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**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

CORY LONGO, individually and on behalf
of all others similarly situated, et al.,

Plaintiffs,

v.

OSI SYSTEMS, INC., et al.,

Defendants.

Case No. 2:17-cv-08841-FMO-SKx

**[PROPOSED] ORDER APPROVING
DISTRIBUTION PLAN**

WHEREAS, by its Order Re: Motion for Final Approval of Class Action Settlement dated August 31, 2022 (ECF No. 146) and its Judgment dated August 31, 2022 (ECF No. 147), this Court approved the terms of the settlement set forth in the Stipulation and Agreement of Settlement dated October 22, 2021 (ECF No. 125-4) (“Settlement” or “Stipulation”) and the proposed plan for allocating the net settlement proceeds to eligible Settlement Class Members (ECF No. 133-3 at 11-14) (“Plan of Allocation”);

WHEREAS, this Court had directed the parties to consummate the terms of the Settlement and Plan of Allocation;

WHEREAS, the Settlement provided for consideration of \$12,500,000 in cash (“Settlement Amount”) and, pursuant to the terms of the Stipulation, the Settlement Amount

1 was deposited into an escrow account established by Lead Counsel for the benefit of the
2 Settlement Class;

3 WHEREAS, as set forth in the mailed Notice of (I) Pendency of Class Action and
4 Proposed Settlement; (II) Final Approval Hearing; and (III) Motion for Attorneys' Fees and
5 Litigation Expenses (ECF No. 133-3) ("Notice"), the deadline for Settlement Class
6 Members to submit Claims to the Court-authorized claims administrator for the Settlement,
7 A.B. Data, Ltd. ("A.B. Data"), in order to be potentially eligible to participate in the
8 distribution of the Net Settlement Fund (defined below) has passed;

9 WHEREAS, in satisfaction of due process requirements, all Settlement Class
10 Members who submitted Claims that were in any way ineligible or deficient were:
11 (i) informed that their Claims were ineligible or deficient; and (ii) given opportunities to
12 correct any curable deficiencies prior to their Claims being finally rejected, or to contest the
13 determination as to such deficiencies, by requesting judicial review;

14 WHEREAS, the process of reviewing Claims has been completed;

15 WHEREAS, Lead Plaintiff, through Lead Counsel, now seeks authorization to
16 distribute the proceeds of the Settlement Fund to Authorized Claimants, after deduction of
17 any taxes, fees, and expenses previously approved by the Court or approved by this Order
18 ("Net Settlement Fund"); and

19 WHEREAS, this Court retained jurisdiction over the Parties, including Settlement
20 Class Members, "for the purpose of construing, enforcing, and administering the Order and
21 Judgment, as well as the Settlement Agreement itself." ECF No. 146, ¶ 10.

22 NOW, THEREFORE, upon careful consideration of: (i) the Declaration of Adam D.
23 Walter in Support of Lead Plaintiff's Unopposed Motion for Approval of Distribution Plan
24 submitted on behalf of A.B. Data ("Walter Declaration"); (ii) the Memorandum in Support
25 of Lead Plaintiff's Unopposed Motion for Approval of Distribution Plan; and (iii) the other
26 submissions and papers on file with the Court; and upon all prior proceedings heretofore
27 and herein, and after due deliberation, it is hereby

28 ORDERED, that all capitalized terms not otherwise defined herein shall have the

1 same meanings as set forth in the Stipulation and in the Walter Declaration; and it is further
2 ORDERED, that the administrative determinations of A.B. Data accepting the
3 Claims described in the Walter Declaration and listed on Exhibits D and E thereto,
4 calculated pursuant to the Court-approved Plan of Allocation set forth in the Notice, are
5 hereby approved, and said Claims are hereby accepted; and it is further

6 ORDERED, that the administrative determinations of A.B. Data rejecting the Claims
7 described in the Walter Declaration and listed on Exhibit F thereto are hereby approved,
8 and said Claims are hereby rejected; and it is further

9 ORDERED, that A.B. Data be paid the sum of \$59,710.78 from the Net Settlement
10 Fund as payment for its unpaid fees and expenses incurred in connection with administering
11 the Settlement and its fees and expenses to be incurred in conducting the Initial Distribution
12 of the Net Settlement Fund; and it is further

