

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MARKO BUSIC and ADIL SHEIKH,
*individually and on Behalf of All Others
Similarly Situated,*

Plaintiffs,

v.

ORPHAZYME A/S, CARROLEE BARLOW
THOMAS BLAETTLER, MARTIN BONDE,
CHRISTOPHE BOURDON, RÉMI
DROLLER, GEORGES GEMAYEL, BO
JESPER HANSEN, ANDERS HEDEGAARD,
MARTIJN KLEIJWEGT, CATHERINE
MOUKHEIBIR, MOLLY PAINTER, KIM
STRATTON, ANDERS VADSHOLT, and
STEN VERLAND,

Defendants.

No. 21-cv-03640

Judge John F. Kness

**ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION
FOR DISTRIBUTION OF SETTLEMENT FUND**

Whereas, this Court preliminarily approved the terms of the Stipulation of Settlement (the “Stipulation”) by Order signed on October 4, 2023 (ECF No. 75) and finally approved the settlement as fair, reasonable, and adequate and approved the Plan of Allocation by Order dated February 7, 2024 (ECF No. 85);

Whereas, this Court retained jurisdiction over this Action for the purpose of supervising the implementation of the Stipulation and distribution of the Net Settlement Fund;

Whereas, this Court has reviewed the Unopposed Motion for Distribution of Settlement Fund by Lead Plaintiff Marko Busic, and additional Plaintiff Adil Sheikh (“Plaintiffs”), the Declaration of Jack Ewashko on Behalf of A.B. Data, Ltd. in Support of Plaintiffs’ Motion for

Distribution of Settlement Fund (the “Ewashko Declaration”) submitted herewith, related documents, and good cause having been shown;

AND NOW, this 3rd day of September 2024, upon consideration of Plaintiffs’ Motion, it is hereby **ORDERED** that:

1. Plaintiffs’ Motion is **GRANTED**;
2. The administrative determinations of the Claims Administrator to accept the claims listed in Exhibits F & G to the Ewashko Declaration and described in ¶¶34-36 of the Ewashko Declaration, including claims submitted after the filing deadline but before August 20, 2024, are approved and those claims are accepted;
3. The administrative determinations of the Claims Administrator to reject the claims listed in Exhibit H to the Ewashko Declaration and described in ¶35 of the Ewashko Declaration are approved and those claims are rejected;
4. No Proof of Claim received by the Claims Administrator after August 20, 2024 may be accepted for processing;
5. The Claims Administrator is authorized to make the distributions described in Plaintiffs’ Motion and the Ewashko Declaration;
6. Any balance remaining in the Net Settlement Fund nine (9) months after the initial distribution (whether by reason of tax refunds, uncashed checks or otherwise), shall, if feasible, be reallocated among Authorized Claimants in an equitable and economic fashion. These redistributions shall be repeated until the balance remaining in the Net Settlement Fund is no longer economically reasonable, in Plaintiffs’ Counsel’s discretion, to distribute to Authorized Claimants;
7. At such time as Plaintiffs’ Counsel, in consultation with the Claims Administrator, determines that further distribution of the funds remaining in the Net Settlement Fund to

Authorized Claimants is not cost-effective, if funds remain after payment of any unpaid administration fees or expenses, taxes and tax preparation costs, and escrow fees, Plaintiffs' Counsel shall propose a plan to the Court regarding the use of such funds for contribution to non-sectarian, not-for-profit organization(s);


8. The Claims Administrator shall continue to receive, review and process any correspondence or information submitted by claimants with respect to already-filed Proofs of Claim. Should there be any adjustments to any Proofs of Claim prior to distribution of the Net Settlement Fund, the Claims Administrator shall update its claims database with the new information and report the updated total to Plaintiffs' Counsel prior to distribution;

9. All persons who were involved in the review, verification, calculation, tabulation, or any other aspect of the administration of claims filed in this Action, and all persons who were involved in the administration or taxation of the Net Settlement Fund, are released from liability for any and all claims arising out of such activities;

10. This Court shall retain jurisdiction over any further application or matter which may arise in connection with this Action.

SO ORDERED in No. 21-cv-03640.

Date: September 3, 2024



JOHN F. KNESS
United States District Judge