

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re Oracle Corporation Securities Litigation

Case No. 5:18-cv-04844-BLF

~~[PROPOSED]~~ ORDER APPROVING
DISTRIBUTION PLAN

Dept.: Courtroom 3, 5th Floor
Judge: Honorable Beth Labson Freeman

Hearing Date: April 18, 2024

Lead Plaintiff moved this Court for an order approving a distribution plan for the Net Settlement Fund in the above-captioned securities class action (“Action”). Having reviewed and considered all the materials and arguments submitted in support of the motion, including Lead Plaintiff’s Unopposed Motion for Approval of Distribution Plan and Memorandum of Points and Authorities in Support Thereof, and the Declaration of Jack Ewashko in Support of Lead Plaintiff’s Unopposed Motion for Approval of Distribution Plan (“Ewashko Declaration”),

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. This Order incorporates by reference the definitions in the Stipulation and Agreement of Settlement dated as of June 23, 2022 (ECF No. 128-1) (“Stipulation”), and the Ewashko Declaration, and all terms used in this Order shall have the same meanings as defined in the Stipulation and the Ewashko Declaration.

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

3. Lead Plaintiff’s plan for distribution of the Net Settlement Fund to Authorized Claimants is **APPROVED**. Accordingly:

(a) The administrative determinations of the Court-approved Claims Administrator, A.B. Data, Ltd.’s Class Action Administration Company (“A.B. Data”) to accept the Timely Eligible Claims set forth in Exhibit 4 to the Ewashko Declaration and

1 the Late But Otherwise Eligible Claims set forth in Exhibit 5 to the Ewashko Declaration
2 are adopted.

3 (b) The Claims Administrator's administrative determinations to reject the
4 Rejected Claims, as set forth in Exhibit 6 to the Ewashko Declaration are adopted.

5 (c) A.B. Data is directed to distribute 100% of the Net Settlement Fund, after
6 deducting all payments previously allowed, payments approved by this Order, and any
7 estimated taxes, the costs of preparing appropriate tax returns, and any escrow fees, to
8 Authorized Claimants who would receive at least \$10.00 based on their Recognized
9 Claim in comparison to the total Recognized Claims of all Authorized Claimants, as
10 further detailed in paragraph 48(a) of the Ewashko Declaration (the "Initial
11 Distribution"). A.B. Data shall notify Authorized Claimants who do not satisfy the
12 \$10.00 *de minimis* requirement that they will not be receiving any distribution from the
13 proceeds of the Settlement.

14 (d) To encourage Authorized Claimants to cash their checks promptly, all
15 distribution checks will bear the following notation: "CASH PROMPTLY. VOID AND
16 SUBJECT TO REDISTRIBUTION IF NOT CASHED BY [DATE 90 DAYS AFTER
17 ISSUE DATE]." Lead Counsel and A.B. Data are authorized to take appropriate action to
18 locate and contact Authorized Claimants who have not cashed their checks within said
19 time as detailed in paragraph 48(b) of the Ewashko Declaration.

20 (e) Authorized Claimants who do not cash their Initial Distribution checks
21 within the time allotted or on the conditions set forth in paragraph 48(b) of the Ewashko
22 Declaration will irrevocably forfeit all recovery from the Settlement, and the funds
23 allocated to these stale-dated checks will be available to be distributed to other
24 Authorized Claimants, if Lead Counsel, in consultation with A.B. Data, determines that it
25 is cost-effective to conduct a second distribution. Similarly, Authorized Claimants who
26 do not cash their distribution checks from a second or subsequent distributions, should
27 such distributions occur, within the time allotted or on the conditions set forth in
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1 paragraph 48(b) of the Ewashko Declaration will irrevocably forfeit any further recovery
2 from the Net Settlement Fund.

