

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MIKE SHAFER, DAVID KEATING,
and WILLIAM JEFFREY IGOE, on
Behalf of Themselves and All Others
Similarly Situated,

Plaintiffs,

v.

GLOBAL PAYMENTS INC., ACTIVE
NETWORK LLC, JEFF SLOAN,
CAMERON BREADY, PAUL TODD,
JOSH WHIPPLE, and ANDREA FACINI,

Defendants.

Case No. 1:23-cv-00577-LMM

CLASS ACTION

**[PROPOSED] ORDER APPROVING
DISTRIBUTION OF THE NET SETTLEMENT FUND**

Co-Lead Plaintiffs moved this Court for an order approving a distribution plan for the Net Settlement Fund in the above-captioned action (the “Action”). Having reviewed and considered all the materials and arguments submitted in support of the motion, including the Brief in Support of Co-Lead Plaintiffs’ Unopposed Motion for Distribution of the Net Settlement Fund and the Declaration of Kathleen Brauns in Support of Co-Lead Plaintiffs’ Unopposed Motion for Distribution of the Net Settlement Fund (the “Brauns Declaration”).

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. This Order incorporates by reference the definitions in the Stipulation and Agreement of Settlement dated June 10, 2024 (ECF No. 65-2) (the “Stipulation”) and all capitalized terms not otherwise defined herein shall have the meanings as set forth in the Stipulation or in the Brauns Declaration.

2. The Court has jurisdiction over the subject matter of the Action and all parties to the Action, including all Settlement Class Members.

3. Co-Lead Plaintiffs’ proposed plan for distribution of the Net Settlement Fund to Authorized Claimants is **APPROVED**. Accordingly:

- a. The administrative recommendations of the Court-approved Claims Administrator, A.B. Data, Ltd. (“A.B. Data”), to accept the Timely Eligible Claims stated in Exhibit D to the Brauns Declaration and the Late But Otherwise Eligible Claims stated in Exhibit E to the Brauns Declaration, are adopted;
- b. The Claims Administrator’s administrative recommendations for the Rejected Claims as wholly ineligible Claims, as stated in Exhibit F to the Brauns Declaration, are adopted;
- c. A.B. Data is directed to conduct an Initial Distribution of the Net Settlement Fund, after deducting all payments previously allowed and the payments approved by this Order, and after deducting the payment of any estimated taxes, the costs of preparing appropriate

tax returns, and any escrow fees. Specifically, as stated in paragraph 43(a) of the Brauns Declaration:

- i. Pursuant to the Court-approved Plan of Allocation, A.B. Data will calculate each Authorized Claimant's *pro rata* share of the Net Settlement Fund based on the amount of the Authorized Claimant's Recognized Claim in comparison to the total Recognized Claims of all Authorized Claimants;
- ii. A.B. Data will then, pursuant to the Court-approved Plan of Allocation, eliminate from the distribution any Authorized Claimant whose *pro rata* share of the Net Settlement Fund as calculated under subparagraph (a)(i) above is less than \$10.00, and such Claimants will not receive any payment from the Net Settlement Fund;
- iii. After eliminating Claimants who would have received less than \$10.00, A.B. Data will recalculate the *pro rata* share of the Net Settlement Fund for Authorized Claimants who would have received \$10.00 or more pursuant to the calculation described in subparagraph (a)(i) above, and this *pro rata* share is the Authorized Claimant's "Distribution Amount."

- d. To encourage Authorized Claimants to cash their distribution checks promptly, and to avoid or reduce future expenses relating to unpaid distribution checks, all Initial Distribution checks will bear the notation: “DEPOSIT PROMPTLY, VOID AND SUBJECT TO RE-DISTRIBUTION IF NOT NEGOTIATED WITHIN 120 DAYS OF DISTRIBUTION.” Co-Lead Counsel and A.B. Data are authorized to take appropriate action to locate and contact Authorized Claimants who have not cashed their checks within said time as detailed in paragraph 43(a)(iv), footnote 3, of the Brauns Declaration;
- e. Authorized Claimants who do not cash their Initial Distribution checks within the time allotted, or pursuant to further action as set forth in paragraph 43(a)(iv), footnote 3, of the Brauns Declaration, will irrevocably forfeit all recovery from the Settlement, and the funds allocated to all of these stale-dated checks will be available to be distributed to other Authorized Claimants in any second distribution. Similarly, Authorized Claimants who do not cash their second or subsequent distribution checks, should such distributions occur, within the time allotted or on the conditions stated in paragraph 43(a)(iv), footnote 3, of the Brauns Declaration will

irrevocably forfeit any further recovery from the Net Settlement Fund;

