

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 08-23317-CIV-LENARD/GOODMAN

**CITY PENSION FUND FOR
FIREFIGHTERS AND POLICE
OFFICERS IN THE CITY OF
MIAMI BEACH, Individually and on
Behalf of All Others Similarly
Situated,**

Plaintiffs,

v.

**ARACRUZ CELULOSE S.A.,
CARLOS ALBERTO VIEIRA,
CARLOS AUGUSTO LIRA AGUIAR
and ISAC ROFFE ZAGURY,**

Defendants.

ORDER APPROVING DISTRIBUTION OF SETTLEMENT FUND

THIS CAUSE is before the Court on Lead Plaintiff's Unopposed Motion for Distribution of Settlement Fund (D.E. 202), filed on June 24, 2014. Based on an independent review of the record, it is hereby **ORDERED AND ADJUDGED** that:

1. The claims set forth in Exhibits B-1 and B-2 to the Cirami Affidavit are **APPROVED**, and the distribution of the Net Settlement Fund to the Authorized Claimants is **AUTHORIZED**;
2. Wholly ineligible or otherwise deficient Claims, as set forth in Exhibits B-3 to the Cirami Affidavit, are **REJECTED**;

3. The Garden City Group, Inc. (GCG) is **ORDERED** to distribute 100% of the available balance of the Net Settlement Fund, after deducting estimated taxes and the costs of preparing appropriate final tax returns and any escrow fees, to the Authorized Claimants in proportion to their Recognized Claim amounts;
4. All distribution drafts **SHALL BEAR** the following notation: “CASH PROMPTLY, VOID AND SUBJECT TO RE-DISTRIBUTION IF NOT CASHED WITHIN 90 DAYS;
5. Authorized Claimants who do not cash their distribution checks within the time allotted irrevocably forfeit all recovery from the Settlement. Funds allocated to all such stale-dated checks **SHALL BE** available in a re-distribution to other Authorized Claimants;
6. In order to allow a final distribution of any balance that may remain in the Settlement Fund after the distribution, whether by reason of returned funds, tax refunds, interest, uncashed drafts, or otherwise:
 - a. If any funds remain in the Net Settlement Fund by reason of uncashed checks or otherwise, then, after GCG has made reasonable and diligent efforts to have Authorized Claimants who are entitled to participate in the Distribution of the Net Settlement Fund cash their Distribution checks, a balance greater than 1% of the Cash Settlement Amount remains in the Net Settlement Fund six (6) months after the initial distribution, **SHALL BE** redistributed, if feasible and economical,


among Authorized Claimants who have cashed their checks and who would receive at least \$10.00 from such re-distribution; and

- b. If after four (4) months after such re-distribution, whether any redistribution was necessary, any funds **SHALL** remain in the Net Settlement Fund, then such balance **SHALL BE** donated to a secular non-profit organization(s) qualifying under Internal Revenue Code § 501(c) as designated by Lead Counsel and approved by the Court;

7. The administration of the Settlement and the proposed distribution of the Net Settlement Fund comply with the terms of the Settlement Agreement and the Plan of Allocation and, therefore, all persons involved in the review, verification, calculation, tabulation, or any other aspect of the processing of the claims submitted herein, or otherwise involved in the administration or taxation of the Settlement Fund or the Net Settlement Fund, are **RELEASED AND DISCHARGED** from any and all claims arising out of such involvement, and all Class Members, whether or not they have claimed against, they received, or they are to receive payment from the Net Settlement Fund, are **BARRED** from making any further claims against the Net Settlement Fund or Lead Plaintiff, Counsel for Lead Plaintiff, the Claims Administrator, the escrow agent or any other agent retained by Lead Plaintiff or Lead Counsel, and are **BOUND** by all of the terms of the Settlement Agreement, including the terms of the Final Judgment, and will be **BARRED** from bringing any action

- against the Released Parties concerning the Released Claims or in connection with the administration of the Settlement, or to claim against the Net Settlement Fund for any amount greater than that allocated to such Class Member as a result of its submission of a valid proof of claim;
8. GCG is **AUTHORIZED** to destroy the paper copies of the Claim Forms one year after the distribution of the Net Settlement Fund, and to destroy electronic copies of claim records three years after the distribution of the Net Settlement Fund; and
9. This Court **RETAINS JURISDICTION** to consider any further applications concerning the administration of the Settlement, and such other and further relief as this Court deems appropriate.

DONE AND ORDERED in Chambers at Miami, Florida, this 10th day of July, 2014.


JOAN A. LENARD
UNITED STATES DISTRICT JUDGE