

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

IN THE UNITED STATES DISTRICT COURT **2014 MAR 14 P 2:17**
FOR THE DISTRICT OF MARYLAND

CLERK'S OFFICE
AT BALTIMORE

IN RE MUTUAL FUNDS INVESTMENT
LITIGATION

MDL 1586

This Document Relates to:
Scudder Sub-track

1:04-MD-15861-CCB

BY _____ DEPUTY

~~PROPOSED~~ ORDER AUTHORIZING SECOND DISTRIBUTION OF
SETTLEMENT PROCEEDS IN THE SCUDDER SUB-TRACK

WHEREAS, by its Orders and Final Judgments entered in the Action on October 25, 2010 (Dkt. Nos.1407-1410) and its Order Approving Plan of Allocation of Settlement Proceeds in the Scudder Sub-Track entered on October 26, 2010 (Dkt. No. 1403), this Court approved the terms of the stipulations of settlement filed with the Court in the Scudder Sub-Track of MDL 1586– *In re Mutual Funds Investment Litigation* (the “Action”) (Dkt. Nos. 1326-9, 1326-11, 1326-14 and 1326-17) (the “Stipulations”) and the plan for allocating the settlement proceeds to eligible Class Members (the “Plan of Allocation”), respectively; and

WHEREAS, this Court had directed the parties to consummate the terms of the Stipulations and Plan of Allocation; and

WHEREAS, the \$13,966,000 cash settlement proceeds plus interest have been deposited into an escrow account maintained by Citizens Bank on behalf of the Class and the Scudder Settlement Funds (the “Settlement Fund”), along with the \$30,000 plus interest obtained by the Office of the New York Attorney General in a settlement with the Canary Defendants (the “OAG/Canary Fund”); and

WHEREAS, as set forth in the Notice of Pendency and Proposed Settlements of Class and Derivative Actions, Motion for Attorneys' Fees and Expenses, and Settlement Hearing and the Long-Form Notice of Pendency and Proposed Settlements of Class and Derivative Actions, Motion for Attorneys' Fees and Expenses, and Settlement Hearing (together, the "Notices") the Court-approved claims administrator for the Settlements, Rust Consulting, Inc ("Rust"), has evaluated data regarding each Class Member's account; and

WHEREAS, the process of reviewing all account data has been completed; and

WHEREAS, Rust has made determinations on how to allocate the pro rata share allocable to Omnibus and Networked Account holders who elected to have Rust perform the distribution to the sub-account holders within those Omnibus and Networked Accounts,

WHEREAS, this Court has retained jurisdiction of this Action for the purpose of, among other things: considering any further application or matter which may arise in connection with the administration of the Settlements and the distribution of the Net Settlement Fund and the OAG/Canary Fund to the Class;

NOW, THEREFORE, upon reading: (1) the Declaration of Julie Swanson in Support of Motion For Second Distribution Of Settlement Proceeds In The Scudder Sub-Track (the "Second Distribution Declaration") submitted on behalf of Rust; (2) the Memorandum in Support of Investor Class Plaintiffs' Motion For Second Distribution Of Settlement Proceeds In The Scudder Sub-Track; and (3) the other submissions and papers on file with the Court; and upon all prior proceedings heretofore had herein, and after due deliberation, it is hereby

ORDERED, that all capitalized terms not otherwise defined herein shall have the same meanings as set forth in the Second Distribution Declaration and the Orders and Final Judgments entered in the Action on October 25, 2010; and it is further

ORDERED, that the administrative determinations of Rust with regard to Omnibus and Network accounts described in the Second Distribution Declaration are approved; and it is further

ORDERED, that proceeds from the Net Settlement Fund shall be distributed to the Omnibus and Networked Account holders and sub-account holders, in accordance with their respective pro rata shares and as described in the Second Distribution Declaration, pursuant to the Court-approved Plan of Allocation in proportion to each eligible account holder's claim as compared to the total Recognized Claims of all eligible account holders; and it is further

ORDERED, that that OAG/Canary Fund shall be distributed to the Omnibus and Networked Account holders and sub-account holders, in accordance with their respective pro rata shares and as described in the Second Distribution Declaration, pursuant to the Court-approved Plan of Allocation in proportion to each eligible account holder's claim as compared to the total Recognized Claims of all eligible account holders; and it is further

ORDERED, that the checks for distribution shall bear the notation "CASH PROMPTLY, VOID AND SUBJECT TO RE-DISTRIBUTION IF NOT CASHED BY [DATE 90 DAYS AFTER ISSUE DATE]." Investor Lead Counsel and Rust are authorized to take appropriate actions to locate and/or contact any eligible account holder who has not cashed his, her or its check within said time; and it is further

ORDERED, that eligible account holders who do not cash their checks within the time allotted will irrevocably forfeit all recovery from the Settlement Fund and the OAG/Canary Fund, and it is further

ORDERED, that the Court finds that the administration of the Settlements and the proposed distribution of the Net Settlement Fund and the OAG/Canary Fund comply with the

terms of the Stipulations and the Plan of Allocation and that all persons involved in the review, verification, calculation, tabulation, or any other aspect of the processing of the account data submitted in this Action, or who are otherwise involved in the administration or taxation of the Settlement Fund, the Net Settlement Fund or the OAG/Canary Fund are released and discharged from any and all claims arising out of such involvement, and, pursuant to the release terms of the Settlements, all Class Members, whether or not they are to receive payment from the Net Settlement Fund and the OAG/Canary Fund are barred from making any further claims against the Net Settlement Fund and the OAG/Canary Fund or the parties released pursuant to the Settlements beyond the amount allocated to them pursuant to this Order; and it is further

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

Dated: 3/14, 2014



THE HONORABLE CATHERINE C. BLAKE
UNITED STATES DISTRICT JUDGE