 18.55 +.03 |
| Legg Mason I | + 8 PactTgerInv +1 21.94n -.03 | + 9 Nicholas +5 46.38n +.11 | \$ 19.6 bil 800-225-5677 | + 9 High Yield +3 10.07 +.02 |
| \$ 3.1 bil 800-822-5544 | + 2 MergerFund +115.89 | NorthCustAsstMgmt | + 5 LtdTrmNY A +1 3.40 +.00 | + 7 Pioneer +4 41.12 +.03 |
| +15 CBAggGr +5 135.48n | n +.00 | \$ 54 mil 800-274-5448 | + 4 LtdTrmNY C +1 3.38n +.00 | + 7 Strat Inc +1 11.08 +.00 |
| -15 | Meridian Funds | + 9 CANSLIM Sel +1 12.10n -.04 | +10 Muni A +1 16.98n +.00 | +11 Value +5 11.86 +.02 |
| Litman Gregory | \$ 3.1 bil 800-446-6662 | Northern | +10 Muni C +1 16.95n +.00 | Pioneer C |
| \$ 1.5 bil 415-461-8999 | | | | \$ 3.4 bil 800-225-6292 |
| + 6 MstSIIntl +7 13.33n -.01 | | | | |

The National Business Marketplace

LIFE INSURANCE

ARE YOU OVER PAYING EVERY YEAR FOR WHOLE OR UNIVERSAL LIFE INSURANCE?
 If you own a whole life or Universal life insurance policy issued in the last 50 years you may be **PAYING TOO MUCH!** We shop top companies for you. Coverage up to \$100M, avail to age 85, (Individual & 2nd to Die coverage). **FIND OUT HOW MUCH YOU COULD SAVE TODAY!!**
 For a **COMPLIMENTARY QUOTE** from our Licensed professionals call 24/7 at **800-919-9508**

INVESTMENT OPPORTUNITIES

INVESTORS NEEDED!
 New Social Media Site integrates with Facebook & Twitter. 975 Million potential users. Ready for Launch. Ground Floor Opportunity \$25k Min. Required.
 Call 1-888-812-2862.
 Techstartup2012@gmail.com

Notice

If you require additional information on any of the above companies, please contact your local Chamber of Commerce or Better Business Bureau in your area."

Place ad by phone or fax

PHONE 800-423-5515
 FAX 310-577-7346

Deadline: 12:00pm (Pacific Time)
 3 weekdays before publication.
 All sales are final.



LEGAL NOTICES

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

DAVID G. RAY, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED, Plaintiff,
 v.
 TIERONE CORPORATION, GILBERT G. LUNDSTROM, EUGENE B. WITKOWICZ, MICHAEL J. FALBO, JAMES A. LAPHEN, AND CHARLES W. HOSKINS, Defendants.
 DOUGLAS L. STEJSKAL, Plaintiff,
 v.
 GILBERT G. LUNDSTROM, Defendant.
 DOUGLAS L. STEJSKAL, Plaintiff,
 v.
 JAMES A. LAPHEN, Defendant.

Lead Case No. 8:10-cv-00199
 Member Case No. 4:10-cv-3177
 Member Case No. 8:10-cv-332

SUMMARY NOTICE OF CLASS ACTION SETTLEMENT

TO: ALL PERSONS WHO PURCHASED THE COMMON STOCK OF TIERONE CORPORATION DURING THE PERIOD FROM AUGUST 9, 2007, THROUGH MAY 14, 2010, INCLUSIVE.

YOU ARE HEREBY NOTIFIED, pursuant to an Order of the United States District Court for the District of Nebraska, that a hearing will be held on October 25, 2012 at 1:00 p.m. in Courtroom 3 before the Honorable Joseph F. Batallion, United States District Judge of the District of Nebraska, District of Nebraska, 111 South 18th Plaza, Suite 1152, Omaha, NE 68102 (the "Settlement Hearing") for the purpose of determining: (1) whether the proposed Settlement consisting of the sum of \$3,100,000 should be approved by the Court as fair, reasonable, and adequate; (2) whether the proposed plan to distribute the settlement proceeds is fair, reasonable, and adequate; (3) whether the application for an award of attorneys' fees of one-third of the Settlement amount and reimbursement of expenses of not more than \$100,000, should be approved; (4) whether the application for an award to each Lead Plaintiff of \$2,500 should be approved; and (5) whether the Action should be dismissed with prejudice.

If you purchased common stock of TierOne Corporation during the period from August 9, 2007 through May 14, 2010, inclusive (the "Class Period"), your rights may be affected by the Settlement of this action. If you have not received a detailed Notice of Pendency and Settlement of Class Action ("Notice") and a copy of the Proof of Claim and Release form, you may obtain copies by contacting the Claims Administrator, Strategic Claims Services, at the address listed below, or going to the website, www.strategicclaims.net. If you are a member of the Class, in order to share in the distribution of the Net Settlement Fund, you must submit a Proof of Claim and Release no later than September 14, 2012, establishing that you are entitled to recovery. The Proof of Claim and Release must be submitted to the Claims Administrator at: TierOne Corporation Securities Litigation, c/o Strategic Claims Services, P.O. Box 230, 600 N. Jackson Street, Suite 3, Media, PA 19063. Unless you submit a written exclusion request, you will be bound by any judgment rendered in the Action whether or not you make a claim. To exclude yourself from the Class, you must submit a Request for Exclusion to the Claims Administrator in the manner detailed in the Notice, and postmarked no later than September 14, 2012.

If you acquired TierOne stock during the Class Period through the TierOne Corporation Employee Stock Ownership Plan and/or the TierOne Bank Savings Plan, you may be entitled to compensation in this litigation, if you submit a valid and timely claim form. For details about terms of settlement and release, please consult the Notice and the Stipulation of Settlement available from the Claims Administrator, listed above.