3 (f) After A.B. Data has made reasonable and diligent efforts to have
4 Authorized Claimants cash their Initial Distribution checks (as provided in paragraph
5 48(b) of the Ewashko Declaration), but not earlier than seven (7) months after the Initial
6 Distribution, A.B. Data will, if Lead Counsel, in consultation with A.B. Data, determines
7 that it is cost-effective to do so, conduct a second distribution (the “Second
8 Distribution”), in which any amount remaining in the Net Settlement Fund, after
9 deducting any unpaid fees and expenses incurred, will be distributed to all Authorized
10 Claimants who cashed their Initial Distribution check and are entitled to receive at least
11 \$10.00 from the Second Distribution based on their *pro rata* share of the remaining
12 funds. If any funds remain in the Net Settlement Fund after the Second Distribution, and
13 if cost-effective, subsequent distributions will take place at six-month intervals.

14 (g) When Lead Counsel, in consultation with A.B. Data, determines that
15 further distribution of the funds remaining in the Net Settlement Fund is not cost-
16 effective, if sufficient funds remain to warrant the processing of Claims received after
17 February 9, 2024, those Claims will be processed, and any otherwise valid Claims
18 received after February 9, 2024, as well as any earlier-received Claims for which an
19 upward adjustment was received after February 9, 2024, will be paid in accordance with
20 subparagraph (h) below. If any funds remain in the Net Settlement Fund after payment of
21 these Claims and unpaid fees or expenses, the remaining funds will be contributed to the
22 Investor Protection Trust.

23 (h) No new Claims may be accepted after February 9, 2024, and no further
24 adjustments to Claims received on or before February 9, 2024, that would result in an
25 increased Recognized Claim amount may be made for any reason after February 9, 2024,
26 subject to the following exception. If Claims are received or modified after February 9,
27 2024, that would have been eligible for payment or additional payment pursuant to the
28 Court-approved Plan of Allocation if timely received, then, at the time that Lead Counsel,

1 in consultation with A.B. Data's determines a distribution is not cost-effective as
2 provided in subparagraph (g) above, and after payment of any unpaid fees or expenses
3 incurred in connection with administering the Net Settlement Fund and after deducting
4 the payment of any estimated taxes, the costs of preparing appropriate tax returns, and
5 any escrow fees, these Claimants, at the discretion of Lead Counsel and to the extent
6 possible, may be paid their distribution amounts or additional distribution amounts on a
7 *pro rata* basis that would bring them into parity with other Authorized Claimants who
8 have cashed all their prior distribution checks.

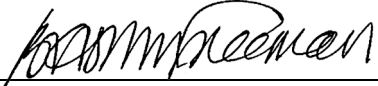
9 4. The Court finds that the administration of the Settlement and the proposed
10 distribution of the Net Settlement Fund comply with the terms of the Stipulation and Plan of
11 Allocation approved by this Court and that all persons involved in the review, verification,
12 calculation, tabulation, or any other aspect of the processing of the Claims submitted, or who are
13 otherwise involved in the administration or taxation of the Settlement Fund or the Net Settlement
14 Fund, are hereby released and discharged from any and all claims arising out of that
15 involvement, and all Class Members and other Claimants, whether or not they receive payment
16 from the Net Settlement Fund, are hereby barred from making any further claims against the Net
17 Settlement Fund, Lead Plaintiff, Lead Counsel, the Claims Administrator, the Escrow Agent or
18 any other agent retained by Lead Plaintiff or Lead Counsel in connection with the administration
19 or taxation of the Settlement Fund or the Net Settlement Fund, or any other person released
20 under the Settlement beyond the amounts allocated to Authorized Claimants.

21 5. A.B. Data's fees and expenses incurred in the administration of the Settlement
22 and estimated to be incurred in connection with the Initial Distribution of the Net Settlement
23 Fund as set forth in the invoices attached as Exhibit 7 to the Ewashko Declaration are approved,
24 and Lead Counsel is directed to pay the outstanding balance of \$1,125,300.76 out of the
25 Settlement Fund to A.B. Data.

26 6. Unless otherwise ordered by the Court, A.B. Data may destroy the paper copies of
27 the Claims and all supporting documentation one year after the Initial Distribution, and one year
28 after all funds have been distributed may destroy the electronic copies of the same.

1 7. This Court retains jurisdiction to consider any further applications concerning the
2 administration of the Settlement, and any other and further relief that this Court deems
3 appropriate.

4 SO ORDERED this 14th day of March, 2024.

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8 The Honorable Beth Labson Freeman
9 United States District Judge
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