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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

13 **JAMES W. SIMPSON**, individually and
14 on behalf of all others similarly situated,

15 Plaintiff,

16 v.

17 **FIREMAN’S FUND INSURANCE**
18 **COMPANY** et al.,

19 Defendant.

Case No. C05-00225 CW

**ORDER APPROVING FINAL
DISTRIBUTION OF SETTLEMENT FUND
AND APPLICATION FOR CLAIMS
ADMINISTRATOR’S FEES AND
EXPENSES**

Date: [no request for hearing]
Time: [no request for hearing]
Place: Courtroom 2, 4th Floor

Hon. Claudia Wilken

22 This comes before the Court upon Plaintiff’s Unopposed Motion Approval for Final
23 Distribution of Settlement Fund and Application for Claims Administrator’s Fees and Expenses.
24 After review of the Motion and the pertinent parts of the record, IT IS HEREBY ORDERED as
25 follows:

26 1. That to the extent defined in the Settlement Agreement (docket no. 85) and
27 incorporated herein by reference, the terms in this Order shall have the meanings set forth therein.
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1 2. That Plaintiff’s counsel shall transfer the Gross Settlement Fund, including all
2 interest earned thereon, to the Berdon Claims Administration LLC (“Berdon”), the Claims
3 Administrator, within 15 days of the date of this Order;

4 3. That Berdon shall place in a Gross Settlement Fund transferred in an account until
5 final distribution.

6 4. That out of the Gross Settlement Fund transferred, Berdon shall be paid (a)
7 \$10,000.00 for claims administration fee, and (b) \$2,223.57 for current and future out-of-pocket
8 expenses, plus (c) \$7000.00 for a future fee to be incurred for tax return preparation.

9 5. That by no later than 45 days of the date of this Order, and in accordance with the
10 distribution formula set forth in the Plan of Allocation (D.E. #85-10) and the Class Notice (D.E.
11 85-4) approved by the Court, Berdon shall distribute the balance of the Gross Settlement Fund,
12 that is, the Net Settlement Fund, on a *pro rata* basis to the ninety-two (92) Authorized Claimants
13 with Recognized Claims listed in Exhibit C to the Declaration of Michael Rosenbaum in Support
14 of Plaintiff’s Unopposed Motion for an Order Authorizing Distribution of Settlement Fund.

15 6. That the checks for distribution to the Authorized Claimants shall bear the notation
16 “Non-Negotiable After 90 Days of the Check Date”;

17 7. That Berdon shall set aside a reserve of an appropriate amount for possible federal
18 income taxes on the net interest income earned by the Gross Settlement Fund, if any, and to pay
19 any applicable taxes as they become due from the reserve;

20 8. That at the earlier of the time that all checks issued have been cashed or one year
21 after the initial distribution of the Net Settlement Fund to Authorized Claimants, Berdon shall
22 return any remaining monies in the reserve to Defendant FFIC;

23 9. That one (1) year after the initial distribution of the Net Settlement Fund to the
24 Authorized Claimants, Berdon shall destroy all claim forms and related correspondence and that
25 Berdon shall retain all administrative records, including its computer database of all claimants in

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28 this action for a period of three (3) years after the distribution of the Net Settlement Fund.

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IT IS SO ORDERED.



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Dated: _____, 2008

Claudia Wilken
United States District Court Judge