

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/5/2016

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CITY OF AUSTIN POLICE RETIREMENT
SYSTEM, Individually and on Behalf of All
Others Similarly Situated,

Plaintiffs,

vs,

KINROSS GOLD CORPORATION, TYE W.
BURT, PAUL H. BARRY, GLEN
MASTERMAN, and KENNETH G. THOMAS,

Defendants.

Civil Action No. 1:12-cv-01203-VEC

Judge Valerie E. Caproni

ECF Case

CLASS ACTION

**ORDER DISTRIBUTING THE NET
SETTLEMENT FUND**

WHEREAS:

A. On October 15, 2015, the Court entered the Order and Final Judgment, which, *inter alia*, approved the Settlement, the terms of which were set forth in the Stipulation of Settlement, dated March 26, 2015 (the “Stipulation”), and Plan of Allocation of settlement proceeds.¹

B. The Court retained jurisdiction over the action for the purpose of: (a) implementation of the Settlement and any award or distribution of the Net Settlement Fund; (b) the disposition of the Net Settlement Fund; and (c) construing, enforcing, and administering the Stipulation.

C. As set forth in the Notice, the deadline for Class members to submit a Proof of Claim and Release Form (“Claim Form”) to participate in the distribution of the Net Settlement Fund was September 17, 2015.

¹ Unless otherwise defined herein, all capitalized terms herein shall have the same meaning as set forth in the Stipulation.

D. As set forth in the Affidavit of Stephen J. Cirami in Support of Motion for Distribution of Net Settlement Fund (“Cirami Affidavit”), Mr. Cirami, the Executive Vice President and Chief Operating Officer for Garden City Group, LLC (the “Claims Administrator”), affirms that the Claims Administrator has completed the process of reviewing all 29,623 submitted claims in the above action.

E. All claimants who submitted deficient Claims were, upon review in accordance with the procedure approved by the Court, notified of such deficiency, and given an opportunity to contest and/or cure the deficiency. Only one Claimant (Claim Number 1074915), continues to contest the determination by the Claims Administrator and Lead Counsel that his Claim was improper and incurable (the “Disputed Claim”).

F. In accordance with the recommendations of the Claims Administrator, Lead Plaintiff, and Lead Counsel seek authorization to distribute the Net Settlement Fund to all Authorized Claimants entitled to receive such funds.

NOW, THEREFORE, upon review of Lead Plaintiff’s Unopposed Motion for an Order Authorizing Disbursement of the Net Settlement Fund, the Cirami Affidavit, and all other exhibits and papers submitted in support thereof, and for good cause for the relief requested, it is hereby

ORDERED, as follows:

1. The administrative determinations of the Claims Administrator in accepting the claims as indicated on the computer printouts of accepted claims submitted with and described in the Cirami Affidavit at Exhibits B-1 and B-2, thereto, which includes claims submitted after the September 17, 2015 deadline for filing claims, are approved, and said claims are hereby accepted for payment from the Net Settlement Fund.

2. The administrative determinations of the Claims Administrator in rejecting the claims as indicated on the computer printout of rejected claims submitted with and described in the Cirami Affidavit at Exhibit B-3 thereto, are approved, and said claims are hereby rejected, disallowed, and shall not be paid.

3. For the reasons given in the Cirami Affidavit and in Lead Plaintiff's Memorandum in Support of Unopposed Motion for an Order Authorizing Disbursement of the Net Settlement Fund, the Disputed Claim is properly rejected.

4. Submission of any claim after July 29, 2016 for participation in the Settlement is forever barred.

5. 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 Gross Settlement Fund and/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 are to receive payment from the Net Settlement Fund, are barred from making any further claim against the Net Settlement Fund or the released persons beyond the amount allocated to them pursuant to this Order.


6. Lead Counsel and the Claims Administrator are directed to arrange for payment of the Net Settlement Fund to all Authorized Claimants in accordance with the Stipulation and the Plan of Allocation, as soon as practicable.

7. The payments to be distributed to the Authorized Claimants identified in the Cirami Affidavit at Exhibits B-1 and B-2 shall bear the notation: "CASH PROMPTLY, VOID AND SUBJECT TO RE-DISTRIBUTION IF NOT CASHED WITHIN SIX MONTHS AFTER ISSUE DATE."

8. The Claims Administrator is hereby authorized to discard paper or hard copies of the Claim Forms and supporting documents not less than one year after the initial distribution of the Net Settlement Fund to the Authorized Claimants, and electronic or magnetic media data not less than three years after the initial distribution of the Net Settlement Fund to the Authorized Claimants.

SO ORDERED.

Date: October 5, 2016
New York, New York


VALERIE CAPRONI
United States District Judge