Any objection to the Settlement, Plan of Allocation, Award to Lead Plaintiffs, or the Lead Counsel's request for an award of attorneys' fees and reimbursement of expenses must be submitted in the manner detailed in the Notice and mailed or delivered such that it is received by each of the following no later than October 11, 2012:

- a. Clerk of the Court
 United States District Court District of Nebraska
 111 South 18th Plaza, Suite 1152
 Omaha, NE 68102
- b. Phillip Kim
 THE ROSEN LAW FIRM, P.A.
 275 Madison Avenue, 34th Floor
 New York, NY 10016
 (212) 686-1060
 Lead Counsel

Any document you send to the court, including any letter or document expressing your desire to be excluded from the class and any objection to the proposed settlement, voluntary dismissal, or compromise, will be filed electronically by the clerk of the court and therefore will be available for public review. If you have any questions about the Settlement, you may call or write to Lead Counsel at:

Phillip Kim
 Laurence Rosen
 THE ROSEN LAW FIRM, P.A.
 275 Madison Avenue, 34th Floor, New York, NY 10016
 (212) 686-1060, Fax: (212) 202-3827

PLEASE DO NOT CONTACT THE COURT OR THE CLERK'S OFFICE REGARDING THIS NOTICE.

DATED: JULY 12, 2012

BY ORDER OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

Josephine Bravata

From: support@globenewswire.com

Sent: Thursday, August 09, 2012 8:01 AM

To: jbravata@strategicclaims.net

Subject: GlobeNewswire Cross Time Report: The Rosen Law Firm PA

NASDAQ OMX | **GlobeNewswire** *Cross Time Report*

Cross Time: August 9, 2012 at 08:00 AM (Eastern)

Headline: The Rosen Law Firm, P.A. Announces Class Action Settlement on Behalf of Purchasers of Common Stock of TierOne Corporation -- TONEQ

This email message serves as a formal confirmation that your release was transmitted on GlobeNewswire's distribution network as requested, including any fax or email broadcasts.

If you have any questions, comments or concerns, please reply to this message, contact your account manager, or call our Customer Service Center at 800-307-6627, or 310-642-6930, and enter option #1

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YAHOO! FINANCE

The Rosen Law Firm, P.A. Announces Class Action Settlement on Behalf of Purchasers of Common Stock of TierOne Corporation -- TONEQ

 Press Release: The Rosen Law Firm PA – 1 hour 1 minute ago

OMAHA, Neb., Aug. 9, 2012 (GLOBE NEWSWIRE) -- The Rosen Law Firm, P.A. announces that the United States District Court for the District of Nebraska has approved the following announcement of a proposed class action settlement that would benefit purchasers of common stock of TierOne Corporation (the "Class Period"):

SUMMARY NOTICE OF CLASS ACTION SETTLEMENT

TO: ALL PERSONS WHO PURCHASED THE COMMON STOCK OF TIERONE CORPORATION DURING THE PERIOD FROM AUGUST 9, 2007, THROUGH MAY 14, 2010, INCLUSIVE.

YOU ARE HEREBY NOTIFIED, pursuant to an Order of the United States District Court for the District of Nebraska, that a hearing will be held on October 25, 2012 at 1:00 p.m. in Courtroom 3 before the Honorable Joseph F. Bataillon, United States District Judge of the District of Nebraska, District of Nebraska, 111 South 18th Plaza, Suite 1152, Omaha, NE 68102 (the "Settlement Hearing") for the purpose of determining: (1) whether the proposed Settlement consisting of the sum of \$3,100,000 should be approved by the Court as fair, reasonable, and adequate; (2) whether the proposed plan to distribute the settlement proceeds is fair, reasonable, and adequate; (3) whether the application for an award of attorneys' fees of one-third of the Settlement amount and reimbursement of expenses of not more than \$100,000, should be approved; (4) whether the application for an award to each Lead Plaintiff of \$2,500 should be approved; and (5) whether the Action should be dismissed with prejudice.

If you purchased common stock of TierOne Corporation during the Class Period, your rights may be affected by the Settlement of this action. If you have not received a detailed Notice of Pendency and Settlement of Class Action ("Notice") and a copy of the Proof of Claim and Release form, you may obtain copies by contacting the Claims Administrator, Strategic Claims Services, at the address listed below, or going to the website, www.strategicclaims.net. If you are a member of the Class, in order to share in the distribution of the Net Settlement Fund, you must submit a Proof of Claim and Release no later than September 14, 2012, establishing that you are entitled to recovery. The Proof of Claim and Release must be submitted to the Claims Administrator at: TierOne Corporation Securities Litigation, c/o Strategic Claims Services, P.O. Box 230, 600 N. Jackson Street, Suite 3, Media, PA 19063. Unless you submit a written exclusion request, you will be bound by any judgment rendered in the Action whether or not you make a claim. To exclude yourself from the Class, you must submit a Request for Exclusion to the Claims Administrator in the manner detailed in the Notice, and postmarked no later than September 14, 2012.

If you acquired TierOne stock during the Class Period through the TierOne Corporation Employee Stock Ownership Plan and/or the TierOne Bank Savings Plan, you may be entitled to compensation in this litigation, if you submit a valid and timely claim form. For details about terms of settlement and release, please consult the Notice and the Stipulation of Settlement available from the Claims Administrator, listed above.

Any objection to the Settlement, Plan of Allocation, Award to Lead Plaintiffs, or the Lead Counsel's request for an award of attorneys' fees and reimbursement of expenses must be submitted in the manner detailed in the Notice and mailed or delivered such that it is received by each of the following no later than October 11, 2012:

Clerk of the Court
United States District Court
District of Nebraska
111 South 18th Plaza, Suite 1152
Omaha, NE 68102

Phillip Kim
THE ROSEN LAW FIRM, P.A.
275 Madison Avenue, 34th Floor
New York, NY 10016
(212) 686-1060

Lead Counsel

Any document you send to the court, including any letter or document expressing your desire to be excluded from the class and any objection to the proposed settlement, voluntary dismissal, or compromise, will be filed electronically by the clerk of the court and therefore will be available for public review.

If you have any questions about the Settlement, you may call or write to Lead Counsel at:

Phillip Kim
Laurence Rosen
THE ROSEN LAW FIRM, P.A.
275 Madison Avenue, 34th Floor
New York, NY 10016
(212) 686-1060
Fax: (212) 202-3827

PLEASE DO NOT CONTACT THE COURT OR THE CLERK'S OFFICE REGARDING THIS NOTICE.

