

CSS

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

_____	X
In re CHINA SUNERGY SECURITIES LITIGATION	: CIVIL ACTION NO. 07-cv-7895(DAB)
_____	: CLASS ACTION
This Document Relates To:	: PROOF OF CLAIM AND RELEASE
ALL ACTIONS.	:
_____	:
	:
	:
	X

I. GENERAL INSTRUCTIONS

1. To recover as a Class Member¹ based on your claims in the action entitled *In re China Sunergy Securities Litigation*, Civil Action No. 07-cv-7895(DAB) (the “Litigation”), you must complete and, on Page 7, sign this Proof of Claim and Release form (the “Claim Form”). If you fail to file a properly addressed (as explained in Paragraph 3 below) Claim Form, your claim may be rejected and you may be unable to recover anything from the Net Settlement Fund created in connection with the proposed settlement of the Litigation.
2. Submission of this Claim Form, however, does not ensure that you will share in the proceeds of the settlement in the Litigation.
3. **YOU MUST MAIL YOUR COMPLETED AND SIGNED CLAIM FORM POSTMARKED ON OR BEFORE JANUARY 27, 2011, TO:**

CHINA SUNERGY SECURITIES LITIGATION CLAIMS ADMINISTRATOR
P.O. Box 6177
Novato, CA 94948-6177

If you are NOT a Member of the Class, as defined in the Notice of Pendency of Class Action and Proposed Settlement With All Defendants, Motion for Attorneys’ Fees, and Settlement Hearing (the “Notice”), DO NOT submit a Claim Form.

4. If you are a Member of the Class, you are bound by the terms of any judgment entered in the Litigation, WHETHER OR NOT YOU SUBMIT A CLAIM FORM. You may exclude yourself from the Class in the manner described in the Notice.

¹ All capitalized terms not otherwise defined in this document shall have the meaning provided in the Stipulation and Agreement of Settlement dated October 16, 2009.

II. DEFINITIONS

- (1) “**Individual Defendants**” means Tingxiu Lu, Jianhua Zhao, James Shaofeng Qi, Guangyou Yin, Fengming Zhang, Shiliang Guo, and Donald J. Puglisi;
- (2) “**Underwriter Defendants**” means Merrill, Lynch, Pierce, Fenner & Smith Incorporated, Cowen and Company, LLC, and Jefferies & Company, Inc.;
- (3) “**Defendants**” means China Sunergy Co., Ltd. (“China Sunergy” or the “Company”), the Individual Defendants, and the Underwriter Defendants;
- (4) “**Released Persons**” means each and all of the Defendants and each and all of their Related Parties;
- (5) “**Related Parties**” means each of Defendants’ past or present directors, officers, employees, partners, insurers, co-insurers, reinsurers, controlling shareholders, attorneys, accountants, auditors, agents, advisors, investment advisors, personal or legal representatives, predecessors, successors, parents, subsidiaries, divisions, joint ventures, assigns, spouses, heirs, related or affiliated entities, any entity in which a Defendant has or had a controlling interest, and the Individual Defendants’ immediate families and their legal representatives, heirs, successors or assigns, or any trust of which an Individual Defendant is the settler or which is for the benefit of an Individual Defendant’s family;

III. CLAIMANT IDENTIFICATION

1. If you purchased the securities of China Sunergy and held the securities in your name, you are the beneficial owner as well as the record owner. If, however, the securities were registered in the name of someone else, such as a nominee or brokerage firm, you are the beneficial owner and the third party is the record owner.
2. Use Part I of this form entitled “Claimant Identification” to identify each beneficial owner and owner of record or nominee (if different from the beneficial owner) of China Sunergy securities that form the basis of this claim. **THIS CLAIM MUST BE FILED BY THE ACTUAL BENEFICIAL OWNER OR OWNERS OR THE LEGAL REPRESENTATIVE OF SUCH OWNER OR OWNERS OF THE CHINA SUNERGY SECURITIES UPON WHICH THIS CLAIM IS BASED.**
3. All joint purchasers must sign this Claim Form. Executors, administrators, guardians, conservators, and trustees must complete and sign this Claim Form on behalf of persons represented by them, and their authority must accompany this claim and their titles or capacities must be stated. If the Claim Form is not properly signed and if proof of authority is not provided (if applicable), the claim may be delayed or rejected.
4. The taxpayer identification number (TIN) for the beneficial owner must be provided. For individuals this is a Social Security Number, and for entities this is an Employer Identification Number. The TIN and telephone number of the beneficial owner may be used in verifying the claim. Failure to provide the foregoing information could result in delay or rejection of your claim.

