UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

MARK NATHANSON,

Plaintiff,

vs.

POLYCOM, INC., ET AL.,

Defendants.

CASE NO. 13-cv-03476-YGR

ORDER DENYING PLAINTIFFS' MOTION FOR AN ORDER DESIGNATING CY PRES RECIPIENTS; DIRECTING FURTHER SUBMISSIONS

Re: Dkt. No. 131

The Court is in receipt of plaintiffs' motion for an order designating cy pres recipients. (Dkt. No. 131.) Plaintiffs propose to allocate 50% of the remaining settlement funds to the Institute of Law and Economic Policy (the "ILEP"). Plaintiffs indicate that next year a partner at Pomerantz LLP will serve as President of the ILEP. The record reflects that Pomerantz LLP represents plaintiffs in this matter.

The Court requires plaintiffs to propose a cy pre recipient which has no connection to the law firms appearing in this matter. Accordingly, plaintiffs' motion is **DENIED**. Plaintiffs shall file a revised motion for an order designating cy pres recipients by **April 23, 2018**.

In addition, Counsel shall provide the information listed below by **April 23, 2018**. The information should be provided in a summary chart format, preferably similar to that shown in Appendix A hereto from William B. Rubenstein, *The Fairness Hearing: Adversarial and Regulatory Approaches*, 53 UCLA L. REV. 1435, 1460 (2006).[1]

- Total settlement amount;
- Total amount of claims paid, expressed in dollars and as a percentage of the total

[1] Counsel are referred to further discussion on these issues in Nicholas M. Pace and William Rubenstein, "Shedding Light on Outcomes in Class Actions," in CONFIDENTIALITY, TRANSPARENCY, AND THE U.S. CIVIL JUSTICE SYSTEM, Ch. 2 (Joseph W. Doherty, Robert T. Reville, and Laura Zakaras, eds., Oxford University Press, 2008).

See also In Re: Lithium Ion Batteries Antitrust Litigation, Case No. 13-md-2420-YGR, Dkt. Nos. 1981 and 1988.

settlement amount;

- The number of class members who received notice ;
- The number of actual claims, expressed as a total number and as a percentage of the number who received notice;
- The number of opt-outs, expressed as a total number and as a percentage of the number who received notice;
- The attorney fees awarded, expressed as a total dollar figure, a percentage of the total settlement amount, and a percentage of the funds distributed to class members;
- The attorney costs and expenses awarded, expressed as a total dollar figure, a percentage of the total settlement amount, and a percentage of the funds distributed to class members;
- The total class administration costs, expressed as a total dollar figure and a percentage of the total settlement amount; and
- The residual funds, if any, remaining, expressed as a total dollar figure and a percentage of the total settlement amount.

IT IS SO ORDERED.

Dated: March 22, 2018

YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

United States District Court
Northern District of California

Appendix A

Preapproval Notice

In re Megasoft Antitrust Case

All figures are best estimates as of July 1, 2006

	% Total Settlement
Settlement $50 million	100%
Plaintiff fund $38.5 million	77%
Expected claims $4.7 million	9%
Class members 500,000	
Projected claims 60,000 (12%)	
Settlement per class member $79*	
Expected residual $33.8 million	68%
Cy pres – Public schools $22.5 million	
Reversion – Megasoft $11.3 million	
Attorney fees requested $10 million	20%
Lodestar $4.0 million	
Hours 10,000	
Melded billing rate $400/hr	
Multiplier 2.5	
Attorney costs $0.5 million	1%
Administrative costs $1 million	2%

The median award for class members filing a claim is estimated to be **$79.** Instructions for filing your claim appear elsewhere in this settlement notice.

* Settlement per class member is based on median damage. Actual individual settlements may be higher or lower depending on factual circumstances.

This settlement received an 'A' grade from the Class Action Settlement Rating Association.

Postclaim Filing Audit

In re Megasoft Antitrust Case

All figures are actual amounts as of June 30, 2007

	% Total Settlement
Settlement $50 million	100%
Claims paid $5.9 million	12%
Class members sent notice 500,000	
Actual claims 74,700 (15%)	
Opt-outs 2,000 (0.4%)	
Median recovery per claimant $79	
Residual $34.3 million	69%
Cy pres distribution $22.9 million	
Reversion $11.4 million	
Attorney fees awarded $8.3 million	17%
Portion of distributed fund 22%	
Attorney costs $0.5 million	1%
Administrative costs $1 million	2%

FIGURE 2.1 Model Simplified Notices (from Rubenstein 2006)