

**BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP**

JONATHAN D. USLANER (Bar No. 256898)

jonathanu@blbglaw.com

LAUREN M. CRUZ (Bar No. 299964)

lauren.cruz@blbglaw.com

2121 Avenue of the Stars, Suite 2575

Los Angeles, CA 90067

Tel: (310) 819-3481

MOTLEY RICE LLC

GREGG S. LEVIN (*pro hac vice*)

glevin@motleyrice.com

28 Bridgeside Blvd.

Mount Pleasant, SC 29464

Tel: (843) 216-9000

Counsel for Lead Plaintiffs and

Lead Counsel for the Class

[Additional Counsel Appear on Signature Page]

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

IN RE QUALCOMM
INCORPORATED SECURITIES
LITIGATION

Case No. 3:17-cv-00121-JO-MSB

**LEAD PLAINTIFFS' UNOPPOSED
MOTION FOR APPROVAL OF
DISTRIBUTION PLAN; AND
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT**

Judge: Hon. Jinsook Ohta

Date: January 29, 2026

Time: 9:30 a.m.

Courtroom: 4C

NOTICE OF MOTION AND MOTION

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on January 29, 2026, at 9:30 a.m., in Courtroom 4C of the Edward J. Schwartz United States Courthouse, 221 West Broadway, San Diego, California 92101, the Honorable Jinsook Ohta presiding, Court-appointed Lead Plaintiffs and Class Representatives Sjunde AP-Fonden and Metzler Asset Management GmbH (together, “Lead Plaintiffs”) will and hereby do move, pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, for entry of the accompanying [Proposed] Order Approving Distribution Plan (“Class Distribution Order”) that will, among other things: (i) approve the administrative determinations of the Court-authorized Claims Administrator A.B. Data, Ltd.’s Class Action Administration Company (“A.B. Data”) accepting and rejecting the Claims submitted in connection with the Settlement reached in the above-captioned Action; (ii) direct the Initial Distribution of the Net Settlement Fund to Claimants whose Claims are accepted by A.B. Data as valid and approved by the Court (“Authorized Claimants”); (iii) direct that Initial Distribution checks state that the check must be cashed within 90 days after the issue date; (iv) direct that Authorized Claimants will forfeit all recovery from the Settlement if they fail to cash their distribution checks in a timely manner; (v) approve the recommended plan for any funds remaining after the Initial Distribution; (vi) approve payment of A.B. Data’s fees and expenses incurred in connection with the administration of the Settlement and its estimated fees and expenses for the work to be performed in connection with the Initial Distribution; and (vii) release claims related to the administration process.

This motion is based upon: (1) the Memorandum of Points and Authorities set forth below, (2) the accompanying Declaration of Jack Ewashko in Support of Lead Plaintiffs’ Unopposed Motion for Approval of Distribution Plan (the “Ewashko Declaration”) and its exhibits, and (3) all other pleadings and records on file in this Action.

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STATEMENT OF ISSUES TO BE DECIDED

1
2 1. Whether the Court should enter the proposed Class Distribution Order,
3 which will, among other things, approve the Claims Administrator’s administrative
4 determinations accepting and rejecting Claims submitted in connection with the
5 Settlement, direct the Initial Distribution of the Net Settlement Fund to eligible
6 Claimants, approve the recommended plan for any funds remaining after the Initial
7 Distribution, and approve the Claims Administrator’s fees and expenses.

MEMORANDUM OF POINTS AND AUTHORITIES

8
9 Lead Plaintiffs settled the Action in exchange for a cash payment of
10 \$75,000,000 for the benefit of the Class, which was deposited into the Escrow
11 Account and has been earning interest for the benefit of the Class. The Settlement
12 was approved by the Court on September 27, 2024, following a rigorous notice
13 program. The deadline for submission of Claims was November 8, 2024.¹

14 Following the Court’s approval of the Settlement, Lead Plaintiffs and Lead
15 Counsel have overseen the Court-authorized claims administration process, in which
16 A.B. Data carefully reviewed the Claims received and provided any Claimants with
17 deficiencies in their Claims a chance to cure those defects. The Claims
18 Administrator has completed processing the Claims received and, through this
19 motion, Lead Plaintiffs seek the Court’s approval to distribute the Net Settlement
20 Fund to Class Members who submitted eligible Claims.

21 As discussed below, there are no disputed Claims by any Class Member
22 requiring Court review. In addition, pursuant to the Stipulation, Defendants have no
23 interest in the relief sought by the motion, nor role in or responsibility for the
24 administration of the Settlement Fund or processing of Claims, including
25

26 ¹ Unless otherwise indicated in this memorandum, all terms with initial capitalization
27 shall have the meanings ascribed to them in the Ewashko Declaration or the
28 Stipulation and Agreement of Settlement dated as of June 17, 2024 (ECF No. 428-1)
 (“Stipulation”).

determinations as to the validity of Claims or the distribution of the Net Settlement Fund. See Stipulation ¶¶ 17, 21, 23. Nonetheless, Lead Plaintiffs have shared a copy of this motion with Defendants’ Counsel, and they informed us that Defendants do not oppose it. As such, the motion is ripe for determination and Lead Counsel respectfully submit that a hearing on this motion is not required.

I. BACKGROUND

On September 27, 2024, the Court entered the Judgment Approving Class Action Settlement (ECF No. 451) approving the \$75 million all-cash Settlement of this Action and entered an Order Approving Plan of Allocation of Net Settlement Fund (ECF No. 449) approving the Plan of Allocation for the Net Settlement Fund. The Settlement’s “Effective Date” under paragraph 31 of the Stipulation has now occurred, and accordingly the Net Settlement Fund may now be distributed to Authorized Claimants. In accordance with paragraph 26 of the Stipulation, Lead Plaintiffs respectfully request that the Court enter the Class Distribution Order and approve the Distribution Plan.

In accordance with the Court’s Order Preliminarily Approving of Settlement and Providing for Notice (ECF No. 433) (“Preliminary Approval Order”), A.B. Data mailed 1,835,653 Postcard Notices concerning the Settlement to potential Class Members, brokers, and nominees. Ewashko Decl. ¶ 4. The Postcard Notice and the more detailed Settlement Notice available online or upon request informed Class Members that if they wished to be eligible to participate in the distribution of the Net Settlement Fund, they were required to submit a properly executed Claim Form postmarked or online no later than November 8, 2024. *Id.* ¶ 7.

II. CLAIMS ADMINISTRATION

As set forth in the Ewashko Declaration, through September 30, 2025, A.B. Data received and processed 1,400,120 Claims. *Id.* ¶ 7. All Claims received through September 30, 2025, have been fully processed in accordance with the Stipulation and the Court-approved Plan of Allocation included in the Settlement Notice (see

1 *id.*), and A.B. Data has worked with Claimants to help them perfect their Claims.
2 *See id.* ¶¶ 19-32. Many of the Claims were initially deficient or ineligible for one or
3 more reasons, including being incomplete, not signed, not properly documented, or
4 otherwise deficient, which required substantial follow-up work by A.B. Data. *Id.*
5 ¶¶ 19, 22, 27.

6 If A.B. Data determined a Claim to be defective or ineligible, A.B. Data sent
7 a letter (if the Claimant or filer filed a paper Claim) or an email (if the Claimant or
8 filer filed an electronic Claim) to the Claimant or filer, as applicable, describing the
9 defect(s) or condition(s) of ineligibility in the Claim and the steps necessary to cure
10 any curable defect(s) in the Claim (“Deficiency Notices”). *Id.* ¶¶ 20, 22. The
11 Deficiency Notices advised the Claimant or filer that the appropriate information or
12 documentary evidence to complete the Claim had to be sent within twenty (20) days
13 from the date of the Deficiency Notice or A.B. Data would recommend the Claim
14 for rejection to the extent the deficiency or condition of ineligibility was not cured.
15 *Id.* ¶¶ 20, 23. Examples of the Deficiency Notices are attached as Exhibits A, B, and
16 C to the Ewashko Declaration.

17 Of the 1,400,120 Claims that are the subject of this motion, A.B. Data has
18 determined that 344,499 Claims are acceptable in whole or in part. *Id.* ¶¶ 37-39.
19 The Claims recommended for acceptance include over 700 million damaged shares
20 of Qualcomm common stock. *See id.* ¶¶ 38-39. The rejected Claims were invalid
21 for various reasons, including, for example, that the Claim did not result in a
22 Recognized Claim, the Claim was made by or on behalf of a person or entity who
23 was not a Class Member, or the Claim was a duplicate or withdrawn. *Id.* ¶ 40.² Lead
24

25
26 ² The great majority of the rejected Claims were made by persons or entities that
27 either were not Class Members or who did not possess Recognized Claims under the
28 Plan of Allocation. *See Ewashko Decl.* ¶ 40. Given the relative ease with which
electronic Claims can be made through the use of modern technology, one noticeable
recent trend is that many potential Claimants will submit a Claim without carefully

1 Plaintiffs respectfully request that the Court approve A.B. Data's administrative
2 determinations accepting and rejecting Claims as set forth in the Ewashko
3 Declaration.

4 **A. No Disputed Claims**

5 A.B. Data carefully reviewed Claimants' and filers' responses to the
6 Deficiency Notices and worked with them to resolve deficiencies where possible.
7 *Id.* ¶¶ 21, 26-30. Consistent with paragraph 24(e) of the Stipulation, the Deficiency
8 Notices specifically advised the Claimant or filer of the right, within twenty (20)
9 days after the mailing or emailing of the Deficiency Notice, to contest the rejection
10 of the Claim and request Court review of A.B. Data's administrative determination
11 of the Claim. *Id.* ¶¶ 20, 23; *id.* Exs. A, B.

