

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

MOHAMMED USMAN ALI,  
individually and on behalf of all others  
similarly situated,  
  
Plaintiff,  
  
v.  
  
FRANKLIN WIRELESS CORP., et al.,  
Defendants.

Case No.: 21-cv-00687-AJB-MSB  
  
**ORDER GRANTING PLAINTIFF’S  
UNOPPOSED MOTION FOR  
DISTRIBUTION OF THE NET  
SETTLEMENT FUND TO  
AUTHORIZED CLAIMANTS**  
  
**(Doc. No. 100)**

Before the Court is Plaintiff’s unopposed motion for distribution of the net settlement fund to authorized claimants.<sup>1</sup> (Doc. No. 100.) In support of the motion, Plaintiff provides the Declaration of Joseph Mahan of Epiq Class Action & Claims Solutions, Inc. (“Epiq” or the “Claims Administrator”) (Doc. No. 100-2, “Mahan Decl.”) and exhibits thereto (Doc. No. 100-3), including the notice packet, the deficiency notice, a table of timely eligible claims, a table of rejected claims, and Epiq’s billed invoices. Pursuant to

---

<sup>1</sup> Defendants failed to file a response to the instant motion. Plaintiff’s statement that the motion is unopposed does not obviate Defendants of their responsibility under the Civil Local Rules to file a response. *See* CivLR 7.1.f.3.a (requiring either an opposition or notice of non-opposition to be filed). Nonetheless, the Court deems the instant motion unopposed. *See* CivLR 7.1.f.3.c.

1 Civil Local Rule 7.1.d.1, the Court finds the matter suitable for determination on the papers.  
2 After thorough review of the motion and all supporting documentation, the Court finds:

3 WHEREAS, on December 19, 2024, the Court entered the Order Approving Plan of  
4 Allocation of Net Settlement Fund and the Judgement Approving Class Action Settlement  
5 (ECF No. 99) (“Final Approval Order”), which *inter alia*, approved the Settlement, the  
6 terms of which were set forth in the Amended Stipulation and Agreement of Settlement  
7 filed on February 26, 2024 (the “Amended Settlement Agreement”) (ECF No. 75-2), and  
8 the Plan of Allocation of settlement proceeds;<sup>2</sup>

9 WHEREAS, the Court retained jurisdiction over the action for purposes of: (a)  
10 implementation of the Settlement and any award or distribution of the Net Settlement Fund;  
11 (b) the disposition of the Net Settlement Fund; and (c) construing, enforcing, and  
12 administering the Amended Settlement Agreement;

13 WHEREAS, as set forth in the Notice, the deadline for Class members to submit a  
14 Proof of Claim and Release Form (“Claim Form”) to participate in the distribution of the  
15 Net Settlement Fund was August 22, 2024;

16 WHEREAS, as set forth in the Mahan Declaration, the Claims Administrator has  
17 completed the process of reviewing all 933 submitted Claims in the above action;

18 WHEREAS, all Claimants who submitted deficient Claims were, upon review in  
19 accordance with the procedure approved by the Court, notified of such deficiency, and  
20 given an opportunity to contest and/or cure the deficiency. None of the deficient Claims  
21 have disputed their rejected claims or currently ask for Court review of the deficient claims;

22 WHEREAS, in accordance with the recommendations of the Claims Administrator,  
23 Lead Counsel seek authorization to distribute the Net Settlement Fund to all Authorized  
24 Claimants entitled to receive such funds; and

25 ///

26  
27  
28 <sup>2</sup> All capitalized terms not otherwise defined herein have the same meaning as those in the Amended Settlement Agreement.

1 WHEREAS, the Court having reviewed Plaintiff's Unopposed Motion for  
2 Distribution of the Net Settlement Fund, the Mahan Declaration, and all other exhibits and  
3 papers submitted in support thereof, and for good cause appearing therefor;

4 **IT IS HEREBY ORDERED:**

5 1. Plaintiff's Unopposed Motion for Distribution of the Net Settlement Fund is  
6 GRANTED.

7 2. As set forth in the Mahan Declaration, the administrative determinations of  
8 the Claims Administrator, Epiq, in accepting and rejecting Claims are approved.  
9 Specifically, the administrative determinations of the Claims Administrator accepting  
10 those Claims set forth in Exhibit C-1 to the Mahan Declaration are approved, and said  
11 claims are hereby accepted for payment from the Net Settlement Fund. Likewise, the  
12 administrative determinations of the Claims Administrator rejecting those claims set forth  
13 in Exhibit C-2 to the Mahan Declaration are approved, and said Claims are hereby rejected,  
14 disallowed, and shall not be paid.

15 3. The distribution plan for the Net Settlement Fund as set forth in the Mahan  
16 Declaration and accompanying exhibits is approved. The funds that are currently in the  
17 Net Settlement Fund (after deducting any payments requested in the cost estimate to  
18 complete the Initial Distribution and the costs of preparing appropriate tax returns) shall be  
19 distributed on a *pro rata* basis to the Authorized Claimants identified in Exhibit C-1 to the  
20 Mahan Declaration, at the direction of Lead Counsel pursuant to the Amended Settlement  
21 Agreement and the Plan of Allocation.