IV. CLAIM FORM

1. Use Part II of this form entitled “Schedule of Transactions in China Sunergy Publicly Traded American Depository Shares” (“ADS”) to list all required details of your transaction(s) in China Sunergy securities. If you need more space, please attach separate schedules or sheets providing all of the required information in substantially the same form. Sign and print or type your name and include your TIN and the full name of the account on each additional sheet.
2. On the schedules, provide all of the requested information with respect to **all** of your purchases and free receipts in addition to **all** of your sales and free deliveries of China Sunergy publicly traded ADS which took place at any time from May 17, 2007, to the day you are signing this Claim Form, inclusive, whether such transactions resulted in a profit or a loss. Failure to report all such transactions may result in the rejection of your claim. **ONLY PURCHASES AND SALES OF PUBLICLY TRADED ADS ARE ELIGIBLE TO CLAIM.** If you did not have trades in China Sunergy publicly traded ADS, please do not file a claim.
3. List each transaction in the Class Period separately and in chronological order, by trade date, beginning with the earliest. You must accurately provide the month, day, and year of each transaction you list. You must also provide your beginning position prior to the open of trading on May 17, 2007, and your closing position as of the day you are signing this Claim Form.

PLEASE NOTE: If you sell any of the shares included as part of your closing position in Part II, Section D of this Claim Form before the final judgment is entered in this Action, but after submitting this Claim Form to the Claims Administrator, and the proceeds of those sales are greater than \$7.08 per share, you must contact the Claims Administrator to report these sales. If you have any questions about this requirement, please call the Claims Administrator at 1-800-207-0343 for more information.

4. Broker confirmations or other documentation of your transactions in China Sunergy ADS listed PART II: SCHEDULE OF TRANSACTIONS IN CHINA SUNERGY PUBLICLY TRADED ADS should be attached to your claim. Failure to provide this documentation could delay verification of your claim or result in rejection of your claim.
5. The above requests are designed to provide the minimum amount of information necessary to process the simplest claims. The Claims Administrator may request additional information as required to efficiently and reliably calculate your losses. In some cases in which the Claims Administrator cannot perform the calculation accurately or at a reasonable cost to the Class with the information provided, the Claims Administrator may condition acceptance of the claim upon the production of additional information and/or the hiring of an accounting expert at the Claimant's cost.
6. In the event a Class Member has more than one purchase or sale of China Sunergy ADS, all purchases and sales shall be matched on a first in, first out (FIFO) basis. Class Period sales will be matched first against any Company shares held at the beginning of the Class Period and then against purchases in chronological order.
7. The receipt or grant by gift, devise, or operation of law of China Sunergy ADS during the Class Period shall not be deemed a purchase or sale of China Sunergy ADS for the calculation of an Authorized Claimant's recognized loss, nor shall it be deemed an assignment of any claim relating to the purchase of such shares unless specifically provided in the instrument of gift or assignment.
8. A purchase or sale of China Sunergy ADS shall be deemed to have occurred on the "contract" or "trade" date as opposed to the "settlement" or "payment" date; please provide only "contract" or "trade" dates in your claim.
9. To the extent a Claimant had a gain from his, her, or its overall transactions in China Sunergy ADS during the Class Period, the value of the recognized loss will be zero. To the extent that a Claimant suffered an overall loss on his, her, or its overall transactions in China Sunergy ADS during the Class Period, but that loss was less than the calculated recognized loss, then the recognized loss shall be limited to the amount of the actual loss. There shall be no recognized loss on short sales of Company ADS during the Class Period; however, any recognized gains with respect to short sales shall be offset against recognized losses on other transactions.