12 With respect to the fully processed Claims, A.B. Data received fourteen (14)
13 requests for Court review of its administrative determinations. To resolve these
14 disputes without necessitating the Court's intervention, A.B. Data contacted the
15 Claimants requesting Court review and attempted to answer all questions, to explain
16 A.B. Data's administrative determination of the Claim's status, and to facilitate the
17 submission of missing information or documentation where applicable. *Id.* ¶ 32. As
18 a result of these efforts, three (3) Claimants resolved their deficiencies, withdrew
19 their requests for Court review, and their Claims are now recommended for approval.
20 *Id.* Eleven (11) Claimants withdrew their request for Court review after receiving
21 further explanation of the reasons for A.B. Data's determination. *Id.* Accordingly,
22 there are no outstanding requests for Court review by any Claimants. *Id.*

23 **B. Late Claims and Final Cut-Off Date**

24 The 1,400,120 Claims received through September 30, 2025, include 563,172
25 Claims that were postmarked or received after November 8, 2024, the Court-
26 approved Claim submission deadline. *Id.* ¶¶ 33, 39. Those late Claims have been

27 _____
28 checking whether they are a class member or qualify for payment in the Settlement.
This trend likely contributed to the large number of rejected Claims here. *Id.*

1 fully processed, and 203,240 of them are, but for their late submission, otherwise
2 eligible to participate in the Settlement. *Id.* Although these 203,240 Claims were
3 late, they were received while the processing of timely Claims was ongoing. *Id.*
4 Due to the amount of time needed to process the timely Claims received, the
5 processing of these late Claims did not delay the completion of the Claims
6 administration process or the distribution of the Net Settlement Fund. *See id.*
7 ¶¶ 33-34. The Court has discretion to accept Claims received after the Claim
8 submission deadline. *See* Preliminary Approval Order ¶ 7; Settlement Notice ¶ 47.
9 Lead Plaintiffs respectfully submit that, when the equities are balanced, it would be
10 unfair to prevent an otherwise eligible Claim from participating in the distribution
11 of the Net Settlement Fund solely because it was received after the Court-approved
12 Claim submission deadline if it were submitted while timely Claims were still being
13 processed.

14 To facilitate the efficient distribution of the Net Settlement Fund, however,
15 there must be a final cut-off date after which no other Claims may be accepted.
16 Accordingly, Lead Plaintiffs respectfully request that the Court order that any *new*
17 late Claims (and any requested adjustments to previously filed Claims that would
18 result in an increased Recognized Claim Amount) received after September 30,
19 2025, shall be barred (*see* Ewashko Decl. ¶ 43(h)) – subject to the proviso that if
20 Lead Counsel later determine that an additional distribution is not cost-effective,
21 then any post-September 30, 2025 Claimants may, at the discretion of Lead Counsel
22 (and to the extent possible after paying remaining administrative fees and expenses
23 owed), be paid on their new (or adjusted) Claims on a *pro rata* basis so as to bring
24 them into parity with other Authorized Claimants who have cashed their distribution
25 checks (*see id.*).

26 **III. FEES AND EXPENSES OF CLAIMS ADMINISTRATOR**

27 The Court-approved Claims Administrator for the Settlement, A.B. Data, was
28 responsible for, among other things, disseminating notice of the Settlement to the

1 Class, creating and maintaining a website and toll-free telephone helpline,
2 processing Claims, and allocating and distributing the Net Settlement Fund to
3 Authorized Claimants. Ewashko Decl. ¶ 2. Consistent with the Stipulation, A.B.
4 Data provided notice to over 1.8 million potential Class Members and received and
5 processed approximately 1.4 million Claims. *Id.* ¶¶ 4, 7. The Stipulation and the
6 Preliminary Approval Order entered by the Court expressly contemplated that “all
7 reasonable Notice and Administration Costs actually incurred,” including “the actual
8 costs of printing and mailing the Class Notice and Postcard Notice, developing the
9 case website and posting the Settlement Notice and Claim Form, publishing the
10 Summary Settlement Notice, reimbursements to nominee owners for searching and
11 providing the names/addresses of prospective Class Members for noticing or
12 forwarding the Class Notice or Postcard Notice directly to their beneficial owners,
13 [and] the administrative expenses incurred and fees charged by the Claims
14 Administrator in connection with providing notice and administering the
15 Settlement,” would be paid from the Settlement Fund. Stipulation ¶ 13; *see also*
16 Stipulation ¶¶ 1(cc), 8; Preliminary Approval Order ¶ 16. A.B. Data’s fees and
17 expenses for its work performed through June 30, 2025, are \$4,223,645.98, and its
18 estimated fees and expenses for work to be performed in connection with the Initial
19 Distribution are \$265,807.24, which together total \$4,489,453.22. *Id.* ¶ 42. Should
20 the estimate of fees and expenses to conduct the Initial Distribution of the Net
21 Settlement Fund exceed the actual cost, the excess will be returned to the Net
22 Settlement Fund and will be available for subsequent distribution to Authorized
23 Claimants. *Id.* To date, A.B. Data has received payment in the amount of
24 \$2,500,000 for its fees and expenses. *Id.* Accordingly, there is an outstanding
25 balance of \$1,989,453.22 payable to A.B. Data, which amount includes the
26 estimated fees and expenses to be incurred by A.B. Data in connection with the
27 Initial Distribution. *Id.* Lead Counsel reviewed A.B. Data’s invoices and
28

1 respectfully request on behalf of Lead Plaintiffs that the Court approve all of A.B.
2 Data's fees and expenses.

3 **IV. DISTRIBUTION PLAN FOR THE NET SETTLEMENT FUND**

4 **A. Initial Distribution of the Net Settlement Fund**

5 Under the proposed Distribution Plan, A.B. Data will distribute 95% of the
6 Net Settlement Fund after deducting (i) all payments previously allowed,
7 (ii) payments approved by the Court on this motion, and (iii) any estimated taxes,
8 the costs of preparing appropriate tax returns, and any escrow fees (i.e., the Initial
9 Distribution). See Ewashko Decl. ¶ 43(a).

10 In the Initial Distribution, A.B. Data will calculate award amounts for all
11 Authorized Claimants as if the entire Net Settlement Fund were to be distributed
12 now. *Id.* ¶ 43(a)(1). A.B. Data will first determine each Authorized Claimant's *pro*
13 *rata* share of the total Net Settlement Fund based on the Claimant's Recognized
14 Claim in comparison to the total Recognized Claims of all Authorized Claimants.
15 *Id.* A.B. Data will eliminate from the Initial Distribution any Authorized Claimant
16 whose *pro rata* share calculates to less than \$10.00, as these Claimants will not
17 receive any payment from the Net Settlement Fund and will be so notified by A.B.
18 Data. *Id.* ¶ 43(a)(2). A.B. Data will then recalculate the *pro rata* share of the Net
19 Settlement Fund for Authorized Claimants who would have received \$10.00 or more
20 based on the amount of the Authorized Claimant's Recognized Claim in comparison
21 to the total Recognized Claims of all Authorized Claimants who would have
22 received \$10.00 or more. *Id.* ¶ 43(a)(3). This *pro rata* share is the Authorized
23 Claimant's Distribution Amount. *Id.* Authorized Claimants whose Distribution
24 Amount calculates to less than \$200.00 will be paid their full Distribution Amount
25 in the Initial Distribution ("Claims Paid in Full"). *Id.* ¶ 43(a)(4). These Authorized
26 Claimants will receive no additional funds in subsequent distributions. *Id.*

27 After deducting the payments to the Claims Paid in Full, 95% of the remaining
28 balance of the Net Settlement Fund will be distributed *pro rata* to Authorized

1 Claimants whose Distribution Amount calculates to \$200.00 or more. *Id.* ¶ 43(a)(5).
2 The remaining 5% of the Net Settlement Fund will be held in reserve (the “Reserve”)
3 to address any tax liability and claims administration-related contingencies that may
4 arise. *Id.* ¶ 43(a)(5), (e). To the extent the Reserve is not depleted, the remainder
5 will be distributed in the Second Distribution. *Id.* ¶ 43(a)(5).

6 To encourage Authorized Claimants to cash their checks promptly, Lead
7 Plaintiffs propose that all distribution checks bear the notation, “CASH
8 PROMPTLY. VOID AND SUBJECT TO REDISTRIBUTION IF NOT CASHED
9 BY [DATE 90 DAYS AFTER ISSUE DATE].” *Id.* ¶ 43(b). Authorized Claimants
10 who do not cash their checks within the time allotted or on the conditions stated in
11 paragraph 43(b) of the Ewashko Declaration will irrevocably forfeit all recovery
12 from the Settlement, and the funds allocated to these stale-dated checks will be
13 available to be redistributed to other Authorized Claimants in a subsequent
14 distribution, as described below. *Id.* ¶ 43(c).

