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12 *Lead Counsel for Plaintiffs*

13 THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF SAN MATEO

15 IN RE GOPRO, INC. SHAREHOLDER)
16 LITIGATION)

17) Lead Case No. CIV537077

18) Class Action

19 This Document Relates To:)

20) **NOTICE OF ENTRY OF ORDER**

21 All Actions.)

22) Assigned for all Purposes to:
23) The Hon. Marie S. Weiner, Dep't 2

24) Date Action Filed: January 25, 2016
25)
26)
27)
28)

1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that the attached Order has been entered by the Court. See
3 Attachment A hereto.

4
5 Dated: September 27, 2019

6 Respectfully submitted,

7 BOTTINI & BOTTINI, INC.
8 Francis A. Bottini, Jr. (SBN: 175783)
9 Albert Y. Chang (SBN 296065)
10 Yury A. Kolesnikov (SBN: 271173)

11 s/ Francis A. Bottini, Jr.

12 Francis A. Bottini, Jr.

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20 *Lead Counsel for Plaintiffs*

EXHIBIT A

EXHIBIT A

FILED
SAN MATEO COUNTY

SEP 19 2019

Clerk of the Superior Court

By  DEPUTY CLERK

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN MATEO

IN RE GOPRO, INC. SHAREHOLDER)	Lead Case No. CIV537077
LITIGATION)	
)	<u>Class Action</u>
<hr/>		
This Document Relates To:)	Proposed Class Distribution Order
)	
All Actions.)	Judge: Hon. Marie S. Weiner
)	Dep't: 2
)	Date: September 12, 2019
)	Time: 11:30 a.m.
)	
)	Date Action Filed: January 25, 2016

CIV537077
ORD
Order
2046048



1 Class Counsel, on behalf of Plaintiffs Ken Giavara, William Cornick, and Lydia Vierson
2 (“Class Representatives”), on notice to Defendants’ counsel, have moved this Court for entry
3 of the [Proposed] Class Distribution Order in the above-captioned action. The Court, having
4 considered all materials and arguments submitted in support of the motion, including the
5 declaration of Luiggy Segura (“Segura Decl.”) and the memorandum of law in support of the
6 motion, hereby **GRANTS** the motion and **ORDERS** as follows:

7 1. This Order incorporates by reference the definitions in the Stipulation and
8 Agreement of Settlement dated February 15, 2018 (“Stipulation”), and all terms not otherwise
9 defined herein shall have the same meanings as set forth in the Stipulation.

10 2. The Court has jurisdiction over the subject matter of the Action and over all
11 parties to the Action, including all Class Members.

12 3. The administrative determinations to accept claims, including late but otherwise
13 eligible claims filed after the July 26, 2018 deadline but before March 31, 2019 (the “Late But
14 Otherwise Eligible Claims”), and to reject wholly ineligible claims or otherwise deficient
15 claims, as recommended by the Claims Administrator, JND Legal Administration (“JND”), as
16 stated in the Segura Declaration and its exhibits, are **APPROVED**.

17 4. The objections to JND’s rejection of the four claims reflected in Exhibit B to the
18 Segura Declaration are **OVERRULED**.

19 5. The Court **APPROVES** a payment to JND of \$523,113.95 out of the Net
20 Settlement Funds for JND’s unpaid fees and expenses.

21 6. The Class Representatives’ proposed plan of distribution of the Net Settlement
22 Fund to Authorized Claimants is **APPROVED**. Accordingly:

23 a. Once all appeals from this Court’s resolution of the objections with
24 respect to all rejected or disallowed claims have been resolved or the time therefor has
25 expired, JND will calculate the *pro rata* payment amounts from the Net Settlement Fund by
26 comparing the Authorized Claimants’ total recognized claims (as calculated pursuant to the
27 Court-approved Plan of Allocation) with the total dollar value of the Net Settlement Fund at
28 the time of distribution (the claimant’s “Distribution Amount”). In doing so, JND will

1 eliminate any Authorized Claimants whose *pro rata* share calculates to less than \$10.00.

2 b. JND will then conduct an initial distribution of the Net Settlement Fund
3 by distributing to Authorized Claimants listed in Exhibits C and D of the Segura Declaration
4 their full Distribution Amount.

5 c. In order to encourage Authorized Claimants to promptly cash their
6 distribution checks and to avoid or reduce future expenses relating to uncashed checks, all
7 distribution checks shall bear the notation: "CASH PROMPTLY. VOID AND SUBJECT TO
8 REDISTRIBUTION IF NOT CASHED BY DATE 90 DAYS AFTER ISSUE DATE."

9 d. Authorized Claimants who do not cash their initial distribution checks
10 within the time allotted will irrevocably forfeit all recovery from the Settlement. The funds
11 allocated to all such stale-issued checks will be available for re-distribution to other
12 Authorized Claimants, if Class Counsel, in consultation with JND, determines that it is cost-
13 effective to conduct a second distribution. Similarly, Authorized Claimants who do not cash
14 their second or subsequent distribution checks within the time allotted will irrevocably forfeit
15 any further recovery from the Settlement.