**MUST BE POSTMARKED
NO LATER THAN**

JANUARY 27, 2011

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
In re China Sunergy Securities Litigation
Civil Action No. 07-cv-7895(DAB)

PROOF OF CLAIM AND RELEASE

CHINA SUNERGY

For Official Use Only

Please Type or Print

PART I: CLAIMANT IDENTIFICATION

LAST NAME (CLAIMANT)										FIRST NAME (CLAIMANT)									
LAST NAME (Beneficial Owner if Different From Claimant)										FIRST NAME (Beneficial Owner)									
LAST NAME (Co-Beneficial Owner)										FIRST NAME (Co-Beneficial Owner)									
Company/Other Entity (If Claimant Is Not an Individual)																			
Trustee/Nominee/Other																			
Account Number										Trust/Other Date (If Applicable)									
Address Line 1																			
Address Line 2 (If Applicable)																			
City										State					Zip Code				
Foreign Province										Country					Postal Code				
<input type="checkbox"/> Check Here to Use Alternate Address for Distribution																			
<i>(Optional) Distribution Address Line 1</i>																			
<i>(Optional) Distribution Address Line 2</i>																			
<i>(Optional) City</i>										<i>State</i>					<i>Zip Code</i>				
<i>(Optional) Foreign Province</i>										<i>Country</i>					<i>Postal Code</i>				
Telephone (Day)										Telephone (Night)									
() -										() -									
Beneficial Owner's Employer Identification Number <i>or</i> Social Security Number																			
- - -																			
Email Address																			

IDENTITY OF CLAIMANT

- Individual/Sole Proprietor
 Joint Owners
 Estate
 Corporation
 Trust
 Partnership
 Legal Representative
 Pension Plan

IRA, Keogh, or Other Type of Individual Retirement Plan (indicate type of plan, mailing address, and name of current custodian)

Other (specify, describe on separate sheet if necessary) _____

Excluded from the Class are the Defendants, the officers and directors of the Company at all relevant times, members of their immediate families and their legal representatives, heirs, successors or assigns, and any entity in which the Defendants have or had a majority interest. Also excluded from the Class are those Persons who timely and validly request exclusion from the Class pursuant to the Notice.

- Check here if the claimant or beneficial owner is excluded from the Class.
 Check here if the claimant or beneficial owner was an officer or director of China Sunergy at any time during the period from May 17, 2007, through August 23, 2007.

If so, please state position(s) held and dates of employment:

- Check here if the claimant or beneficial owner acquired China Sunergy publicly traded ADS through any China Sunergy employee benefit plan.

PART II: SCHEDULE OF TRANSACTIONS IN CHINA SUNERGY PUBLICLY TRADED ADS

A. **Number of shares of China Sunergy publicly traded ADS held at the beginning of the trading on May 17, 2007** (if none, write "0"; if other than zero, documentation must be provided.) Proof Enclosed?

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B. **Purchases and/or free receipts of China Sunergy publicly traded ADS from May 17, 2007, to the date you are signing this Claim Form, inclusive:**

Trade Date(s) Purchased List Chronologically Month/Day/Year	Number of Shares of China Sunergy ADS Purchased	Purchase Price Per Share of ADS	Total Purchase Price (excluding commissions, taxes, and fees)	Proof Enclosed?													
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C. **Sales and/or free deliveries of China Sunergy publicly traded ADS from May 17, 2007, to the date you are signing this Claim Form, inclusive (PLEASE NOTE: If you sell any additional shares before the final judgment is entered in this Action and the proceeds of those sales are greater than \$7.08 per share, you must contact the Claims Administrator to report these sales):**

Trade Date(s) Sales List Chronologically Month/Day/Year	Number of Shares of China Sunergy ADS Purchased	Sale Price Per Share of ADS	Sales Proceeds (excluding commissions, taxes, and fees)	Proof Enclosed?													
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D. **Number of shares of China Sunergy publicly traded ADS held as of the date you are signing this Claim Form** (if none, write "0"; if other than zero, documentation must be provided): Proof Enclosed?

