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8 **UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

10 GORDON NOBORU YAMAGATA and
STAMATIS F. PELARDIS, individually and
11 on behalf of all others similarly situated,

12 Plaintiffs,

13 v.

14 RECKITT BENCKISER LLC,

15 Defendant.

Case No. 3:17-cv-03529-VC

POST-DISTRIBUTION ACCOUNTING

CLASS ACTION

District Judge Vince Chhabria
Courtroom 4, 17th Floor

Complaint Filed: June 19, 2017
Final Approval Date: October 28, 2021

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1 Pursuant to the Court’s Order Granting Final Approval of Settlement (ECF No. 238),
 2 Plaintiffs hereby provide the following Post-Distribution Accounting. This accounting is supported
 3 by the accompanying Declaration of Eamon Mason (“Mason Decl.”) from the Settlement
 4 Administrator, Epiq Class Action & Claims Solutions, Inc. (“Epiq”). Distribution and
 5 administration of the Settlement is now complete, except for distribution of unclaimed funds to the
 6 *cy pres* recipient and 32 checks that were reissued. This notice supplements the parties’ earlier
 7 interim report regarding administration of the Settlement. *See* ECF No. 240.

8 Settlement Administration Details

9 A total of 335,722 Class Members submitted valid claims for a total of 1,417,418 bottles of
 10 Move Free Advanced purchased. Mason Decl., ¶ 4. The total paid to Class Members was
 11 \$34,871,155.74. *Id.* Pursuant to § IV.4.b of the Settlement, based on the number of bottles validly
 12 claimed and the size of the Net Fund, the final payment award to each Claimant was increased to
 13 \$24.59 per bottle. This award amount exceeds the \$22 average retail price paid by Class Members
 14 for a bottle of Schiff Move Free Advanced.

15 Pursuant to the Settlement, Claimants were provided with a choice between receiving a
 16 check by mail or electronically by email. 207,007 claimants elected to receive payment by check
 17 and 128,715 claimants elected to receive an electronic payment. *Id.*

18 Digital Payment Claimants: On April 4, 2022, Epiq sent a “warm-up” email advising the
 19 128,715 Claimants who elected to receive digital payments that they soon would be receiving a
 20 digital payment. On April 7, 2022, the digital payments were emailed to them.

21 On May 2, 2022, Epiq sent a reminder email to the digital Claimants to claim their digital
 22 payments by May 7, 2022. On June 7, 2022, following the stale date for claiming the digital
 23 payments, Epiq mailed award checks to the digital Claimants who had not claimed the digital
 24 payment. Epiq performed address research on these Claimants before mailing the checks. *Id.*, ¶ 6.
 25 The checks were mailed to 32,705 Claimants and totaled \$3,325,822.09. They had a 60-day
 26 negotiation period. *Id.*, ¶ 5.

27 Check Payment Claimants: Beginning on April 7, 2022, Epiq mailed settlement checks to
 28 the 207,007 Claimants who elected to receive their payments via check. *Id.*, ¶ 4. Over 95% (196,177)

1 timely cashed their checks for a total of \$20,389,587.36. *Id.*, ¶ 4.

2 Summary: 94% of the total Claimants (315,618 of 335,722) timely negotiated their payments
3 for a total of \$32,890,209.94. *Id.*, ¶ 8. Each Claimant received \$24.59 per bottle, the average
4 recovery per Claimant was \$103.82, the median recovery per Claimant was \$73.77, and the smallest
5 and largest recoveries were \$24.59 and \$6,147.50, respectively. *Id.*, ¶ 10. With the exception of 32
6 Claimants who were reissued checks totaling \$5,483.57 and have until October 21, 2022 to cash the
7 reissued award checks, the negotiation periods for claiming digital payments and cashing award
8 checks have been closed since September 12, 2022. The administration process has proven
9 successful with 315,618 Claimants (94% of the total) negotiating their Settlement payments.