16 e. To the extent there is a balance remaining in the Net Settlement Fund
17 after six (6) months from the initial distribution, whether by reason of returned funds, tax
18 refunds, interest, uncashed checks, or otherwise, the remainder will be distributed in
19 subsequent distributions if Class Counsel, in consultation with JND, determines that it is cost-
20 effective to do so. Accordingly, all amounts remaining in the Net Settlement Fund after
21 payment of any unpaid expenses or fees incurred or to be incurred in connection with
22 administering such subsequent distribution(s), and after payment of all estimated escrow fees,
23 taxes, or costs of preparing tax returns, shall be distributed on the same *pro rata* basis as the
24 initial distribution to Authorized Claimants who cashed their distribution checks from the
25 previous distribution and who would receive at least \$10.00. Additional distributions, after
26 deduction of costs and expenses as described above and subject to the same conditions, may
27 occur thereafter in six-month intervals until Class Counsel, in consultation with JND,
28 determines that further distribution is not cost-effective.

1 f. Once Class Counsel, in consultation with JND, determines that further
2 distributions are no longer cost-effective, any remaining funds in the Net Settlement Fund,
3 after payment of any unpaid expenses or fees incurred by the Claims Administrator in
4 connection with administering the Net Settlement Fund and after the payment of any
5 estimated escrow fees or taxes and the costs of preparing appropriate tax returns, will be
6 donated to the Legal Services of Northern California.

7 g. ~~All persons involved in the review, verification, calculation, tabulation, or~~
8 ~~any other aspect of the processing of the Proofs of Claim submitted herein, or otherwise~~
9 ~~involved in the administration or taxation of the Settlement Fund or the Net Settlement Fund,~~
10 ~~are released and discharged from any and all claims arising out of such involvement, and~~ **A**
11 Class Members, whether or not they receive payment from the Net Settlement Fund, are
12 barred from making any further claims against the Net Settlement Fund, ~~Plaintiffs, Plaintiffs'~~
13 ~~Counsel, the Claims Administrator, the Escrow Agent, or any other agent retained by~~
14 ~~Plaintiffs or Plaintiffs' Counsel in connection with the administration or taxation of the~~
15 ~~Settlement Fund or the Net Settlement Fund~~ beyond the amount allocated to Authorized
16 Claimants.

17 h. Unless otherwise ordered by the Court, one year after the final
18 distribution, JND will destroy the paper copies of the Proofs of Claim and all supporting
19 documentation, and three years after the final distribution, JND will destroy electronic copies
20 of the same.

21 **IT IS SO ORDERED.**

22 Dated: 9/18/19



HONORABLE MARIE S. WEINER
JUDGE OF THE SUPERIOR COURT

SERVICE LIST
GoPro, Class Action CIV 537077
as of July 1, 2016

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FILED
 SAN MATEO COUNTY

SEP 19 2019

Clerk of the Superior Court

By 
 DEPUTY CLERK

AFFIDAVIT OF MAILING

Date: 9/19/2019

In the Matter of: KEN GIAVARA vs PETER GOTCHER
 Case No.: CIV537077A

I declare under penalty of perjury that on the following date I deposited in the United States Post Office mail box at Redwood City, a true copy of the attached document(s) **Class Distribution Order**, enclosed in an envelope, with proper and necessary postage thereon, and addressed to the following:

Executed on: 9/19/2019

Neal I. Taniguchi, Court Executive Officer/Clerk

By:


 Alexandrina Ortega, Deputy Clerk

Copies Mailed To:

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CIV537077
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PROOF OF SERVICE

I am employed in the County of San Diego, State of California. I am over the age of 18 years and not a party to this action. My business address is: BOTTINI & BOTTINI, INC., 7817 Ivanhoe Avenue, Suite 102, La Jolla, California 92037.

On September 27, 2019, I served a true copy of the following document(s) described as:

NOTICE OF ENTRY OF ORDER

to the following addresses via First Class Mail:

Carolo Coppola
Amanda Coppola
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David Morse
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Elgin, IL 60120

Brendan J. Duffy
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Bedford, NH 03101

William Leder
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Bridgewater, NJ 088807

Objectors to Settlement

Additionally, a copy was served on the following parties via electronic transmission through the One Legal system:

Susan S. Muck, Esq.
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Additional Courtesy Copy delivered to:

Honorable Marie S. Weiner
San Mateo Superior Court
Department 2, Courtroom 2E
400 County Center
Redwood City, California 94063
Email: complexcivi1@sanmateocourt.org

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on September 27, 2019, at La Jolla, California.

s/ Francis A. Bottini, Jr.
Francis A. Bottini, Jr.