

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

MARY CRUMPTON, individually and on
behalf of the Settlement Class,

Plaintiff,

v.

OCTAPHARMA PLASMA, INC., a Delaware
corporation,

Defendant.

No. 19-cv-08402

Hon. Virginia M. Kendall

**PLAINTIFF’S UNOPPOSED MOTION FOR
REDISTRIBUTION OF RESIDUAL FUNDS FROM CLASS ACTION SETTLEMENT**

Plaintiff Mary Crumpton (“Plaintiff”), by and through her undersigned counsel, hereby respectfully moves the Court for approval for the Settlement Administrator to redistribute the residual funds from the parties’ class action settlement to class members who cashed or deposited their settlement check or successfully received their electronic payment, before donating such funds to *cy pres*.¹ In support, Plaintiff states as follows:

1. On February 16, 2022, this Court granted final approval to the parties’ class action settlement agreement. (*See* dkt. 92.) The Settlement established a non-reversionary Settlement Fund of \$9,987,380.00 to be distributed to Class Members who submitted an Approved Claim, after payment of Settlement Administration Expenses, attorneys’ fees, and an incentive award to Plaintiff as class representative. (*Id.*)

2. The Settlement Administrator disbursed Settlement Payments—via check or an electronic payment method, like Venmo, PayPal, or Zelle, as elected by the Class Member—to

¹ The capitalized terms used in this motion are those used in the Stipulation of Class Action Settlement (the “Settlement” or “Agreement”), attached hereto as Exhibit 1.

14,280 Class Members who submitted Approved Claims for \$459.65 each. Of the payments issued, 7,492 checks have cleared, 6,286 e-payments were successful, and 9 re-issued checks are outstanding. The remaining 493 checks became void on July 25, 2022.

3. As a result, there is \$222,577.47 in residual funds remaining in the Settlement Fund due to individuals not cashing their checks or not requesting a re-issue before the void date.

4. The Court's final approval order directed that any residual funds be donated as *cy pres* to the American Civil Liberties Union of Illinois. (Dkt. 92 ¶ 18.)

5. However, given the substantial amount of residual funds, Plaintiff believes that it is in the best interest of the Settlement Class to redistribute the funds to Class Members who either cashed their checks, successfully received their e-payments, or requested a check re-issue before the void date before resorting to *cy pres*.

6. The Settlement Administrator estimates that it would cost approximately \$28,887.31 to complete a redistribution to those 13,787 class members. If the Court approves redistribution, after deducting the estimated administration costs, each of those 13,787 class members would receive a second Settlement Payment for an additional \$14.04.

7. To the extent that any redistributed checks are not cashed or deposited or any e-payments are not successfully received within 90 days of issuance, those funds will be donated to the previously approved *cy pres* recipient.

8. Prior to filing this motion, Plaintiff's counsel conferred with counsel for Defendant Octapharma Plasma Inc., and Defendant has no objection to the request.

Respectfully submitted,

MARY CRUMPTON, individually and on behalf
of the Settlement Class,

Dated: August 1, 2022

By: /s/ Schuyler Ufkes

One of Plaintiff's attorneys

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