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13  
 14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA  
 16 SAN FRANCISCO DIVISION

17  
 18 IN RE DIAMOND FOODS, INC.,  
 19 SECURITIES LITIGATION

Case No.: 11-cv-05386-WHA

**[PROPOSED] ORDER GRANTING  
 PERMISSION TO DISTRIBUTE RESIDUAL  
 FUNDS TO LATE BUT OTHERWISE VALID  
 CLAIMANTS**

20  
 21 This Document Relates to:

22 All Actions

Date: Thursday, January 14, 2016  
 Time: 8:00 a.m.  
 Courtroom: 8, 19<sup>th</sup> Floor  
 Judge: The Honorable William H. Alsup

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3 AND NOW, this 14th day of December, 2015, upon consideration  
4 of Lead Plaintiff's Unopposed Motion for Permission to Distribute Residual Funds to Late  
5 but Otherwise Valid Claimants and the Memorandum and Points of Authorities in Support  
6 thereof in the above-captioned action and the Declaration of Justin R. Hughes, Vice  
7 President of Class Actions for Kurtzman Carson Consultants, LLC ("KCC" or the  
8 "Claims Administrator") dated December 3, 2015 (the "Hughes Declaration") filed  
9 herewith, and upon the Amended Stipulation of Settlement dated as of August 20, 2013  
10 [Doc. No. 284] (the "Settlement Stipulation"), and upon the Order Granting Final  
11 Approval of Proposed Class Settlement and Granting in Part Attorney's Fees and  
12 Reimbursement of Expenses dated January 10, 2014 [Doc. No. 305] (the "Final Approval  
13 Order"), the Judgment dated January 21, 2014 [Doc. No. 316] (the "Judgment") approving  
14 the Settlement Stipulation, and the Order for Distribution of Class Settlement Fund dated  
15 October 16, 2014 [Doc. No. 338], and upon all prior proceedings heretofore had herein  
16 and after due deliberation, it is hereby ORDERED as follows:


- 17 1. Class Counsel are authorized to instruct the Claims Administrator to  
18 distribute the available residual funds in the Net Cash Settlement Fund (other than  
19 funds necessary to pay attorneys' fees and expenses of the Settlement Fund, as  
20 provided in the Final Approval Order) to the 46 claimants who submitted late but  
21 otherwise valid claim forms to the Claims Administrator after the Initial  
22 Distribution had commenced, and who did not receive any distribution in the  
23 Initial Distribution. The available residual funds will be distributed to such late  
24 claimants on a pro rata basis in proportion to the Recognized Loss that the Claims  
25 Administrator has determined for each such claimant.
- 26 2. Class Counsel are authorized to pay from the Net Cash Settlement Fund up  
27 to an additional \$25,000 to KCC for Administration Costs above the \$350,000  
28 amount previously authorized by the Court in connection with the administration

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and distribution of the Settlement Fund.

- 3. Any funds remaining after the distribution of available residual funds in the Net Cash Settlement Fund as provided in this Order are to be distributed in accordance with the Distribution Order dated October 16, 2014.

Dated: December 14, 2015.

  
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The Honorable William Alsup  
United States District Judge