DATED: JULY 12, 2012

BY ORDER OF THE UNITED STATES
DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA



Related Searches

Portfolio Winner GTSO

Finds Huge Profit Potential in E-Waste - Buy Shares Today!

www.GTSOResources.com

Today's Stock Picks

CHMR acquires new environmentally friendly shale fracking method.

www.chimeraenergyusa.com

1. Top Dividend Stocks
2. Best Dividend Stocks
3. Top Penny Stocks
4. 5 Stocks to Buy
5. 10 Best Mutual Funds
6. High CD Rates

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Alan D. Stattery
Robert L. Nefsky
Peter C. Wegman
Rick D. Lange
Daniel E. Klaus *
Timothy F. Clare

Timothy L. Moll
Jane F. Langan
Mark A. Fahleson
Brian S. Kruse
Troy S. Kirk *
David J.A. Bargaen

Brett C. Stohs
Ramzi J. Hynek
Benjamin E. Moore
Tara L. Tesmer
Mark R. Richardson
* also admitted in Colorado

OF COUNSEL
David A. Ludtke
Donald L. Dunn
Andrew S. Pollock
RETIRED
James E. Rembolt

Rembolt | Ludtke

Rembolt Ludtke LLP
Attorneys at Law

Lincoln · Seward

August 28, 2012

**VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED AND
VIA REGULAR UNITED STATES MAIL**

TierOne Corporation Securities Litigation
Claims Administrator
c/o Strategic Claims Services
PO Box 230
600 North Jackson Street, Suite 3
Media, PA 19063

**Re: David G. Ray et al. v. Gilbert G. Lundstrom et al., Case No. 8:10-cv-0199
United States District Court for the District of Nebraska**

NOTICE OF NON-INCLUSION IN CLASS ACTION SETTLEMENT

Ladies and Gentlemen:

We are Bankruptcy Court approved counsel for and represent Rick D. Lange, Chapter 7 Trustee of TierOne Corporation. TierOne Corporation filed for Chapter 7 bankruptcy protection in the United States Bankruptcy Court for the District of Nebraska at Case No. BK10-41974-TLS. As Trustee, Mr. Lange is the representative of TierOne Corporation's bankruptcy estate and has the capacity to sue on its behalf. See 11 U.S.C. § 323. Mr. Lange's duties include, without limitation, collection and reduction to money of property or claims of TierOne Corporation's bankruptcy estate. See 11 U.S.C. § 704.

Mr. Lange hereby notifies you that he, TierOne Corporation, and TierOne Corporation's bankruptcy estate, to the extent, if any, they are actually included or deemed included in the class action settlement, are to be excluded from the class action settlement of the lawsuit captioned *Ray v. Lundstrom et al.*, Case No. 8:10-cv-0199 (and associated cases) pending in the United States District Court for the District of Nebraska.

In addition, Mr. Lange does not approve of or ratify any Proof of Claim and Release filed by any third party in this case, including but not limited to any Proof of Claim and Release filed by a third-party Trustee of any TierOne Corporation compensation plan.

1201 Lincoln Mall, Suite 102
Lincoln, Nebraska 68508
P 402 . 475 . 5100
F 402 . 475 . 5087
www.remboltlawfirm.com

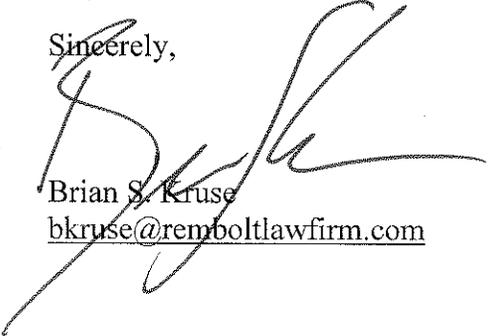
August 28, 2012
Page 2

Rembolt | Ludtke

Mr. Lange did not receive a settlement notice. Mr. Lange is not aware of any applicable purchases of TierOne Corporation stock during the "Settlement Class Period" and is not aware of facts that lead him to believe that TierOne Corporation, its bankruptcy estate or he, as Trustee, is a Class Member. Nevertheless, out of an abundance of caution, he provides this notice to preserve any and all rights he, as Trustee, has against the "Individual Defendants" and/or any of the "Released Persons," including but not limited to former officers and directors of TierOne Corporation.

If you have any questions, please contact me.

Sincerely,



Brian S. Kruse
bkruse@remboltlawfirm.com

pc: Rick D. Lange, Chapter 7 Trustee

Greetings,

My objection is not about unfairness to the plaintiffs but the defendants.

Buying stocks is risky. It is ~~up~~ up to buyers to do their own research and assume responsibility for the ~~the~~ decision.

Lawyers who seek out these kind of class action suits are a pain to business. $\frac{1}{3}$ of the proceeds for a settlement is unfair and excessive.

Exclude me from this frivolous and silly action.

Sincerely,
Gay L. Peck
Gay L. Peck
1529 Cafe Du Monde
Conroe, TX 77304
832-217-0655



Ameritrade

Member FINRA/SIPC/NFA

GARY L PECK
1529 CAFE DUMONDE
CONROE, TX 77304-4933

2010 Consolidated For

Tax Identification Number: XXXXXXXXXX
Account Number: 770-548634

TD AMERITRADE
DIVISION OF TD AMERITRADE
PO BOX 2209
OMAHA, NE 68103-2209

For 1099 questions, please call:
800-869-3900

*This is important tax information and is being furnished to the Internal Revenue Service
you are required to file a return, a negligence penalty or other sanction may be imposed
you if this income is taxable and the IRS determines that it has not been reported.
TD Ameritrade Clearing, Inc., Federal Tax Identification Number: 47-0533629*

Form 1099-DIV Dividends and Distributions (OMB No. 1545-0110)

| Line # | Category | Amount |
|--------|---|-------------|
| 1a | Total Ordinary Dividends | \$42.00 |
| 1b | Qualified Dividends | 42.00 |
| 2a | Total Capital Gains Distributions (Includes Lines 2b, 2c, 2d) | 0.00 |
| 2b | Unrecaptured Section 1250 Gain | 0.00 |
| 2c | Section 1202 Gain | 0.00 |
| 2d | Collectibles (28%) Gain | 0.00 |
| 3 | Nontaxable Distributions | 0.00 |
| 4 | Federal Income Tax Withheld | 0.00 |
| 5 | Investment Expenses | 0.00 |
| 6 | Foreign Tax Paid | 0.00 |
| 7 | Foreign Country or U.S. Possession | See Details |
| 8 | Liquidation Distribution - Cash | 0.00 |
| 9 | Liquidation Distribution - Noncash | 0.00 |

Form 1099-B Proceeds From Broker & Barter Exchange Transactions (OMB No. 1545-0745)

| Line # | Category | Amount |
|--------|--|-------------|
| 1a | Date of Sale or Exchange | \$ |
| 1b | CUSIP No. | See Details |
| 2 | Stocks, Bonds, Etc Reported To IRS | See Details |
| 4 | --Gross Proceeds Less Commissions and Options Premiums | 1,779.97 |
| 5 | Federal Income Tax Withheld | 0.00 |
| 6 | No. of Shares Exchanged | 200 |
| 7 | Classes of Stock Exchanged | See Details |
| | Description | See Details |
| | REGULATED FUTURES CONTRACTS | |
| 8 | Profit or (loss) realized in 2010 | .00 |
| 9 | Unrealized profit or (loss) on open contracts - 12/31/2009 | 0.00 |
| 10 | Unrealized profit or (loss) on open contracts - 12/31/2010 | 0.00 |
| 11 | Aggregate profit or (loss) | 0.00 |

2010 Consolidated Forms 1099

Internal Reporting Section

This section contains valuable tax reporting information that is not provided to the Internal Revenue Service. Please refer to the instructions for a correction.

| IN INTEREST CHARGED | DESCRIPTION | SYMBOL | CUSIP | INFORMATION | AMOUNT | SUBTOTAL |
|--------------------------------------|----------------|--------|-------|-------------|----------------|----------|
| 0 | INTEREST DEBIT | | | | 1.31 | |
| 0 | INTEREST DEBIT | | | | 1.52 | |
| 0 | INTEREST DEBIT | | | | 1.48 | |
| 0 | INTEREST DEBIT | | | | 1.52 | |
| 0 | INTEREST DEBIT | | | | 0.21 | |
| 0 | INTEREST DEBIT | | | | 0.08 | |
| TOTAL MARGIN INTEREST CHARGED | | | | | \$ 6.12 | |

TRADES (TRADE DATE 2010)

| DESCRIPTION | SYMBOL | CUSIP | INFORMATION | QUANTITY | INTEREST | AMOUNT | SUBTOTAL |
|-------------------------|--------|-----------|-------------|----------|-----------|-----------------|----------|
| FORD MOTOR COM | F | 345370860 | BUY | 200 | 0.00 | 2,025.99 | |
| TIERONE CORPORATION COM | TONEQ | 88650R108 | BUY | 200 | 0.00 | 139.89 | |
| TOTAL PURCHASES | | | | | \$ | 2,165.88 | |

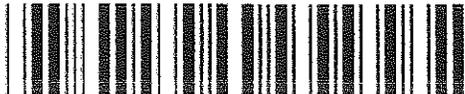
OPTION TRADES

| DESCRIPTION | SYMBOL | CUSIP | INFORMATION | QUANTITY | AMOUNT | SUBTOTAL |
|--|--------|-------|-------------------|----------|--------|----------|
| FORD MOTOR F MAR 19 11 16.0 C | | | SELL TRADE | 2 | 178.50 | |
| GENERAL ELECTRIC CO GE SEP 18 10 17.0 C | | | REMOVAL OF OPTION | 1 | 0.00 | |
| GENERAL ELECTRIC CO GEW SEP 18 10 17.0 C | | | SELL TRADE | 1 | 79.25 | |
| HEADWATERS INC HW AUG 21 10 5.0 C | | | SELL TRADE | 1 | 74.25 | |

FIRST CLASS MAIL
U.S. POSTAGE
PAID
PERMIT NO. 138
PHILADELPHIA, PA

PLEASE FORWARD

08688



*Remove self name
from the list*



*****AUTO**MIXED AADC 190**PRSR**
MARK G BERNADINER AND DMITRI M EGOROV JTEN
1114 SUSSEX TRL
PEARLAND TX 77584-7754

FIRST CLASS MAIL

Mark Bern

T34 P1

PLEASE FORWARD—IMPORTANT LEGAL NOTICE

REMINDER CHECKLIST

1. Please be sure to sign this Proof of Claim on page 13. If this Proof of Claim is submitted on behalf of joint claimants, then both claimants must sign.
2. Please remember to attach supporting documents. Do NOT send any stock certificates. Keep copies of everything you submit.
3. Do NOT use highlighter on the Proof of Claim or any supporting documents.
4. If you move after submitting this Proof of Claim, please notify the Claims Administrator of the change in your address.

*Never contact me
ever*

September 9, 2012

TierOne Corporation Securities Litigation
Claims Administrator
c/o Strategic Claims Services
PO Box 230
600 North Jackson Street, Suite 3
Media PA 19063

RE: Opting Out

Please exclude both Jeff Kuester and Janice Kuester as Class Members from David G. Ray et al. v. Gilbert G. Lundstrom et al., Case No. 8:10-CV-0199.

No purchases or sales of TierOne stock were made individually or jointly during the Class Period.

Sincerely,

Jeff Kuester



1900 SW 23RD ST
LINCOLN NE 68522
(402)435-4287

Janice Kuester



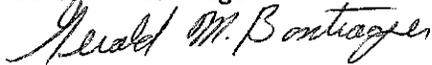
TierOne Corporation Securities Litigation
Claims Administrator
c/o Strategic Claims Services
P.O. Box 230
600 North Jackson Street, Suite 3
Media, PA 19063

To Whom It may concern,

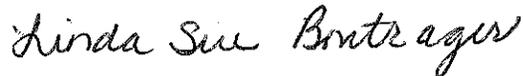
We want to be excluded as a Class Member from *David G. Ray et al. v. Gilbert G. Lundstrom et al*, Case No. 8:10-CV-0199. We only own 50 shares of TierOne stock purchased several years ago. We do not remember what we paid for the shares, but no shares have ever been sold.

Sincerely,

Gerald M. Bontrager



Linda Sue Bontrager



1267 County Road I
Ithaca, NE. 68033-2238
402-623-4372

Tier One Corporation
Securities Litigation
Claims Administrator
c/o Strategic Claims Services
P.O. Box 230
600 North Jackson Street Suite 3
Media, PA 19063

Please exclude me as a Class
Member from David G. Ray et al. v.
Gilbert G. Lundstrom et al., Case
No. 8:10-cv-0199.

Martin L. Grotelueschen
1607 RD. 2
Leigh, NE. 68643-4319

402 487-2480

Martin L. Grotelueschen

One Hundred Shares
Purchased October 01, 2002



Martin Grotelueschen
1607 Road 2
Leigh, NE 68643-4319

9/13/12

To whom it may concern,

I want to be "excluded" as a class member from "David G. Ray et al. v. Gilbert G. Lundstrom et al." CASE # 8:10-cv-0199.