15 **B. Additional Distribution(s) of the Net Settlement Fund**

16 After A.B. Data has made reasonable and diligent efforts to have Authorized
17 Claimants cash their Initial Distribution checks, but not earlier than seven (7) months
18 after the Initial Distribution, A.B. Data will, after consulting with Lead Counsel,
19 conduct the Second Distribution of the Net Settlement Fund. *Id.* ¶ 43(d). In the
20 Second Distribution, any amount remaining in the Net Settlement Fund, after
21 deducting any unpaid fees and expenses incurred, will be distributed to all
22 Authorized Claimants (other than Claims Paid in Full) who cashed their Initial
23 Distribution checks and would receive at least \$10.00 from the Second Distribution
24 based on their *pro rata* share of the remaining funds. *Id.* If any funds remain in the
25 Net Settlement Fund after the Second Distribution, and if cost-effective, subsequent
26 distributions will take place at intervals of approximately five months. *Id.* ¶ 43(f).
27 When Lead Counsel, in consultation with A.B. Data, determine that further
28 distribution is not cost-effective, if sufficient funds remain to warrant the processing

1 of Claims received after September 30, 2025, A.B. Data will process those Claims.
2 *Id.* ¶ 43(g). Any of these Claims that are otherwise valid, as well as any earlier
3 received Claims for which an upward adjustment was received after September 30,
4 2025, may be paid in accordance with paragraph 43(h) of the Ewashko Declaration.
5 *Id.*

6 Lead Counsel believes that no or, if any, a *de minimus* amount will be left
7 over following the final distribution to Class Members. If further distributions to
8 eligible Class Members, including to those whose Claims were received after
9 September 30, 2025, are no longer cost-effective, Lead Counsel propose that such
10 remaining funds (if there are any) be contributed to the Bluhm Legal Clinic Complex
11 Civil Litigation and Investor Protection Center at the Northwestern Pritzker School
12 of Law (“IPC”). Lead Counsel propose that the IPC be designated as the “non-
13 sectarian, not-for-profit 501(c)(3) organization[] to be selected by Lead Counsel”
14 referenced in the Court-approved Plan of Allocation. *Id.*; *see also* Settlement Notice
15 ¶ 89. The IPC is a law school clinic that provides law students with the opportunity
16 to represent clients with limited income in securities matters against stockbrokers,
17 investment advisers, or securities firms. IPC also provides case-screening services
18 to regulators, including FINRA, the SEC, and state regulators, as well as brokerage
19 houses trying to identify legitimate claims. *See*
20 <https://www.law.northwestern.edu/legalclinic/investorprotection/> (last visited Oct.
21 23, 2025). Lead Plaintiffs believe the IPC is an appropriate *cy pres* recipient because
22 of the nature of the securities fraud claims at issue in this Action. *See, e.g., In re*
23 *Lyft Inc. Sec. Litig.*, No. 19-cv-02690-HSG, 2023 WL 5068504, at *7 (N.D. Cal.
24 Aug. 7, 2023) (approving IPC as *cy pres* recipient of securities litigation settlement
25 funds because IPC “does work that aligns with the objectives of the securities laws
26 underlying this case and the class members’ interests in protecting investors” and
27 “there is a sufficient ‘driving nexus’ between the class and the *cy pres* recipient”);
28 *In re Aegean Marine Petroleum Network, Inc. Secs. Litig.*, No. 1:18-cv-04993

1 (NRB), 2025 WL 40785, at *2 (S.D.N.Y. Jan. 7, 2025) (approving IPC as *cy pres*
2 recipient).

3 **V. RELEASE OF CLAIMS**

4 In order to allow the full and final distribution of the Net Settlement Fund, it
5 is necessary to (i) bar any further claims against the Net Settlement Fund beyond the
6 amounts allocated to Authorized Claimants, and (ii) provide that all persons involved
7 in any aspect of Claims processing, or who are involved in the administration or
8 taxation of the Settlement Fund or the Net Settlement Fund, be released and
9 discharged from all claims arising out of that involvement. See Stipulation ¶ 28.
10 Accordingly, Lead Plaintiffs respectfully request that the Court release and
11 discharge all persons involved in the review, verification, calculation, tabulation, or
12 any other aspect of the processing of the Claims submitted in connection with the
13 Settlement, or who are otherwise involved in the administration or taxation of the
14 Settlement Fund or the Net Settlement Fund from all claims arising out of that
15 involvement, and bar all Class Members and other Claimants, whether or not they
16 receive payment from the Net Settlement Fund, from making any further claims
17 against the Net Settlement Fund, Lead Plaintiffs, Lead Counsel, the Claims
18 Administrator, the Escrow Agent or any other agent retained by Lead Plaintiffs or
19 Lead Counsel in connection with the administration or taxation of the Settlement
20 Fund or the Net Settlement Fund, or any other person released under the Settlement
21 beyond the amounts allocated to Authorized Claimants.

22 Courts have repeatedly approved similar releases in connection with the
23 distribution of settlement proceeds. See, e.g., App. A at Ex. 1, Class Distribution
24 Order ¶ 9, *Davis v. Yelp, Inc.*, No. 3:18-cv-00400-EMC (N.D. Cal. Aug. 29, 2023),
25 ECF No. 216 (approving substantially similar language in the order authorizing
26 distribution of settlement proceeds); *Id.* at Ex. 2, Order Granting Plaintiffs' Motion
27 for Distribution of Class Action Settlement Funds ¶ 7, *Sanders v. RealReal, Inc.*, No.
28 5:19-cv-07737-EJD (N.D. Cal. June 8, 2023), ECF No. 79 (same); *Id.* at Ex. 3, Order

1 Granting Plaintiffs' Motion for Authorization to Distribute Net Settlement Fund
2 ¶ 3(h), *In re Dropbox Secs. Litig.*, No. 5:19-cv-06348-BLF (N.D. Cal. May 18,
3 2023), ECF No. 138 (same); *In re Capstone Turbine Corp. Secs. Litig.*, No.
4 CV 15-8914-DMG (RAOx), 2020 WL 7889062, at *2 (C.D. Cal. Aug. 26, 2020)
5 (same).

6 **VI. CONCLUSION**

7 For the foregoing reasons, Lead Plaintiffs respectfully request that the Court
8 grant their Unopposed Motion for Approval of Distribution Plan and enter the
9 [Proposed] Order Approving Distribution Plan.

10
11 Dated: October 28, 2025

Respectfully submitted,

12 **BERNSTEIN LITOWITZ BERGER**
13 **& GROSSMANN LLP**

14 By: s/ Jonathan D. Uslander
15 Jonathan D. Uslander (Bar No. 256898)
16 jonathanu@blbglaw.com
17 Lauren M. Cruz (Bar No. 299964)
18 lauren.cruz@blbglaw.com
19 2121 Avenue of the Stars, Suite 2575
20 Los Angeles, CA 90067
21 Tel: (310) 819-3481

22 -and-

23 Salvatore J. Graziano (*Pro Hac Vice*)
24 salvatore@blbglaw.com
25 Rebecca E. Boon (*Pro Hac Vice*)
26 rebecca.boon@blbglaw.com
27 1251 Avenue of the Americas, 44th Floor
28 New York, NY 10020
Tel: (212) 554-1400
Fax: (212) 554-1444

MOTLEY RICE LLC

Gregg S. Levin (*Pro Hac Vice*)

glevin@motleyrice.com

William S. Norton (*Pro Hac Vice*)

bnorton@motleyrice.com

Christopher F. Moriarty (*Pro Hac Vice*)

cmoriarty@motleyrice.com

28 Bridgeside Blvd.

Mount Pleasant, SC 29464

Tel: (843) 216-9000

Fax: (843) 216-9450

-and-

William H. Narwold (*Pro Hac Vice*)

bnarwold@motleyrice.com

One Corporate Center

20 Church Street, 17th Floor

Hartford, CT 06103

*Counsel for Lead Plaintiffs Sjunde AP-
Fonden and Metzler Asset Management
GmbH, and Lead Counsel for the Class*

**BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP**

JONATHAN D. USLANER (Bar No. 256898)

jonathanu@blbglaw.com

LAUREN M. CRUZ (Bar No. 299964)

lauren.cruz@blbglaw.com

2121 Avenue of the Stars, Suite 2575

Los Angeles, CA 90067

Tel: (310) 819-3481

MOTLEY RICE LLC

GREGG S. LEVIN (*pro hac vice*)

glevin@motleyrice.com

28 Bridgeside Blvd.

Mount Pleasant, SC 29464

Tel: (843) 216-9000

Counsel for Lead Plaintiffs and

Lead Counsel for the Class

**UNITED STATES DISTRICT COURT
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LITIGATION

Case No. 3:17-cv-00121-JO-MSB

**APPENDIX A TO LEAD
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APPENDIX A

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EXHIBIT 1

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JONATHAN DAVIS, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

v.

YELP, INC., et al.,

Defendants.

Case No.: 3:18-cv-00400-EMC

CLASS ACTION

**~~[PROPOSED]~~ CLASS DISTRIBUTION
ORDER**

Hearing Date: September 21, 2023

Time: 1:30 p.m.

Location: Courtroom 5, 17th Floor

Judge: Hon. Edward M. Chen

1 Having considered all materials and arguments submitted in support of Lead Plaintiff's
2 Unopposed Motion for Class Distribution Order (the "Motion"), including the Memorandum of
3 Law in Support of the Motion, the Declaration of Luiggy Segura on Behalf of JND Legal
4 Administration in Support of Lead Plaintiff's Motion for Distribution of Class Action Settlement
5 Fund (the "Segura Declaration"), and the Declaration of F. Paul Bland, Jr. of the Public Justice
6 Foundation,

7
8 NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

9 1. This Class Distribution Order incorporates by reference the definitions in the
10 Stipulation and Agreement of Settlement (ECF. No. 189-1) (the "Stipulation"). All terms not
11 otherwise defined shall have the same meaning as set forth in the Stipulation or the Segura
12 Declaration.

13 2. This Court has jurisdiction over the subject matter of the Action and over all parties
14 to the Action, including all Settlement Class Members.

15 3. As set forth in the Segura Declaration, the administrative determinations of the
16 Claims Administrator in accepting and rejecting Claims are approved. Specifically, the
17 administrative determinations of the Claims Administrator accepting those Claims set forth in
18 Exhibits C and D of the Segura Declaration are approved. Likewise, the administrative
19 determinations of the Claims Administrator rejecting those Claims set forth in Exhibit E of the
20 Segura Declaration are approved.

