

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

RICHARD GOODMAN, Individually
And As Trustee of the Richard M.
Goodman Revocable Living Trust,
And On Behalf Of All Others
Similarly Situated,

Plaintiff,

vs.

UBS FINANCIAL SERVICES INC.,

Defendant.

No.: 2:21-cv-18123-SDW-MAH

**[PROPOSED] ORDER GRANTING DISTRIBUTION OF CLASS
ACTION SETTLEMENT FUNDS**

Having considered all materials and arguments submitted in support of Plaintiff's Unopposed Motion for Distribution of Class Action Settlement Fund (the "Motion"), including the Memorandum of Law in Support of the Motion, and the Supplemental Declaration of Josephine Bravata Concerning: (1) Mailing Of Potential Class Member Letter; and (2) Distribution Plan (the "Bravata Declaration"), and the exhibits thereto,

and there being no opposition or objection to the motion; and for good cause shown;

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. This Class Distribution Order incorporates by reference the definitions

in the Stipulation and Agreement of Settlement, dated June 8, 2023 (ECF No. 55-1)

(“Stipulation”) and in the Judgment Approving Class Action Settlement dated December 7, 2023 (ECF No.73) (“Judgment”). All terms not otherwise defined shall have the same meaning as set forth in the Stipulation, the Judgment, and/or the Bravata Declaration.

3. As set forth in the Bravata Declaration, the administrative determinations of the Settlement Administrator, Strategic Claims Services (“SCS”), concerning Authorized Claimants and their *pro rata* shares of the Net Settlement Fund are approved. Specifically, the administrative determinations of the Settlement Administrator identifying which persons are Authorized Claimants, and determining their respective Amortizable Bond Premium Amounts, as set forth in Exhibit B to the Bravata Declaration, are approved. Likewise, the administrative determinations of the Settlement Administrator that no other persons are Authorized Claimants eligible for a distribution from the Net Settlement Fund are approved.

4. Any person who SCS has not determined to be an Authorized Claimant is finally and forever barred from asserting that they are an Authorized Claimant or that they are entitled to a distribution from the Net Settlement Fund.

5. The Net Settlement Fund (less any necessary amounts to be withheld for payment of potential tax liabilities and related fees and expenses, and any Notice and Administration Expenses related to the Initial Distribution) shall be distributed on a *pro rata* basis to the Authorized Claimants, identified in Exhibit B to the

Bravata Declaration. The funds shall be distributed pursuant to the Stipulation and the Plan of Allocation of the Net Settlement Fund set forth in the Notice.

6. The distribution plan for the Net Settlement Fund as set forth in the Bravata Declaration and accompanying exhibits is approved. The balance of the Net Settlement Fund, after deducting the amounts discussed in paragraph 5, shall be distributed to Authorized Claimants. The checks for distribution to Authorized Claimants shall bear the notation "CASH PROMPTLY, VOID AND SUBJECT TO RE-DISTRIBUTION 180 DAYS AFTER ISSUE DATE." Class Counsel and SCS are authorized to locate and/or contact any Authorized Claimant who has not cashed his, her, or its check within said time.

7. After the Initial Distribution of the Net Settlement Fund, the Settlement 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 Class Counsel, in consultation with the Settlement Administrator, determines that it is cost-effective to do so, the Settlement 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 re-distribution, to Authorized Claimants who have cashed their initial distributions and who would receive at least \$10.00 from such re-distribution. Additional re-distributions 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 Class Counsel, in consultation with the Settlement Administrator, determines that additional re-distributions, after the deduction of any additional fees and expenses incurred in administering the Settlement, including for such re-distributions, would be cost-effective. At such time as Class Counsel, in consultation with the Settlement Administrator, determines that the re-distribution of funds remaining in the Net Settlement Fund is not cost-effective, the remaining balance of the Net Settlement Fund, after payment of any unpaid Notice and Administration Expenses, taxes, the costs of preparing appropriate tax returns, and any escrow fees, shall be contributed to the Public Justice Foundation, “a non-sectarian, not-for-profit organization devoted to, among other things, investor education and advocacy.” *In re Loop Industries, Inc. Sec. Litig.*, 2023 WL 6458976, at *2 (S.D.N.Y. Oct. 4, 2023).

8. Authorized Claimants who do not cash their distribution checks within the time allotted will irrevocably forfeit all recovery from the Settlement. The funds allocated to all such stale-dated checks will be available for re-distribution to other Authorized Claimants in subsequent distributions, if such distributions are determined to be economically feasible.

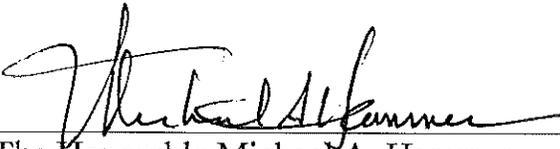
9. The Court finds that the administration of the Settlement and proposed distribution of the Net Settlement Fund comply with the terms of the Stipulation and the Plan of Allocation. All persons involved in the review, verification, calculation,

tabulation, or any other aspect of the identification of Authorized Claimants or calculation of their Recognized Claims, 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, Plaintiff, Class Counsel, Plaintiff's damages experts, the Settlement Administrator, the Escrow Agent or any other agent retained by Plaintiff or Class 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.

10. One year after the second distribution, if that occurs, or, if there is no second distribution, two years after the initial distribution, SCS may destroy the paper copies of all supporting documentation, and one year after all funds have been distributed, SCS may destroy electronic copies of the same.

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

SO ORDERED this 20th day of March, 2024.

A handwritten signature in black ink, appearing to read "Michael A. Hammer", written over a horizontal line.

The Honorable Michael A. Hammer
United States Magistrate Judge