MARTIN L. KLOBOVICK
1455 W. Oak St.
Bozeman, MT 59715
406-587-7077

150 shares purchased 1/15/2008 @ 19.7312/s
for a total of \$2,959.63. See transaction
confirmation enclosed.

I still hold these shares in my Fidelity
IRA. If you need any other information
please contact me.

Martin L Klobovick



Transaction Confirmation
Confirm Date: January 15, 2008

10047180

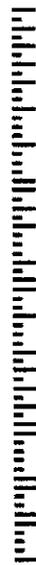
Brokerage Account Number
~~XXXXXXXXXXXX~~ IRA

MARTIN L KLOTOVICH

FMT CO CUST IRA
 FBO MARTIN L KLOTOVICH
 606 N 7TH AVE
 BOZEMAN MT 59715-2825

Online
 FAST(sm)-Automated Telephone
 Customer Service

Fidelity.com
 800-544-5555
 800-544-6666



| REFERENCE NO. | TYPE | REG. REP. W## | TRADE DATE | SETTLEMENT DATE | CUSIP NO. | ORDER NO. | EXCH. | ORIG. |
|---|------|---------------|------------|-----------------|-----------|-------------|-------------------|----------|
| 08015-785926 | 1 | | 01-15-08 | 01-18-08 | 88650R108 | 08015-SX96K | NASDAQ | |
| SECURITY DESCRIPTION and DISCLOSURES | | | | | | | | |
| You Bought 150 TIERONE CORP | | | | | | | | |
| at 19.7312 WE HAVE ACTED AS AGENT. | | | | | | | | |
| Symbol: TONE SILVER ONLINE COMMISSION APPLIED | | | | | | | | |
| | | | | | | | Principal Amount | 2,959.68 |
| | | | | | | | Commission | 10.95 |
| | | | | | | | Settlement Amount | 2,970.63 |

- 1) The signature on the back of the certificate must correspond exactly to the name as written upon the face of the certificate.
- 2) Write "National Financial Services LLC" on the line between "appoint" and "attorney."
- 3) Write your brokerage account number on the top right corner of the front of the certificate.
- 4) Failure to properly prepare the Certificate may result in delays completing your transaction.

Endorsement Instructions

MAIL CERTIFICATES TO THIS ADDRESS:

NATIONAL FINANCIAL SERVICES LLC
 ATTN: Banking Services
 Mail Zone KC1N
 100 Crosby Parkway
 Covington, KY 41015



Betty L Van Boening
2101 William Avenue
North Platte, NE 69101
308-534-3727 home 308-530-5495 cell

September 10, 2012

Philip Kim
THE ROSEN LAW FIRM PA
275 Madison Avenue, 34th Floor
New York, NY 10016

Clerk of the Court
United States District Court District of Nebraska
111 South 18th Plaza, Suite 1152
Omaha, NE 68102

TierOne Corporation Securities Litigation
Claims Administrator
c/o Strategic Claims Services
PO Box 230
600 North Jackson Street, Suite 3
Media PA 19063

To Whom It May Concern:

This letter is to OBJECT to the settlement in the matter of *Ray v. Lundstrom et al*, Case No. 8:10-CV-0199 on the grounds that ALL of the owners of the stock during this time period were jeopardized by the statements made and information sent to us by American Stock Transfer & Trust Company. I mailed in my stock certificate as advised on November 26, 2007 and did not even get it back until in April of 2008. Thus, I could not sell it during this time. By that time, the value of the stock had went down and I too sold at a loss during this time period. Thus I feel that I should be included in the settlement as well.

I purchased 200 shares of TierOne Corporation on 10/1/2002 for \$2000. I sold my 200 shares on April 8, 2010 for \$.3165 for a net to me of \$52.02. Because this sale was also affected by the information provided to stock brokers and to me directly by American Stock Transfer & Trust Company I feel that I should also be a part of this settlement.

Based on the above information, I OBJECT to the current settlement and asked to be become a part of said settlement. Thank you for your attention to this matter.

Sincerely,



Betty L Van Boening
2101 William Avenue
North Platte, NE 69101

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

David G. Ray v. Gilbert G. Lundstrom et al
Douglas L. Stejskal v. Gilbert G. Lundstrom
Douglas L. Stejskal v. James A. Laphen

PROOF OF CLAIM

Must be received by Claims Administrator postmarked no later than September 14, 2012.

Please Type or Print

I. CLAIMANT INFORMATION

Name

Betty L Van Boening

Name 2 (if necessary)

Street Address

2101 William Ave

City: North Platte State: NE Zip Code: 69101-6384

Foreign Province and Postal Code: _____ Foreign Country: _____

Social Security Number or Taxpayer Identification Number (if U.S. Citizen/Resident)

Social Security Number (for individuals)

Taxpayer Identification Number (for estates, trusts, corporations, etc.)

_____ - _____

(used only to verify claim, and failure to provide could delay same or result in rejection of claim)

Area Code Telephone No. (Day) Area Code Telephone No. (Night) Area Code Facsimile Number
308 530-5495 308 534-3727 _____

Email Address
bvanboening@gmail.com

Specify one of the following:

- Individual(s) Corporation UGMA Custodian IRA, Keogh (specify) _____
- Partnership Estate Trust Other: _____

II. SCHEDULE OF TRANSACTIONS IN TIERONE SECURITIES

Beginning Holdings:

A. State the total number of shares of TierOne common stock owned at the close of trading on August 8, 2007, long or short (must be documented).

200

Purchases:

B. Separately list each and every purchase or acquisition of TierOne common stock during the period from August 9, 2007, through May 14, 2010, inclusive, and provide the information requested in the table below (must be documented). For each purchase or acquisition of TierOne Stock, if any, that you made through the TierOne Corporation Employee Stock Ownership Plan and/or the TierOne Bank Savings Plan (the "Employee Plans"), please write "Yes" in the fifth column below. The Settlement is not a release of claims in the ERISA Action.

| Trade Date (List Chronologically) Month/Day/Year | Number of Shares Purchased | Price Per Share | Total Cost (Excluding Commissions, Taxes and Fees) | Acquired through the Employee Plans? |
|--|----------------------------------|-----------------|--|--|
| | | \$ | \$ | |
| | | \$ | \$ | |
| | | \$ | \$ | |
| | | \$ | \$ | |
| | | \$ | \$ | |
| | | \$ | \$ | |
| | | \$ | \$ | |

Sales:

C. Separately list each and every sale of TierOne common stock during the period August 9, 2007 through May 14, 2010, inclusive, and provide the information requested in the table below (must be documented). Please note whether the shares sold were originally acquired through the Employee Plans. The Settlement is not a release of claims in the ERISA Action.

| Trade Date (list chronologically) Month/Day/Year | Number of Shares Sold | Price Per Share | Amount Received (Excluding Commissions, Taxes and Fees) | Shares Originally Acquired through the Employee Plans |
|--|-----------------------------|-----------------|---|---|
| 04/08/10 | 200 | \$ 31.65 | \$ 52.02 | 0 |
| | | \$ | \$ | |
| | | \$ | \$ | |
| | | \$ | \$ | |
| | | \$ | \$ | |
| | | \$ | \$ | |
| | | \$ | \$ | |
| | | \$ | \$ | |

Ending Holdings:

D. State the total number of shares of TierOne common stock owned at the close of trading on May 14, 2010, long or short (must be documented).

