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**CLOSED**

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

IN RE NEW CENTURY

Case No. 2:07-cv-00931-DDP (FMOx)  
(Lead Case)

CLASS DISTRIBUTION ORDER

1           Lead Plaintiff New York State Teachers’ Retirement System, on notice to all  
2 Parties, moved this Court for entry of a Class Distribution Order in the above-  
3 captioned consolidated class action (the “Action”), and the Court having  
4 considered all the materials and arguments submitted in support of this motion,  
5 including the Declaration of Richard W. Simmons in Support of Lead Plaintiff’s  
6 Motion for Class Distribution Order (the “Simmons Declaration”) and Lead  
7 Plaintiff’s Memorandum of Points and Authorities in Support of Motion for Class  
8 Distribution Order, submitted therewith;

9           **NOW, THEREFORE, IT IS HEREBY ORDERED THAT:**

10           1.     This Order incorporates by reference the definitions in the Stipulation  
11 Of Global Settlement With New Century Officers And Directors dated July 23,  
12 2010, the Stipulation Of Settlement Between Plaintiffs And KPMG LLP dated July  
13 23, 2010, and the Stipulation Of Settlement Between Plaintiffs And The  
14 Underwriter Defendants dated July 23, 2010 (collectively, the “Stipulations”), as  
15 well as the Simmons Declaration, and all terms used herein shall have the same  
16 meanings as set forth in the Stipulations and the Simmons Declaration.

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

19           3.     The administrative recommendations of the Court-appointed Claims  
20 Administrator, BMC Group Class Action Services (formerly known as Analytics  
21 Incorporated) (“BMC Group”) to accept the Timely Eligible Claims set forth in

1 Exhibit G-1 to the Simmons Declaration and the Late But Otherwise Eligible  
2 Claims set forth in Exhibit G-2 to the Simmons Declaration, are adopted.

3 4. The Claims Administrator’s administrative recommendations to reject  
4 wholly ineligible or otherwise deficient Claims, as set forth in Exhibit H to the  
5 Simmons Declaration, are adopted.

6 5. Lead Plaintiff’s proposed plan for distribution of the Net Settlement  
7 Fund to Authorized Claimants is approved. Accordingly,

8 (a) Analytics is directed to distribute 100% of the available balance  
9 of the Net Settlement Fund (after deducting all payments previously allowed  
10 and those approved herein and after deducting payment of any estimated  
11 taxes, the costs of preparing appropriate tax returns and any escrow fees) to  
12 the Authorized Claimants who would receive a distribution amount of at  
13 least \$10.00 (the “Distribution”), as further detailed in paragraphs 30 and  
14 31(a) of the Simmons Declaration.

15 (b) In order to encourage Authorized Claimants to cash their  
16 Distribution checks promptly and to avoid or reduce future expenses relating  
17 to unpaid Distribution checks, all Distribution checks shall bear the  
18 following notation: “CASH PROMPTLY, VOID AND SUBJECT TO RE-  
19 DISTRIBUTION IF NOT CASHED BY [DATE 120 DAYS AFTER ISSUE  
20 DATE]”.

21

1 (c) Authorized Claimants who do not cash their Distribution  
2 checks within the time allotted shall irrevocably forfeit all recovery from the  
3 Settlements, and the funds allocated to all such stale-dated checks shall be  
4 made available to be re-distributed to other Authorized Claimants in any  
5 subsequent distributions.

6 (d) If any funds remain in the Net Settlement Fund after the  
7 Distribution because of uncashed checks or other reasons, then, after BMC  
8 Group has made reasonable and diligent efforts to have Authorized  
9 Claimants cash their Distribution checks, any funds remaining in the Net  
10 Settlement Fund one (1) year after the Distribution shall be re-distributed to  
11 Authorized Claimants who have cashed their Distribution checks and who  
12 would receive at least \$10.00 from such redistribution in accordance with  
13 paragraphs 30 and 31(a) of the Simmons Declaration, after payment of any  
14 unpaid costs or fees incurred in administering the Net Settlement Fund for  
15 such redistribution. Additional redistributions to Authorized Claimants who  
16 have cashed their prior distribution checks and who would receive at least  
17 \$10.00 on such additional redistributions, subject to the conditions  
18 previously noted, may occur thereafter if Lead Counsel, in consultation with  
19 BMC Group, determines that additional redistribution, after the deduction of  
20 any additional fees and expenses that would be incurred with respect to such  
21 redistributions, is cost-effective. At such time as it is determined that the

1 redistribution of funds remaining in the Net Settlement Fund is not cost-  
2 effective, the remaining balance of the Net Settlement Fund shall be  
3 contributed to non-sectarian, not-for-profit, 501(c)(3) organizations  
4 designated by Lead Counsel after notice to the Court and subject to  
5 direction, if any, by the Court.

6 (e) All persons involved in the review, verification, calculation,  
7 tabulation, or any other aspect of the processing of the Claims submitted  
8 herein, or otherwise involved in the administration or taxation of the  
9 Settlement Fund or the Net Settlement Fund, are hereby released and  
10 discharged from any and all claims arising out of such involvement, and all  
11 Class Members, whether or not they receive payment from the Net  
12 Settlement Fund, are hereby barred from making any further claims against  
13 the Net Settlement Fund, Plaintiffs, Plaintiffs' Counsel, the Claims  
14 Administrator, the Escrow Agent or any other agent retained by Plaintiffs or  
15 Plaintiffs' Counsel in connection with the administration or taxation of the  
16 Settlements beyond the amount allocated to Authorized Claimants.


17 (f) No further Claims shall be accepted, and no further adjustments  
18 to Claims shall be made for any reason, after December 31, 2011.

19 6. Paper copies of Claim Forms and all supporting documentation may  
20 be destroyed one year after the Distribution, and electronic copies of Claim records  
21 may be destroyed three years after the Distribution.

1           7. All of BMC Group’s fees and expenses incurred in connection with  
2 the administration of the Settlements and to be incurred in connection with the  
3 initial distribution as set forth on Exhibit I to the Simmons Declaration are  
4 approved, and Lead Counsel is directed to pay \$403,270.32 out of the Settlement  
5 Fund to BMC Group in payment of such fees and expenses.

6           8. This Court retains jurisdiction to consider any further applications  
7 concerning the administration of the Settlements, and such other and further relief  
8 as this Court deems appropriate.

9 Dated: March 05, 2012

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12 THE HONORABLE DEAN D. PREGERSON  
13 UNITED STATES DISTRICT JUDGE  
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