

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

EDWARD HUYER, et al.,	*	
	*	
Plaintiffs,	*	4:08-cv-00507
	*	
v.	*	
	*	
WELLS FARGO & COMPANY and WELLS FARGO BANK, N.A.,	*	ORDER
	*	
Defendant.	*	
	*	

**Order Granting Uncontested Motion Pursuant to Fed. R. Civ. P. 23(e)
for Approval of Redistribution Plan**

WHEREAS, on December 7, 2017, the Court entered an Order accepting the administrative determinations of Garden City Group (GCG) regarding Eligible Recipients calculated pursuant to the Court-approved Plan of Allocation, as modified, and approving GCG’s administrative determinations rejecting certain Claims;

WHEREAS, the Court further Ordered the Net Settlement Fund be distributed to the Eligible Recipients pursuant to the Court-approved Plan of Allocation, as modified, in proportion to each Eligible Recipient’s Recognized Claim as compared to the total Recognized Claims of all Eligible Recipients (the Initial Distribution);

WHEREAS, the Court further Ordered the checks for distribution to the Eligible Recipients should bear the notation “CASH PROMPTLY, VOID AND SUBJECT TO REDISTRIBUTION IF NOT CASHED 90 DAYS AFTER ISSUE DATE” and authorized GCG to take appropriate actions to locate and/or contact any Eligible Recipient who did not cash his, her, or its check within said time;

WHEREAS, the Court further Ordered Eligible Recipients who did not cash their checks within the time allotted would irrevocably forfeit all recovery from the Settlement Fund;

WHEREAS, the Court further Ordered that, to the extent any proceeds remained in the Net Settlement Fund after GCG had made reasonable and diligent efforts to have Eligible Recipients cash their distributions, any balance remaining in the Net Settlement Fund six months from the date of the Initial Distribution of the Net Settlement Fund shall be redistributed to Eligible Recipients with a *pro rata* share of at least \$25.00 from such redistribution who negotiated the checks sent to them in the Initial Distribution, after payment of any unpaid costs or fees in administering the Net Settlement Fund for such redistribution;

WHEREAS, six months have passed since the Initial Distribution;

WHEREAS, Plaintiffs, through counsel, now seek authorization to distribute to Eligible Recipients the remaining proceeds in the Net Settlement Fund after payment of costs and fees incurred by GCG in administering the Net Settlement Fund for such distributions;

WHEREAS, GCG has estimated it will incur approximately \$135,907.35 in fees and costs in administering the Net Settlement Fund for such redistribution;

WHEREAS, the Court reserved jurisdiction of the Action for purposes of, inter alia, implementing the Settlement, including any distribution or disposition of the Settlement Fund or Net Settlement Fund;

NOW, THEREFORE, upon consideration of (1) the Declaration of Loree Kovach in Support of Motion for Approval of Redistribution Plan; (2) the Memorandum in Support of Uncontested Motion Pursuant to Fed. R. Civ. P. 23(e) for Approval of Redistribution Plan; and (3) the other submissions and papers on file with the Court, and upon all prior proceedings heretofore and herein; and after due deliberation;

IT IS HEREBY ORDERED that all capitalized terms not otherwise defined herein shall have the same meanings as set forth in the Stipulation and the Kovach Declaration;

IT IS FURTHER ORDERED the funds remaining in the Net Settlement Fund shall be distributed to Eligible Recipients with a *pro rata* share of at least \$25.00 from such redistribution who negotiated checks sent to them in the Initial Distribution, after payment of GCG's unpaid costs or fees in administering the Net Settlement Fund for such redistribution;

IT IS FURTHER ORDERED the checks for distribution to the Eligible Recipients should bear the notation "CASH PROMPTLY, VOID AND SUBJECT TO REDISTRIBUTION IF NOT CASHED 90 DAYS AFTER ISSUE DATE." GCG is authorized to take appropriate actions to locate and/or contact any Eligible Recipient who did not cash his, her, or its check within said time;

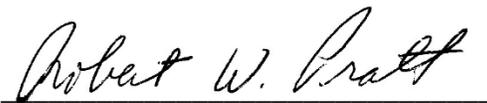
IT IS FURTHER ORDERED that Eligible Recipients who do not cash their checks within the time allotted will irrevocably forfeit any recovery from the Net Settlement Fund;

IT IS FURTHER ORDERED that if any funds remain in the Net Settlement Fund six months after this redistribution, Plaintiffs will file a motion with the Court requesting that (i) if economically feasible, a third distribution be made to Eligible Recipients; (ii) GCG be reimbursed for its actual costs incurred in excess of the \$3,250,000 cap on its fees and costs in connection with the Initial Distribution; or (iii) the balance remaining in the Net Settlement Fund be contributed to the United Way with the funds earmarked for financial education classes;

IT IS FURTHER ORDERED that this Court shall retain jurisdiction over any further application or matter that may arise in connection with this Action.

IT IS SO ORDERED.

Dated this 24th day of August, 2018.

A handwritten signature in black ink, reading "Robert W. Pratt". The signature is written in a cursive style with a large, sweeping initial "R".

ROBERT W. PRATT, Judge
U.S. DISTRICT COURT