21 4. As set forth in the Segura Declaration, no new Claims or responses to deficiency
22 letters received after June 20, 2023 may be included in the distribution.

23 5. The Court authorizes payment of \$140,671.78 from the Settlement Fund to the
24 Claims Administrator for the fees and expenses already incurred and to be incurred in connection
25 with the Initial Distribution, as described in the Segura Declaration.

26 6. The distribution plan for the Net Settlement Fund as set forth in the Segura
27 Declaration and accompanying exhibits is approved. The balance of the Net Settlement Fund,
28 after deducting the fees and expenses discussed in paragraph 5, shall be distributed to Authorized

1 Claimants. To encourage Authorized Claimants to promptly deposit their payments, all
2 distribution checks will bear a notation: "CASH PROMPTLY. VOID AND SUBJECT TO
3 REDISTRIBUTION IF NOT CASHED BY 90 DAYS AFTER ISSUE DATE." Authorized
4 Claimants who fail to cash, deposit, or negotiate a distribution check within the time allotted or
5 consistent with the terms outlined in Paragraph 47(c) of the Segura Declaration will irrevocably
6 forfeit all recovery from the Settlement.

7 7. After the Initial Distribution of the Net Settlement Fund, the Claims Administrator
8 shall make reasonable and diligent efforts to have Authorized Claimants cash, deposit, or negotiate
9 their distribution checks. To the extent any monies remain in the fund nine (9) months after the
10 Initial Distribution, if Lead Counsel, in consultation with the Claims Administrator, determines
11 that it is cost-effective to do so, the Claims Administrator shall conduct a redistribution of the
12 funds remaining after payment of, or reserve for, any unpaid fees and expenses incurred in
13 administering the Settlement, including for such redistribution, to Authorized Claimants who have
14 cashed their Initial Distribution checks and who would receive at least \$10.00 from such
15 redistribution. Additional redistributions to Authorized Claimants who have cashed, deposited, or
16 negotiated their prior checks and who would receive at least \$10.00 on such additional
17 redistributions may occur thereafter if Lead Counsel, in consultation with the Claims
18 Administrator, determines that additional redistributions, after the deduction of any additional fees
19 and expenses incurred in administering the Settlement, including for such redistributions, would
20 be cost-effective.

21 8. At such time as Lead Counsel, in consultation with the Claims Administrator,
22 determine that no additional distributions are cost-effective, then the remaining funds will be
23 donated to the Public Justice Foundation, a non-sectarian, not-for-profit 501(c)(3) organization.

24 9. All persons involved in the review, verification, calculation, tabulation, or any
25 other aspect of the processing of Claims submitted herein, or otherwise involved in the
26 administration or taxation of the Settlement Fund or the Net Settlement Fund, are released and
27 discharged from any and all claims arising out of such involvement, and all Settlement Class
28 Members, whether or not they are to receive payment from the Net Settlement Fund, are barred

1 from making any further claim against (a) the Net Settlement Fund, Lead Plaintiff or his counsel,
2 the Claims Administrator, the Escrow Agent, or any other agent retained by Lead Plaintiff or Lead
3 Counsel in connection with the administration or taxation of the Settlement Fund or the Net
4 Settlement Fund, or (b) Defendants or Defendants' Counsel, beyond the amounts allocated to them
5 pursuant to this Order; provided that such released persons acted in accordance with the
6 Stipulation, the Judgment, and this Order.

7 10. The Claims Administrator is authorized to discard: (a) paper or hard copies of the
8 Claim Forms and supporting documents one year after the Initial Distribution or one year after the
9 Second Distribution (if it occurs); and (b) electronic or magnetic media data not less than one year
10 after the final distribution of the Net Settlement Fund to Authorized Claimants.

11
12 SO ORDERED this 29th day of August, 2023.

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15 The Honorable Edward M. Chen
16 United States District Judge
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EXHIBIT 2

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL SANDERS, Individually and on
behalf of all others similarly situated,

Plaintiff,

v.

THE REALREAL, INC., *et al.*,

Defendants.

Case No: 5:19-cv-07737-EJD

~~[PROPOSED]~~ ORDER GRANTING
PLAINTIFFS' MOTION FOR
DISTRIBUTION OF CLASS ACTION
SETTLEMENT FUNDS

CLASS ACTION

Hon. Edward J. Davila

Having reviewed and considered all materials and arguments submitted in support of Plaintiffs' unopposed motion for distribution of class action settlement funds ("Motion"), and good cause appearing therefore; **IT IS HEREBY ORDERED THAT:**

1. Plaintiffs' Motion is GRANTED.

2. As set forth in the Declaration of Josephine Bravata Concerning the Results of the Claims Administration Process ("Bravata Declaration"), attached as Exhibit 1 to Plaintiffs' Motion, the administrative determinations of the Claims Administrator, Strategic Claims Services ("SCS"), in accepting and rejecting Claims are approved.¹ Specifically, the administrative determinations of the Claims Administrator accepting those Claims set forth in Exhibits B-1 and B-2 to the Bravata Declaration are approved, and the administrative determinations of the Claims Administrator rejecting those Claims set forth in Exhibits D and E of the Bravata Declaration are approved.

3. Any person asserting claims filed after September 30, 2022, the date SCS used as the latest date to file a claim, in order to avoid delaying finalization of the administration, is forever barred from asserting a claim. Any response to a rejected claim received after May 8,

¹ All capitalized terms, unless otherwise defined herein, have the same meaning as set forth in the Stipulation of Settlement and exhibits thereto, dated November 5, 2021 (Dkt. No. 61-1).

2023, the date SCS used as the latest date to respond to a rejection notice, in order to avoid delaying finalization of the administration, is forever barred from asserting a claim. All putative claims listed in Exhibit D to the Bravata Declaration are finally and forever rejected.

4. The funds that are currently in the Net Settlement Fund (less any necessary amounts to be withheld for payment of potential tax liabilities and related fees and expenses) shall be distributed on a *pro rata* basis to the Authorized Claimants, identified in Exhibits B-1 and B-2 to the Bravata Declaration. The funds shall be distributed pursuant to the Stipulation and the Plan of Allocation of the Net Settlement Fund set forth in the Notice.

5. The distribution plan for the Net Settlement Fund as set forth in the Bravata Declaration and accompanying exhibits is approved. The balance of the Net Settlement Fund shall be distributed to Authorized Claimants. The checks for distribution to Authorized Claimants shall bear the notation “CASH PROMPTLY, VOID AND SUBJECT TO RE-DISTRIBUTION 180 DAYS AFTER ISSUE DATE.” Lead Counsel and SCS are authorized to locate and/or contact any Authorized Claimant who has not cashed their check within said time. Authorized Claimants who fail to deposit or cash a distribution check within the time allotted or consistent with the terms outlined in the Bravata Declaration will irrevocably forfeit all recovery from the Settlement.

6. If any of the Net Settlement Fund remains by reason of uncashed checks, or otherwise, after the Claims Administrator has made reasonable and diligent efforts to have Authorized Claimants who are entitled to participate in the distribution of the Net Settlement Fund cash their distribution checks, then any balance remaining in the Net Settlement Fund six months after the initial distribution of such funds shall be used: (i) first, to pay any amounts mistakenly omitted from the initial distribution to Authorized Claimants or to pay any late, but otherwise valid and fully documented claims received after the cut-off date used to make the initial distribution, provided that such distributions to any late post-distribution claimants meet all of the other criteria for inclusion in the initial distribution, including the \$10.00 minimum check amount set forth in the Notice; (ii) second, to pay any additional Notice and Administrative Expenses incurred in administering the Settlement; and (iii) finally, to make a second distribution to Authorized Claimants who cashed their checks from the initial distribution and who would

1 receive at least \$10.00 from such second distribution, after payment of the estimated costs or fees
2 to be incurred in administering the Net Settlement Fund and in making this second distribution,
3 if such second distribution is economically feasible. If six months after such second distribution,
4 if undertaken, or if such second distribution is not undertaken, any funds shall remain in the Net
5 Settlement Fund after the Claims Administrator has made reasonable and diligent efforts to have
6 Authorized Claimants who are entitled to participate in this Settlement cash their checks, any
7 funds remaining in the Net Settlement Fund shall be donated to the Investor Justice and Education
8 Clinic at Howard University School of Law.

9 7. The Court finds that the administration of the Settlement and proposed distribution
10 of the Net Settlement Fund comply with the terms of the Stipulation and the Plan of Allocation.
11 All persons involved in the review, verification, calculation, tabulation, or any other aspect of the
12 processing of claims, or otherwise involved in the administration or taxation of the Settlement
13 Fund or the Net Settlement Fund, are released and discharged from any and all claims arising out
14 of such involvement, and all Class Members, whether or not they are to receive payment from the
15 Net Settlement Fund, are barred from making any further claim against the Net Settlement Fund
16 or the released person beyond the amount allocated to them pursuant to this Order.

17 8. SCS is authorized to destroy the paper copies of the Claim Forms and all
18 supporting documentation in no less than one year after the distribution of the Net Settlement
19 Fund. In no less than one year after all funds have been distributed, SCS is authorized to destroy
20 the electronic copies of the Claim Forms and all supporting documentation.

21 9. This Court retains jurisdiction over any further application or matter which may
22 arise in connection with this action.

