

1 THE HONORABLE ROBERT S. LASNIK

2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 JASON MOOMJY, Individually and On Behalf
11 of All Others Similarly Situated,

12 Plaintiff,

13 v.

14 HQ SUSTAINABLE MARITIME
15 INDUSTRIES, INC., NORBERT SPORNS and
16 JEAN-PIERRE DALLAIRE, *et al.*,

Defendants.

Case No. 2:11-cv-00726-RSL

CLASS ACTION

**ORDER FOR DISTRIBUTION OF
CLASS SETTLEMENT FUND AND
REIMBURSEMENT OF PLAINTIFFS'
COUNSEL'S EXPENSES**

17 This matter comes before the Court on Lead Counsel's Application in Support of an
18 Order for Distribution of Class Settlement Fund and Reimbursement of Plaintiffs' Counsel's
19 Expenses, made pursuant to Paragraph 14 of the Stipulation of Settlement (the "Stipulation")
20 approved by this Court on March 21, 2013, which requires Lead Counsel to apply to the Court,
21 on notice to Defendants' Counsel, for an order approving the Claims Administrator's
22 administrative determinations concerning the acceptance and rejection of claims submitted
23 herein and approving any fees and expenses of the Claims Administrator not previously applied
24 for, and directing payment of the Net Settlement Fund to Authorized Claimants.

25 **NOW, THEREFORE**, upon review of Lead Counsel's Application for an Order for
26 Distribution of Class Settlement Fund and the accompanying Affidavit of Paul Mulholland of

ORDER FOR DISTRIBUTION OF CLASS SETTLEMENT FUND
(11-726-RSL)

KELLER ROHRBACK L.L.P.
1201 THIRD AVENUE, SUITE 3200
SEATTLE, WASHINGTON 98101-3052
TELEPHONE: (206) 623-1900

COHEN MILSTEIN SELLERS & TOLL PLLC
1100 NEW YORK AVENUE, N.W.
SUITE 500, WEST TOWER
WASHINGTON, DC 20005
TELEPHONE: (202) 408-4600

1 Strategic Claims Services, the Claims Administrator, and upon all prior proceedings herein, and
2 after due deliberation, the Court hereby finds and orders as follows:

3 1. At least 30 (thirty) days have passed since the filing of Lead Counsel's
4 Application for an Order for Distribution of Class Settlement Fund, and no claimant has filed a
5 response to such Application.

6 2. The administrative determinations of the Claims Administrator accepting the
7 claims as indicated in Exhibit B-1 to the Affidavit of Paul Mulholland are approved, and said
8 claims are accepted.

9 3. The administrative determinations of the Claims Administrator rejecting the
10 claims as described in the Affidavit of Mulholland are approved, and said claims are rejected.

11 4. The balance of the Settlement Fund and interest accrued thereon after deducting
12 the payments and reserves previously allowed and set forth herein (the "Net Settlement Fund")
13 shall be distributed to the eligible claimants listed in Exhibit B-1 to the Affidavit of Mulholland
14 in proportion to the Recognized Loss allocated to each such eligible claimant.

15 5. The payments to be distributed to the Authorized Claimants shall bear the
16 notation "CASH PROMPTLY, VOID AND SUBJECT TO RE-DISTRIBUTION 120 DAYS
17 AFTER ISSUE DATE." Lead Counsel and the Claims Administrator are authorized to take
18 appropriate action to locate and/or contact any eligible claimant who has not cashed his, her or
19 its distribution within said time.

20 6. Strategic Claims Services shall be paid the sum of \$10,008.09 from the Settlement
21 Fund and the interest accrued thereon for the balance of its fees and expenses incurred and to be
22 incurred in connection with the services performed and to be performed in giving notice to the
23 Class, preparing tax returns for the Settlement Fund, processing the Proofs of Claim, and
24 administering and distributing the Net Settlement Fund.

25 7. If any funds remain in the Net Settlement Fund by reason of uncashed checks, or
26 otherwise, after the Claims Administrator has made reasonable and diligent efforts to have

1 Authorized Claimants who are entitled to participate in the distribution of the Net Settlement
2 Fund cash their distribution checks, then any balance remaining in the Net Settlement Fund six
3 (6) months after the initial distribution of such funds shall be used: (a) first, to pay any amounts
4 mistakenly omitted from the initial distribution to Authorized Claimants or to pay any late, but
5 otherwise valid and fully documented claims received after the cut-off date used to make the
6 initial distribution, which were not previously authorized by the Court to be paid, provided that
7 such distributions to any late post-distribution claimants meet all of the other criteria for
8 inclusion in the initial distribution; (b) second, to pay any additional settlement administration
9 fees and expenses, including those of Lead Counsel as may be approved by the Court; (c) third to
10 make a second distribution to Authorized Claimants who cashed their checks from the initial
11 distribution and who would receive at least \$10.00 from such second distribution, after payment
12 of the estimated costs or fees to be incurred in making this second distribution, and if Lead
13 Counsel determines that such second distribution is economically feasible; and (d) finally, to be
14 distributed to the Council of Institutional Investors, a nonprofit, nonpartisan 501(c)(6)
15 association of pension funds and other organizations that advocates sound corporate governance
16 and strong shareholder rights.

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

24 9. The Claims Administrator is authorized to discard paper or hard copies of the
25 Proofs of Claim and supporting documents not less than one year after the distribution of the Net
26 Settlement Fund to the Authorized Claimants and electronic or magnetic media data not less than

three years after the initial distribution of the Net Settlement Fund to the Authorized Claimants.

ORDER FOR DISTRIBUTION OF CLASS SETTLEMENT FUND
(11-726-RSL)

KELLER ROHRBACK L.L.P.
1201 THIRD AVENUE, SUITE 3200
SEATTLE, WASHINGTON 98101-3052
TELEPHONE: (206) 623-1900

COHEN MILSTEIN SELLERS & TOLL PLLC
1100 NEW YORK AVENUE, N.W.
SUITE 500, WEST TOWER
WASHINGTON, DC 20005
TELEPHONE: (202) 408-4600


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

11. No claim submitted after September 16, 2013 may be included in the initial distribution for any reason whatsoever.

12. The Court hereby awards Plaintiffs' Counsel reimbursement of litigation expenses in the amount of \$1,210.69. The Court finds that the expenses are reasonable and typical of expenses billed by attorneys to paying clients in the marketplace.

SIGNED this 18th day of November, 2013.


Robert S. Lasnik
United States District Judge