

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

RONALD MONK, Individually and on Behalf of
All Others Similarly Situated,

Plaintiff,

vs.

JOHNSON & JOHNSON, WILLIAM C.
WELDON, DOMINIC J. CARUSO, COLLEEN
A. GOGGINS and PETER LUTHER,

Defendants.

Civil Action No. 10-4841 (FLW) (DEA)

**ORDER APPROVING DISTRIBUTION OF
NET SETTLEMENT FUND**

WHEREAS, by its Order and Final Judgment issued on November 21, 2013 (Docket Entry 131) and its Order Approving Plan of Allocation of Net Settlement Fund issued on November 21, 2013 (Docket Entry 128), this Court approved the terms of the settlement set forth in the Stipulation and Agreement of Settlement (Docket Entry 111-2) (the "Settlement" or "Stipulation") and the proposed plan for allocating the net settlement proceeds to eligible Class Members (the "Plan of Allocation") set forth in the Notice of Pendency of Class Action and Proposed Settlement, Motion for Attorneys' Fees and Expenses, and Final Approval Hearing (the "Notice");

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

WHEREAS, the Settlement provides for the payment of \$22,900,000 on behalf of the Defendants (the "Settlement Amount") and, pursuant to the terms of the Stipulation, the Settlement Amount was deposited into an account established by Lead Counsel at The Huntington National Bank for the benefit of the Class (the "Escrow Account");

WHEREAS, as set forth in the Notice, the deadline for Class Members to submit Proof of Claim forms ("Claim Forms" or "claims") to the Claims Administrator for the Settlement, Strategic Claims Services ("SCS"), in order to be potentially eligible to participate in the distribution of the Net Settlement Fund has passed;

WHEREAS, in satisfaction of due process requirements, all Class Members who submitted Claim Forms 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 curable deficiencies prior to their claims being finally rejected, or to contest the determination as to such deficiencies, by requesting review;

WHEREAS, the process of reviewing claims has been completed;

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

WHEREAS, pursuant to its Order and Final Judgment issued on November 21, 2013 (Docket Entry 131), this Court reserved jurisdiction of this Action for the purposes of, among other things, supervising the distribution of the Settlement Fund.

NOW, THEREFORE, upon reading: (1) the Declaration of Paul Mulholland, CPA Concerning Administrative Procedures Performed to Process Claims and the Results Thereof (the "Mulholland Declaration" or "Mulholland Decl.") submitted on behalf of SCS; (2) Lead Plaintiff's Brief in Support of Motion for Distribution of Net Settlement Fund (the "Brief"); (3) the other submissions and papers on file with the Court; and upon all prior proceedings heretofore and herein, and after due deliberation,

IT IS THIS 1st day of ~~May~~ ^{June}, 2017

ORDERED as follows:

1. All capitalized terms not otherwise defined herein shall have the same meanings as set forth in the Stipulation and the Mulholland Declaration submitted herewith.

2. The administrative determinations of SCS accepting the claims as described in the Mulholland Declaration and listed on Exhibits B-1 and B-2 thereto, calculated pursuant to the Court-approved Plan of Allocation set forth in the Notice, are hereby approved, and said claims are hereby accepted.

3. The administrative determinations of SCS rejecting the claims as described in the Mulholland Declaration and listed on Exhibits D and F thereto (including Disputed Claim Nos. 12749 and 12750), are hereby approved, and said claims are hereby rejected.

4. 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 Fund while in escrow, if any.

5. SCS shall be paid the sum of \$1,935,729.29 from the Net Settlement Fund as payment for the balance of its fees and expenses incurred and to be incurred in connection with the administration of the Settlement and the Initial Distribution of the Net Settlement Fund.

6. The Net Settlement Fund shall be distributed to the Authorized Claimants listed on Exhibits B-1 and B-2 to the Mulholland Declaration pursuant to the Court-approved Plan of Allocation in proportion to each Authorized Claimant's Recognized Claim as compared to the total Recognized Claims of all Authorized Claimants as shown on such Exhibits.

7. The checks for distribution to the Authorized Claimants shall bear the notation "CASH PROMPTLY, VOID AND SUBJECT TO RE-DISTRIBUTION IF NOT CASHED BY

[DATE 120 DAYS AFTER ISSUE DATE].” Lead Counsel and SCS are authorized to take appropriate actions to locate and/or contact any Authorized Claimant who has not cashed his, her or its check within said time.

8. Authorized Claimants who do not cash their checks within the time allotted will irrevocably forfeit all recovery from the Settlement Fund.

9. Any funds remaining in the Net Settlement Fund six (6) months after the Initial Distribution, by reason of uncashed checks, or otherwise, and after SCS has made reasonable and diligent efforts to have Authorized Claimants who are entitled to participate in the distribution of the Net Settlement Fund cash their distribution checks, shall be used: (a) first, to pay any amounts mistakenly omitted from the Initial Distribution to Authorized Claimants or to pay any late, but otherwise valid and fully documented claims received after the cut-off date used to make the Initial Distribution (*i.e.*, February 17, 2017), which were not previously authorized by the Court to be paid, provided that such distributions to any late post-distribution claimants meet all of the other criteria for inclusion in the Initial Distribution, including the \$10.00 minimum check amount; (b) second, to pay any additional fees and expenses incurred in administering the Settlement; and (c) finally, to make a second distribution to Authorized Claimants who cashed their checks from the Initial Distribution and who would receive at least \$10.00 from such second distribution, after payment of the estimated costs or fees to be incurred in administering the Net Settlement Fund and in making this second distribution, if such second distribution is economically feasible.

10. If after six (6) months after such second distribution, if undertaken, or if such second distribution is not undertaken, any funds remain in the Net Settlement Fund, after SCS has made reasonable and diligent efforts to have Authorized Claimants who are entitled to

participate in this Settlement cash their checks, these funds shall be donated to a non-profit charitable organization(s) selected by Lead Counsel and approved by the Court.

11. The Court finds that the administration of the Settlement and the proposed distribution of the Net Settlement Fund comply with the terms of the Stipulation and the Plan of Allocation and that all persons involved in the review, verification, calculation, tabulation, or any other aspect of the processing of the claims submitted in connection with the Settlement, 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 all 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 beyond the amount allocated to them pursuant to this Order.

12. One (1) year after the distribution of the Net Settlement Fund, SCS is authorized to follow its internal documentation retention policy, and is permitted to discard documents relating to this Action in accordance with that policy.

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

14. Any claim received after February 17, 2017 and any responses to deficiency and/or rejection notices received after February 17, 2017 be rejected as untimely and not considered for inclusion in the Initial Distribution of the Net Settlement Fund.



FREDA L. WOLFSON, U.S.D.J.