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13
 14 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
 15 **OAKLAND DIVISION**

<p>16 IN RE ONLINE DVD RENTAL ANTITRUST LITIGATION</p>	<p>Master File No. 4:09-md-2029 PJH</p> <p>MDL No. 2029</p>
<p>17 18 19 This document relates to the following actions:</p> <p>20 21 <i>Resnick et al. v. Walmart.com USA LLC,</i> 4:09-cv-00002-PJH 22 <i>Lynch et al. v. Walmart.com USA LLC,</i> 4:09-cv-00138-PJH 23 <i>Sivek v. Walmart.com USA LLC,</i> 4:09-cv-00156-PJH 24 <i>Orozco v. Netflix, Inc.,</i> 4:09-cv-00297-PJH <i>Miscioscia v. Netflix, Inc.,</i> 25 4:09-cv-00377-PJH <i>Weiner v. Walmart.com USA LLC,</i> 26 4:09-cv-00398-PJH <i>Magee v. Netflix, Inc.,</i> 4:09-cv-01793-PJH 27 <i>Caldwell v. Netflix, Inc.,</i> 4:11-cv-01928-PJH 28 <i>Barnett v. Netflix, Inc.,</i> 4:11-cv-04328-PJH</p>	<p>Hon. Phyllis J. Hamilton</p> <p>[PROPOSED] ORDER</p>

1 This matter came before the Honorable Phyllis J. Hamilton on Plaintiffs’ Report of
2 Settlement Fund Distribution and Request for an Order Authorizing Distribution of Residual
3 Amounts (“Request for Distribution”).

4 **IT IS HEREBY ORDERED AS FOLLOWS:**

5 1. Class Counsel is authorized to expend \$52,081.36 of the \$1,478,372.93 remaining
6 in the settlement fund to CashStar to distribute gift cards to the 651,017 claimants with confirmed
7 valid email addresses. Rust is ordered to transfer \$52,081.36 to CashStar.

8 2. CashStar is ordered to distribute \$3.62 e-gift cards to the 651,017 claimants with
9 confirmed valid email addresses. These e-gift cards will never expire.

10 3. Upon completion of this email distribution, Rust is ordered to transfer to Walmart
11 the total dollar amount of the gift cards successfully delivered to claimants (over and above the
12 initial 258,679 gift cards that are successfully delivered).

13 4. After these transfers, Rust Consulting is authorized to distribute the unused reserve
14 funds to the following *cy pres* recipients in equal amounts:

- 15 a. Corporation for Public Broadcasting
- 16 b. International Center for Law & Economics

17 5. The Court finds that these two *cy pres* recipients will benefit the class and advance
18 the interests of the litigation. *See Lane v. Facebook, Inc.*, 696 F.3d 811, 819 (9th Cir. 2012);
19 *Nachshin v. AOL, LLC*, 663 F.3d 1034, 1036 (9th Cir. 2011); *Chavez v. PVH Corp.*, 2015 U.S.
20 Dist. LEXIS 170422, at *17-18 (N.D. Cal. Dec. 18, 2015).

21 **IT IS SO ORDERED.**

22 Dated: 8/31/16

23 Honorable Phyllis J. Hamilton
24 United States District Court

