

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

RAJESH M. SHAH, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Cause No. 3:16-CV-815-PPS-MGG
)	
)	
ZIMMER BIOMET HOLDINGS, INC.,)	
<i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Plaintiffs' Unopposed Motion for Class Distribution Order [DE 267] is GRANTED as follows:

1. This Order incorporates by reference the definitions in the Stipulation and Agreement of Settlement [DE 246-1]. All terms not otherwise defined shall have the same meaning as set forth in the Stipulation or the Segura Declaration. [DE 258-3, 260-1.]
2. This Court has jurisdiction over the subject matter of the Action and over all parties to the Action, including all Settlement Class Members.
3. As set forth in the Segura Declaration, the administrative determinations of the Claims Administrator in accepting and rejecting Claims are approved. Specifically, the administrative determinations of the Claims Administrator accepting those Claims set forth in Exhibits C and D of the Segura Declaration are approved. Likewise, the

administrative determinations of the Claims Administrator rejecting those Claims set forth in Exhibit E of the Segura Declaration are approved.

4. As set forth in the Segura Declaration, no new Claims received after November 9, 2020 may be included in the distribution, except as provided for in paragraph 8 below.

5. The Court authorizes payment of \$359,587.71 from the Settlement Fund to the Claims Administrator for the balance of the fees and expenses incurred and to be incurred in connection with the claims administration process, as described in the Segura Declaration.

6. The Distribution Plan for the Net Settlement Fund as set forth in the Segura Declaration and accompanying exhibits is approved. Segura Declaration, ¶47. The balance of the Net Settlement Fund shall be distributed to Authorized Claimants. To encourage Authorized Claimants to promptly deposit their payments, all distribution checks will bear a notation: "CASH PROMPTLY. VOID AND SUBJECT TO REDISTRIBUTION IF NOT CASHED BY DATE 90 DAYS AFTER ISSUE DATE." Authorized Claimants who fail to negotiate a distribution check within the time allotted or consistent with the terms outlined in the Segura Declaration will irrevocably forfeit all recovery from the Settlement.

7. After the Initial Distribution of the Net Settlement Fund, the Claims Administrator shall make reasonable and diligent efforts to have Authorized Claimants cash their distribution checks. To the extent any monies remain in the fund nine (9)

months after the Initial Distribution, if Lead Counsel, in consultation with the Claims Administrator, determines that it is cost-effective to do so, the Claims Administrator shall conduct a redistribution of the funds remaining after payment of any unpaid fees and expenses incurred in administering the Settlement, including for such redistribution, to Authorized Claimants who have cashed their Initial Distributions and who would receive at least \$10.00 from such redistribution. Additional redistributions to Authorized Claimants who have cashed their prior checks and who would receive at least \$10.00 on such additional redistributions may occur thereafter if Lead Counsel, in consultation with the Claims Administrator, determines that additional redistributions, after the deduction of any additional fees and expenses incurred in administering the Settlement, including for such redistributions, would be cost-effective.

8. At such time as Lead Counsel, in consultation with the Claims Administrator, determines that further distribution of the funds remaining in the Net Settlement Fund is not cost-effective, if sufficient funds remain to warrant the processing of Claims received after November 9, 2020, such Claims will be processed, and any such Claims that are otherwise valid, as well as any earlier received Claims for which an adjustment was received after December 9, 2020, that resulted in an increased Recognized Claim, will be paid on a *pro rata* basis, but only to the extent that the additional distribution would bring them into parity with other Authorized Claimants.

9. At such time as Lead Counsel, in consultation with the Claims Administrator, determine that no additional distributions are cost-effective, then the

funds will be donated to Investor Protection Trust, a non-sectarian, not-for-profit organization devoted to investor education.

10. All persons involved in the review, verification, calculation, tabulation, or any other aspect of the processing of the claims submitted herein, or otherwise involved in the administration or taxation of the Settlement Fund or the Net Settlement Fund, are released and discharged from any and all claims arising out of such involvement, and all Settlement Class Members, whether or not they are to receive payment from the Net Settlement Fund, are barred from making any further claim against the Net Settlement Fund, Plaintiffs, Plaintiffs' Counsel, the Claims Administrator, the Escrow Agent or any other agent retained by Plaintiffs or Lead Counsel in connection with the administration or taxation of the Settlement Fund or the Net Settlement Fund beyond the amounts allocated to them pursuant to this Order.

11. The Claims Administrator is authorized to discard: (a) paper or hard copies of the Proofs of Claim Form and supporting documents two years after the Initial Distribution or one year after the Second Distribution (if it occurs); and (b) electronic or magnetic media data not less than one year after the final distribution of the Net Settlement Fund to Authorized Claimants.

SO ORDERED on December 14, 2020.

/s/ Philip P. Simon
PHILIP P. SIMON, JUDGE
UNITED STATES DISTRICT COURT