

GLANCY PRONGAY AND MURRAY LLP

Lionel Z. Glancy
1925 Century Park East, Suite 2100
Los Angeles, CA 90067
Tel: (310) 201-9150
Fax: (310) 201-9160

Liaison Counsel for Lead Plaintiff

(additional counsel on signature page)

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

MARK NATHANSON, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

POLYCOM, INC., ANDREW M. MILLER,
MICHAEL R. KOUREY, and ERIC F.
BROWN,

Defendants.

Case No. 13-cv-03476-YGR

~~PROPOSED~~ ORDER RE:
DISTRIBUTION OF CLASS
SETTLEMENT FUND

1 WHEREAS, by Judgment and Order of Dismissal With Prejudice dated September 7,
2 2016 (“Final Order”), this Court approved the terms of the Settlement Stipulation, which
3 included a Plan of Allocation for distribution of the Net Settlement Fund;¹ and

4 WHEREAS this Court has retained jurisdiction over this Action for the purpose of
5 considering any further application or matter which may arise in connection with the
6 administration and execution of the Settlement, the processing of Proofs of Claim, and the
7 distribution of the Net Settlement Fund to the Authorized Claimants.

8 NOW, THEREFORE, upon consideration of the Class Plaintiff’s Motion for an Order
9 for Distribution of the Net Settlement Fund (“Motion”), the Memorandum of Law in Support
10 of the Motion, the Declaration of Stephen J. Cirami in Support of the Motion (“Cirami
11 Declaration”), upon all prior proceedings herein, and after due deliberation, it is hereby:

12 ORDERED that Class Plaintiff’s Motion is granted; and it is further

13 ORDERED that the administrative determinations of Garden City Group, Inc. (“GCG”
14 or “Claims Administrator”), accepting the claims as indicated in the exhibits to the Cirami
15 Declaration, be and the same hereby are approved, and said claims are hereby accepted; and it
16 is further

17 ORDERED that the administrative determinations of the Claims Administrator rejecting
18 the claims as indicated on the computer printout of rejected claims submitted with and attached
19 to the Cirami Declaration, be and the same hereby are approved, and said claims are hereby
20 rejected; and it is further

21 ORDERED that no claim received after April 7, 2017 may be accepted for any reason
22 whatsoever; and it is further

23 ORDERED that the Claims Administrator be paid the additional sum of \$253,343.65
24 from the Settlement Fund and the interest accrued thereon for the balance of its fees and

25 ¹ Unless otherwise indicated, all initially capitalized terms used herein shall have the meanings
26 ascribed to them in the January 8, 2016 Stipulation and Agreement of Settlement (Dkt. No. 102-
27 1) and the February 29, 2016 Order Granting Preliminary Approval of Settlement (Dkt. No.
111).

{00238347;1 }

1 expenses incurred and to be incurred in connection with the services performed and to be
2 performed in giving Class Notice, preparing tax returns for the Settlement Fund, processing the
3 Proofs of Claim, and administering and distributing the balance of the Settlement Fund and
4 interest accrued thereon after deducting the payments previously allowed and set forth herein
5 plus any taxes owed; and it is further

6 ORDERED that, after deduction of the payments requested herein, the balance of the
7 Net Settlement Fund shall be distributed to the eligible claimants listed in the exhibits to the
8 Cirami Declaration in proportion to the Recognized Claim allocated to each such eligible
9 claimant as shown on such printout; and it is further

10 ORDERED that, no earlier than six (6) months from the date of this Final Order, any
11 unclaimed, residual balance in the Net Settlement Fund that either is remaining because
12 Authorized Claimants have recovered 100% of their losses or is not large enough to make it
13 economically feasible to distribute said unclaimed balance to Authorized Claimants shall be
14 donated to a legal non-profit organization to be proposed by Lead Counsel and approved by the
15 Court; and it is further


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

23 ORDERED that this Court retain jurisdiction over any further application or matter that
24 may arise in connection with this Action.

25
26
27
28 {00238347;1 }

1 **SO ORDERED:**

2
3 DATED: April 28, 2017


Hon. Yvonne Gonzalez Rogers
United States District Judge

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

{00238347;1 }

~~PROPOSED~~ ORDER RE: DISTRIBUTION OF CLASS SETTLEMENT FUND