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Counsel for Defendants
Zicam, LLC and Matrix Initiatives, Inc.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

YESENIA MELGAR, on Behalf of Herself and
all Others Similarly Situated,

Plaintiff,

v.

ZICAM LLC and MATRIXX INITIATIVES,
INC.

Defendants.

Case No. 2:14-cv-00160-MCE-AC

Hon. Morrison C. England, Jr.

**STIPULATION AND ORDER FOR
APPROVAL OF CY PRES
DISTRIBUTION OF UNCLAIMED
SETTLEMENT FUNDS**

1 WHEREAS, Plaintiff Yesenia Melgar (“Plaintiff”) filed this action against Defendants
2 Zicam LLC and Matrixx Initiatives, Inc. (“Defendants”) on January 22, 2014;

3 WHEREAS, on November 20, 2018, the Court granted final approval of the settlement in
4 this case and entered judgment;

5 WHEREAS, the court-appointed claims administrator RG/2 Claims Administration LLC
6 (“RG/2”) has completed the distribution to 112,249 class members who submitted claims (*see*
7 Chiango Decl. ¶ 2);

8 WHEREAS, RG/2 has reported that there is \$404,949.04 remaining in the Settlement Fund
9 due to uncashed checks that expired on April 22, 2020 (*see* Chiango Decl. ¶¶ 2-3);

10 WHEREAS, RG/2 has determined that re-distribution of these funds to class members is
11 not feasible since redistributing this remaining amount to class members who already cashed their
12 distribution checks would result in a payment to each claimant of less than \$5.00, so the unclaimed
13 funds should instead be awarded to a *cy pres* recipient (*see* Chiango Decl. ¶ 4);

14 WHEREAS, Plaintiff and Defendants have met and conferred and agreed, subject to the
15 Court’s approval, to donate the remaining settlement funds to health charities Americares
16 (<https://www.americares.org/>) and Direct Relief (<https://www.directrelief.org/>) as both are
17 prominently involved in providing COVID-19 relief; and

18 WHEREAS, Plaintiff, Defendants and their counsel have no connection to Americares and
19 Direct Relief.

20 NOW THEREFORE, IT IS HEREBY STIPULATED by and between the parties through
21 their respective attorneys of record that, subject to the Court’s approval, RG/2 shall distribute the
22 remaining \$404,949.02 from the Settlement Fund to Americares and Direct Relief in the amount of
23 \$202,474.51 each.

24 IT IS SO STIPULATED.

25 Dated: August 12, 2020

BURSOR & FISHER, P.A.

26
27 By: /s/ L. Timothy Fisher
28 L. Timothy Fisher

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9 *Class Counsel*

10 Dated: August 12, 2020

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12 By: /s/ Robyn Bladow
13 Robyn Bladow

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ORDER

Pursuant to the parties' stipulation, and good cause appearing, the Court hereby orders that RG/2 Claims Administration, LLC shall distribute the remaining \$404,949.04 from the Settlement Fund to Amicares and Direct Relief in the amount of \$202,474.51 each.

IT IS SO ORDERED.

Dated: August 17, 2020



MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE