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14

15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**

17 _____)
18 In re:)
19 PACIFIC GATEWAY SECURITIES)
LITIGATION)
20 _____)
21 This Document Relates To:)
22 ALL ACTIONS)
23)
24)
25 _____)

Master File No.: C 00-1211-PJH
**[PROPOSED] CORRECTED ORDER
AUTHORIZING DISTRIBUTION OF
RESIDUAL SETTLEMENT FUNDS TO
NOT-FOR-PROFIT ORGANIZATIONS
AND APPROVING FINAL
ACCOUNTING; TERMINATING
SETTLEMENT ADMINISTRATION;
AND DISCHARGING LEAD
COUNSEL, LEAD PLAINTIFF AND
THE CLAIMS ADMINISTRATOR
FROM FURTHER DUTIES IN
CONNECTION THEREWITH**

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28 [C 00-1211-PJH] [PROPOSED] CORRECTED ORDER AUTHORIZING DISTRIBUTION OF
RESIDUAL SETTLEMENT FUNDS TO NOT-FOR-PROFIT ORGANIZATIONS AND APROVING
FINAL ACCOUNTING; TERMINATING SETTLEMENT ADMINISTRATION; AND
DISCHARGING LEAD COUNSEL, LEAD PLAINTIFF AND THE CLAIMS ADMINISTRATOR
FROM FURTHER DUTIES IN CONNECTION THEREWITH

1 Having considered the papers filed by the Lead Plaintiffs Robert F. Sowell and Joseph W.
2 Sowell, Jr. for an Order Authorizing Distribution of Residual Settlement Funds to Not-for-Profit
3 Organizations and Approving Final Accounting; Terminating Settlement Administration; and
4 Discharging Lead Counsel, Lead Plaintiff and the Claims Administrator From Further Duties in
5 Connection Therewith; it appearing to the Court that the balance of settlement funds in the sum of
6 \$43,612.82, less a reserve of \$1,250 for tax expenses, will be paid in equal shares to both Bay Area
7 Legal Aid and The Legal Aid Society – Employment Law Center in San Francisco (“San Francisco
8 Legal Aid”) in accordance with the Court’s Order dated June 1, 2006; it further appearing to the
9 Court based on the declaration of the Claims Administrator that tax returns for 2007 were prepared
10 and filed and that all required tax returns for 2008 will be prepared and timely filed and that the final
11 invoice for all tax related services for 2008 will be \$1,250 and that no taxes are due; and it also
12 appearing to the Court that after payment of all outstanding tax expenses and distribution of funds to
13 both Bay Area Legal Aid and SF Legal Aid there will be no funds left to distribute; and for good
14 cause shown,

15 IT IS HEREBY ORDERED,

- 16 1. Upon payment of outstanding tax expenses, remaining residual funds in the amount
17 of \$42,362.82 shall be distributed to both Bay Area Legal Aid and to San Francisco
18 Legal Aid in equal shares, two not-for-profit organizations designated by plaintiffs.
- 19 2. The final accounting attached hereto as Exhibit A is approved;
- 20 3. The settlement administration is terminated effective immediately upon payment of
21 all outstanding tax expenses and the distribution of all remaining residual funds in
22 equal shares to both Bay Area Legal Aid and San Francisco Legal Aid; and
- 23 4. Lead Plaintiff, Lead Counsel and the Claims Administrator are discharged from any
24 further duties in connection with the administration of the settlement fund.

25 DATED: 9/15/08

26 JUDGE PHYLLIS J. HAMILTON
27 UNITED STATES DISTRICT COURT
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[C 00-1211-PJH] [PROPOSED] CORRECTED ORDER AUTHORIZING DISTRIBUTION OF
RESIDUAL SETTLEMENT FUNDS TO NOT-FOR-PROFIT ORGANIZATIONS AND APROVING
FINAL ACCOUNTING; TERMINATING SETTLEMENT ADMINISTRATION; AND
DISCHARGING LEAD COUNSEL, LEAD PLAINTIFF AND THE CLAIMS ADMINISTRATOR
FROM FURTHER DUTIES IN CONNECTION THEREWITH

