

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

In Re: DISPOSABLE CONTACT LENS ANTITRUST LITIGATION	Case No. 3:15-md-2626-HES-LLL Judge Harvey E. Schlesinger Magistrate Judge Laura Lothman Lambert
THIS DOCUMENT RELATES TO: All Class Actions	

**ORDER AUTHORIZING DISTRIBUTION OF THE NET
SETTLEMENT FUNDS TO CLAIMANTS**

WHEREAS, this Court previously granted final approval to Class Plaintiffs' settlements with Alcon Vision, LLC ("Alcon"), Johnson & Johnson Vision Care, Inc. ("JJVCI"), CooperVision ("CVI"), Bausch & Lomb ("B&L"), and ABB Optical Group ("ABB") (the "Settlements"), *see* ECF Nos. 1164 (CVI and B&L); 1257 (ABB); 1362 (Alcon and JJVCI);

WHEREAS, the Court previously appointed Epiq Class Action & Claims Solutions, Inc. ("Epiq") as the Claims Administrator for these Settlements (*see, e.g.*, ECF No. 1343, ¶ 11);

WHEREAS, the notice disseminated to potential Class members notified them that the Net Settlement Funds would be distributed together on a *pro rata* basis (*see, e.g.*, ECF No. 1137-4, ¶¶ 30, 32);

WHEREAS, Class Counsel has submitted a Motion to Authorize Distribution of Net Settlement Funds to Claimants (“Motion”) that proposes a *pro rata* distribution of the Net Settlement Funds to Approved Class Members, together with a *de minimis* payment of \$14.25 to Approved Class Members with a calculated award amount of less than \$10.00;

WHEREAS, Class Counsel has submitted the Declaration of Jeanne Chernila (“Epiq Declaration”), who is a Project Manager at Epiq, in Support of the Motion, detailing the steps taken, pursuant to the Settlements, to process and evaluate the proofs of claim submitted for these Settlements and to calculate the appropriate *pro rata* distributions to Approved Class Member claims;

WHEREAS, the Epiq Declaration attests that Epiq has computed necessary holdback amounts totaling \$2,821,627.31 for the payment of notice and administration expenses that have or will be incurred in connection with the administration and distribution of the Settlements, as well as taxes on interest earned, and any unanticipated expenses (*see* Epiq Decl., ¶ 20);

WHEREAS, the Epiq Declaration attests that each Approved Class Member will receive, on average, approximately \$984.91 based on a *pro rata*

distribution, with the above-described *de minimis* payment amount (see Epiq Decl., ¶ 19);

NOW, THEREFORE, IT IS HEREBY ORDERED that Plaintiffs' Motion is **GRANTED** as follows:

1. Epiq's administrative determinations concerning the claims submitted to the Settlements, including the *de minimis* payments, are hereby approved.

2. Any further claims to these Settlements are prohibited, and any further claims against the Net Settlement Funds for these Settlements are finally and forever barred.

3. Class Counsel is permitted to hold back up to \$2,821,627.31 from distribution to pay notice and administration expenses, taxes, and any unanticipated expenses ("Hold Back Funds"). Class Counsel shall attribute these Hold Back Funds to each of the settlements on a *pro rata* basis. Specifically, the Hold Back Funds shall be comprised of \$21,595.62 from the CVI Settlement, \$116,900.91 from the B&L Settlement, \$762,542.97 from the ABB Settlement, \$512,156.75 from the Alcon Settlement, and \$1,408,431.05 from the JJVCI Settlement.

4. To the extent any Hold Back Funds remain undisbursed, and/or any Approved Class Member(s) do(es) not cash their checks, Class Counsel may later move the Court for approval of a second distribution to Approved Class

Members or a *cy pres* distribution (if a second distribution is not economically feasible).

5. Class Counsel shall cause the approved Escrow Agent, Huntington Bank, to move the below amounts, which are the Net Settlement Funds less the holdback amounts calculated by Epiq, into a single distribution account (“Distribution Account”), as follows:

- a. CVI Settlement: \$514,327.11
- b. B&L Settlement: \$2,784,143.00
- c. ABB Settlement: \$18,160,925.06
- d. Alcon Settlement: \$12,197,660.48
- e. JJVCI Settlement: \$33,543,566.32

6. Epiq shall distribute payments to Approved Class Members from the Distribution Account as proposed by Class Counsel and as calculated by Epiq.

7. Plaintiffs, Class Counsel, Epiq, and all individuals who were involved in the processing and validation of claims, calculation of distributions to claimants, or any other aspect of the claims administration process, are hereby released and discharged from any and all claims arising out of such involvement.

8. The Court retains jurisdiction over any further application or matter which may arise in connection with the administration of these Settlements.

IT IS SO ORDERED on this 1st day of June, 2023.



HARVEY E. SCHLESINGER
UNITED STATES DISTRICT JUDGE

Copies to:
Counsel of Record