0

If additional space is needed, attach separate, numbered sheets, giving all required information, substantially in the same format, and print your name and Social Security or Taxpayer Identification number at the top of each sheet.

Request for Taxpayer Identification Number:

Enter taxpayer identification number below for the Beneficial Owner(s). For most individuals, this is your Social Security Number. The Internal Revenue Service ("I.R.S.") requires such taxpayer identification number. If you fail to provide this information, your claim may be rejected.

| | | |
|--|----|--|
| Social Security Number (for individuals) | or | Taxpayer Identification Number (for estates, trusts, corporations, etc.) |
| [REDACTED] | | |

IV. CERTIFICATION

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 because: (a) I am (We are) exempt from backup withholding, or (b) I (We) have not been notified by the I.R.S. that I am (we are) subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the I.R.S. has notified me (us) that I am (we are) no longer subject to backup withholding.

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

UNDER THE PENALTIES OF PERJURY UNDER THE LAWS OF THE UNITED STATES, I (WE) CERTIFY THAT ALL OF THE INFORMATION I (WE) PROVIDED ON THIS PROOF OF CLAIM AND RELEASE FORM IS TRUE, CORRECT AND COMPLETE.

Signature of Claimant (If this claim is being made on behalf of Joint Claimants, then each must sign):

Betty J Van Dening
(Signature)

(Signature)

(Capacity of person(s) signing, e.g. beneficial purchaser(s), executor, administrator, trustee, etc.)

Check here if proof of authority to file is enclosed. (See Item 2 under Claimant's Statement)

Date: 9-5-2012

THIS PROOF OF CLAIM MUST BE SUBMITTED NO LATER THAN SEPTEMBER 14, 2012 AND MUST BE MAILED TO:

TierOne Corporation Securities Litigation
Claims Administrator
c/o Strategic Claims Services
P.O. Box 230
600 North Jackson Street, Suite 3
Media, PA 19063

A Proof of Claim received by the Claims Administrator shall be deemed to have been submitted when posted, if mailed by September 14, 2012 and if a postmark is indicated on the envelope and it is mailed first class and addressed in accordance with the above instructions. In all other cases, a Proof of Claim shall be deemed to have been submitted when actually received by the Claims Administrator.

You should be aware that it will take a significant amount of time to process fully all of the Proofs of Claim and to administer the Settlement. This work will be completed as promptly as time permits, given the need to investigate and tabulate each Proof of Claim. Please notify the Claims Administrator of any change of address.

EDWARD JONES
 201 PROGRESS PARKWAY
 ST. LOUIS, MO. 63043-3042
 TEL 314-515-2000

Edward Jones

TRADE CONFIRMATION

RETAIN FOR YOUR PERMANENT TAX RECORDS

BETTY L VAN BOENING &
 STEVEN G VAN BOENING
 2101 WILLIAM AVE
 NORTH PLATTE NE 69101-6384

YOUR FINANCIAL ADVISOR:

SHARLEEN RIEMENSCHNEIDER
 PO BOX 257
 MCCOOK, NE 69001-3617

BRANCH NUMBER : 06926
 FINANCIAL ADVISOR #: 300484
 ANY QUESTIONS CALL (308) 345-6730

| WE ARE PLEASED TO CONFIRM THE FOLLOWING TRANSACTION SUBJECT TO THE INFORMATION, DISCLOSURES, AND TERMS ON THE FRONT AND REVERSE SIDES OF THIS DOCUMENT: | | | | | |
|---|---------------|----------------------|------------------|---------------------|------------|
| | ON TRADE DATE | IN YOUR CASH ACCOUNT | 690-12169-1-8 | FOR SETTLEMENT DATE | 04/13/2010 |
| | | | 04/08/2010 | | |
| YOU SOLD | | 200 SHARES | PRICE | \$ | .3165 |
| DESCRIPTION: | | | PRINCIPAL AMOUNT | \$ | 63.30 |
| TIERONE CORP | | | COMMISSION | | 6.33 |
| COMMON | | | TRANSACTION FEE | | 4.95 |
| UNSOLICITED | | | | | |
| ACCOMMODATION TRADE | | | | | |
| | | | TOTAL | \$ | 52.02 |

ORDER 692579384 PROCESSED ON 04/08/2010@ 12:15:24 CUSIP 88650R108 (TONE)

WE EXECUTED THIS TRANSACTION AS YOUR AGENT.

- If the phrase "we make a mkt in this security" appears on this confirmation, we have acted as principal functioning as a secondary market maker.
- If the phrase "unsolicited" appears on this confirmation, the transaction was conducted pursuant to an unsolicited order to buy or sell placed by the client.
- For debt securities transactions, call features may exist which could affect yield; additional information available upon request.
- For zero coupon transactions, no periodic payment and callable below maturity value, without notice by mail to holder unless registered.
- If the phrase "average price" appears on this confirmation, details regarding the actual execution prices are available on request.

THANK YOU FOR ALLOWING EDWARD JONES THE OPPORTUNITY TO SERVE YOU.

