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8 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
9 **OAKLAND DIVISION**

10  
11 ROBERT CURRY, Individually and on  
Behalf of All Others Similarly Situated,

12 Plaintiff,

13 v.  
14

HANSEN MEDICAL, INC., FREDERIC  
15 H. MOLL, STEVEN M. VAN DICK,  
GARY C. RESTANI, and CHRISTOPHER  
16 SELLS,

17 Defendants.  
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Case No. 4:09-cv-05094-CW

CLASS ACTION

**~~[PROPOSED]~~ ORDER AUTHORIZING  
THE DISTRIBUTION OF THE NET  
SETTLEMENT FUND**

1           WHEREAS:

2           1.       In the above-captioned litigation, the Claims Administrator has completed the  
3 administration of the Settlement Fund, including processing all submitted Proofs of Claim, and is now  
4 prepared, with the approval of the Court, to distribute the proceeds of the Settlement;

5           2.       On December 5, 2013, the Court entered a Final Order (Dkt. No. 175), which, *inter*  
6 *alia*, approved the Plan of Allocation of Settlement proceeds and retained jurisdiction over the  
7 litigation for all matters relating to the consummation of the Settlement;

8           3.       As set forth in the Order Preliminarily Approving Settlement and Providing for Notice  
9 of Proposed Settlement (Dkt. No. 162) and the Notice of Pendency and Proposed Settlement of Class  
10 Action, Motion for Attorneys' Fees and Expenses, and Settlement Fairness Hearing (Dkt No. 158-1)  
11 disseminated to potential Class Members, the deadline for Class Members to submit claims to  
12 participate in a distribution from the Net Settlement Fund was October 25, 2013;

13           4.       As reflected in the Declaration of Jennifer M. Keough in Support of Lead Plaintiff's  
14 Motion for Distribution of Class Settlement Fund ("Keough Declaration"), the Claims Administrator  
15 has completed the process of reviewing all submitted claims and has made a recommendation as to the  
16 eligibility of each submitted claim;

17           5.       Lead Plaintiffs and the Claims Administrator now seek authorization to distribute the  
18 Net Settlement Fund to Authorized Claimants; and

19           6.       After reviewing the Motion for an Order Authorizing Distribution of the Net  
20 Settlement Fund, the Keough Declaration, and all other exhibits and papers submitted in support  
21 thereof, the Court has determined that good cause exists for the relief requested.

22           THEREFORE, IT IS HEREBY ORDERED as follows:

23           1.       All timely filed claims that the Claims Administrator has determined to be eligible,  
24 listed in Exhibit B-1 of the Keough Declaration, are approved for payment from the Net Settlement  
25 Fund;

26           2.       All late claims submitted after the October 25, 2013, deadline for filing claims and  
27 before April 22, 2014, but otherwise determined to be eligible by the Claims Administrator, listed in  
28 Exhibit B-2 of the Keough Declaration, are also approved for payment from the Net Settlement Fund;

1           3.       All claims that the Claims Administrator has determined to be ineligible or  
2 unacceptable, listed in Exhibit B-3 of the Keough Declaration, are disallowed and shall not be paid;

3           4.       No claim received on or after April 22, 2014, may be accepted for any reason  
4 whatsoever, and no further adjustments to claims may be made for any reason after April 22, 2014;

5           5.       The amount of \$84,772.62 shall be reserved from the Settlement Fund to pay the Claim  
6 Administrator's anticipated future fees and expenses through the end of the initial distribution, as  
7 reflected in Exhibit C of the Keough Declaration;

8           6.       The entire balance of the Net Settlement Fund, after deducting the payments previously  
9 allowed and requested herein, and after the payment of any estimated taxes and the costs of preparing  
10 appropriate tax returns and any escrow fees, shall be distributed to the Authorized Claimants listed in  
11 Exhibits B-1 and B-2 of the Keough Declaration based on each Authorized Claimant's Recognized  
12 Loss in comparison to the total Recognized Losses of all Authorized Claimants;

13           7.       All distribution checks issued to Authorized Claimants shall bear the notation: "CASH  
14 PROMPTLY, VOID AND SUBJECT TO RE-DISTRIBUTION IF NOT CASHED WITHIN 90  
15 DAYS AFTER ISSUE DATE";

16           8.       If economically feasible, any funds remaining in the Net Settlement Fund after the  
17 initial distribution shall be allocated in a second distribution, first to pay any remaining costs of claims  
18 administration and then to pay Authorized Claimants who have cashed their payments from the initial  
19 distribution; but if a second distribution is not economically feasible, the balance of the Net Settlement  
20 Fund shall escheat to the United States Treasury;


21           9.       Any further claims against the Net Settlement Fund beyond the amount allocated to  
22 Authorized Claimants are barred, and all persons involved in the review, verification, calculation,  
23 tabulation, or any other aspect of the processing of the claims submitted herein, or otherwise involved  
24 in the administration of the Settlement Fund or the Net Settlement Fund, are released from any claims  
25 arising out of their involvement; and

26           10.      The Claims Administrator shall destroy claim forms and records in paper form one year  
27 after the final distribution and destroy claim forms and records in electronic form three years after the  
28 final distribution.

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SO ORDERED.

DATED: 8/19/2014

  
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Hon. Claudia Wilken  
Chief United States District Judge