

ENTERED

February 28, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

LAWRENCE ROUGIER, *et al.*, Individually
and on Behalf of All Others Similarly Situated,

Plaintiffs,

v.

APPLIED OPTOELECTRONICS, INC.,
CHIH-HSIANG (THOMPSON) LIN, and
STEFAN J. MURRY,

Defendants.

Case No. 4:17-cv-2399

ORDER APPROVING DISTRIBUTION OF CLASS SETTLEMENT FUND

Having considered all materials and arguments submitted in support of Plaintiffs' Unopposed Motion for Distribution of Class Settlement Fund and Memorandum of Law in Support thereof, the Declaration of Tina Chiango in Support of Motion for Distribution of the Net Settlement Fund (the "Chiango Declaration") and accompanying Exhibits,

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. This Order Approving Distribution of Class Settlement Fund incorporates by reference the definitions in the Stipulation and Agreement of Settlement (the "Stipulation"). ECF No. 143-2. All terms not otherwise defined shall have the same meanings as set forth in the Stipulation or the Chiango Declaration.

2. This Court has jurisdiction over the subject matter of the Action and over all parties to the Action, including all Settlement Class Members.

3. Plaintiffs' plan for distribution of the Net Settlement Fund to Authorized Claimants is **APPROVED**. Accordingly:

(a) The administrative recommendations of the Court-authorized Claims Administrator, RG/2 Claims Administration. ("RG/2"), to accept the Timely Authorized Claimants stated in Exhibit A to the Chiango Declaration and the Late But Otherwise Authorized Claimants stated in Exhibit B to the Chiango Declaration, are adopted;

(b) The Claims Administrator's administrative recommendations for the Rejected or Ineligible Claimants as wholly ineligible Claims, as stated in Exhibit C to the Chiango Declaration, are adopted;

(c) As set forth in the Chiango Declaration, no new Claims received after January 24, 2022 may be included in the distribution;

(d) The distribution plan for the Net Settlement Fund, as set forth in the Chiango Declaration and accompanying exhibits, is approved. The balance of the Net Settlement Fund shall be distributed to Authorized Claimants;


(e) If there is any balance remaining in the Net Settlement Fund after at least six (6) months from the date of initial distribution of the Net Settlement Fund, RG/2 may, if feasible and economical after payment of Notice and Administration Expenses, Taxes, and attorney's fees and expenses, if any, redistribute such balance amongst Authorized Claimants who have cashed their checks in an equitable and economic fashion. Once it is no longer feasible or economical to make further distributions, any balance that still remains in the Net Settlement Fund after re-distribution(s) and payments of taxes and fees, if any, shall be donated to Lone Star Legal Aid;

(f) The administration of the Settlement and the proposed distribution of the Net Settlement Fund comply with the terms of the Stipulation and the Amended Plan of Allocation and, therefore, all persons involved in the review, verification, calculation, tabulation, or any other aspect of the processing of the claims submitted herein, or otherwise involved in the administration or taxation of the Settlement Fund or the Net Settlement Fund, are released and discharged from any and all claims arising out of such involvement. All Settlement Class Members, whether or not they are to receive payment from the Net Settlement Fund, are barred from making any further claims against the Net Settlement Fund or Plaintiffs, Plaintiffs' Counsel, the Claims Administrator, the Escrow Agent or any other agent retained by Plaintiffs or Plaintiffs' Counsel, in connection with the administration or taxation of the Settlement Fund or the Net Settlement Fund beyond the amounts allocated to them pursuant to this Order. As previously provided in the Preliminary Approval Order and Stipulation, none of the Defendants, Defendants' Counsel, or any other of Defendants' Releasees shall have any responsibility or liability whatsoever for the Amended Plan of Allocation, the administration of the Settlement, the Claims process, or disbursement of the Net Settlement Fund to any person or entity, including, but not limited to, Plaintiffs, any other Settlement Class Members, or Lead Counsel;

(g) All of RG/2's fees and expenses incurred in the administration of the Settlement and estimated to be incurred in connection with the Initial Distribution of the Net Settlement Fund as stated in the invoice attached as Exhibit D to the Chiango Declaration are approved, and Lead Counsel are directed to pay the outstanding balance of \$37,816 out of the Settlement Fund to RG/2, and

(h) The Claims Administrator is authorized to discard: (i) paper and hard copies of all Claim Forms and supporting documents one year after the initial distribution or one year after the final re-distribution (if any occurs); and (ii) electronic or magnetic media data not less than three years after the final distribution of the Net Settlement Fund to Authorized Claimants.

Signed on February 28, 2022, at Houston, Texas.


Christina A. Bryan
United States Magistrate Judge