22 4. Specifically, as set forth in paragraph 38(a)(i)–(v) of the Mahan Declaration:

23 (a) Epiq will calculate award amounts to all Authorized Claimants by  
24 calculating their *pro rata* share of the Net Settlement Fund in accordance with the  
25 Court-approved Plan of Allocation;

26 (b) Epiq will eliminate from the Initial Distribution any Authorized Claimant  
27 whose *pro rata* share calculates to less than \$10.00, which Claimants shall not  
28 receive any payment from the Net Settlement Fund;

1 (c) after eliminating Claimants who would receive less than \$10.00, Epiq will  
2 recalculate the *pro rata* share of the Net Settlement Fund for Authorized Claimants  
3 who would have received \$10.00 or more; and

4 (d) Authorized Claimants who do not cash their Initial Distribution checks  
5 within the time allotted will irrevocably forfeit all recovery from the Settlement. The  
6 funds allocated to all such stale-dated checks will be available for redistribution to  
7 other Authorized Claimants if Class Counsel, in consultation with Epiq, determine  
8 it is cost-effective to conduct a second distribution. Similarly, Authorized Claimants  
9 who do not cash subsequent distributions within the time allotted will irrevocably  
10 forfeit any further recovery from the Net Settlement Fund; and if there is any balance  
11 remaining in the Net Settlement Fund after at least six months after the Initial  
12 Distribution, then, if feasible and economical, the remainder will be distributed as  
13 described in paragraph 8 below.

14 5. Any person asserting claims filed after May 19, 2025, the date used to finalize  
15 the administration by the Claims Administrator, are finally and forever barred from  
16 asserting such claims. No new Claims may be accepted after May 19, 2025, and no  
17 adjustments to Claim Forms, which would result in an increased Recognized Loss amount  
18 may be accepted after May 19, 2025. Should an adjustment be received that results in a  
19 lower Recognized Loss amount, that adjustment will be made, and the Recognized Loss  
20 amount will be reduced accordingly.

21 6. The Court finds that the administration of the Settlement and proposed  
22 distribution of the Net Settlement Fund comply with the terms of the Amended Settlement  
23 Agreement and the Plan of Allocation and that all persons involved in the review,  
24 verification, calculation, tabulation, or any other aspect of the processing of the Claims  
25 submitted herein, or otherwise involved in the administration or taxation of the Settlement  
26 Fund or the Net Settlement Fund (including, but not limited to Plaintiff's Counsel and the  
27 Claims Administrator) are released and discharged from any and all claims arising out of  
28 such involvement, and all Class Members are barred from making any further claims

1 against the Net Settlement Fund or the released persons beyond the amount allocated to  
2 them pursuant to this Order.

3 7. The checks for distribution to Authorized Claimants shall bear the notation  
4 “DEPOSIT PROMPTLY, VOID AND SUBJECT TO RE-DISTRIBUTION IF NOT  
5 NEGOTIATED WITHIN 90 DAYS OF ISSUE DATE.” Plaintiff’s Counsel and the  
6 Claims Administrator are authorized to locate and/or contact any Authorized Claimants  
7 who have not cashed their check within said time. Authorized Claimants who fail to  
8 negotiate a distribution check within the time allocated or consistent with the terms outlined  
9 in the Mahan Declaration will irrevocably forfeit all recovery from the Settlement.

10 8. Consistent with the Court-approved Plan of Allocation, after Epiq has made  
11 reasonable and diligent efforts to have Authorized Claimants negotiate their Initial  
12 Distribution checks, if there is any balance remaining in the Net Settlement Fund after at  
13 least six months after the Initial Distribution, then, if feasible and economical, Epiq will  
14 conduct a second distribution of the Net Settlement Fund (the “Second Distribution”),  
15 pursuant to which any amounts remaining in the Net Settlement Fund after the Initial  
16 Distribution, after deducting Epiq’s fees and expenses incurred in connection with  
17 administering the Settlement for which it has not yet been paid (including the estimated  
18 costs of such Second Distribution), and after the payment of any estimated taxes, the costs  
19 of preparing appropriate tax returns, and any escrow fees, will be distributed in an equitable  
20 and economic fashion to Authorized Claimants in the Initial Distribution who cashed their  
21 distribution checks and would receive at least \$10.00 from such re-distribution. If there are  
22 any remaining funds after completion of the Second Distribution, if cost effective, Epiq  
23 will conduct a further distribution of the Net Settlement Fund, pursuant to which all funds  
24 remaining in the Net Settlement Fund, after deducting Epiq’s unpaid fees and expenses  
25 incurred or to be incurred in connection with administering the Net Settlement Fund  
26 (including the estimated costs of such distribution), and after the payment of any estimated  
27 taxes, the costs of preparing appropriate tax returns, and any escrow fees, will be distributed  
28 to Authorized Claimants who cashed their most recent distribution checks in an equitable


1 and economic fashion. Additional redistributions, after deduction of costs and expenses as  
2 described above and subject to the same conditions, may occur thereafter at reasonable  
3 intervals until Class Counsel, in consultation with Epiq, determines that further  
4 redistribution is not cost-effective. At the point where further redistributions are not cost-  
5 effective, any remaining amount in the Net Settlement Fund will be donated to the Public  
6 Justice, a nonsectarian, not-for-profit 501(c)(3) organization.

7 9. One year after the Initial Distribution, or the Second Distribution if it occurs,  
8 the Claims Administrator is hereby authorized to destroy the paper or hard copies of the  
9 claims and all supporting documentation, and one year after all funds have been distributed,  
10 it may destroy electronic copies of the same.

11 10. The Clerk of Court is **DIRECTED** to close the case.

12 **IT IS SO ORDERED.**

13 Dated: July 23, 2025

14   
15 Hon. Anthony J. Battaglia  
16 United States District Judge  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28