10 Pursuant to the Settlement and Final Approval Order, the amount remaining in the Net Fund,
11 after payment of Class Counsel's fees and expenses, Service Award payments to the Class
12 Representatives, payments to Class Members, and the costs and expenses of notice and Settlement
13 administration, including estimated administration costs through project closure is to be distributed
14 to the *cy pres* recipient, the Orthopaedic Research Society. *See* ECF No. 238 at ¶ 19. This remainder
15 totals \$1,922,516.08. Mason Decl., ¶ 9. That amount may change slightly depending on how many
16 of the 32 reissued checks are cashed before the October 21, 2022, deadline. *Id.*, ¶¶ 8-9.

17 Accounting

18 The following chart summarizes the distribution of settlement funds and other accounting
19 information in accordance with Paragraph 16 of the Final Approval Order (ECF No. 238), the
20 Northern District of California's Procedural Guidance for Class Action settlements, and this Court's
21 Standing Order for Civil Cases.

Description	Amount
Total Settlement Fund	\$50,000,000.00
Total Number of Class Members to Whom Notice Was Sent and Not Returned as Undeliverable	4,563,268 Class Members received direct notice (mail or email)
Number (and Percentage) of Claim Forms Submitted	335,722 (7.36%)

1	Number (and Percentage) of Opt-Outs	96 (0.002%)
2	Number (and Percentage) of Objections	6 (0.0001%)
3	Average Recovery Per Claimant	\$103.82
4	Median Recovery Per Claimant	\$73.77
5	Maximum and Minimum Recovery Per Claimant	\$6,147.50 and \$24.59
6	Method(s) of Notice to Class Members	Direct email notice, direct postcard notice, and notice by print and online publication.
7	Method(s) of Payment to Class Members	Class Members elected to receive paper check or one of six digital payment option.
8	Number (and Value) of Uncashed Awards	20,097 uncashed awards for a total of \$1,979,593.35 ¹
9	Amount to be Distributed to the <i>Cy Pres</i> Recipient	\$1,922,516.08 ²
10	Class Action Notice and Settlement Administration Costs	\$2,009,206.60
11	Class Representatives Service Awards	\$25,500 (total to the 9 Class Representatives)
12	Attorneys' Fees and Expenses	\$12,500,000.00 fees and \$658,050.95 expenses. 5% of the fees awarded were held back by Epiq pending the Post-Distribution Accounting.
13	Attorneys' Fees as Percentage of Settlement Fund	25%
14	Plaintiffs' Counsel's Updated Lodestar Multiplier	2.24

¹ With the exception of 32 Claimants who were reissued checks totaling \$5,483.57 and have until October 21, 2022, to cash the reissued award checks.

² The amount to be distributed to the *cy pres* recipient is equal to the amount of uncashed checks less any additional negotiated checks (maximum \$5,483.57) and the estimated administration costs through case closure.

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1 Throughout the Settlement's notice and administration process, Class Counsel have
 2 diligently supervised the administration of the Settlement and remained in close contact with the
 3 Settlement Administrator. Aside from routine requests for reissuance of Settlement awards most
 4 often due to changing addresses since submitting claims or losing checks, there have not been any
 5 significant or recurring concerns communicated by Class Members to the Settlement Administrator
 6 and Class Counsel since final approval, or any other issues in settlement administration since final
 7 approval.

8 Settlement funds have been fully distributed to Class Members and the deadline for
 9 Claimants to negotiate their award payments has passed. Consistent with this Court's Standing
 10 Order, (p. 17, first paragraph), all that remains now is distributing the unclaimed remainder to the
 11 Court-approved *cy pres* recipient and a small number of reissued checks. Pursuant to the Settlement
 12 and Final Approval Order, the Settlement Administrator will tender such funds to the *cy pres*
 13 recipient, the Orthopaedic Research Society. Mason Decl., ¶ 11. Accordingly, Class Counsel
 14 respectfully request the Court enter the concurrently submitted proposed order to authorize and order
 15 release of the 5% holdback of attorneys' fees to Class Counsel.

16 Respectfully submitted,

17 Dated: October 7, 2022

BLOOD HURST & O'REARDON, LLP
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CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the Electronic Mail Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 7, 2022.

s/ Timothy G. Blood

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