

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

SEB INVESTMENT MANAGEMENT AB,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

SYMANTEC CORPORATION and  
GREGORY S. CLARK,

Defendants.

Case No. 3:18-cv-02902-WHA

ECF CASE

~~PROPOSED~~ ORDER APPROVING  
DISTRIBUTION PLAN

Dept.: Courtroom 12, 19th Floor  
Judge: Honorable William Alsup

Lead Plaintiff moved this Court for an order approving a distribution plan for the Net Settlement Fund in the above-captioned securities class action (the “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 Eric J. Miller in Support of Lead Plaintiff’s Unopposed Motion for Approval of Distribution Plan (“Miller 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 8, 2021 (Dkt. No. 394-1) (“Stipulation”), and the Miller Declaration, and all capitalized terms used in this Order shall have the same meanings as defined in the Stipulation and the Miller 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

1 the Timely Eligible Claims stated in Exhibit D to the Miller Declaration and the Late But  
2 Otherwise Eligible Claims stated in Exhibit E to the Miller Declaration are adopted.

3 (b) The Claims Administrator's administrative determinations to reject the  
4 Rejected Claims, as stated in Exhibit F to the Miller 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 estimated  
7 taxes, the costs of preparing appropriate tax returns, and any escrow fees, to Authorized  
8 Claimants who would receive at least \$10.00 based on their Recognized Claim in comparison to  
9 the total Recognized Claims of all Authorized Claimants, as further detailed in paragraph 42(a)  
10 of the Miller Declaration (the "Initial Distribution"). A.B. Data shall notify Authorized  
11 Claimants who do not satisfy the \$10.00 *de minimis* requirement that they will not be receiving  
12 any distribution from the proceeds of the Settlement.

13 (d) To encourage Authorized Claimants to cash their checks promptly, all  
14 distribution checks will bear the following notation: "CASH PROMPTLY. VOID AND  
15 SUBJECT TO REDISTRIBUTION IF NOT CASHED BY [DATE 90 DAYS AFTER ISSUE  
16 DATE]." Lead Counsel and A.B. Data are authorized to take appropriate action to locate and  
17 contact Authorized Claimants who have not cashed their checks within said time as detailed in  
18 paragraph 42(b) of the Miller Declaration.

19 (e) Authorized Claimants who do not cash their Initial Distribution checks  
20 within the time allotted or on the conditions stated in paragraph 42(b) of the Miller Declaration  
21 will irrevocably forfeit all recovery from the Settlement, and the funds allocated to these stale-  
22 dated checks will be available to be distributed to other Authorized Claimants, if Lead Counsel,  
23 in consultation with A.B. Data, determines that it is cost-effective to conduct a second  
24 distribution. Similarly, Authorized Claimants who do not cash their checks from a second or  
25 subsequent distribution, should such distributions occur, within the time allotted or on the  
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1 conditions stated in paragraph 42(b) of the Miller Declaration will irrevocably forfeit any further  
2 recovery 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 42(b) of  
5 the Miller Declaration), but not earlier than seven (7) months after the Initial Distribution, A.B.  
6 Data will, if Lead Counsel, in consultation with A.B. Data, determines that it is cost-effective to  
7 do so, conduct a second distribution (the "Second Distribution"), in which any amount remaining  
8 in the Net Settlement Fund, after deducting any unpaid fees and expenses incurred, will be  
9 distributed to all Authorized Claimants who cashed their Initial Distribution check and are  
10 entitled to receive at least \$10.00 from the Second Distribution based on their *pro rata* share of  
11 the remaining funds. After the Second Distribution, if any funds remain in the Net Settlement  
12 Fund, and if cost-effective, subsequent distributions will take place at six-month intervals.

13 (g) When Lead Counsel, in consultation with A.B. Data, determines that  
14 further distribution of the funds remaining in the Net Settlement Fund is not cost-effective, if  
15 sufficient funds remain to warrant the processing of Claims received after July 11, 2022, those  
16 Claims will be processed, and any otherwise valid Claims received after July 11, 2022, as well  
17 as any earlier-received Claims for which an upward adjustment was received after July 11, 2022,  
18 will be paid in accordance with subparagraph (h) below. If any funds remain in the Net  
19 Settlement Fund after payment of these Claims and unpaid fees or expenses, the remaining funds  
20 will be contributed to the Investor Protection Trust.

21 (h) No new Claims may be accepted after July 11, 2022, and no further  
22 adjustments to Claims received on or before July 11, 2022, that would result in an increased  
23 Recognized Claim amount may be made for any reason after July 11, 2022, subject to the  
24 following exception. If Claims are received or modified after July 11, 2022, that would have  
25 been eligible for payment or additional payment under the Court-approved Plan of Allocation if  
26 timely received, then, at the time that Lead Counsel, in consultation with A.B. Data, determines  
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1 a distribution is not cost-effective as provided in subparagraph (g) above, and after payment of  
2 any unpaid fees or expenses incurred in connection with administering the Net Settlement Fund  
3 and after deducting the payment of any estimated taxes, the costs of preparing appropriate tax  
4 returns, and any escrow fees, these Claimants, at the discretion of Lead Counsel and to the extent  
5 possible, may be paid their distribution amounts or additional distribution amounts on a *pro rata*  
6 basis that would bring them into parity with other Authorized Claimants who have cashed all  
7 their prior distribution checks.

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

20 5. All of A.B. Data's fees and expenses incurred in the administration of the  
21 Settlement and estimated to be incurred in connection with the Initial Distribution of the Net  
22 Settlement Fund as stated in the invoices attached as Exhibit G to the Miller Declaration are  
23 approved, and Lead Counsel is directed to pay the outstanding balance of \$654,615.96 out of the  
24 Settlement Fund to A.B. Data.

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

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

7 SO ORDERED this 28 day of Sept 2022.



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10 The Honorable William Alsup  
11 Senior United States District Judge

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