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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

IN RE ALLERGAN, INC. PROXY
VIOLATION DERIVATIVES
LITIGATION

Case No. 2:17-cv-04776 DOC (KESx)

The Hon. David O. Carter

CLASS ACTION

**ORDER GRANTING
PLAINTIFF'S MOTION FOR
DISTRIBUTION ORDER [125]**

DATE: January 13, 2020

TIME: 8:30 a.m.

PLACE: Courtroom 9D

1 The Court, having reviewed and considered (i) Plaintiff Timber Hill LLC’s
2 (“Timber Hill” or “Lead Plaintiff”) Motion for Distribution Order (“Motion”)
3 pursuant to the Plan of Allocation (“POA”) previously approved by the Court; (ii)
4 the Declaration of Jaime Firenze in Support of Lead Plaintiff’s Motion for
5 Distribution Order (the “Firenze Declaration”), dated December 12, 2019, and the
6 exhibits thereto; and (iii) the Memorandum of Points and Authorities in Support of
7 Plaintiff’s Motion for Distribution Order, and good cause appearing therefor,

8 **IT IS HEREBY ORDERED THAT:**

9 1. This Order incorporates by reference the definitions in the Stipulation
10 and Agreement of Settlement (the “Stipulation”) and the Firenze Declaration, and all
11 terms used herein shall have the meanings as set forth in the Stipulation or in the
12 Firenze Declaration.

13 2. This Court has jurisdiction over the subject matter of the Action and
14 over all parties to the Action, including all Settlement Class Members.

15 3. Lead Plaintiff’s Motion is **GRANTED**. Accordingly,

16 a. Lead Plaintiff’s plan for distribution of the Net Settlement Fund
17 to Authorized Claimants is approved;

18 b. The Claims Administrator’s¹ administrative determinations to
19 accept the Timely Eligible Claims set forth in Exhibit D and the Late But Otherwise
20 Eligible Claims set forth in Exhibit E to the Firenze Declaration are adopted;

21 c. The Claims Administrator’s administrative determinations to
22 reject ineligible Claims, as set forth in Exhibit F to the Firenze Declaration, are
23 adopted;

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¹ The Claims Administrator refers to Garden City Group, LLC (now known as Epiq
Class Action and Claims Solutions, Inc.).

1 d. The Claims Administrator is directed to distribute 100% of the
2 Net Settlement Fund, after deducting payments previously allowed and the payments
3 approved herein, and after payment of any estimated taxes, the costs of preparing
4 appropriate tax returns, and any escrow fees, as calculated under the POA; and

5 e. The determinations of the Claims Administrator to accept and
6 reject claims shall be conclusive against all claimants.

7 f. In order to encourage Authorized Claimants to cash their Class
8 Distribution checks promptly and to avoid or reduce future expenses relating to
9 uncashed checks, all Distribution checks shall bear the following notation:
10 “DEPOSIT PROMPTLY; VOID AND SUBJECT TO REDISTRIBUTION IF NOT
11 NEGOTIATED BY [DATE 90 DAYS AFTER ISSUE DATE].” The Claims
12 Administrator is authorized to take appropriate action to locate and contact any
13 Authorized Claimant that initially fails to cash their Class Distribution check;

14 g. After the Claims Administrator has made reasonable and diligent
15 efforts to have Authorized Claimants cash their Distribution checks, any balance
16 remaining in the Net Settlement Fund no less than six months after the Distribution
17 will be redistributed to Authorized Claimants that have cashed their Distribution
18 checks and that would receive at least \$10.00 from such redistribution, after payment
19 of any unpaid costs or fees incurred in administering the Net Settlement Fund for
20 such redistribution and if it is economically feasible to do so;

21 h. If any funds remain in the Net Settlement Fund after such
22 payments, then, after all costs of administration are paid, the balance will be
23 contributed to non-sectarian, not-for-profit 501(c)(3) organization(s) to be
24 recommended by Co-Lead Counsel and approved by the Court.

25 i. All persons involved in the review, verification, calculation,
26 tabulation, or any other aspect of the processing of the Proofs of Claim submitted
27 herein, or otherwise involved in the administration or taxation of the Settlement Fund
28 or the Net Settlement Fund, are hereby released and discharged from any and all

1 claims arising out of such involvement, and all Settlement Class Members, whether
2 or not they receive payment from the Net Settlement Fund, are hereby barred from
3 making any further claims against the Net Settlement Fund, Lead Plaintiff, Co-Lead
4 Counsel, the Claims Administrator, the Escrow Agent or any other agent retained by
5 Lead Plaintiff or Co-Lead Counsel in connection with the administration or taxation
6 of the Settlement Fund or the Net Settlement Fund beyond the respective amounts
7 allocated to Authorized Claimants;

8 j. All of the Claims Administrator's fees and expenses incurred in
9 connection with the administration of the Settlement and estimated to be incurred in
10 connection with the Distribution of the Net Settlement Fund are approved, and Lead
11 Plaintiffs are directed to pay the outstanding balance of \$94,088.54 out of the
12 Settlement Fund to the Claims Administrator; and

13 4. The Claims Administrator may discard paper copies of Proof of Claim
14 forms one year after the Second Distribution, or if there is no Second Distribution,
15 two years after the initial Distribution; and (ii) the Claims Administrator may discard
16 copies of such materials maintained in electronic form one year after all funds are
17 distributed from the Net Settlement Fund. The Court retains jurisdiction over the
18 Actions and all parties thereto, including the Settlement Class Members and over any
19 further application or matter which may arise herein.

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21 **IT IS SO ORDERED.**

22 DATED: January 15, 2020

David O. Carter

23 David O. Carter
24 UNITED STATES DISTRICT JUDGE
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1 Submitted by:

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18
19 /s/ Marc M. Seltzer

20 Marc M. Seltzer

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