

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

SID MURDESHWAR, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff

v.

SEARCHMEDIA HOLDINGS LTD, et al.,

Defendants

Case No. 1:11-cv-20549-KMW

ORDER APPROVING DISTRIBUTION OF SETTLEMENT FUND

Lead Plaintiff, Noel Upfall (“Lead Plaintiff”), by unopposed motion filed on January 28, 2013, moved this Court for an order approving the distribution of the Net Settlement Fund, and the Court having considered the motion and Affidavit of Jason Zuena in Support of Motion for Distribution of Settlement (the “Zuena Affidavit”), submitted therewith;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The administrative recommendations of the Garden City Group, Inc. (“GCG”), the Court-appointed Claims Administrator, to accept Claims, as set forth in Exhibit C-1 to the Zuena 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 and C-2 to the Zuena Affidavit are REJECTED;
3. GCG is directed to distribute 100% of the available balance (after deducting estimated taxes and the costs of preparing appropriate final tax returns and any escrow fees) of

the Net Settlement Fund 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 AFTER ISSUE DATE";

5. Authorized Claimants who do not cash their distribution checks within the time allotted irrevocably forfeit all recovery from the partial Settlement and therefore, funds allocated to all such stale-dated checks will 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 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, any balance remaining in the Net Settlement Fund six (6) months after the initial Distribution of such funds shall, if there is a balance greater than 2% of the Cash Settlement Amount remaining in the Net Settlement Fund, be re-distributed, after payment of any unpaid costs or fees incurred in administering the Settlement Fund for such re-distribution, to 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 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 jointly by Lead Counsel and Settling Defendants' Counsel;

7. The administration of the Settlement and the distribution of the Net Settlement Fund comply with the terms of the Stipulation 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 received or 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 Partial Stipulation, including the terms of the Partial Final Order, and will be barred from bringing any action against the Released Parties concerning the Settled Claims, in connection with the administration of the Settlement or the Net Settlement Fund beyond the amount allocated to such Authorized Claimants;

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.

Dated: February 4, 2013


HONORABLE KATHLEEN M. WILLIAMS
UNITED STATES DISTRICT JUDGE