EXHIBIT A

In Re PACIFIC GATEWAY SECURITIES LITIGATION, Master File No.: C 00-1211-PJH

FINAL ACCOUNTING

Dated: September 9, 2008

DATE	DESCRIPTION	AMOUNT	AUTHORITY/SOURCE
09/13/2004	Deposit	\$3,000,000.00	Stipulation of Settlement dated 08/17/04 ("Stipulation") ¶ 2.1; Final Judgment and Order of Dismissal dated 11/30/04 ("Final Order") ¶ 5
11/19/2004	Payment to A.B. Data	(\$50,000.00)	Stipulation ¶ 2.6
11/19/2004	Payment to A.B. Data	(\$46,713.07)	Stipulation ¶ 2.6
12/13/2004	Attorney Fee, Interest and Expense Award	(\$964,109.32)	Order Awarding Attorneys' Fees and Expenses dated 11/30/04 ("Fees Order") ¶¶ 3, 4, and 5
12/17/2004	Payment to Damasco & Assoc.	(\$856.50)	Stipulation ¶ 5.4(a)
12/31/2004	Total Interest Accrued for 2004	\$3,370.18	Stipulation ¶ 2.1
3/18/2005	Payment to Damasco & Assoc.	(\$1,636.50)	Stipulation ¶ 5.4(a)
12/31/2005	Total Interest Accrued for 2005	8,721.33	Stipulation ¶ 2.1

DATE	DESCRIPTION	AMOUNT	AUTHORITY/SOURCE
6/14/2006	Total Interest Accrued for 2006	\$5,290.69	Stipulation ¶ 2.1
6/14/2006	Transfer to Claims Administrator for Distribution to Class	\$1,954,066.81	Order Authorizing Distribution of Settlement Funds to Allowed Claimants, Payment of Claims Administration and Accounting/Tax Expense, Withholding Reserves for Payment of Taxes and Claims Administration, Wire Transfer of Funds dated 06/01/06 ("Distribution Order") ¶ 5; Affidavit Of Michelle M. La Count, Esq. In Support Of Plaintiffs' Application For Order Authorizing Distribution Of Residual Settlement Funds To A Not-For-Profit Organization And Approving Final Accounting; Terminating Settlement Administration; And Discharging Lead Counsel, Lead Plaintiff And The Claims Administrator From Further Duties In Connection Therewith dated 09/04/08 ("La Count Aff.") ¶ 3
6/2006	2005 Tax Expenses Paid to Damasco & Associates	(\$1,471.35)	Distribution Order ¶ 3; La Count Aff. ¶ 4
6/2006	Administration Fees and Costs Paid to A.B. Data	(\$71,259.58)	Distribution Order ¶ 3; La Count Aff. ¶ 4
6/2006	2006 Tax Expense Paid	(\$1,700.00)	Distribution Order ¶ 4; La Count Aff. ¶ 4
DATE	DESCRIPTION	AMOUNT	AUTHORITY/SOURCE
6/27/2006	Tax Filing Credit Received from Class Administrator	\$2,000.00	La Count Aff. ¶ 5

DATE	DESCRIPTION	AMOUNT	AUTHORITY/SOURCE
7/21/2006	Initial Distribution to Claimants.	(\$1,881,635.88)	Distribution Order ¶ 5; La Count Aff. ¶ 6
7/21/2007	Void Checks	\$2,080.98	La Count Aff. ¶ 9
7/2007	Returned Checks	\$42,781.84	La Count Aff. ¶ 11
2007	2007 Tax Expense	(\$1,250.00)	Distribution Order ¶ 5; La Count Aff. ¶ 13
2008	2008 Tax Expense	(\$1,250.00)	Distribution Order ¶ 5; La Count Aff. ¶ 13
2008	Donation of Residual Settlement Funds to two Not-For-Profit Organizations consisting of both Bay Area Legal Aid and The Legal Aid Society-Employment Law Center in San Francisco in equal shares.	(\$42,362.82)	Distribution Order ¶ 6(i); La Count Aff. ¶ 14
2008	Remaining Balance after Payment of Outstanding Tax Expenses and Donation of Residual Funds to Not-For-Profit Organization	\$0.00	