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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

In re:

Case No. 3:15-md-2626 HES-LLL

DISPOSABLE CONTACT LENS
ANTITRUST LITIGATION.

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**MOTION TO COMPLY WITH UNCLAIMED PROPERTY LAWS OR APPOINT
COUNSEL FOR SUBCLASS**

Ana Maria Taylor, claimant JEOWMCVS, read on the class action forum that Class Counsel intended to steal the money from people who did not receive their checks and redistribute it to someone else, or worse, for eventual attorney fees. After looking at the official website, Claimant is shocked to see it appears true.

Claimant requests that this Court compel the settlement administrator to comply with the unclaimed property laws. *All Plaintiffs v. All Defendants*, 645 F.3d 329 (5th Cir. 2011)(unclaimed property laws are a requirement and do not interfere with Rule 23). Every state “has a set of escheat laws, under which holders of abandoned property must turn such property over to the State ‘to provide for the safekeeping of abandoned property and then to reunite the abandoned property with its owner.’” *N.J. Retail Merchs. Ass’n v. Sidamon Eristoff*, 669 F.3d 374, 383 (3d Cir. 2012)). State escheat law works to remedy the “broad and general social ... problem” of reuniting abandoned property with its owners. See *Energy Reserves Grp. v. Kan. Power and Light Co.*, 459 U.S. 400, 412, 103 S.Ct. 697, 74 L.Ed.2d 569 (1983). The uncashed checks shall be governed by the state law for the last known address of the owner. If that information is not available, it shall be governed by the claims administrator’s place of incorporation. *Texas v. New Jersey*, 379 U.S. 674, 681–82 (1965), and reaffirmed in *Pennsylvania v. New York*, 407 U.S. 206, 217–18 (1972), and *Delaware v. New York*, 507 U.S. 490, 499–500 (1993).

If Class Counsel is advocating that claimant’s who did not receive their checks have the money stolen from them by giving it to other class members, then Class Counsel has a conflict of interest and separate counsel must be appointed for sub-class of people. This is like the case of *Lewis v. Nat’l Football League*, 146 F.R.D. 5 (D.D.C. 1992) where Class Counsel was adverse to ten percent of the

clients. This conflict is dangerous because Class Counsel is actually trying to take money from his clients and give to his other clients through rules and deadlines they made up. Class Counsel's fiduciary duty is to get as much money to as many claimants as possible, not to take from one and give to the other citing arbitrary rules and mailing problems that they made. The people who were not delivered checks are a sub-class. See *Ortiz v. Fibreboard Corp.*, 527 U.S. 815, 856 (1999) (“[A] class divided . . . requires division into homogenous subclasses . . . with separate representation to eliminate conflicting interests of counsel”).

In Claimant's situation, she sent an email from mtaylorlove@hotmail.com on September 23, 2023, advising of a new address in Texas. On July 24, 2023, the settlement administrator wrote Claimant and said, “Thank you for your email. This is to confirm we have received your request for a change of address and have updated our records accordingly. Your check reissue request is in process. We are processing the information provided and will notify you if additional information is required. For security reasons, a check reissue cannot take place until either the original check is received back by us, the mailing has been returned to us as undeliverable, or until the original stale date of the check has passed or expired. We thank you for your patience. Regards, Irfan S. Disposable Contact Lens Settlement Administrator.”

Claimant did not get the check despite waiting for months and now in December 2023 she moved again. It looks like the Settlement Administrator and Class Counsel plan to submit Claimant's money for redistribution. This violates the state laws and the conflict of interest rules.

s. Ana Maria Taylor
Ana Maria Taylor JEOWMCVS
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(Claim was filed under typo Marie, check can be Marie or Maria, bank doesn't care)

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