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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re FINISAR CORPORATION
SECURITIES LITIGATION

Case No. 5:11-CV-01252-EJD

CLASS ACTION

~~PROPOSED~~ ORDER APPROVING
DISTRIBUTION OF THE NET
SETTLEMENT FUND TO AUTHORIZED
CLAIMANTS AND GRANTING RELATED
RELIEF

Hon. Edward J. Davila

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

2 1. This Order incorporates by reference the definitions in the Stipulation and
3 Agreement of Settlement, dated July 8, 2020 (Dkt. 199-1) (the “Settlement Agreement”), and the
4 Declaration of Dawn M. Cody of Angeion Group In Support of Lead Plaintiff’s Unopposed Motion
5 For Authorization to Distribute the Net Settlement Fund (the “Claims Administrator Declaration”),
6 and all capitalized terms not otherwise defined herein shall have the same meanings as set forth in
7 the Settlement Agreement and the Claims Administrator Declaration attached as Exhibit 1 to Lead
8 Plaintiff’s Status Report.

9 2. The administrative determinations and recommendations of the Court-approved
10 Claims Administrator accepting the Claims as indicated on the computer printout submitted with,
11 and described in, the Claims Administrator Declaration and Exhibit D, Parts One and Two thereto,
12 including Claims submitted after February 26, 2021, through April 10, 2025, are approved and
13 said Claims are hereby accepted.

14 3. The administrative determinations of the Claims Administrator rejecting the Claims
15 as indicated on the computer printout submitted with, and described in, the Claims Administrator
16 Declaration and Exhibit D, Part Three thereto are approved, and said Claims are hereby rejected,
17 and the Claims calculated as having no recoverable loss as indicated on the computer printout
18 submitted with, and described in, the Claims Administrator Declaration and Exhibit D, Part Four
19 thereto are approved.

20 4. The Claims Administrator is directed to distribute the balance of the Settlement
21 Fund after deducting the payments previously allowed for attorneys’ fees/expenses, incentive
22 awards, and claims administration fees and expenses, including those approved previously and in
23 this Order, and all taxes and escrow fees (the “Net Settlement Fund”) to the eligible Claimants
24 listed on the computer printout submitted as Exhibit D, Parts One and Two to the Claims
25 Administrator Declaration pursuant to the terms of the Settlement Agreement and Plan of
26 Allocation previously approved by this Court while maintaining a 10% reserve of the amount
27 remaining in the Net Settlement Fund (the “Reserve”) to address any claims administration-related
28 contingencies that may arise (the “Initial Distribution”).

1 5. In order to encourage Authorized Claimants to cash their Initial Distribution checks
2 promptly and to avoid or reduce future expenses relating to unpaid Initial Distribution checks, and
3 pursuant to the terms of the Settlement Agreement ¶8.12, all Initial Distribution checks shall bear
4 the following notation: "CASH PROMPTLY, VOID AND SUBJECT TO RE-DISTRIBUTION
5 IF NOT CASHED WITHIN 90 DAYS OF ISSUE DATE." Authorized Claimants who do not
6 cash their Initial Distribution checks within the time allotted shall irrevocably forfeit all recovery
7 from the Settlement, and the funds allocated to all such stale-dated checks shall be made available
8 to be re-distributed to other Authorized Claimants in any subsequent distributions. Pursuant to the
9 terms of the Plan of Allocation, no distribution will be made unless the amount the Claimant is to
10 receive is at least \$20.00. *See* ECF No. 199-1, Exhibit A-1 (Notice), pg. 8.

11 6. Pursuant to ¶8.12 of the Settlement Agreement, if any funds remain in the Net
12 Settlement Fund by reason of uncashed checks or otherwise, then, after the Claims Administrator
13 has made reasonable and diligent efforts to have Authorized Claimants who are entitled to
14 participate in the distribution of the Net Settlement Fund cash their distribution checks, any balance
15 remaining in the Net Settlement Fund 90 days after the Initial Distribution of such funds, including
16 the amount remaining in the Reserve, shall be re-distributed, after payment of any unpaid costs or
17 fees incurred in administering the Net Settlement Fund for such re-distribution, if Lead Counsel
18 after consulting with the Claims Administrator determines such re-distribution to be economically
19 feasible, cost-effective, and an efficient use of the funds, to Settlement Class Members who have
20 cashed their checks and who would receive at least \$20.00 from such re-distribution. Additional
21 re-distribution, after deduction of costs and expenses as described above, and subject to the same
22 conditions, may occur thereafter in at least 90-day intervals until Lead Counsel, in consultation
23 with Angeion, determines that a further re-distribution is not economically feasible or cost-
24 effective. Thereafter, any remaining funds at least 90 days after such re-distribution shall be
25 contributed to the Loyola University Chicago's Institute for Investor Protection, or any not-for-
26 profit successor of that Institute that pursues the same investor protection objectives.

27 7. The Court finds that the administration of the Settlement and the proposed
28 distribution of the Net Settlement Fund comply with the terms of the Settlement Agreement and

1 the Plan of Allocation approved by this Court and that all persons involved in the review,
2 verification, calculation, tabulation, or any other aspect of the processing of the Proofs of Claim
3 Forms submitted, or otherwise involved in the administration or taxation of the Settlement Fund
4 or the Net Settlement Fund are released and discharged from any and all claims arising out of such
5 involvement, and all Settlement Class Members, whether or not they are to receive payment from
6 the Net Settlement Fund, are barred from making any further claim against the Net Settlement
7 Fund beyond the amount allocated to Authorized Claimants.

8 8. A payment in the amount of \$146,541.76 from the Settlement Fund for Angeion’s
9 work to date as the Claims Administrator is hereby AUTHORIZED. A set-aside payment of
10 \$11,593.31 for Angeion’s fees and expenses to be incurred in connection with the distribution of
11 the Net Settlement Fund is hereby AUTHORIZED. If the incurred fees and expense for the
12 distribution are lower than this estimate, Angeion shall promptly reimburse the Net Settlement
13 Fund.

14 9. The Court authorizes the Claims Administrator to discard paper copies of the Proofs
15 of Claim and all supporting documentation one year after the distribution, and to discard electronic
16 copies of the Proofs of Claim and all supporting documentation three years after distribution.

17 IT IS SO ORDERED.

18 **The Court ORDERS the parties file a post-distribution accounting by May 14, 2026, and SETS a
19 compliance hearing on May 21, 2026, at 9:00 a.m.**

20 DATED: November 14, 2025



Honorable Edward J. Davila
United States District Judge