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PLEASE NOTE: If you sell any of the shares included as part of your closing position in Part II, Section D above before the final judgment is entered in this Action, but after submitting this Claim Form to the Claims Administrator, and the proceeds of those sales are greater than \$7.08 per share, you must contact the Claims Administrator to report these sales. If you have any questions about this requirement, please call the Claims Administrator at 1-800-207-0343 for more information.

If you require additional space, attach extra schedules in the same format as above including your name and Taxpayer Identification Number on each page along with your signature.

YOU MUST READ AND SIGN THE RELEASE ON PAGE 7.

PART III. SUBMISSION TO JURISDICTION OF COURT AND ACKNOWLEDGMENTS

I (We), the undersigned, submit this Claim Form under the terms of the Stipulation and Agreement of Settlement dated as of October 16, 2009, (“Stipulation”) described in the Notice. I (We) also submit to the jurisdiction of the United States District Court for the Southern District of New York, with respect to my (our) claim as a Class Member (Class Members) (as defined in the Stipulation) and for purposes of enforcing the release set forth herein. I (We) further acknowledge that I am (we are) bound by and subject to the terms of any judgment that may be entered in the Litigation. I (We) agree to furnish additional information to Co-Lead Counsel and/or the Claims Administrator to support this claim if required to do so. I (We) have not submitted any other claim covering the same purchases or sales of China Sunergy securities during the Class Period and know of no other Person having done so on my (our) behalf.

PART IV. RELEASE

1. I (we) hereby acknowledge full and complete satisfaction of, and do hereby fully, finally, and forever settle, release, relinquish, and discharge all of the Released Claims against each and all of the Defendants and each and all of their Related Parties, defined as each of a Defendant’s past or present directors, officers, employees, partners, insurers, co-insurers, reinsurers, agents, controlling shareholders, attorneys, accountants, auditors, advisors, investment advisors, personal or legal representatives, predecessors, successors, parents, subsidiaries, divisions, joint ventures, assigns, spouses, heirs, related or affiliated entities, any entity in which a Defendant has or had a controlling interest, any members of an Individual Defendant’s immediate family and their legal representatives, heirs, successors or assigns, or any trust of which an Individual Defendant is the settlor or which is for the benefit of an Individual Defendant’s family.
2. **“Released Claims”** mean any and all claims (including, but not limited to, Unknown Claims), demands, debts, liabilities, losses, rights, and causes of action of any nature and description whatsoever (including, but not limited to, any claims for damages, interest, attorneys’ fees, expert or consulting fees, and any other costs, expenses, or liability whatsoever), whether known or unknown, whether suspected or unsuspected, whether concealed or hidden, whether based on federal, state, local, statutory or common law, or any other law, rule, or regulation, whether fixed or contingent, accrued or unaccrued, liquidated or unliquidated, at law or in equity, material or immaterial, whether class or individual in nature, by any Releasor against the Released Persons, based upon, arising out of, or related to, directly or indirectly, the purchase, acquisition, or holding of the Company’s ADS during the Class Period or the acts, facts, transactions, events, occurrences, disclosures, statements, omissions, or failures to act that were, could, or might have been alleged in the Related Actions or Consolidated Action by any Releasor against any of the Parties or Related Parties.

“Unknown Claims” means any and all Released Claims which any Lead Plaintiff or Class Member does not know or suspect to exist in his, her, or its favor at the time of the releases granted hereby.

With respect to any and all Released Claims, the parties stipulate and agree that upon the Effective Date, the Lead Plaintiff shall expressly waive and each Class Member shall be deemed to have waived, and by operation of the Judgment shall have expressly waived, any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States, or principle of common law, which is similar, comparable or equivalent to Cal. Civ. Code § 1542, which provides:

A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.

Lead Plaintiff acknowledges, and Class Members by operation of law shall be deemed to have acknowledged, that the inclusion of “Unknown Claims” in the definition of Released Claims was separately bargained for and was a key element of the Settlement.

