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15 *Co-Lead Counsel for Settlement Class*

16  
 17 **UNITED STATES DISTRICT COURT FOR THE**  
**CENTRAL DISTRICT OF CALIFORNIA**  
 18 **SANTA ANA DIVISION**

19 IN RE: VIZIO, INC., CONSUMER  
 20 PRIVACY LITIGATION

Case No. 8:16-ml-02693-JLS (KESx)

21 This document relates to:

**Plaintiffs' Reply in Support of  
 Unopposed Motion for  
 Reimbursement of Settlement  
 Administration Expenses and  
 Disbursement of Net Settlement  
 Funds**

22  
 23 ALL ACTIONS  
 24

25 DATE: February 27, 2020  
 26 TIME: 10:30 a.m.  
 27 DEPT: Courtroom 10-A  
 JUDGE: Hon. Josephine L. Staton

1 **INTRODUCTION**

2 In this reply in support of their unopposed Motion for Reimbursement of Settlement  
3 Administration Expenses and Disbursement of Net Settlement Funds (Mot., Doc. 347;  
4 Mem., Doc. 347-1), Plaintiffs respectfully inform the Court that the settlement  
5 administrator has completed its audit of claims for compensation and has calculated the  
6 exact dollar amount that a participating settlement class member can expect to receive per  
7 eligible smart TV.

8 Plaintiffs have asked the settlement administrator to update its declaration in support  
9 of this Motion, and to repeat the information provided in its earlier declaration (*see* Doc.  
10 347-2), so that all this information can be found in one place. The updates include a list of  
11 all eligible claim numbers and corresponding televisions, and confirmation that the overall  
12 cost of administration is consistent with earlier estimates.

13 Plaintiffs are also submitting a revised proposed order that aligns with the settlement  
14 administrator's final audit.

15 **ARGUMENT**

16 **A. The Court should authorize disbursement of the net settlement fund to**  
17 **participating class members now that the settlement administrator has**  
18 **completed its audit of claims for compensation.**

19 Plaintiffs have requested an order authorizing distribution of the net settlement sum, in  
20 the amount of \$10,777,940.16, to participating settlement class members who have  
21 submitted valid claims. (Mem. at 1.) The settlement administrator has now completed its  
22 audit of claims and has concluded that claims have been submitted for 599,136 eligible  
23 smart TVs. The net settlement sum of \$10,777,940.16 divided by 599,136 eligible smart  
24 TVs is \$17.98913794197 per eligible smart TV.

25 To facilitate payment and to avoid a surplus, it makes sense to round up to \$17.99.  
26 Rounding up by \$0.01, however, creates a shortfall of \$516.49. The proposed reserve of  
27 \$200,000 for reimbursable settlement administration expenses can cover this shortfall.

1	Total Settlement Fund	\$17,000,000
2	Attorney’s Fees	\$5,610,000
3	Litigation Costs	\$181,808.59
4	Incentive Awards	\$30,000
5	Settlement Administration Costs	\$122,830.65
6	reimbursed on July 31, 2019	
7	Unreimbursed Settlement Administration	\$77,420.60*
8	Costs	
9	Anticipated Settlement Administration	\$200,000*
10	Costs through completion of	(\$516.49 of which will be allocated to class members to facilitate payment of net settlement proceeds) (*subject to court approval)
11	administration	
12		
13		
14	Net Settlement Proceeds	\$10,777,940.16

15  
 16 In sum, the Court should authorize distribution of the net settlement sum of  
 17 \$10,777,940.16. It should also allow Plaintiffs to increase that amount by \$516.49 using  
 18 funds otherwise proposed for anticipated settlement administration costs.

19 **B. The Court should authorize reimbursement of further settlement**  
 20 **administration costs.**

21 On this issue, Plaintiffs simply add that the total settlement administration costs that  
 22 are anticipated through the completion of administration are consistent with the cost that  
 23 A.B. Data estimated during a competitive procurement process that Class Counsel held  
 24 before preliminary approval. A.B. Data’s second proposal (based on data then available to  
 25 it) estimated that settlement administration might cost \$341,290. A.B. Data now expects to  
 26 incur \$377,752.75 through the completion of settlement administration. It has proposed a  
 27 reserve of \$200,000, which would cover for these anticipated costs and any unexpected  
 28

1 costs. Such costs, moreover, are reimbursable only if the Court finds them to be reasonable  
2 and adequately documented.

3 These estimates are significantly lower than the other estimates that Class Counsel  
4 received from other settlement administrators for the same work. Class Counsel's other  
5 best options were four proposals ranging from \$511,935 to \$724,758.

6 **CONCLUSION**

7 For these additional reasons, the Court should grant Plaintiffs' Motion for  
8 Reimbursement of Settlement Administration Costs and Disbursement of Net Settlement  
9 Funds.

10  
11 February 7, 2020

Respectfully submitted,

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