

PLAN OF ALLOCATION

1. **Definitions.** Unless otherwise defined, terms used in this Plan of Allocation have the same meaning as in the Settlement Agreement.

2. **Nonreversionary common fund.** This is a common-fund settlement; there shall be no reversion of the Settlement Fund to Defendant upon the occurrence of the Final Date.

3. **Allocation of payments to Settlement Class Members.** The Net Settlement Fund—including, to the greatest extent practicable, all interest earned on the Settlement Fund that is not part of the Fee and Expense Award—shall be allocated per capita to every Settlement Class Member who provides the information necessary to the Settlement Administrator (e.g., social security number).

4. **Failure to provide necessary information.** If a Settlement Class Member has failed to provide the information necessary to the Settlement Administrator by the date of the Final Approval Hearing, such Settlement Class Member shall be deemed to have waived and released their claim for payment under the Settlement Agreement.

5. **Distribution of payments by check.** Payments shall be distributed to Settlement Class Members by check unless they elect to receive payment electronically.

6. **Electronic distribution of payments.**

A. Payments shall be distributed to Settlement Class Members by electronic means, including, if administratively practicable, via ACH, Venmo, PayPal, and Zelle.

B. The Postcard Notice, Email Notice, and Long-Form Notice shall inform Settlement Class Members of the availability of such electronic means of payment as the Settlement Administrator will make available to Settlement Class Members, and shall direct Settlement Class Members to the Settlement Website, where via a secure portal they will be able to elect an electronic means of payment and give the Settlement Administrator the information necessary to effect such payment.

C. The secure portal shall prominently inform Settlement Class Members that their election to receive payment electronically is final and irrevocable.

D. The period during which Settlement Class Members may elect to receive payment electronically will end on the date of the Final Approval Hearing.

7. Unclaimed payments.

A. If a payment distributed to a Settlement Class Member via a check is not negotiated within 120 days after the Settlement Administrator has contacted, or made reasonable attempts to contact, the Settlement Class Member, the Settlement Class Member shall be deemed to have waived and released their claim for payment under the Settlement Agreement. If a Settlement Class Member reasonably requests that a check be reissued, the Settlement Administrator shall reissue it.

B. If a check to a Settlement Class Member is returned as undeliverable, the Settlement Administrator shall attempt to obtain a new mailing address for the Settlement Class Member and effect a second mailing. If, after a second mailing, the check is again returned as undeliverable, or if the Settlement Administrator, after reasonable efforts, is unable to determine a second mailing address, there is no obligation to take further efforts to distribute the check, and the Settlement Class Member shall be deemed to have waived and released their claim for payment under the Settlement Agreement.

C. If a payment made to a Settlement Class Member electronically is unable to be processed, the Settlement Administrator shall make reasonable efforts to contact the Settlement Class Member to correct the problem. If the Settlement Class Member does not provide a corrected means of electronic payment within a reasonable amount of time, or provides a means of electronic payment that is unable to be processed, there is no obligation to take further efforts to distribute the payment, and the Settlement Class Member shall be deemed to have waived and released their claim for payment under the Settlement Agreement.

8. **Residual funds.** If, after the process outlined in Sections 5 through 7 is completed, there remain funds in the Net Settlement Fund, such remaining funds shall be distributed as follows:

A. If it is administratively and economically feasible to distribute the remaining funds to Settlement Class Members or some portion thereof, then Class Counsel, in consultation with the Settlement Administrator, shall propose to the Court an equitable method for doing so. Such method of distribution shall be effected if the Court approves (or approves it in modified form).

B. To the extent there is no distribution of remaining funds according to Subsection A of this Section, or if funds still remain after distribution according to Subsection A of this Section, the Parties shall confer and present to the Court a proposal for treatment of the remaining funds that is consistent with CR 23. Such proposal shall be effected if the Court approves (or approves it in modified form).

9. **Modification of provisions related to unclaimed payments and residual funds.** Should the Parties agree, after final approval of the Settlement Agreement, that the provisions of this Plan of Allocation governing unclaimed payments and residual funds should be modified in the interests of justice, they shall seek the Court's approval for such modification. If the Court approves, the provisions governing unclaimed payments and residual funds shall be effected as modified.

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