13 ORDERED, that A.B. Data conduct the Initial Distribution of the Net Settlement
14 Fund as set forth in the Walter Declaration. As set forth in ¶ 40 of the Walter Declaration,
15 the Net Settlement Fund shall be distributed to the Authorized Claimants listed on
16 Exhibits D and E to the Walter Declaration pursuant to the Court-approved Plan of
17 Allocation in proportion to each Authorized Claimant's Recognized Claim as compared to
18 the total Recognized Claims of all Authorized Claimants as shown on such Exhibits; and it
19 is further

20 ORDERED, that all checks to Authorized Claimants issued in the Initial Distribution
21 shall bear the notation "DEPOSIT PROMPTLY; VOID AND SUBJECT TO RE-
22 DISTRIBUTION IF NOT NEGOTIATED WITHIN 120 DAYS OF DISTRIBUTION."
23 Lead Counsel and A.B. Data are authorized to take appropriate actions to locate and/or
24 contact any Authorized Claimant who has not negotiated his, her, or its check within said
25 time; and it is further

26 ORDERED, that Authorized Claimants who do not negotiate their checks within the
27 time allotted will irrevocably forfeit all recovery from the Settlement; and it is further

28 ORDERED, that, after making reasonable and diligent efforts to have Authorized

1 Claimants negotiate their Initial Distribution checks, but not earlier than nine (9) months
2 after the Initial Distribution, A.B. Data will, if cost-effective to do so, conduct a
3 redistribution of the funds remaining in the Net Settlement Fund after payment of any
4 unpaid fees and expenses incurred in administering the Settlement, including the costs of
5 such redistribution, to Authorized Claimants who have cashed their Initial Distribution
6 checks and who would receive at least \$10.00 from such redistribution based on their *pro*
7 *rata* share of the remaining funds; and it is further

8 ORDERED, that A.B. Data may make additional redistributions of balances
9 remaining in the Net Settlement Fund to Authorized Claimants who have cashed their prior
10 checks and who would receive at least \$10.00 on such additional redistributions if Lead
11 Counsel, in consultation with A.B. Data, determines that additional redistributions, after
12 deducting any additional fees and expenses incurred in administering the Settlement,
13 including the costs of such redistributions, would be cost-effective; and it is further

14 ORDERED, that, at such time as Lead Counsel, in consultation with A.B. Data,
15 determines that further redistribution of the funds remaining in the Net Settlement Fund is
16 not cost-effective, any otherwise valid Claims received after June 15, 2024, or Claims
17 adjusted after June 15, 2024, may be paid in accordance with ¶ 40(e) of the Walter
18 Declaration; and it is further

19 ORDERED, that any balance that remains in the Net Settlement Fund after further
20 redistributions or payment of any otherwise valid Claims received after June 15, 2024, or
21 Claims adjusted after June 15, 2024, in accordance with ¶ 40(e) of the Walter Declaration,
22 which is not cost-effective to reallocate, will be contributed to non-sectarian, not-for-profit
23 organization(s) recommended by Lead Counsel and approved by the Court; and it is further

24 ORDERED, that the Court finds that the administration of the Settlement and the
25 proposed distribution of the Net Settlement Fund comply with the terms of the Stipulation
26 and the Plan of Allocation and that all persons and entities involved in the review,
27 verification, calculation, tabulation, or any other aspect of the processing of the Claims
28 submitted in connection with the Settlement of this Action, or who are otherwise involved

1 in the administration or taxation of the Settlement Fund or the Net Settlement Fund are
2 released and discharged from any and all claims arising out of such involvement, and,
3 pursuant to the release terms of the Settlement, all Settlement Class Members, whether or
4 not they are to receive payment from the Net Settlement Fund, are barred from making any
5 further claims against the Net Settlement Fund or the parties released pursuant to the
6 Settlement beyond the amount allocated to them pursuant to this Order; and it is further

7 ORDERED, that A.B. Data is hereby authorized to destroy paper copies of Claims
8 and all supporting documentation one (1) year after the Second Distribution of the Net
9 Settlement Fund, if that occurs, or, if there is no Second Distribution, two (2) years after the
10 Initial Distribution and all electronic copies of the same one (1) year after all funds have
11 been distributed; and it is further

12 ORDERED, that this Court retains jurisdiction over any further application or matter
13 which may arise in connection with this Action.

14 SO ORDERED this _____ day of _____, 2024.

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17 _____
18 The Honorable Fernando M. Olguin
19 United States District Judge
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