23
24 Dated: June 8, 2023


HON. EDWARD J. DAVILA
UNITED STATES DISTRICT JUDGE

EXHIBIT 3

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re DROPBOX, INC. SECURITIES
LITIGATION

Case No. 5:19-cv-06348-BLF

CLASS ACTION

~~[PROPOSED]~~ ORDER GRANTING
PLAINTIFFS' MOTION FOR
AUTHORIZATION TO DISTRIBUTE NET
SETTLEMENT FUND

1 Lead Plaintiff Ognjen Kuraica (“Plaintiff”), through counsel, moved this Court for an order
2 approving the Distribution Plan in the above-captioned class action (the “Action”). Having reviewed
3 and considered all the materials and arguments submitted in support of the motion, including the
4 Declaration of Josephine Bravata Concerning the Results of the Claims Administration Process (the
5 “Bravata Distribution Declaration”);

6 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

7 1. This Order incorporates by reference the definitions in the Stipulation and
8 Agreement of Settlement dated May 14, 2021 (ECF No. 115-2) (the “Stipulation”) and the Bravata
9 Distribution Declaration, and all terms used herein shall have the same meanings as set forth in the
10 Stipulation and the Bravata Distribution Declaration.

11 2. This Court has jurisdiction over the subject matter of the Action and over all parties
12 to the Action, including all Settlement Class Members.

13 3. The proposed plan for distributing the Net Settlement Fund (the “Distribution Plan”) as set forth in the Bravata Distribution Declaration to Authorized Claimants is **APPROVED**.

14 Accordingly:

15 (a) The administrative recommendations of the Court-approved Claims Administrator,
16 Strategic Claims Services (“SCS” or “Claims Administrator”), to accept the Timely Eligible Claims
17 set forth in Exhibit B-1 to the Bravata Distribution Declaration and the Late But Otherwise Eligible
18 Claim set forth in Exhibit B-2 to the Bravata Distribution Declaration, are adopted;

19 (b) The Claims Administrator’s administrative recommendations to reject the
20 inadequately documented claims that have not been successfully cured and wholly ineligible Claims
21 as set forth in Exhibits D and E to the Bravata Distribution Declaration are adopted;

22 (c) SCS is directed to distribute 100% of the Net Settlement Fund, after deducting all
23 payments previously allowed and the payments approved by the Court in this Order, and after
24 deducting payment of any estimated taxes, the costs of preparing appropriate tax returns, and any
25 escrow fees, to Authorized Claimants who would receive at least \$10.00 based on their *pro rata*
26 share of the Net Settlement Fund, which is based on each Authorized Claimant’s Recognized Claim
27 as compared to the Total Recognized Claims of all Authorized Claimants as set forth in paragraph
28

1 12(a) of the Bravata Distribution Declaration (the “Distribution”) and the Court-approved Plan of
2 Allocation;

3 (d) In order to encourage Authorized Claimants to promptly cash their checks, all
4 Distribution checks shall bear the following notation: “CASH PROMPTLY, VOID AND SUBJECT
5 TO RE-DISTRIBUTION 180 DAYS AFTER ISSUE DATE.”;

6 (e) Authorized Claimants who do not cash their Distribution checks within the time
7 allotted shall irrevocably forfeit all recovery from the Settlement unless good cause is shown, and
8 the funds allocated to all such stale-dated checks shall be available to be re-distributed to other
9 Authorized Claimants, if Lead Counsel, in consultation with SCS, determine that it is cost-effective
10 to conduct a second distribution. Similarly, Authorized Claimants who do not cash their second or
11 subsequent distributions (should such distributions occur) within the time allotted shall irrevocably
12 forfeit any further recovery from the Net Settlement Fund unless good cause is shown;

13 (f) After SCS has made reasonable and diligent efforts to have Authorized Claimants
14 cash their Distribution checks, but no earlier than nine (9) months after the Distribution, SCS shall,
15 if Lead Counsel, in consultation with SCS, determine that it is cost effective to do so, conduct a
16 second distribution of the Net Settlement Fund (the “Second Distribution”), in which any amounts
17 remaining in the Net Settlement Fund after the Distribution, after deducting SCS fees and expenses
18 incurred in connection with administering the Settlement for which it has not yet been paid
19 (including the estimated costs of such Second Distribution), and after the payment of any estimated
20 taxes, the costs of preparing appropriate tax returns, and any escrow fees, shall be distributed to all
21 Authorized Claimants in the Distribution who cashed their Distribution check and who would
22 receive at least \$10.00 from such re-distribution based on their *pro rata* share of the remaining funds.
23 Additional re-distributions, after deduction of costs and expenses as described above and subject to
24 the same conditions, may occur until Lead Counsel, in consultation with SCS, determine that further
25 re-distribution is not cost effective;

26 (g) No new Claims shall be accepted after May 17, 2022, and no further adjustments to
27 Claims received on or before May 17, 2022, that would result in an increased recognized claim
28 amount shall be made for any reason after May 17, 2022. No responses to deficiency and/or rejection

1 notices received after February 28, 2023 shall be accepted;

2 (h) All persons involved in the review, verification, calculation, tabulation, or any other
3 aspect of the processing of the Proofs of Claim Forms submitted in this Action, or who are otherwise
4 involved in the administration or taxation of the Settlement Fund or the Net Settlement Fund, are
5 hereby released and discharged from any and all claims arising out of such involvement, and all
6 Settlement Class Members, whether or not they receive payment from the Net Settlement Fund, are
7 hereby barred from making any further Claims against the Net Settlement Fund, Plaintiff, Lead
8 Counsel, Additional Counsel, Plaintiff's damages expert, the Claims Administrator, the Escrow
9 Agent or any other agent retained by Plaintiff or Lead Counsel in connection with the administration
10 or taxation of the Settlement Fund or the Net Settlement Fund, or any other person released pursuant
11 to the Settlement beyond the amounts allocated to Authorized Claimants;

12 4. This Court retains jurisdiction to consider any further applications concerning the
13 administration of the Settlement, and such other and further relief as this Court deems appropriate.
14

15 SO ORDERED this 18 day of May, 2023
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18 _____
19 The Honorable Beth Labson Freeman
20 United States District Judge
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**BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP**

JONATHAN D. USLANER (Bar No. 256898)

jonathanu@blbglaw.com

LAUREN M. CRUZ (Bar No. 299964)

lauren.cruz@blbglaw.com

2121 Avenue of the Stars, Suite 2575

Los Angeles, CA 90067

Tel: (310) 819-3481

MOTLEY RICE LLC

GREGG S. LEVIN (*pro hac vice*)

glevin@motleyrice.com

28 Bridgeside Blvd.

Mount Pleasant, SC 29464

Tel: (843) 216-9000

Counsel for Lead Plaintiffs and

Lead Counsel for the Class

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

IN RE QUALCOMM
INCORPORATED SECURITIES
LITIGATION

Case No. 3:17-cv-00121-JO-MSB

**DECLARATION OF JACK
EWASHKO IN SUPPORT OF
LEAD PLAINTIFFS'
UNOPPOSED MOTION FOR
APPROVAL OF DISTRIBUTION
PLAN**

Judge: Hon. Jinsook Ohta

Courtroom: 4C

1 I, JACK EWASHKO, hereby declare under penalty of perjury as follows:

2 1. I am a Director of Case Management of A.B. Data, Ltd.’s Class Action
3 Administration Company (“A.B. Data”), which has its corporate office in
4 Milwaukee, Wisconsin. I am over 21 years of age and am not a party to the above-
5 captioned action (“Action”).¹ I have personal knowledge of the facts set forth in this
6 declaration and, if called as a witness, could and would testify competently thereto.

7 2. Pursuant to the Court’s June 27, 2024 Order Preliminarily Approving
8 of Settlement and Providing for Notice (ECF No. 433) (“Preliminary Approval
9 Order”), A.B. Data was retained by Lead Counsel to serve as the Claims
10 Administrator in connection with the Settlement of the Action. As Claims
11 Administrator, A.B. Data has, among other things: (i) mailed notice of the Settlement
12 to potential Class Members, brokers, and other nominees; (ii) updated and
13 maintained the Settlement-specific toll-free helpline to address inquiries concerning
14 the Settlement; (iii) updated and continues to maintain the Settlement-specific
15 website, www.QualcommSecuritiesLitigation.com, with information about the
16 Settlement and a portal through which Class Members could submit Claims;
17 (iv) caused the Summary Settlement Notice to be published; and (v) received and
18 processed Claims.

19 3. On September 27, 2024, the Court granted final approval of the
20 Settlement in its Judgment Approving Class Action Settlement (ECF No. 451) and
21 entered the Order Approving Plan of Allocation of Net Settlement Fund (ECF No.
22 449). A.B. Data has completed processing all Claims received through September
23 30, 2025, in accordance with the terms of the Stipulation and the Court-approved
24 Plan of Allocation set forth in the Settlement Notice, and hereby submits its
25 administrative determinations accepting and rejecting the Claims in preparation for
26

27 ¹ All terms with initial capitalization not otherwise defined herein shall have the
28 meanings ascribed to them in the Stipulation and Agreement of Settlement dated as
of June 17, 2024 (ECF No. 428-1) (“Stipulation”).

1 a distribution of the Net Settlement Fund to Authorized Claimants. A.B. Data also
2 presents this declaration in support of Lead Plaintiffs' Unopposed Motion for
3 Approval of Distribution Plan.

4 **DISSEMINATION OF NOTICE**

5 4. As more fully described in the Declaration of Jack Ewashko Regarding:
6 (I) Mailing of Settlement Notices; and (II) Publication of Summary Settlement
7 Notice (ECF No. 441-3) ("Mailing Decl.") and the Supplemental Declaration of Jack
8 Ewashko Regarding Mailing of Settlement Notices (ECF No. 446-2) ("Supp.
9 Mailing Decl."), through September 19, 2024, A.B. Data had mailed 4,123
10 Settlement Notice Packets and 1,835,653 Postcard Notices to potential Class
11 Members and other nominees. Supp. Mailing Decl. ¶ 2. Since that date, eight
12 additional Settlement Notice Packets have been disseminated. In total, A.B. Data
13 has disseminated 4,131 Settlement Notice Packets and 1,835,653 Postcard Notices
14 to potential Class Members, brokers, and other nominees.

