

Pursuant to the Final Judgment and Order of Dismissal with Prejudice dated December 7, 2020 (Dkt. No. 69) (the “Final Judgment”), this Court approved, without limitation: (i) the terms of the Stipulation and Agreement of Settlement dated November 4, 2019 (Dkt. No. 58) (the “Stipulation”); (ii) a Plan of Allocation for distribution of the Net Settlement Fund; and (iii) the award of fees and expenses to Lead Counsel and compensatory awards to Lead Plaintiffs.¹

The Court-approved Claims Administrator, Rust Consulting, Inc. (“Rust” or “Claims Administrator”), has determined that 179 valid Claims representing Recognized Losses of \$3,652,905.72 were filed on the Class Settlement Fund with Recognized Claims under the Plan of Allocation, representing a net recovery of approximately 24% for all valid claims.

The Net Settlement Fund totals \$889,553.39 after payment of all Court-approved attorneys’ fees, expenses, compensatory awards, and claims administration costs.

Pursuant to the Court’s Order Preliminarily Approving Settlement and Providing for Notice of Pendency entered on July 30, 2020 (Dkt. No. 62) (the “Preliminary Approval Order”), “[a]ll reasonable expenses incurred in identifying and notifying Class Members, as well as administering the Settlement Fund, shall be paid as set forth in the Stipulation.” Dkt. No. 62 at ¶ 18. As set forth in the Court-approved Notice, moreover, Class Members were informed that “[t]he Claims Administrator’s fees and expenses will be paid out of the gross Settlement Fund and are estimated to be \$115,000.00.” Dkt. No. 63-2 at 5. To-date, Rust’s administrative fees and expenses paid in connection with the services performed in providing Notice, processing Proofs of Claims, communicating with Settlement Class Members, and administering and distributing the balance of the Net Settlement Fund, total \$114,790.46.

¹ Unless otherwise indicated, all capitalized terms have the same meanings as set forth in the Stipulation.

The Court has authorized and directed the Parties to implement all the terms and provisions of the Stipulation; and

The Court has retained jurisdiction over this Action for the purpose of considering any further application or matter that may arise in connection with the administration and execution of the Settlement, the processing of Proofs of Claims, and the distribution of the Net Settlement Fund.

NOW, THEREFORE, upon considering of Lead Plaintiffs' Unopposed Motion for an Order for Final Distribution of the Net Settlement Fund ("Motion"), the Memorandum of Law in Support thereof, the Declaration of Jason Rabe Concerning the Results of the Claims Administration Process ("Rabe Decl."), and upon all prior proceedings herein, and after due deliberation;

IT IS HEREBY ORDERED THAT:

1. Lead Plaintiffs' Motion is granted;
2. Distribution of the Net Settlement Fund will commence no later than ten (10) business days after entry of this Order;
3. Rust's determinations accepting the claims, as indicated in Exhibits B and C to the Rabe Decl., are approved, and said claims are hereby accepted;
4. Rust's determinations rejecting the claims, as indicated in Exhibit A to the Rabe Decl., are approved, and said claims are hereby rejected;
5. Any claims filed after October 14, 2021 and any responses to deficiency and/or rejection notices received after October 14, 2021 are hereby barred;
6. No earlier than six (6) months from the date of this Order, any unclaimed, residual balance in the Net Settlement Fund will be redistributed to all claimants who have cashed their

checks from the initial distribution and whose proportionate share of the remaining Net Settlement Fund is \$10.00 or more;

7. Thereafter, if any sums remain unclaimed, and the unclaimed amount is not sufficiently large to warrant further distribution, the balance shall be paid to the Legal Aid Society;

8. All persons involved in the review, verification, calculation, tabulation, or any other aspect of the processing of the claims submitted herein or otherwise involved in the administration or taxation of the Class Settlement Fund or the Net Settlement Fund are released and discharged from any and all claims arising out of such involvement, and all Settlement Class Members, whether or not they are to receive payment from the Net Settlement Fund, are barred from making any further claim against the Net Settlement Fund or the Released Persons beyond the amount allocated to them pursuant to this Court's Order; and

9. This Court shall retain jurisdiction over any further application or matter that may arise in connection with this Action.

DATED: October 20, 2021



J. PAUL OETKEN
United States District Judge