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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Mark Smilovits, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

vs.

First Solar, Inc., Michael J. Ahearn, Robert
J. Gillette, Mark R. Widmar, Jens
Meyerhoff, James Zhu, Bruce Sohn and
David Eaglesham,

Defendants.

No. 2:12-cv-00555-DGC

CLASS ACTION

[PROPOSED] ORDER APPROVING
PLAN OF ALLOCATION

1 This matter having come before the Court on June 30, 2020, on Lead Plaintiffs’
2 motion for approval of the Plan of Allocation of the settlement proceeds in the above-
3 captioned action; the Court having considered all papers filed and proceedings had herein
4 and otherwise being fully informed in the premises;

5 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

6 1. This Order incorporates by reference the definitions in the Stipulation of
7 Settlement, dated February 14, 2020 (the “Stipulation”), and all capitalized terms used, but
8 not defined herein, shall have the same meanings as set forth in the Stipulation.

9 2. Pursuant to and in full compliance with Rule 23 of the Federal Rules of Civil
10 Procedure, this Court hereby finds and concludes that due and adequate notice was directed
11 to all persons who are Class Members who could be identified with reasonable effort,
12 advising them of the Plan of Allocation and of their right to object thereto, and a full and fair
13 opportunity was accorded to all persons and entities who are Class Members to be heard with
14 respect to the Plan of Allocation.

15 3. The Court finds and concludes that the formula for the calculation of the claims
16 of Authorized Claimants which is set forth in the Notice of Proposed Settlement of Class
17 Action (the “Notice”) sent to Class Members provides a fair and reasonable basis upon
18 which to allocate the proceeds of the Net Settlement Fund established by the Stipulation
19 among the Class Members, with due consideration having been given to administrative
20 convenience and necessity.

21 4. The Court has reviewed and considered the letters submitted by Katherine A.
22 Vinceri and Jeanne I. Levesque and finds that neither letter presents a substantive objection
23 to the proposed Plan of Allocation. Therefore, to the extent that the Court finds that the
24 letters constitute objections to the Plan of Allocation, they are overruled in their entirety.

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1 5. This Court finds and concludes that the Plan of Allocation, as set forth in the
2 Notice, is, in all respects, fair and reasonable and the Court approves the Plan of Allocation.

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