The Lead Plaintiff and Class Members may hereafter discover facts in addition to or different from those which he, she, or it now knows or believes to be true with respect to the subject matter of the Released Claims, but the Lead Plaintiff and each Class Member shall expressly fully, finally, and forever settle and release, and upon the Effective Date shall be deemed to have, and by operation of the Judgment shall have, fully, finally, and forever settled and released any and all Released Claims, known or unknown, suspected or unsuspected, contingent or non-contingent, whether or not concealed or hidden, which now exist, or heretofore have existed, upon any theory of law or equity now existing or coming into existence in the future, including, but not limited to, conduct which is negligent, intentional, with or without malice, or a breach of any duty, law, or rule, without regard to the subsequent discovery or existence of such different or additional facts. The Lead Plaintiff acknowledges, and the Class Members shall be deemed by operation of the Judgment to have acknowledged, that the foregoing waiver was separately bargained for as a key element of the settlement of which this release is a part.

3. This release shall be of no force or effect unless and until the Court approves the Stipulation and it becomes effective on the Effective Date.
4. I (We) hereby warrant and represent that I (we) have not assigned or transferred or purported to assign or transfer, voluntarily or involuntarily, any matter released pursuant to this release or any other part or portion thereof.
5. I (We) hereby warrant and represent that I (we) have included information about all of my (our) transactions in China Sunergy publicly traded ADS that occurred during the Class Period as well as the number of China Sunergy shares of ADS held by me (us) at the opening of trading on May 17, 2007, and at the close of trading on August 23, 2007.

I declare under penalty of perjury under the laws of the United States of America that the foregoing information supplied by the undersigned is true and correct.

Executed this _____ day of _____ (month/year) in _____ (city/state).

Signature of claimant

Type or print your name here

Signature of joint claimant, if any

Type or print your name here

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

PART V. SUBSTITUTE FORM W-9—REQUEST FOR TAXPAYER IDENTIFICATION NUMBER AND CERTIFICATION

Enter Taxpayer Identification Number (TIN) below for the beneficial owner(s). For individuals, this is your Social Security Number (SSN). For other entities, this is your Employer Identification Number (EIN). The Internal Revenue Service (IRS) requires such TIN. If you fail to provide this information, your claim may be rejected.

Employer Identification Number

(EIN for estates, trusts, corporations, etc.)									or	Social Security Number (SSN for individuals)																		

I (We) certify under penalty of perjury that the number shown on this form is my (our) correct TIN and 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 IRS that I am (we are) subject to backup withholding as a result of a failure to report all interest or dividends; or (c) the IRS has notified me (us) that I am (we are) no longer subject to backup withholding.

If the IRS has notified you that you **are** subject to backup withholding, please strike out the language that you are not subject to backup withholding in the certification above.

NOTE: If you have a joint account, only the SSN associated with that account is required to be provided. However, if your account is held jointly, BOTH parties must sign the form below. For sole proprietors, you may enter either your SSN or your EIN.

Check here if the IRS has notified you that you **are** subject to backup withholding.

The Internal Revenue Service does not require your consent to any provision of this document other than the certification required to avoid backup withholding.

I declare under penalty of perjury under the laws of the United States of America that the foregoing information supplied by the undersigned is true and correct.

Executed this _____ day of _____ (month/year) in _____ (city/state).

Signature of claimant

Type or print your name here

Signature of joint claimant, if any

Type or print your name here

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

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

Reminder Checklist:

1. Please sign the Claim Form.
2. If this claim is being made on behalf of joint claimants, both must sign.
3. Remember to attach supporting documentation, if available. Do not highlight documentation.
4. Do not send original stock certificates or other original documentation; please send only copies. These items cannot be returned to you by the Claims Administrator.
5. Keep a copy of your Claim Form for your records.
6. If you desire an acknowledgment of receipt of your Claim Form, please send it Certified Mail, Return Receipt requested.
7. If you move or change your name, please inform the Claims Administrator of your new address and/or name.
8. If you sell shares of China Sunergy ADS prior to the final approval date at a price exceeding \$7.08 per share, you **MUST** contact the Claims Administrator to provide additional documentation.

**THE CLAIM FORM AND YOUR SUPPORTING DOCUMENTATION MUST BE
POSTMARKED NO LATER THAN JANUARY 27, 2011.**