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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ARLIS HAMPTON, et al.,
Plaintiffs,
v.
AQUA METALS, INC., et al.,
Defendants.

Case No. [17-cv-07142-HSG](#)

**ORDER GRANTING MOTION FOR
DISBURSEMENT OF FUNDS**

Re: Dkt. No. 186

IT IS HEREBY ORDERED THAT:

1. The Court approves the administrative determinations of the Claims Administrator, A.B. Data, Ltd. (“A.B. Data”), accepting and rejecting the Claims received. The Net Settlement Fund (less any necessary amounts to be withheld for payment of potential tax liabilities and related fees and expenses) shall be distributed on a pro rata basis to the Authorized Claimants identified in the Declaration of Adam D. Walter of A.B. Data in Support of Lead Plaintiff’s Motion for Distribution of Class Settlement Funds, at the direction of Lead Counsel pursuant to the Order Granting Motion for Final Approval and Motion for Attorneys’ Fees and Costs, dated March 2, 2022 (ECF No. 182) and the Plan of Allocation set forth in the Notice that was distributed pursuant to this Court’s Order Granting Preliminary Approval of Settlement, dated Oct. 5, 2021 (ECF No. 170).

2. No Claim received or adjusted after February 16, 2023 is eligible for payment for any reason whatsoever. Any person asserting any rejected or subsequently filed Claims are finally and forever barred from that date on.

3. The Court finds that the administration of the Settlement and proposed distribution of the Net Settlement Fund comply with the terms of the Stipulation and the Plan of Allocation and that all persons involved in the review, verification, calculation, tabulation, or any other aspect of

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Northern District of California

1 the processing of the Claims submitted herein, or otherwise involved in the administration or
2 taxation of the Settlement Fund or the Net Settlement Fund are released and discharged from any
3 and all Claims arising out of such involvement, and all Settlement Class Members are barred from
4 making any further Claims against the Net Settlement Fund and the Released Persons beyond the
5 amount allocated to them pursuant to this Order.

6 4. The checks for distribution to Authorized Claimants shall bear the notation
7 “DEPOSIT PROMPTLY; VOID AND SUBJECT TO RE-DISTRIBUTION IF NOT
8 NEGOTIATED WITHIN 120 DAYS OF DISTRIBUTION.” Lead Counsel and the Claims A.B.
9 Data, Ltd. are authorized to locate and/or contact any Authorized Claimant who has not cashed his,
10 her or its check within said time.

11 5. If any funds remain in the Net Settlement Fund by reason of uncashed checks or
12 otherwise, then, after the Claims Administrator has made reasonable and diligent efforts to have
13 Settlement Class Members who are entitled to participate in the distribution of the Net Settlement
14 Fund cash their distribution checks, any remaining balance in the Net Settlement Fund six (6)
15 months after the initial distribution of such funds shall be re-distributed to Settlement Class
16 Members who have cashed their checks and who would receive at least \$10.00 (Ten Dollars) from
17 such re-distribution. If any funds shall remain in the Net Settlement Fund six months after such re-
18 distribution, then such balance shall be contributed to the Loyola University School of Law’s
19 Institute for Investor Protection.

20 6. Following distribution of the Net Settlement Fund, A.B. Data is hereby ordered to
21 maintain the completed Proofs of Claims on file for three years after the Effective Date as defined
22 in the Stipulation after which time A.B. Data is authorized to destroy the Proofs of Claims

23 7. Payment of up to \$29,739.36 is authorized to A.B. Data for reasonable costs already
24 incurred and in anticipation of the work that will be performed for distribution. Any excess will be
25 returned to the Net Settlement Fund.

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8. This Court retains jurisdiction over any further application or matter which may arise in connection with this Action.

9. The Motion for Disbursement of Funds, Dkt. No. 186, is **GRANTED**.

IT IS SO ORDERED.

Dated: 7/14/2023


HAYWOOD S. GILLIAM, JR.
United States District Judge