TO 3113

12612

T00003113

TierOne
CORPORATION

*****200*****

SEE REVERSE FOR CERTAIN DEFINITIONS

CUSIP 88650R 10 8

INCORPORATED UNDER THE LAWS OF THE STATE OF WISCONSIN

COMMON STOCK

THIS CERTIFIES THAT

BETTY L VAN BOENING
2101 WILLIAM AVE
NORTH PLATTE

NE 69101

0001073055

is the owner of

TWO HUNDRED

*****200*****
*****200*****
*****200*****
*****200*****
*****200*****
*****200*****
*****200*****

FULLY PAID SHARES OF THE COMMON STOCK, \$0.01 PAR VALUE PER SHARE, OF

TierOne Corporation

(the "Corporation"), transferable only on the books of the Corporation by the holder hereof, in person or by duly authorized attorney, upon surrender of this Certificate properly endorsed. This Certificate and the shares represented hereby are subject to all the provisions of the Articles of Incorporation and Bylaws of the Corporation and all amendments thereto (copies of which are on file with the Transfer Agent). The shares represented by this Certificate are not deposits of savings and are not insured or guaranteed by the Federal Deposit Insurance Corporation or any other Federal or State governmental agency. This Certificate is not valid unless countersigned by the Transfer Agent and registered by the Registrar.

WITNESS the facsimile seal of the Corporation and the facsimile signatures of its duly authorized officers.
Dated: 12512000000 *****

COUNTERSIGNED AND REGISTERED
AMERICAN STOCK TRANSFER & TRUST COMPANY
TRANSFER AGENT
AND REGISTRAR

BY 
AUTHORIZED SIGNATURE



CHAIRMAN AND CHIEF EXECUTIVE OFFICER




SECRETARY

Ray vs Lundstrom Ron Brimmer
Case No 8:10-CV-0199 3645 Palos Verdes St 111
Las Vegas NV 89119
702-338-2785

I most disagree with this settlement.
It was speculated there was a buy out on the
stock at the time I purchased Ties One
on 1/24/08 100 shares at \$19.70 a share
Total one thousand nine hundred seventy dollars.
The buy out did not ^{happen} and stock price dropped
I think they made money on the speculation.

Ron Brimmer

U.S. DISTRICT COURT
DISTRICT OF NEBRASKA

12 SEP 24 PM 1:39

OFFICE OF THE CLERK

John Reimnitz
601 N 40th St.
Council Bluffs IA 51501
402-938-6776

TO: Clerk of the Court

RE: Ray v. Lundstrom et al., Case No. 8:10-CV-0199

I object to the proposed settlement in that the date of Sept. 14, 2012 is unreasonably short for all members of the class to prepare documentation.

I did not receive notice until after 9/3/12 of the settlement. Enclosed is a photocopy of notice with a date of 08/31/2012 (Forwarded to new address).

I request the court to include me in the settlement even though I was not able to prepare documentation until 9/21/12.

Shares purchased during time period

| | | | |
|---------|----------|--------|-----------|
| 2/12/10 | 188 sh @ | 0.63 | \$ 118.44 |
| 3/2/10 | 97 sh @ | 0.63 | \$ 61.11 |
| 3/31/10 | 300 sh @ | 0.3158 | \$ 94.74 |

No shares sold during time period

RECEIVED

SEP 24 2012

CLERK
U.S. DISTRICT COURT
OMAHA

Sincerely

John Reimnitz

TierOne Corporation Securities Litigation
c/o Strategic Claims Services
600 North Jackson Street — Suite 3
Media, PA 19063

FIRST CLASS MAIL
U.S. POSTAGE
PAID
PERMIT NO. 138
PHILADELPHIA, PA

08306



PLEASE FORWARD



*****AUTO**3-DIGIT 685**PRSR**
JOHN W REIMNITZ ROTH IRA
TD AMERITRADE INC CUSTODIAN
5231 VALLEY FORGE RD
LINCOLN

FIRST CLASS MAIL

681 NFE 1 312C 00 08/31/12
NOTIFY SENDER OF NEW ADDRESS
REIMNITZ JOHN W
601 N 40TH ST
COUNCIL BLFS IA 51501-1730
BC: 51501173001 *1095-07378-31-36

PLEASE FORWA
51501@1730



REMINDER CHECKLIST

1. Please be sure to sign this Proof of Claim on page 13. If this Proof of Claim is submitted on behalf of joint claimants, then both claimants must sign.
2. Please remember to attach supporting documents. Do NOT send any stock certificates. Keep copies of everything you submit.
3. Do NOT use highlighter on the Proof of Claim or any supporting documents.
4. If you move after submitting this Proof of Claim, please notify the Claims Administrator of the change in your address.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

David G. Ray v. Gilbert G. Lundstrom et al
Douglas L. Stejskal v. Gilbert G. Lundstrom
Douglas L. Stejskal v. James A. Laphen

PROOF OF CLAIM

Must be received by Claims Administrator postmarked no later than September 14, 2012.

Please Type or Print

I. CLAIMANT INFORMATION

Name

John Reimnitz

Name 2 (if necessary)

Street Address

601 N 40th St

City:

Council Bluffs

State:

IA

Zip Code:

51501-

Foreign Province and Postal Code:

Foreign Country:

Social Security Number or Taxpayer Identification Number (If U.S. Citizen/Resident)

Social Security Number (for individuals)

[Redacted]

Taxpayer Identification Number (for estates, trusts, corporations, etc.)

[Redacted]

(used only to verify claim, and failure to provide could delay same or result in rejection of claim)

Area Code

Telephone No. (Day)

402 938-6776

Area Code

Telephone No. (Night)

Area Code

Facsimile Number

Email Address

John.Reimnitz@Gallup.com

Specify one of the following:

- Individual(s) Corporation UGMA Custodian IRA, Keogh (specify) _____
- Partnership Estate Trust Other: _____

II. SCHEDULE OF TRANSACTIONS IN TIERONE SECURITIES

Beginning Holdings:

A. State the total number of shares of TierOne common stock owned at the close of trading on August 8, 2007, long or short (must be documented).

15

Purchases:

B. Separately list each and every purchase or acquisition of TierOne common stock during the period from August 9, 2007, through May 14, 2010, inclusive, and provide the information requested in the table below (must be documented). For each purchase or acquisition of TierOne Stock, if any, that you made through the TierOne Corporation Employee Stock Ownership Plan and/or the TierOne Bank Savings Plan (the "Employee Plans"), please write "Yes" in the fifth column below. The Settlement is not a release of claims in the ERISA Action.

