

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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| IN RE DUCTILE IRON PIPE FITTINGS | : | |
| ("DIPF") INDIRECT PURCHASER | : | Civ. No. 3-12-cv-00169 (AET) (LHG) |
| ANTITRUST LITIGATION | : | |

**ORDER AUTHORIZING DISTRIBUTION OF
THE NET SETTLEMENT FUND**

This CAUSE having come before the Court on the application of Indirect Purchaser Plaintiffs for authorization to distribute the Net Settlement Fund (the "Motion"); and the Court, having reviewed the Motion, the accompanying memorandum and declarations and exhibits, and the file; and for good cause having been shown;

It appearing that the parties have administered the terms of the Stipulations;

It appearing as set forth in the Notice, the deadline for Class Members to submit Proof of Claim and Release forms to the claims administrator for the

settlements, Epiq Class Action and Claims Solutions, Inc.¹ (“Epiq” or “Claims Administrator”) in order to participate in the distribution of the Settlement Fund was June 27, 2018;

It appearing that in satisfaction of due process requirements, all Class Members who filed claims that were in any way ineligible or deficient were: (1) informed that their claims were ineligible or deficient; and (2) given opportunities to correct any deficiency prior to their claims being finally rejected;

It appearing that the process of reviewing all Proofs of Claim has been completed;

It appearing that Settlement Class Counsel now seeks authorization to distribute the proceeds of the Net Settlement Fund to Authorized Claimants, after the payment of any taxes and unpaid costs or expenses; and

It appearing that this Court has exclusive jurisdiction of this Action with respect to all matters relating to the settlements, including, *inter alia*, the administration of the settlements and the distribution of the settlements’ proceeds to the Settlement Class members;

ON THIS 15 DAY OF September, 2020, IT IS HEREBY

ORDERED, ADJUDGED AND DECREED THAT:

¹Garden City Group, LLC, which had been appointed by the Court as the claims administrator, was acquired by Epiq Class Action and Claims Solutions, Inc. on June 15, 2018.

1. The Motion is **GRANTED**.
2. The administrative determinations of Epiq to accept the valid and timely claims by Authorized Claimants, as set forth in Exhibit B to the Declaration of Eric Kierkegaard Concerning Settlement Administration and Payment to Claimants (“Epiq Decl.”), and the late but otherwise valid claim, as set forth in Exhibit B, are adopted and said claims are hereby accepted.
3. Any claim submitted after January 24, 2019 is and will be rejected, and no further claims against the Settlement Fund will be permitted.
4. The administrative determinations of Epiq to reject the claims on the list of rejected or ineligible Claimants, as set forth in Exhibit A of the Epiq Declaration, are adopted and said claims are hereby rejected.
5. Payment shall be made from the Settlement Fund to the Internal Revenue Service for the proper amount of taxes due and owing on the interest earned on the settlement funds while in escrow, if any.
6. The balance of the settlement funds, after deducting payments previously allowed or set forth herein, shall be distributed to the Authorized Claimants listed on Exhibit B of the Epiq Declaration in proportion to each Authorized Claimant’s purchases as compared to the total purchases of all Authorized Claimants as shown on such printout.

7. The checks for distribution to the Authorized Claimants shall bear the notation "CASH PROMPTLY. VOID AND SUBJECT TO REDISTRIBUTION IF NOT CASHED 120 DAYS AFTER ISSUE DATE." Settlement Class Counsel and Epiq are authorized to take appropriate action to locate and/or contact any Authorized Claimant who has not cashed his, her or its check within said time. The costs of such services to locate and reissue payments to such Authorized Claimants shall be payable from the unclaimed/uncashed monies remaining in the Net Settlement Fund. Authorized Claimants who do not cash their Distribution checks within the time allotted shall irrevocably forfeit all recovery from the settlements, and the funds allocated to all such stale-dated checks shall be available in any redistribution to other Authorized Claimants.

8. Six (6) months after the initial distribution: (a) any funds remaining in the Net Settlement Fund, by reason of uncashed checks, or otherwise, after the Claims Administrator has made reasonable efforts to have Authorized Claimants who are entitled to participate in the distribution of the Net Settlement Fund cash their distribution checks, shall be redistributed, if economically feasible, to Settlement Class members who have cashed their initial distributions and who would receive at least \$10.00 from such redistribution, after payment of any unpaid costs or fees incurred in administering the Net Settlement Fund for such redistribution.

9. In the event that redistribution is not economically feasible, after payment of any further notice and administration expenses and taxes, the Claims Administrator, following consultation with Settlement Class Counsel, shall donate, pursuant to the doctrine of *cy pres*, any remaining funds in the Net Settlement Fund, if any, to Settlement Class Counsel's *cy pres* designee, the American Antitrust Institute, an independent, not-for-profit 501(c)(3) organization.

10. The Court finds that the administration of the settlements and the proposed distribution of the Net Settlement Fund comply with the terms of the Stipulations and the Plan of Allocation and that all persons who are involved in the review, verification, calculation, tabulation, or any other aspect of the processing of the Proofs of Claim filed in this Action, or who are 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, pursuant to the release terms of the settlements, all Settlement Class members, whether or not they are to receive payment from the Net Settlement Fund, are barred from making any further claims against the Net Settlement Fund, beyond the amount allocated to Authorized Claimants, and to provide that all persons involved in the review, verification, calculation, tabulation, or any other aspect of the processing of the Proofs of Claim submitted herein, or otherwise involved in

the administration or taxation of the Settlement Fund or Net Settlement Fund, be released and discharged from any and all claims arising out of such involvement.

11. This Order shall not release any claim by Plaintiffs against the Claims Administrator with respect to distributions, if any, if later discovered to have been made not substantially in accordance with the Stipulations, the Plan of Allocation or any order of the Court.

12. Epiq is hereby authorized to destroy claim forms and records in paper form one year after final distribution of the Net Settlement Fund, as well as claim forms and records in electronic form three (3) years after final distribution of the Net Settlement Fund.

13. This Court retains jurisdiction over any further application or matter which may arise in connection with this Action.

IT IS SO ORDERED.


HONORABLE ANNE E. THOMPSON, USDJ