

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

In Re:  DISPOSABLE CONTACT LENS ANTITRUST LITIGATION	Case No. 3:15-md-2626-HES-LLL  Judge Harvey E. Schlesinger  Magistrate Judge Laura Lothman Lambert
THIS DOCUMENT RELATES TO: All Class Actions	

**ORDER GRANTING CLASS COUNSEL'S MOTION  
TO AUTHORIZE THE DISTRIBUTION OF THE  
RESIDUAL NET SETTLEMENT FUNDS**

WHEREAS, this Court previously granted final approval to Class Plaintiffs' settlements with Alcon Vision, LLC ("Alcon"), Johnson & Johnson Vision Care, Inc. ("JJVCI"), CooperVision ("CVI"), Bausch & Lomb ("B&L"), and ABB Optical Group ("ABB") (the "Settlements") (*see* Dkts. 1164 (CVI and B&L); 1257 (ABB); 1362 (Alcon and JJVCI));

WHEREAS, this Court previously appointed Epiq Class Action & Claims Solutions, Inc. ("Epiq") as the Claims Administrator for these Settlements (*see*, e.g., Dkt. 1343, ¶ 11);

WHEREAS, Class Counsel previously submitted a Motion to Authorize Distribution of Net Settlement Funds<sup>1</sup> to Approved Class Members on a *pro-rata* basis (“First Distribution Motion,” Dkt. 1370);

WHEREAS, this Court granted the First Distribution Motion on June 5, 2023 (“First Distribution Order,” Dkt. 1371);

WHEREAS, Class Counsel previously submitted a Motion to Authorize Supplemental Distribution of Net Settlement Funds (“Second Distribution Motion,” Dkt. 1402);

WHEREAS, this Court granted the Second Distribution Motion on November 29, 2023 (“Second Distribution Order,” Dkt. 1403 at ¶2);

WHEREAS, Class Counsel previously submitted a Motion to Re-Issue Payments to Lapsed Claimants Who Show Good Cause (“Third Distribution Motion,” Dkt. 1426);

WHEREAS, this Court granted the Third Distribution Motion on February 29, 2024 (“Third Distribution Order,” Dkt. 1427);

WHEREAS, Class Counsel have now filed a Motion to Authorize the Distribution of the Residual Net Settlement Funds (“Fourth Distribution

---

<sup>1</sup> “Net Settlement Funds” are equal to the Settlement Funds plus any accrued interest and less: (i) the amount of any Fee and Expense Award and any Plaintiffs’ Service Award (if requested and to the extent allowed by this Court); (ii) Class Notice and Administration Expenses; (iii) Taxes and Tax Expenses; and (iv) any other fees or expenses approved by this Court. Settlement Agreements, ¶1.16.

Motion,” Dkt. 1437), supported by declarations by Epiq and Class Counsel; and

WHEREAS, this Court has reviewed the Fourth Distribution Motion, the accompanying declarations, and the attachments.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that Class Counsel’s Fourth Distribution Motion (Dkt. 1437) is **GRANTED** as follows:

1. This Court concludes that the 1,842 Second Distribution Claimants who received payments in connection with the Second Distribution Motion but who did not timely negotiate those payments or ask for re-issuance on or before October 31, 2024, to have forfeited any right they may have had to claim any portion of the Net Settlement Funds.

2. This Court finds that the following entities satisfy the requirements for a *cy pres* distribution of the residual Net Settlement Funds (see, e.g., *In re Checking Acct. Overdraft Litig.*, 830 F. Supp. 2d 1330, 1354 (S.D. Fla. 2011) (citing *In re Motorsports Merchandise Antitrust Litig.*, 160 F.Supp.2d 1392, 1394 (N.D. Ga. 2001)): 1) Public Citizen Foundation, (2) Wolfson Children’s Hospital, (3) American Antitrust Institute, (4) Florida State University College of Law, (5) National Consumer Law Center, (6) Public Justice, (7) UC Berkley Center for Consumer Law & Economic Justice, and (8) Columbus School of Law of The Catholic University of America. This Court, therefore, authorizes the payment of at least \$2,679,146.12 from the residual

Net Settlement Funds to these entities, which shall be distributed equally among these recipients.


3. This Court further authorizes the payment of one-third of the gross interest earned on the settlement funds held by this Court-appointed escrow agent, Huntington Bank (“Huntington”), for fees and expenses incurred by Class Counsel, which as of November 30, 2024, was \$609,321.17. This Court finds that the requested amount would compensate Class Counsel for the time and expense spent on this case over the past two years and is consistent with precedent in this Circuit. *See, e.g., In re Terazosin Hydrochloride Antitrust Litig.*, No. 99MDL1317SEITZKLEIN, 2005 WL 2451958, at \*2-3 (S.D. Fla. July 8, 2005) (approving the payment of interest earned on the fee and expense award).

4. Any further claims to these Settlements are prohibited, and any additional claims against the Net Settlement Funds for these Settlements are finally and forever barred.

5. Consistent with the First, Second, and Third Distribution Orders, Plaintiffs, Class Counsel, Epiq, and all individuals who were involved in the processing and validation of claims, calculation of distributions to claimants, or any other aspect of the claims administration process, are hereby released and discharged from all claims arising out of such involvement.

6. This Court retains jurisdiction over any further application or matter that may arise concerning the administration of these Settlements.

**IT IS SO ORDERED** on this 6<sup>th</sup> day of January 2025.

  
\_\_\_\_\_  
**HARVEY E. SCHLESINER**  
UNITED STATES DISTRICT JUDGE

Copies to:  
Counsel of Record