

1 WHEREAS Class Representative DeKalb County Pension Fund (“Plaintiff”) moved this
2 Court for an order approving distribution of the Net Settlement Fund in the above-captioned action
3 (the “Action”). Having reviewed and considered all the materials and arguments submitted in
4 support of the motion, IT IS HEREBY ORDERED that:

5 1. This Order incorporates by reference the definitions in the Stipulation and
6 Agreement of Settlement (“Stipulation”) filed with the Court on May 6, 2022, Doc. 124, and all
7 terms used herein shall have the same meaning as set forth in the Stipulation, unless otherwise set
8 forth herein.

9 2. The motion is granted in its entirety and the court approves the administrative
10 determinations of A.B. Data, Ltd. (“A.B. Data”), the Court-appointed Claims Administrator, in
11 accepting and rejecting the Proof of Claim and Release forms (“Claim Forms” or “Claims”).

12 3. The Net Settlement Fund established by the settlement of this Action shall be
13 distributed to Authorized Claimants identified in Exhibits D & E to the Declaration of Jack
14 Ewashko in Support of Class Representative’s Motion for Distribution of the Net Settlement Fund
15 (“Ewashko Distribution Declaration”), at the direction of Lead Counsel, Faruqi & Faruqi, LLP,
16 pursuant to the Stipulation, and the Plan of Allocation of the Net Settlement Fund set forth in the
17 Notice of Pendency and Proposed Settlement of Class Action that was distributed pursuant to this
18 Court’s Order preliminarily approving the settlement (“Preliminary Approval Order”) (Doc. 137).

19 4. A.B. Data’s administrative determinations rejecting the ineligible or otherwise
20 deficient Claims, which are set forth in Exhibit F of the Ewashko Distribution Declaration, are
21 approved. Such claims may not receive any distributions from the Settlement Fund.

22 5. All distribution checks shall bear the notation “CASH PROMPTLY. VOID AND
23 SUBJECT TO REDISTRIBUTION IF NOT CASHED BY DATE 90 DAYS AFTER ISSUE
24 DATE.”

25 6. Consistent with the Plan of Allocation, after A.B. Data has made reasonable and
26 diligent efforts to have Authorized Claimants negotiate their distribution checks, Lead Counsel, in
27 consultation with A.B. Data, will determine whether it is cost-effective to conduct a second
28 distribution of the Net Settlement Fund (the “Second Distribution”), in which any amounts

1 remaining in the Net Settlement Fund six months after the first distribution (“Initial Distribution”),
2 after deducting A.B. Data’s fees and expenses incurred in connection with administering the
3 Settlement for which it has not yet been paid (including the estimated costs of such Second
4 Distribution), and after the payment of any estimated taxes, the costs of preparing appropriate tax
5 returns, and any escrow fees, will be distributed to all Authorized Claimants who (i) cashed their
6 Initial Distribution checks; and (ii) would receive at least \$10.00 from such distribution based on
7 their *pro rata* share of the remaining funds. Additional re-distributions, after deduction of costs
8 and expenses as described above, may occur thereafter in six-month intervals, in an equitable and
9 economical fashion, until Lead Counsel, in consultation with A.B. Data, determines that further
10 redistribution would not be cost-effective. If further redistribution of the funds remaining in the
11 Net Settlement Fund is not feasible or economical to reallocate, the remaining balance of the Net
12 Settlement Fund shall be donated to the Investor Protection Trust, in accordance with ¶ 28 of the
13 Stipulation.

14 7. No new Claims may be accepted after September 20, 2023, and no further
15 adjustments to previously received claims that would result in an increased Recognized Loss may
16 be made, subject to the following exception. If Claims are received or modified after September
17 20, 2023 that would have been eligible for payment or additional payment under the Plan of
18 Allocation if timely received, then, at the time that Lead Counsel, in consultation with A.B. Data,
19 determines that a redistribution is not cost-effective as described in ¶ 6 above, and after payment
20 of any unpaid fees or expenses incurred in connection with administering the Net Settlement Fund
21 and after deducting the payment of any estimated taxes, the costs of preparing appropriate tax
22 returns, and any escrow fees, such claimants, at the discretion of Lead Counsel, may be paid the
23 distribution amounts or additional distribution amounts on a *pro rata* basis that would bring them
24 into parity with other Authorized Claimants who have cashed their prior distribution checks, to the
25 extent possible.

26 8. The outstanding fees and expenses already incurred by A.B. Data and its estimate
27 to complete the Initial Distribution are approved. A.B. Data shall be paid the sum of \$24,380.05
28 from the Settlement Fund for the outstanding balance of its costs and expenses in connection with

1 the services performed in administering the Settlement, as stated in the invoices attached as
2 Exhibit G to the Ewashko Distribution Declaration. An additional \$14,503.50 shall be reserved
3 from the Settlement Fund in anticipation of the work A.B. Data will perform in connection with
4 the Initial Distribution, which shall be paid to A.B. Data as costs accrue, upon approval by Lead
5 Counsel, without further Order from the Court. If the cost of the Initial Distribution is less than
6 \$14,503.50, the excess shall be returned to the Net Settlement Fund. To the extent A.B. Data's
7 Initial Distribution costs and expenses exceed \$14,503.50, and additional funds remain in the Net
8 Settlement Fund following the Initial Distribution, A.B. Data may be paid its excess costs, upon
9 approval by Lead Counsel, before the implementation of a Second Distribution, any further
10 distributions, or payment to the *cy pres* recipient.

11 9. A.B. Data may destroy paper copies of the Claim Forms and all supporting
12 documentation one (1) year after the Initial Distribution of the Net Settlement Fund and may
13 destroy electronic copies of the same one (1) year after all funds have been distributed from the
14 Net Settlement Fund.

15 10. All persons involved in the review, verification, calculation, tabulation, or any
16 other aspect of the processing of the Claims submitted in this matter, or otherwise involved in the
17 administration or taxation of the Settlement Fund or Net Settlement Fund, including Plaintiff,
18 Class Counsel, Liaison Class Counsel, and A.B. Data, are hereby released and discharged from
19 any and all claims arising out of such involvement, and all Class Members, whether or not they are
20 to receive payment from the Net Settlement Fund, are hereby barred from making any further
21 claims against the Net Settlement Fund or the released persons beyond the amount allocated to
22 them pursuant to this Order.

23 11. The Court retains jurisdiction to consider any further applications concerning the
24 administration of the Settlement, and such other and further relief as this Court deems appropriate.

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