

1
2
3
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

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

TREVOR MILD, Individually
and on Behalf of All Others Similarly
Situated,

Plaintiff,

v.

PPG INDUSTRIES, INC., MICHAEL
H. MCGARRY, VINCENT J.
MORALES, and MARK C. KELLY,

Defendants.

Case No.: 2:18-cv-04231-RGK-JEM

~~[PROPOSED]~~ **CLASS DISTRIBUTION
ORDER**

1 This matter came on for hearing on February 22, 2021 on Lead Plaintiff’s Motion
2 for Class Distribution Order (the “Motion”). The Court having considered all materials
3 and arguments submitted in support of the Motion, including the Memorandum of
4 Law in Support of the Motion, (ECF No. 138), the Declaration of Luigy
5 Segura in Support of Lead Plaintiff’s Motion for Approval of Distribution Plan (the
6 “Segura Declaration”), (ECF No. 139), and the Declaration of Cheri Meyer in Support of
7 Lead Plaintiff’s Motion for Class Distribution Order, (ECF No. 140),

8 NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

9 1. This Class Distribution Order incorporates by reference the definitions in
10 the Stipulation and Agreement of Settlement dated June 1, 2019 (ECF No. 119-1)
11 (the “Stipulation”). All terms not otherwise defined herein shall have the same
12 meaning as set forth in the Stipulation or the Segura Declaration.

13 2. This Court has jurisdiction over the subject matter of the Action and over
14 all parties to the Action, including all Settlement Class Members.

15 3. As set forth in the Segura Declaration, the administrative determinations of
16 the Claims Administrator in accepting and rejecting Claims are approved. Specifically,
17 the administrative determinations of the Claims Administrator accepting those Claims
18 set forth in Exhibit C, (ECF No. 139-3) and Exhibit D, (ECF No. 139-4), of the
19 Segura Declaration are approved. Likewise, the administrative determinations of the
20 Claims Administrator rejecting those Claims set forth in Exhibit E, (ECF No. 139-5)
21 of the Segura Declaration are approved.

22 4. As set forth in the Segura Declaration, no new Claims received after
23 October 31, 2020, may be included in the distribution, except as provided for in
24 paragraph 8 below.

25 5. The Court authorizes payment of \$38,717.76 from the Settlement Fund to
26 the Claims Administrator for the balance of the fees and expenses incurred and to be
27 incurred in connection with the claims administration process, as described in the
28 Segura Declaration.

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

10 7. After the Initial Distribution of the Net Settlement Fund, the Claims
11 Administrator shall make reasonable and diligent efforts to have Authorized Claimants
12 cash their distribution checks. To the extent any monies remain in the fund nine (9)
13 months after the Initial Distribution, if Lead Counsel, in consultation with the Claims
14 Administrator, determines that it is cost-effective to do so, the Claims Administrator
15 shall conduct a Second Distribution of the funds remaining after payment of any unpaid
16 fees and expenses incurred in administering the Settlement, including for such
17 redistribution, to Authorized Claimants who have cashed their Initial Distributions and
18 who would receive at least \$10.00 from such redistribution. Additional redistributions
19 to Authorized Claimants who have cashed their prior checks and who would receive at
20 least \$10.00 on such additional redistributions may occur thereafter if Lead Counsel, in
21 consultation with the Claims Administrator, determines that additional redistributions,
22 after the deduction of any additional fees and expenses incurred in administering the
23 Settlement, including for such redistributions, would be cost-effective.

24 8. If funds remain in the Net Settlement Fund after the additional
25 distributions, at the discretion of Lead Counsel, distributions will be made on a *pro rata*
26 basis for Claims that were previously submitted, or modified, after October 31, 2020,
27 and that would have been eligible for payment or an additional payment under the Plan
28

1 of Allocation if received prior to October 31, 2020, but only to the extent that the
2 additional distribution would bring them into parity with other Authorized Claimants.

3 9. At such time as Lead Counsel, in consultation with the Claims
4 Administrator, determine that no additional distributions are cost-effective, then the
5 funds will be donated to Investor Protection Trust, a non-sectarian, not-for-profit
6 organization.

7 10. All persons involved in the review, verification, calculation, tabulation, or
8 any other aspect of the processing of the claims submitted herein, or otherwise involved
9 in the administration or taxation of the Settlement Fund or the Net Settlement Fund, are
10 released and discharged from any and all claims arising out of such involvement, and
11 all Settlement Class Members, whether or not they are to receive payment from the Net
12 Settlement Fund, are barred from making any further claim against the Net Settlement
13 Fund or the released persons beyond the amount allocated to them pursuant to this
14 Order.

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

20 **SO ORDERED** in the Central District of California on February 25,
21 2021.

22
23 

24 _____
25 The Honorable R. Gary Klausner
26 United States District Judge
27
28