

**In the United States District Court
for the District of Kansas**

Case No. 19-cv-02449-TC-ADM

BUDICAK INC., ET AL.,

Plaintiffs

v.

LANSING TRADE GROUP, LLC, ET AL.,

Defendants

ORDER

On June 16, 2023, proposed settlements between Plaintiffs and Defendants were approved. Docs. 378 & 379. Plaintiffs then filed an unopposed motion for distribution of the settlement. Doc. 382. After considering that filing, the following is ordered.

1. This Order uses the definitions in the Stipulation and the Settlement Agreement unless it otherwise expressly defines a term.
2. Subject-matter jurisdiction exists over this matter and personal jurisdiction exists over the parties and all Settlement Class Members.
3. Plaintiffs' motion for entry of an order approving distribution of the net settlement fund, Doc. 382, is granted.
4. The administrative recommendations of the Settlement Administrator, A.B. Data, Ltd., to accept the Timely Eligible Claims set forth in Exhibit A to the Ewashko Declaration, Doc. 383-3, and the Late But Otherwise Eligible Claims set forth in Exhibit B to the Ewashko Declaration, Doc. 383-4, are approved.

5. A.B. Data's administrative recommendations to reject the Rejected Claims set forth in Exhibit C to the Ewashko Declaration, Doc. 383-5, are approved.
6. A.B. Data will calculate award amounts for all Authorized Claimants (Exhibits A and B to the Ewashko Declaration, Docs. 383-3 and 383-4) as if the Net Settlement Fund was to be distributed now, after deducting all payments of fees and expenses incurred in connection with administering the Net Settlement Fund and previously approved by the court, any estimated future payments for such fees and expenses, as well as any further payments for escrow fees, taxes, and costs of preparing appropriate tax returns, by calculating each Authorized Claimant's *pro rata* share of the Net Settlement Fund in accordance with the court-approved Distribution Plan (an Authorized Claimant's "Distribution Amount").
7. A.B. Data will then conduct a "Primary Distribution" of the Net Settlement Fund as follows:
 - a. Authorized Claimants whose Distribution Amounts are less than \$500 will be paid \$500 (the "Minimum Payment") in full.
 - b. Authorized Claimants whose Distribution Amounts are between \$500 and less than \$100,000 will be paid in full.
 - c. After deducting the payments to Authorized Claimants receiving the Minimum Payments and Authorized Claimants receiving less than \$100,000, 95% of the remaining balance of the Net Settlement Fund will be distributed *pro rata* to Authorized Claimants whose Distribution Amounts are greater than \$100,000.
 - d. The remaining 5% of the payments will be held in reserve (the "Reserve") to address any contingencies that may arise after the distribution with respect to claims and/or to pay any future fees or expenses incurred in connection with administering the Net Settlement Fund that are authorized by the court, as well as any further escrow fees, taxes, and the cost of preparing appropriate tax returns. To the extent the Reserve is

not depleted, the remainder will be distributed in subsequent distributions of the Settlement.

8. To encourage Authorized Claimants to promptly deposit distribution checks, and to avoid or reduce future expenses relating to unpaid distribution checks, all distribution checks will bear the notation: "CASH PROMPTLY. VOID AND SUBJECT TO REDISTRIBUTION IF NOT CASHED BY [DATE 90 DAYS AFTER ISSUE DATE]." A.B. Data is authorized to take appropriate action to locate and/or contact any Authorized Claimant that has not negotiated payment within said time, as described in paragraph 44 of the Ewashko Declaration, Doc. 383-2.
9. Authorized Claimants that do not negotiate their Primary Distribution payments (or subsequent distribution payments should such distributions occur) within the time allotted will irrevocably forfeit all recovery from the Net Settlement Fund. The funds allocated to all such unnegotiated payments will be available for redistribution to other Authorized Claimants if Class Counsel, in consultation with A.B. Data, determines that it is cost-effective to conduct a subsequent distribution.
10. After A.B. Data has made reasonable and diligent efforts to have Authorized Claimants negotiate their payments, it shall, if Class Counsel in consultation with A.B. Data determines that it is cost-effective to do so, conduct a second distribution (the "Secondary Distribution"). Any amount remaining in the Net Settlement Fund after the Primary Distribution (including the Reserve and any funds from void, stale-dated, or returned checks, or failed wire transfers), after deducting A.B. Data's fees and expenses incurred in connection with administering the Settlement for which it has not yet been paid (including estimated costs of such Secondary Distribution, subject to court approval), escrow fees, taxes, and the costs of preparing appropriate tax returns, shall be distributed. The Secondary Distribution, if it occurs, would be distributed to All Authorized Claimants from the Primary Distribution that: (a) have a Distribution Amount of \$100,000 or more; (b) negotiated their first distribution of payments; and (3) who are entitled to at least \$500 from such redistribution based on their *pro rata* share of the remaining funds.

11. Additional distributions, after deduction of costs and expenses as described above and subject to the same conditions, may occur thereafter until Class Counsel, in consultation with A.B. Data, determines that further redistribution is not cost-effective.
12. Unless otherwise ordered by the court, no Claim received after May 15, 2025, is eligible for payment from the Net Settlement Fund for this Settlement for any reason, and no further adjustments or corrections to Claims submitted after May 15, 2025, may be accepted for any reason. All persons involved in the review, verification, calculation, tabulation or any other aspect of the processing of the Claims submitted, or otherwise involved in the administration or taxation of the Settlement Fund or the Net Settlement Fund, are hereby released and discharged from any and all claims arising from such involvement. All Class Members, regardless of whether they receive payment from the Net Settlement Fund, are hereby banned from making any further claims against the Net Settlement Fund, Plaintiffs, Class Counsel, the Settlement Administrator, the Escrow Agent, or any other agent retained by Plaintiffs or Class Counsel in connection with the administration or taxation of the Settlement Fund or the Net Settlement Fund, or any other person released pursuant to the Settlement Agreement, beyond the amounts allocated to Authorized Claimants.
13. Unless otherwise ordered by the court, the Settlement Administrator shall destroy the paper and electronic copies of Claims and all supporting documents one year after (a) all funds have been distributed in connection with the Settlement with Lansing; and (2) the Action has finally terminated.
14. The Settlement Administrator may be paid up to an additional \$34,450.78 from the Settlement Fund for estimated fees and expenses to be incurred in connection with the Primary and Secondary Distributions of the Net Settlement Fund. Any costs or expenses in excess of \$34,450.78 may be paid from the Settlement Fund upon approval of the court.
15. This court retains jurisdiction to consider any further applications concerning the administration of the Settlement with Lansing, and such other further relief as this court deems appropriate.

It is so ordered.

Date: December 10, 2025

s/ Toby Crouse
Toby Crouse
United States District Judge