- f. If any funds remain in the Net Settlement Fund after the Initial Distribution because of uncashed checks or otherwise, then, after A.B. Data has made reasonable and diligent efforts to have Authorized Claimants cash their distribution checks, as provided in paragraph 43(a)(iv), footnote 3, of the Brauns Declaration, any balance remaining in the Net Settlement Fund six (6) months after the Initial Distribution, or as reasonably soon thereafter, shall be used in the following fashion: (a) first, be used to pay any amounts mistakenly omitted from the initial disbursement (b) second, be used to pay any additional settlement administration fees, costs, and expenses, including those of Co-Lead Counsel, or the Claims Administrator as may be approved by the Court, and (c) finally, to make a second distribution to claimants who cashed their checks from the initial distribution and who would receive at least \$10.00, after payment of the estimated costs, expenses, or fees to be incurred in administering the Net Settlement Fund and in making this second distribution, if Co-Lead Counsel, in consultation with A.B. Data, determine it to be cost effective to do so. Additional distributions

shall repeat thereafter in six-month intervals, subject to the conditions previously noted, until Co-Lead Counsel, in consultation with A.B. Data, determine that further redistribution is not cost effective.

g. At such time as Plaintiffs' Counsel, in consultation with A.B. Data, determines that the redistribution of funds remaining in the Net Settlement Fund is not cost effective, if sufficient funds remain to warrant the processing of Claims received after March 25, 2026, such Claims will be processed, and any such Claims that are otherwise valid, as well as any earlier received Claims for which an adjustment was received after March 25, 2026, which resulted in an increased Recognized Claim, will be paid in accordance with paragraph (h) below. If any funds shall remain in the Net Settlement Fund after payment of such late or late adjusted Claims, the remaining balance shall be contributed to the National Law Consumer Center, a certified tax-exempt organization under IRS Code Section 501(c)(3).

h. No new Claims may be accepted after March 25, 2026, and no further adjustments to Claims received on or before March 25, 2026, that would result in an increased Recognized Loss may be made for

any reason after March 25, 2026, subject to the following exception: If Claims are received or modified after March 25, 2026, that would be eligible for payment or additional payment under the Plan of Allocation if timely received then, at the time that Co-Lead Counsel, in consultation with A.B. Data, determine that a redistribution is not cost effective as provided in paragraph (g) above, then, after payment of any unpaid fees or expenses incurred in connection with administering the Settlement and after the payment of any estimated taxes, the costs of preparing tax returns, and any escrow fees, such Claimants, at the discretion of Plaintiffs' Counsel, may be paid their distribution amounts or additional distribution amounts on a *pro rata* basis that would bring them into parity with other Authorized Claimants who have cashed all of their prior distribution checks to the extent possible;

- i. All persons involved in the review, verification, calculation, tabulation, or any other aspect of the processing of the Claims submitted, or who are otherwise involved in the administration or taxation of the Settlement Fund or the Net Settlement Fund, are hereby released and discharged from any and all claims arising out of that involvement, and all Settlement Class Members and other

Claimants, whether or not they receive payment from the Net Settlement Fund, are hereby barred from making any further claims against the Net Settlement Fund, Co-Lead Plaintiffs, Co-Lead Counsel, the Claims Administrator, the Escrow Agent, or any other agent retained by Co-Lead Plaintiffs or Co-Lead Counsel in connection with the administration or taxation of the Settlement Fund or the Net Settlement Fund, or any other person released under the Settlement beyond the amounts allocated to Authorized Claimants;

- j. All of A.B. Data's fees and expenses incurred in the administration of the Settlement and estimated to be incurred in connection with the Distribution of the Net Settlement Fund as stated in the invoices attached as Exhibit G to the Brauns Declaration are approved, and Co-Lead Counsel is directed to pay the outstanding balance of \$17,923.41 out of the Settlement Fund to A.B. Data; and
- k. Unless otherwise ordered by the Court, one year after the final distribution date of the Net Settlement Fund, A.B. Data may destroy the paper copies of the Claims and all supporting documentation, and three years after the final distribution date of the Net Settlement Fund, A.B. Data may destroy electronic copies of the same.

4. This Court retains jurisdiction to consider any further applications concerning the administration of the Settlement, and any other and further relief that this Court deems appropriate.

SO ORDERED this _____ day of _____, 2026

The Honorable Leigh Martin May
United States District Judge