15 5. A.B. Data updated and continues to maintain the Settlement-specific
16 website (www.QualcommSecuritiesLitigation.com) and toll-free telephone helpline
17 (877-390-3401) to assist potential Class Members. The website, which provides
18 access to important documents relevant to the Settlement, and the telephone helpline
19 enable Class Members to obtain information about the Settlement. In connection
20 with establishing and maintaining the website and toll-free telephone helpline, A.B.
21 Data, among other things, formulated a system to ensure that proper responses were
22 provided to all telephone and electronic inquiries. That work included training
23 telephone agents to respond to inquiries specific to the Settlement; developing a
24 series of common questions and the answers thereto known as Frequently Asked
25 Questions or "FAQs"; loading key documents onto the website; and programming
26 the website to permit the viewing and downloading of those documents.

1 6. In accordance with paragraph 4(c) of the Preliminary Approval Order,
2 on July 23, 2024, A.B. Data caused the Summary Settlement Notice to be published
3 in *The Wall Street Journal* and released via *PR Newswire*. Mailing Decl. ¶ 8.

4 **PROCEDURES FOLLOWED IN PROCESSING CLAIMS**

5 7. Under the terms of the Preliminary Approval Order, each Class
6 Member who wished to be eligible to receive a distribution from the Net Settlement
7 Fund was required to complete and submit to A.B. Data a properly executed Claim
8 Form postmarked (if mailed) or online no later than November 8, 2024, together
9 with adequate supporting documentation for the transactions and holdings reported
10 in the Claim Form. Through September 30, 2025, A.B. Data has received and fully
11 processed 1,400,120 Claims (“Presented Claims”).

12 8. In preparation for receiving and processing Claims, A.B. Data:
13 (i) conferred with Lead Counsel to define the guidelines for processing Claims;
14 (ii) created a unique database to store Claim details, images of Claims, and
15 supporting documentation (“Settlement Database”); (iii) trained staff in the specifics
16 of the Settlement so that Claims would be properly processed; (iv) formulated a
17 system so that telephone and email inquiries would be properly responded to;
18 (v) developed various computer programs and screens for entry of Class Members’
19 identifying information and their transactional information; and (vi) developed a
20 proprietary “calculation module” that would calculate Recognized Claims pursuant
21 to the Court-approved Plan of Allocation for the Net Settlement Fund set forth in the
22 Settlement Notice.

23 9. Class Members seeking to share in the Net Settlement Fund were
24 directed in the Postcard Notice and Settlement Notice to submit their Claims to a
25 post office box address specifically designated for the Settlement or to submit their
26 Claims online through the website. Postcard Notices returned by the United States
27 Postal Service as undeliverable were reviewed for updated addresses and, where
28 available, updated addresses were entered into the database and Postcard Notices

1 were mailed to the updated addresses. Any correspondence received at the post
2 office box was reviewed and, when necessary, appropriate responses were provided
3 to the senders.

4 **PROCESSING CLAIMS**

5 **A. Paper Claims and Claim Forms Submitted Via the Website**

6 10. Of the 1,400,120 Presented Claims, 11,080 are Claims that were
7 submitted on paper (3,586) or via the online filing component of the Settlement
8 website provided for individual investors (7,494). Once received, paper Claims were
9 opened and prepared for scanning. This process included unfolding documents,
10 removing staples, copying nonconforming-sized documents, and sorting documents.
11 This manual task of preparing the paper Claims is very laborious and time intensive.
12 Once prepared, paper Claims were scanned into the Settlement Database together
13 with all submitted documentation. Subsequently, each Claim was assigned a unique
14 Claim number. Once scanned, the information from each Claim Form, including the
15 Claimant's name, address, and account number/information from the supporting
16 documentation, and the Claimant's purchase/acquisition transactions, sale
17 transactions, and holdings listed on the Claim Form, was entered into the Settlement
18 Database. Once entered into the Settlement Database, each Claim was reviewed to
19 verify that all required information had been provided. The documentation provided
20 by the Claimant in support of the Claim was reviewed for authenticity and compared
21 to the information provided in the Claim to verify the Claimant's identity and the
22 purchase/acquisition transactions, sale transactions, and holdings listed on the Claim
23 Form.

24 11. To process the transactions detailed in the Claims, A.B. Data utilized
25 internal codes ("flags") to identify and classify deficiency or ineligibility conditions
26 existing within those Claims. Appropriate flags were assigned to the Claims as they
27 were processed. For example, where a Claim was submitted by a Claimant who did
28 not have any eligible transactions in Qualcomm common stock during the Class

1 Period (e.g., the Claimant purchased Qualcomm common stock only before or after
2 the Class Period), that Claim would receive a flag that denoted ineligibility. Similar
3 defect flags were used to denote other ineligible conditions, such as duplicate
4 Claims. These flags would indicate to A.B. Data that the Claimant was not eligible
5 to receive any payment from the Net Settlement Fund with respect to that Claim
6 unless the deficiency was cured in its entirety. Examples of conditions of
7 ineligibility are as follows:

8	MIDOC	Inadequate or Missing Documentation for Entire Claim
9	DUPCL	Duplicate Claim
10	NOPUR	No Eligible Purchase during the Class Period
11	MISIG	No Signature
12	NOLOS	No Recognized Claim

13 12. Because a Claim may be deficient only in part, but otherwise
14 acceptable, A.B. Data utilized flags that were applied only to specific transactions
15 within a Claim. For example, if a Claimant submitted a Claim with supporting
16 documentation for all but one purchase transaction, that one transaction would
17 receive a defect flag. The flag indicated that although the transaction was deficient,
18 the Claim was otherwise eligible for payment if other transactions in the Claim
19 calculated to a Recognized Claim pursuant to the Court-approved Plan of Allocation.
20 Thus, even if the deficiency were never cured, the Claim could still be partially
21 accepted. Examples of transaction-specific flags are as follows:

22	TDOC	Missing or Inadequate Documentation for Specific
23		Transaction
24	INEL	Ineligible Transaction
25	TRN	Transfer In/Free Receipt

26 **B. Electronic Claims**

27 13. Of the 1,400,120 Presented Claims, 1,389,040 were submitted
28 electronically (“Electronic Claims”). Electronic Claims are typically submitted by

1 institutional investors who may have hundreds or thousands of transactions during
2 the Class Period or by filers submitting Claims on behalf of multiple beneficial
3 owners (“Electronic Claim Filers” or “E-Claim Filers”). Rather than provide reams
4 of paper requiring data entry, the E-Claim Filers either mail a computer disc or
5 electronically submit a file to A.B. Data so that A.B. Data can upload all transactions
6 to the Settlement Database.

7 14. A.B. Data maintains an electronic filing operations team (“Electronic
8 Claim Filing Team” or “ECF Team”) to coordinate and supervise the receipt and
9 handling of all Electronic Claims. In this case, the ECF Team reviewed and analyzed
10 each electronic file to ensure that it was formatted in accordance with A.B. Data’s
11 required format and to identify any potential data issues or inconsistencies within
12 the file. If any issues or inconsistencies arose, A.B. Data notified the filer. If the
13 electronic file was deemed to be in an acceptable format, it was then loaded into the
14 Settlement Database.

15 15. Once each electronic file was loaded, the Electronic Claims were
16 flagged to denote any deficient or ineligible conditions that existed within them.
17 These flags are similar to those applied to paper Claims. In lieu of manually
18 applying flags, the ECF Team performed programmatic reviews on Electronic
19 Claims to identify deficient and ineligible conditions (such as, but not limited to,
20 price out-of-range issues, out-of-balance conditions, transactions outside the Class
21 Period, etc.). The output was thoroughly verified and confirmed as accurate.

22 16. The review process also included flagging any Electronic Claims that
23 were not accompanied by a signed Claim Form, which serves as a “Master Proof of
24 Claim Form” for all Claims referenced on the electronic file submitted. This process
25 was reviewed by A.B. Data’s ECF Team and, when appropriate, A.B. Data contacted
26 the E-Claim Filers whose submissions were missing information. This ensured that
27 only fully completed Claims, submitted by properly authorized representatives of
28 the Claimants, were considered eligible to participate in the Settlement.

1 17. Finally, at the end of the process, A.B. Data performed various targeted
2 reviews of Electronic Claims. Specifically, A.B. Data used criteria such as the
3 calculated Recognized Claims and other identified criteria to flag and reach out to a
4 selection of E-Claim Filers and request that various sample purchases, sales, and
5 holdings selected by A.B. Data be documented by providing confirmation slips or
6 other transaction-specific supporting documentation. These targeted reviews help
7 to ensure that electronic data supplied by Claimants does not contain inaccurate
8 information.

9 **EXCLUDED PERSONS**

10 18. A.B. Data also reviewed all Claims to ensure that they were not
11 submitted by or on behalf of “Excluded Persons” to the extent that the identities of
12 such persons or entities were known to A.B. Data through the list of Defendants and
13 other excluded persons and entities set forth in the Stipulation and the Settlement
14 Notice and from the Claimants’ certifications on the Claim Forms. A.B. Data also
15 reviewed all Claims against the list of persons who were excluded from the Class
16 pursuant to request.

