
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

J. THOMPSON, et al., individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

1-800 CONTACTS, INC., et al.,

Defendants.

**ORDER AUTHORIZING SECOND
REDISTRIBUTION OF NET
SETTLEMENT FUND AND PAYMENT
TO CPT GROUP, INC.**

CLASS ACTION

2:16-cv-01183-TC

Judge Tena Campbell

WHEREAS, by its Final Judgment and Order of Dismissal as to 1-800 Contacts, Inc.; National Vision, Inc.; Arlington Contact Lens Service, Inc.; Luxottica of America Inc.; Vision Direct, Inc.; Walgreens Boots Alliance, Inc.; and Walgreen Co. (ECF 342) (“Final Approval Order”), this Court approved the terms of four Stipulations of Settlement (ECFs 139-2, 245-2, 263-2, 321-7, Ex. A) (collectively, the “Stipulations”) and by its Final Approval Order, this Court approved the Plan of Distribution for distributing the settlement proceeds to Settlement Class Members;¹ and

WHEREAS, this Court had directed the Settling Parties to consummate the terms of the Stipulations and Plan of Distribution; and

¹ All capitalized terms that are not defined herein have the same meanings ascribed to them in the Stipulations.

WHEREAS, the \$40 million cash settlement proceeds were deposited by Defendants into an interest-bearing escrow account established by Co-Lead Class Counsel, on behalf of the Settlement Classes (the “Settlement Fund”); and

WHEREAS, \$22,060,346.91 was distributed to Authorized Claimants in an initial distribution. In connection with that initial distribution, a total of 117,281 claims were approved for distribution; and

WHEREAS, a redistribution was conducted in which 100,163 claims and \$2,333,125 from the Net Settlement Fund was distributed to those Authorized Claimants who cashed their initial distribution payment and who would receive at least \$10.00;

WHEREAS, following the initial distribution and the first redistribution, a balance of approximately \$305,000 remains in the Settlement Fund account from returned payments, uncashed checks, and interest; and

WHEREAS, Co-Lead Class Counsel requests that the Court permit a second redistribution of this amount, less the fees and costs associated with making the proposed redistribution; and

WHEREAS, this Court has retained jurisdiction of this Action for the purpose of considering any further application or matter which may arise in connection with the administration and execution of the Settlement and the processing of Proof of Claim and Release Forms and the distribution of the Net Settlement Fund to the Authorized Claimants;

NOW, THEREFORE, upon consideration of: (1) Co-Lead Class Counsel’s Motion for a Second Redistribution of Net Settlement Fund and Payment to CPT Group, Inc.; (2) the Declaration of Julie N. Green in Support of Co-Lead Class Counsel’s Motion for a Second

Redistribution of Net Settlement Fund and Payment to CPT Group, Inc.; and (3) upon all prior proceedings herein, and after due deliberation, it is hereby,

ORDERED, that the Claims Administrator be paid the sum of \$39,000 from the Settlement Fund as payment for the balance of its fees and expenses incurred and to be incurred in connection with the second redistribution of the Net Settlement Fund; and it is further,

ORDERED, that the Net Settlement Fund shall be distributed to the Authorized Claimants who cashed or deposited their initial distribution checks and their first redistribution check and who would receive a distribution no less than \$10.00 and it is further,

ORDERED, that the checks for distribution to the Authorized Claimants shall bear the notation: "CASH PROMPTLY, VOID AND SUBJECT TO REDISTRIBUTION 60 DAYS AFTER DISTRIBUTION DATE." Co-Lead Class Counsel and the Claims Administrator are authorized to take appropriate action to locate and/or contact any Authorized Claimant who has not cashed his, her, or its check within said time; and it is further,

ORDERED, that six months after the second redistribution, any funds remaining in the Net Settlement Fund by reason of uncashed checks or otherwise, after the Claims Administrator has made reasonable and diligent efforts to have Settlement Class Members who are entitled to participate in the redistribution of the Net Settlement Fund cash their second redistribution checks, shall be contributed to the Utah State Bar; and it is further,

ORDERED, that the Court finds that the administration of the Settlement and the proposed redistribution of the Net Settlement Fund comply with the terms of the Stipulations and the Plan of Distribution and that all persons involved in the review, verification, calculation, tabulation, or any other aspect of the processing of the Proof of Claim and Release Forms

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, and 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 the Released Parties beyond the amount allocated to them pursuant to this Order; and it is further,

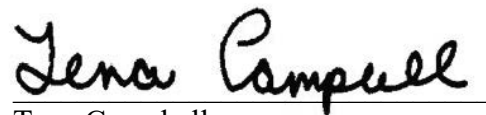
ORDERED, that the Claims Administrator is hereby authorized to discard paper or hard copies of Proof of Claim and Release Forms and supporting documents not less than one year after the second redistribution of the Net Settlement Fund to the Authorized Claimants as provided for herein, and electronic copies of the same not less than three years after the second redistribution of the Net Settlement Fund to the Authorized Claimants as provided for herein; and it is further,

ORDERED, that this Court retain jurisdiction over any further application or matter which may arise in connection with this Action.

IT IS SO ORDERED.

DATED this 19th day of July, 2024.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Tena Campbell
United States District Judge