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9 *Liaison Counsel for Class Plaintiffs*  
10 *James Bachesta, Thanh Le, and Chen Weifeng*

11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 SCOTT BRUCE, Individually and on  
14 Behalf of All Others Similarly Situated,

15 Plaintiff,

16 v.

17 SUNTECH POWER HOLDINGS CO., LTD.  
18 and ZHENGRONG SHI

19 Defendants.

No. 3:12-cv-04061-RS

**~~PROPOSED~~ ORDER GRANTING  
MOTION FOR ORDER OF  
DISTRIBUTION**

20 Whereas, this Court approved the terms of the Stipulation of Settlement of August 14, 2015  
21 and approved the Plan of Allocation by order dated February 12, 2016;

22 Whereas, this Court retained jurisdiction of this Action for the purpose of supervising the  
23 implementation of the Stipulation and distribution of the Net Settlement Fund;

24 Whereas, this Court has reviewed the Motion for Order of Distribution filed by Class  
25 Plaintiffs James Bachesta, Thanh Le, and Chen Weifeng (collectively “Class Plaintiffs”), the  
26 Declaration of Justin R. Hughes in Support Of Co-Lead Counsel’s Motion for Distribution of the  
27 Net Settlement Fund (“Hughes Declaration”) submitted herewith, related documents, and good  
28 cause showing;

AND NOW, this 6th day of March 2017, upon consideration of Class  
Plaintiffs’ *Motion for Order of Distribution*, it is hereby ORDERED:

- 1           1. That Class Plaintiffs’ motion is GRANTED;
- 2           2. The administrative determinations of the Claims Administrator to accept the claims  
3           listed in Exhibits B-1 and B-2 to the Hughes Affidavit and described in ¶ 36 of the  
4           Hughes Affidavit, including claims submitted after the filing deadline, are approved and  
5           those claims are accepted;
- 6           3. The administrative determinations of the Claims Administrator to reject the claims listed  
7           in Exhibit B-3 to the Hughes Affidavit and described in ¶ 36 of the Hughes Affidavit,  
8           including claims submitted after the filing deadline, are approved and those claims are  
9           rejected;
- 10          4. The Claims Administrator is authorized to make the distributions described in Class  
11          Plaintiffs’ motion and the Hughes Affidavit;
- 12          5. The payments to be distributed to Authorized Claimants shall bear the notation “CASH  
13          PROMPTLY. VOID IF NOT CASHED 90 DAYS AFTER ISSUE DATE.” Any  
14          balance remaining in the Net Settlement Fund six (6) months after the initial distribution  
15          shall be distributed as follows: (i) first, if feasible, any remaining balance shall be  
16          distributed among Authorized Claimants in an equitable and economic fashion up to the  
17          amount that would make such Authorized Claimants whole; (ii) second, where any  
18          balance remains in the Net Settlement Fund and it is economically infeasible to further  
19          distribute the balance to Authorized Claimants, the remainder shall be used to pay  
20          additional expenses incurred by the Claims Administrator, over and above the amount  
21          previously allocated for the Class Notice and Administration Fund, including brokerage  
22          fees of up to \$45,000 incurred by the Claims Administrator; and (iii) third, any  
23          remaining funds shall be donated to a *cy pres* beneficiary approved by the Court or  
24          otherwise used or distributed as the Court may direct.

- 1           6. The Claims Administrator shall continue to receive, review and process any  
2           correspondence or information submitted by claimants with respect to already-filed  
3           Proofs of Claim. Should there be any adjustments to any Proofs of Claim prior to  
4           distribution of the Net Settlement Fund, the Claims Administrator shall update its claims  
5           database with the new information and report the updated total to Class Counsel prior to  
6           distribution;
- 7           7. The Claims Administrator is to be paid the sum of \$200,000 for outstanding fees and  
8           expenses already incurred, and those to be incurred in connection with the services  
9           performed or to be performed with respect to the administration and disbursement of the  
10          Net Settlement Fund;
- 11          8. All persons who were involved in the review, verification, calculation, tabulation, or  
12          any other aspect of the administration of claims filed in this Action, and all persons  
13          who were involved in the administration or taxation of the Net Settlement Fund, are  
14          released from liability for any and all claims arising out of such activities; and  
15          9. This Court shall retain jurisdiction over any further application or matter which may  
16          arise in connection with this Action.
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BY THE COURT.



Hon. Richard Seeborg  
United States District Judge