17 **THE DEFICIENCY PROCESS**

18 **A. Paper Claims and Online Claims**

19 19. Approximately 55% of the paper and online Claims, i.e., 6,147 of the
20 11,080 Claim Forms submitted either as paper Claims or via the website, were
21 incomplete or had one or more defects or conditions of ineligibility, such as the
22 Claim not being signed, not being properly documented, or indicating no eligible
23 transactions in Qualcomm common stock during the Class Period. The “Deficiency
24 Process,” which primarily involved mailing letters to Claimants and responding to
25 communications from Claimants by email and/or telephone, was intended to assist
26 Claimants in properly completing their otherwise deficient submissions so that they
27 could be eligible to participate in the Settlement.
28

20. If paper and online Claims were determined to be defective, a Notice of Rejection of Claim (“Deficiency Letter”) was sent to the Claimants describing the defect(s) in the Claims and what steps, if any, were necessary to cure the defect(s) in these Claims. The Deficiency Letter advised Claimants that submission of appropriate information and/or documentary evidence to complete the Claim had to be sent within twenty (20) days from the date of the Deficiency Letter or the Claim would be recommended for rejection to the extent that the deficiency or condition of ineligibility was not cured. The Deficiency Letter also advised Claimants of their right to contest these administrative determinations, and that Claimants were required to submit written statements to A.B. Data requesting Court review of their Claims and setting forth the basis for such requests. A.B. Data sent a total of 6,299 Deficiency Letters to Claimants who submitted paper or online Claims that A.B. Data determined to be defective. It is possible for a Claimant to be sent more than one Deficiency Letter for a Claim and thus the number of Deficiency Letters sent could exceed the number of deficient Claims discussed above in paragraph 19. Attached hereto as Exhibit A is an example of a Deficiency Letter.

21. Claimants’ responses to Deficiency Letters were scanned into the Settlement Database and associated with the corresponding Claims. The responses were then carefully reviewed and evaluated by A.B. Data’s team of processors. If a Claimant’s response corrected the defect(s) in a Claim, A.B. Data manually updated the Settlement Database to reflect the changes in the status of the Claim.

B. Electronic Claims

22. For Electronic Claims, A.B. Data used the following process to contact the banks, brokers, nominees, and other E-Claim Filers to confirm receipt of their submissions and to notify the Electronic Claim Filers of any deficiencies or Electronic Claims that were ineligible. Each E-Claim Filer was sent an email to the email address included with the Claim Form(s) (“Status Email”) with an attached Electronic Filer Status Spreadsheet, which contained detailed information associated

1 with the Claim(s) and indicated which Claim(s) within the filing were deficient
2 and/or rejected (“Status Spreadsheet”).

3 23. The Status Email sent to the email address of record provided with the
4 Claim Form:

5 (a) Notified the filer that any Claims with deficiencies not corrected
6 within twenty (20) days from the date of the Status Email may
7 be rejected;

8 (b) Advised the filer of the right to contest the rejection of the
9 Claim(s) and request this Court’s review of A.B. Data’s
10 administrative determination within twenty (20) days from the
11 date of the Status Email; and

12 (c) Provided the filer with instructions for how to submit corrections.

13 24. The Status Spreadsheet attached to the Status Email contained the
14 following information:

15 (a) A listing of all Electronic Claims associated with the filing and
16 their unique identification numbers;

17 (b) Identification of individual Electronic Claims that were found to
18 be deficient or ineligible;

19 (c) Each Electronic Claim’s current status in the Settlement
20 Database; and

21 (d) The current Recognized Claim calculation associated with each
22 Electronic Claim.

23 25. A.B. Data emailed a Status Email and Status Spreadsheet to 446
24 E-Claim Filers. Examples of a Status Email and Status Spreadsheet are attached
25 hereto as Exhibits B and C, respectively.

26 26. The E-Claim Filers’ responses were reviewed by A.B. Data’s ECF
27 Team, scanned and/or loaded into the Settlement Database, and associated with the
28 corresponding Electronic Claims. If a response corrected the defect(s) or affected

1 an Electronic Claim's status, A.B. Data manually and/or programmatically updated
2 the database to reflect such change in status of the Electronic Claim.

3 **C. Calling Campaign to Claimants Who Did Not Cure Deficiencies**

4 27. After responses to the Deficiency Letters and Status Emails were
5 received and evaluated, and the Claims updated, A.B. Data called Claimants with
6 still-deficient Claims to provide them with a final opportunity to cure the
7 deficiencies in their Claims.

8 28. During this calling campaign, A.B. Data's agents explained to
9 contacted Claimants that their Claims remained deficient, advised Claimants of the
10 steps required to cure the deficiencies, and provided assistance to Claimants where
11 possible, depending on the nature of the deficiency. For example, if a Claimant
12 needed additional supporting documentation, A.B. Data explained the types of
13 documentation that would render the Claim eligible and how the Claimant could
14 obtain the necessary documentation. A.B. Data also provided some Claimants with
15 direct phone numbers and email addresses so that Claimants could receive continued
16 personalized attention and assistance.

17 29. If A.B. Data could not reach a Claimant to speak one-on-one, A.B. Data
18 left a voice message, when possible, requesting a return call. A.B. Data explained
19 in the voice message that it was calling to assist the Claimant in remediating
20 outstanding deficiencies in the Claim. A.B. Data also reached out to Claimants via
21 email if a valid email address was provided in their Claim submission.

22 30. If, in response to a telephone call or email, a Claimant cured the
23 deficiency in a Claim by providing the appropriate information and/or supporting
24 documentation, A.B. Data updated the Settlement Database to reflect the change in
25 the status of the Claim.

26 **NO DISPUTED CLAIMS**

27 31. As noted above, Claimants were advised that they had the right to
28 contest A.B. Data's administrative determination of deficiencies or ineligibility

1 within twenty (20) days from the date of notification and that they could request that
2 the dispute be submitted to the Court for review. More specifically, Claimants were
3 advised in the Deficiency Letter or Status Email that, if they disputed A.B. Data's
4 determination, they had to provide a statement of reasons indicating the grounds for
5 contesting the determination, along with supporting documentation, and if the
6 dispute concerning the Claim could not otherwise be resolved, Lead Counsel would
7 thereafter present the request for review to the Court for a final determination.

8 32. A.B. Data received fourteen (14) requests for Court review. To resolve
9 these disputes without necessitating the Court's intervention, A.B. Data reached out
10 to each Claimant requesting Court review and attempted to answer all questions,
11 fully explain A.B. Data's administrative determination of the Claim's status, and
12 facilitate the submission of missing information or documentation where applicable.
13 As a result of these efforts, three (3) Claimants resolved their deficiencies and their
14 Claims are recommended for approval, and eleven (11) Claimants withdrew their
15 request for Court review after receiving further explanation of the reasons for A.B.
16 Data's determination. There are, therefore, no disputed Claims requiring Court
17 review.

18 **LATE BUT OTHERWISE ELIGIBLE CLAIMS**

19 33. Of the 1,400,120 Presented Claims, 563,172 Claims were received or
20 postmarked after November 8, 2024, the Claim submission deadline established by
21 the Court. A.B. Data processed all late Claims received through September 30,
22 2025, and 203,240 late Claims have been found to be otherwise eligible in whole or
23 in part ("Late But Otherwise Eligible Claims"). A.B. Data has not rejected any
24 Claim received through September 30, 2025, solely based on its late submission, and
25 A.B. Data believes no delay has resulted from the provisional acceptance of these
26 Late But Otherwise Eligible Claims. To the extent they are eligible but for the fact
27 that they were late, they are recommended for payment.
28

1 34. However, there must be a final cut-off date after which no more Claims
2 will be accepted so that there may be a proportional allocation of the Net Settlement
3 Fund and the distribution may be accomplished. Acceptance of additional Claims
4 or responses received during the finalization of the administration and the
5 preparation of this declaration would necessarily require a delay in the distribution.
6 Accordingly, A.B. Data also respectfully requests that this Court order that no Claim
7 received after September 30, 2025, or Claim cured or adjusted after September 30,
8 2025, be eligible for payment for any reason whatsoever subject only to the provision
9 of paragraph 43(h) of the proposed distribution plan discussed below. If the Court
10 adopts the proposed distribution plan, then, after Lead Counsel have determined that
11 further distributions are not cost-effective and before any contribution of the residual
12 funds to charity, if sufficient funds remain to warrant the processing of Claims
13 received after September 30, 2025, these Claims will be processed and, if any would
14 have been eligible if timely received, these Claimants may be paid their distribution
15 amounts, to the extent permitted by the amount of remaining funds, on a *pro rata*
16 basis that would bring them into parity with other Authorized Claimants who have
17 cashed all their prior distribution checks. See ¶ 43(h) below. With respect to
18 previously submitted Claims that are cured or adjusted after September 30, 2025,
19 such Claims will be reevaluated upon receipt of the adjustment and, to the extent
20 that they are found eligible for a distribution or additional distribution, they will be
21 treated in the same manner as Claims received after September 30, 2025. However,
22 should an adjustment result in a lower Recognized Claim amount, the Recognized
23 Claim amount will be reduced accordingly prior to a distribution to that Claimant.