75

| Trade Date (List Chronologically) Month/Day/Year | Number of Shares Purchased | Price Per Share | Total Cost (Excluding Commissions, Taxes and Fees) | Acquired through the Employee Plans? |
|--|----------------------------------|-----------------|--|--|
| 02/12/10 | 188 | \$ 0.63 | \$ 118.44 | No |
| 03/31/10 | 300 | \$ 0.3158 | \$ 94.74 | No |
| 03/02/10 | 97 | \$ 0.63 | \$ 61.11 | No |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Sales:

C. Separately list each and every sale of TierOne common stock during the period August 9, 2007 through May 14, 2010, inclusive, and provide the information requested in the table below (must be documented). Please note whether the shares sold were originally acquired through the Employee Plans. The Settlement is not a release of claims in the ERISA Action.

| Trade Date (List chronologically) Month/Day/Year | Number of Shares Sold | Price Per Share | Amount Received (Excluding Commissions, Taxes and Fees) | Shares Originally Acquired through the Employee Plans |
|--|-----------------------------|-----------------|---|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Ending Holdings:

D. State the total number of shares of TierOne common stock owned at the close of trading on May 14, 2010, long or short (must be documented).

600

If additional space is needed, attach separate, numbered sheets, giving all required information, substantially in the same format, and print your name and Social Security or Taxpayer Identification number at the top of each sheet.

III. SUBSTITUTE FORM W-9

Request for Taxpayer Identification Number:

Enter taxpayer identification number below for the Beneficial Owner(s). For most individuals, this is your Social Security Number. The Internal Revenue Service ("I.R.S.") requires such taxpayer identification number. If you fail to provide this information, your claim may be rejected.

| | | |
|--|----|--|
| Social Security Number (for individuals) | or | Taxpayer Identification Number (for estates, trusts, corporations, etc.) |
| ██████-██-████ | | _____ |

IV. CERTIFICATION

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 because: (a) I am (We are) exempt from backup withholding, or (b) I (We) have not been notified by the I.R.S. that I am (we are) subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the I.R.S. has notified me (us) that I am (we are) no longer subject to backup withholding.

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

UNDER THE PENALTIES OF PERJURY UNDER THE LAWS OF THE UNITED STATES, I (WE) CERTIFY THAT ALL OF THE INFORMATION I (WE) PROVIDED ON THIS PROOF OF CLAIM AND RELEASE FORM IS TRUE, CORRECT AND COMPLETE.

Signature of Claimant (If this claim is being made on behalf of Joint Claimants, then each must sign):

John R. [Signature]
(Signature)

(Signature)

(Capacity of person(s) signing, e.g. beneficial purchaser(s), executor, administrator, trustee, etc.)

Check here if proof of authority to file is enclosed. (See Item 2 under Claimant's Statement)

Date: 9/21/12

THIS PROOF OF CLAIM MUST BE SUBMITTED NO LATER THAN SEPTEMBER 14, 2012 AND MUST BE MAILED TO:

TierOne Corporation Securities Litigation
Claims Administrator
c/o Strategic Claims Services
P.O. Box 230
600 North Jackson Street, Suite 3
Media, PA 19063

A Proof of Claim received by the Claims Administrator shall be deemed to have been submitted when posted, if mailed by September 14, 2012 and if a postmark is indicated on the envelope and it is mailed first class and addressed in accordance with the above instructions. In all other cases, a Proof of Claim shall be deemed to have been submitted when actually received by the Claims Administrator.

You should be aware that it will take a significant amount of time to process fully all of the Proofs of Claim and to administer the Settlement. This work will be completed as promptly as time permits, given the need to investigate and tabulate each Proof of Claim. Please notify the Claims Administrator of any change of address.

John Reimnitz
GALLUP CONSULTING

1001 Gallup Drive
Omaha, NE 68102

RECEIVED

SEP 24 2012

CLERK
DISTRICT COURT
OMAHA

Clerk of the Court
United States District Court District of NE
111 South 18th Plaza, Suite 1152
Omaha, NE 68102

68102132277

|||||



1 788 611 611

22 SEP 2012 PM 3:1

Josephine Bravata

From: Reimnitz, John [John_Reimnitz@gallup.com]
Sent: Tuesday, September 25, 2012 12:03 PM
To: Josephine Bravata
Subject: RE: TierOne Corporation Securities Litigation
Follow Up Flag: Follow up
Flag Status: Red
Attachments: JRTierOneObjection.txt

Hi Josephine,

Thank you for the call and email today, assuring me that my claim will be included in the settlement. As such, I've attached a letter withdrawing my objection to the Tier One settlement. Please let me know if you need anything else.

Sincerely,
John

JOHN W. REIMNITZ

Advanced Design & Analytics Specialist

402.938.6776

GALLUP®

Maximizer | Achiever | Competition | Self-Assurance | Focus

From: Josephine Bravata [mailto:jbravata@strategicclaims.net]
Sent: Tuesday, September 25, 2012 9:56 AM
To: Reimnitz, John
Subject: TierOne Corporation Securities Litigation

Per our conversation this morning, we spoke with Class Counsel regarding your objection and we will process your claim form as timely since your notice and claim form had to be forwarded to a new address by the post office.

Please email me your letter withdrawing your objection.

Thank you.

Sincerely,

Josephine Bravata
Quality Assurance Manager
Strategic Claims Services
600 N. Jackson Street, Suite 3
Media, PA 19063
Phone: 610-565-9202
Fax: 610-565-7985

IMPORTANT NOTICE: This e-mail message and all attachments, if any, may contain confidential and privileged material and are intended only for the person or entity to which the message is addressed. If you are not an intended recipient, you are hereby notified that any use, dissemination, distribution, disclosure, or copying of this information is unauthorized and strictly prohibited. If you have received this communication in error, please contact the sender immediately by reply e-mail, and destroy all copies of the original message.

9/25/2012

JRTierOneObjection

Mr. John Reimnitz
601 N. 40th Street
Council Bluffs, IA 51501
402-938-6776

September 25, 2012

Josephine Bravata
Quality Assurance Manager
Strategic Claims Services
600 N. Jackson Street, Suite 3
Media, PA 19063
Phone: 610-565-9202

Dear Ms. Bravata,

Thank you for calling me in regard to my objection letter to the Tier One settlement.

My concern was that I did not have sufficient time to complete the claim form by September 14th, as its delivery was delayed due to mail being forwarded to my new address.

I did complete the claim forms as soon as possible, and mailed them on 9/21/2012.

I appreciate your assurances (both on phone and in email) that my claim will be considered timely and will be included in the class action settlement.

As such, I no longer have any objections to the settlement.

I hereby withdraw my objection to the Tier One settlement.

Sincerely,

John Reimnitz

601 N. 40th Street
Council Bluffs, IA 51501
402-938-6776