

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re XM SATELLITE RADIO COPYRIGHT LITIGATION

MASTER DOCKET
06 Civ. 3733 (LAK)

This Document Relates to: 07 Civ. 4682 (LAK)
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**[PROPOSED] ORDER FOR A SECOND DISTRIBUTION OF
THE NET SETTLEMENT FUNDS**

WHEREAS, the Court previously granted final approval of the Stipulation and Agreement of Settlement (“Settlement”) on March 22, 2011 [ECF No. 109];

WHEREAS, the Court previously ordered an initial distribution of the Net Settlement Funds on April 9, 2014 [ECF No. 128];

WHEREAS, the Court-appointed Administrator, Garden City Group, LLC (“GCG”), distributed the Net Settlement Funds to eligible Class members in accordance with this Court’s foregoing distribution order;

WHEREAS, monies remain in the Net Settlement Funds following the initial distribution;

WHEREAS, notice of Plaintiffs’ requested second distribution of the remaining monies in the Net Settlement Funds was provided to Class members by publication on the official Settlement website;

WHEREAS, the Defendant does not oppose the requested relief; and

WHEREAS, the Court having considered all papers filed and proceedings had herein and otherwise being fully informed in the premises and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The Court hereby directs the second distribution of the remaining monies in the Net Settlement Funds (after deduction of the administrative payment in ¶3 below) to be

distributed to eligible Class members (a) who cashed their check as part of the initial distribution and (b) whose *pro rata* share(s) of the remaining Sound Recording Settlement Fund and/or Musical Composition Net Settlement Fund is greater than or equal to \$25.

2. All checks issued in connection with the second distribution shall state that if such check is not cashed within 45 days of being issued, the funds will revert back to the Net Settlement Funds.

3. The Court authorizes a payment of up to \$12,816.56 to GCG for its estimated fees and expenses to be incurred in connection with the second distribution of the Net Settlement Funds and finalization of the administration of the Settlement.

4. To the extent that the second distribution does not result in a full and final distribution of all the remaining funds in the Net Settlement Funds, there shall be a further distribution of any remaining monies in the Net Settlement Funds to eligible Class members who cashed their checks issued in connection with the second distribution and whose *pro rata* share(s) of the remaining Sound Recording Settlement Fund and/or Musical Composition Net Settlement Fund is greater than or equal to \$25. To the extent that such a further distribution would not be cost effective, Plaintiffs will report to the Court and recommend an alternative final distribution of any remaining funds in the Net Settlement Funds.

5. No earlier than sixty (60) days after there has been a final distribution of all the remaining funds in the Net Settlement Funds, GCG shall (a) discard/destroy all copies of the claim forms and any supporting documents and other correspondence, in whatever form or media they are maintained and (b) close the post office box, disconnect the telephone number and remove the Settlement website and e-mail address from the internet, which were specifically designed and created for the Settlement.

6. Class Counsel and the Settlement Administrator are directed to execute this Order and shall not be liable to Class members for any reason in executing and complying with this Order.

IT IS SO ORDERED.

DATED: _____, 2016

The Honorable Lewis A. Kaplan
United States District Court Judge