24 **QUALITY ASSURANCE**

25 35. An integral part of the claims administration process is the Quality
26 Assurance review. Throughout the administration process, A.B. Data's Quality
27 Assurance Department worked to verify that Claims were processed properly by
28 ensuring that information was entered correctly into the database, deficiency and/or

1 rejection flags were assigned accurately, and deficiency and/or rejection
2 notifications were sent appropriately. After all Claims were processed, deficiency
3 and/or rejection notifications were sent, and Claimants' responses to the deficiency
4 and/or rejection notifications were reviewed and processed, the supervisors and
5 managers in A.B. Data's Quality Assurance Department performed additional
6 Quality Assurance reviews. These final Quality Assurance reviews further ensured
7 the correctness and completeness of all Claims processed prior to preparing this
8 declaration and all A.B. Data's final documents in support of distribution of the Net
9 Settlement Fund. As part of the Quality Assurance reviews, A.B. Data:

- 10 (a) Verified that all Claim Forms had signatures of authorized
11 individuals;
- 12 (b) Verified that true duplicate Claims were identified, verified, and
13 rejected;
- 14 (c) Verified that Tax Identification Numbers were provided, when
15 applicable;
- 16 (d) Verified that persons and entities excluded from the Class did not
17 file Claims or their Claims were rejected upon review;
- 18 (e) Performed a final Quality Assurance audit of Claims and all
19 supporting documentation to ensure completeness of Claims;
- 20 (f) Determined that Claimants requiring deficiency and/or rejection
21 notifications were sent such notification;
- 22 (g) Performed an audit of deficient Claims;
- 23 (h) Performed additional review of Claims with high Recognized
24 Claim amounts;
- 25 (i) Audited Claims that were designated invalid;
- 26 (j) Audited Claims with a Recognized Claim amount equal to zero;
- 27
- 28

1 (k) Performed other auditing based on Claims completion
2 requirements and the approved calculation specifications based
3 on the Court-approved Plan of Allocation; and

4 (l) Re-tested the accuracy of the Recognized Claim amount
5 calculation program.

6 36. As part of its due diligence in processing the Claims, A.B. Data
7 conducted a Questionable Claim Filer search of all Claims submitted in connection
8 with the Settlement. A.B. Data maintains a Questionable Claim Filer Database of
9 known questionable filers, which contains names, addresses, and aliases of
10 individuals or entities that have been investigated by government agencies for
11 questionable claim filing, as well as names and contact information compiled from
12 previous settlements administered by A.B. Data in which fraudulent claims were
13 received. A.B. Data updates this Questionable Claim Filer Database on a regular
14 basis. The Settlement Database was searched for all individuals identified in the
15 Questionable Claim Filer Database. A.B. Data performs searches based on names,
16 aliases, addresses, and city/zip codes. In addition, A.B. Data's claim processors are
17 trained to identify any potentially inauthentic documentation when processing
18 claims, including claims submitted by Claimants not previously captured in the
19 Questionable Claim Filer Database. Processors are instructed to flag any
20 questionable Claims and escalate them to management for review. A.B. Data's
21 procedures did not identify any potentially fraudulent Claim/s necessitating further
22 review and verification.

23 **RECOMMENDATIONS FOR APPROVAL AND REJECTION**

24 37. As noted above, the number of Presented Claims in this motion is
25 1,400,120.

26 **A. Timely Submitted and Valid Claims**

27 38. A total of 836,948 Claims were received or postmarked on or before
28 November 8, 2024, the Court-approved Claim submission deadline, of which

1 141,259 Claims were determined by A.B. Data to be eligible to participate in the
2 Settlement and are recommended for approval (“Timely Eligible Claims”). The
3 141,259 Timely Eligible Claims include a total of 497,537,487 damaged shares (that
4 is, shares of Qualcomm common stock that were purchased or acquired during the
5 Class Period and damaged under the Court-approved Plan of Allocation).

6 **B. Late But Otherwise Eligible Claims**

7 39. A total of 563,172 Claims were received or postmarked after November
8 8, 2024, the Court-approved Claim submission deadline, but received on or before
9 September 30, 2025. Of those 563,172 late Claims, 203,240 were determined by
10 A.B. Data to be otherwise eligible and are recommended for approval (“Late But
11 Otherwise Eligible Claims”). The 203,240 Late But Otherwise Eligible Claims
12 include a total of 205,573,715 damaged shares.

13 **C. Rejected Claims**

14 40. After the responses to Deficiency Letters and Status Emails were
15 processed, a total of 1,055,621 Claims remain recommended for rejection by the
16 Court (“Rejected Claims”) for the following reasons:

- 17 (a) 574,191 Claims Had No Purchase(s) of Qualcomm Common
18 Stock During the Class Period;
19 (b) 472,096 Claims Did Not Result in a Recognized Claim;
20 (c) 8,043 Claims Withdrawn;
21 (d) 1,281 Duplicate and/or Replaced by Updated Claims; and
22 (e) 10 Deficient Claims Never Cured.

23 The vast majority of the Rejected Claims were made by persons and entities who
24 either (i) were not members of the Class (54%); or (ii) did not have a Recognized
25 Claim under the Plan of Allocation (45%). Given the relative ease with which
26 electronic Claims can be made using modern technology, one noticeable recent trend
27 is that many potential Claimants will submit a Claim without carefully checking
28 whether they are a class member or qualify for payment in the Settlement. The

1 number of Rejected Claims here comports with our experience across settlements in
2 light of this trend.

3 **D. Lists of All Presented Claims**

4 41. Attached hereto as Exhibits D through F are listings of all the Presented
5 Claims:

- 6 (a) Exhibit D lists the Timely Eligible Claims and shows each
7 Claimant's Recognized Claim;
8 (b) Exhibit E lists the Late But Otherwise Eligible Claims and shows
9 each Claimant's Recognized Claim; and
10 (c) Exhibit F lists the Rejected Claims and the reasons for rejection.

11 **FEES AND DISBURSEMENTS**

12 42. A.B. Data agreed to be the Claims Administrator in exchange for
13 payment of its fees and out-of-pocket expenses. Lead Counsel received reports on
14 and invoices for the work A.B. Data performed with respect to the provision of
15 notice and administration of the Settlement. Lead Counsel supervised A.B. Data
16 during the claims administration process and reviewed A.B. Data's fees and
17 expenses for accuracy to ensure A.B. Data's work was completed in accordance with
18 the Stipulation and Preliminary Approval Order. Attached hereto as Exhibit G are
19 copies of A.B. Data's invoices for its work performed on behalf of the Class as well
20 as an estimate for the work that will be performed and the costs that will be incurred
21 in connection with the initial distribution of the Net Settlement Fund. Should the
22 estimate of fees and expenses to conduct the initial distribution of the Net Settlement
23 Fund exceed the actual cost, the excess will be returned to the Net Settlement Fund
24 and will be available for subsequent distribution to Authorized Claimants. As set
25 forth in these invoices, A.B. Data's total fees and expenses for this matter through
26 June 30, 2025, are \$4,223,645.98. A.B. Data anticipates that its fees and expenses
27 for the work performed in conjunction with the initial distribution of the Net
28 Settlement Fund will be \$265,807.24. To date A.B. Data has been reimbursed in the

1 amount of \$2,500,000. Accordingly, there is an outstanding balance of
2 \$1,989,453.22 payable to A.B. Data from the Settlement Fund, which includes the
3 estimate for completing the initial distribution.

4 **DISTRIBUTION PLAN FOR THE NET SETTLEMENT FUND**

5 43. Should the Court concur with A.B. Data's determinations concerning
6 the provisionally accepted and rejected Claims, including the Late But Otherwise
7 Eligible Claims, A.B. Data recommends the following distribution plan
8 ("Distribution Plan"):

9 (a) A.B. Data will conduct an initial distribution ("Initial
10 Distribution") of the Net Settlement Fund, after deducting all
11 payments approved by the Court, and after payment of any
12 estimated taxes, the costs of preparing appropriate tax returns,
13 and any escrow fees, while maintaining a 5% reserve to address
14 any tax liability and claims administration-related contingencies
15 that may arise, as follows:

16 (1) A.B. Data will calculate award amounts for all Authorized
17 Claimants as if the entire Net Settlement Fund were to be
18 distributed now. In accordance with the Court-approved
19 Plan of Allocation, A.B. Data will calculate each
20 Authorized Claimant's *pro rata* share of the Net
21 Settlement Fund based on the amount of the Authorized
22 Claimant's Recognized Claim in comparison to the total
23 Recognized Claims of all Authorized Claimants. *See*
24 Settlement Notice ¶ 87.

25 (2) A.B. Data will, pursuant to the terms of the Plan of
26 Allocation, eliminate from the Initial Distribution any
27 Authorized Claimant whose *pro rata* share calculates to
28 less than \$10.00. *See id.* ¶ 88. These Claimants will not

1 receive any payment from the Net Settlement Fund and
2 will be so notified by A.B. Data.

3 (3) After eliminating Claimants who would have received less
4 than \$10.00, A.B. Data will recalculate the *pro rata* share
5 of the Net Settlement Fund for Authorized Claimants who
6 would have received \$10.00 or more. A “Distribution
7 Amount” will be calculated for each of these Authorized
8 Claimants, which shall be the Authorized Claimant’s
9 Recognized Claim divided by the total Recognized Claims
10 of all Authorized Claimants who would have received
11 \$10.00 or more, multiplied by the total amount in the Net
12 Settlement Fund. *See id.* ¶¶ 87-88.

13 (4) Authorized Claimants whose Distribution Amount
14 calculates to less than \$200.00 will be paid their full
15 Distribution Amount in the Initial Distribution (“Claims
16 Paid in Full”). These Authorized Claimants will receive
17 no additional funds in subsequent distributions.

18 (5) After deducting the payments to the Claims Paid in Full,
19 95% of the remaining balance of the Net Settlement Fund
20 will be distributed *pro rata* to Authorized Claimants
21 whose Distribution Amount calculates to \$200.00 or more.
22 The remaining 5% of the Net Settlement Fund will be held
23 in reserve (the “Reserve”) to address any tax liability and
24 claims administration-related contingencies that may arise
25 following the Initial Distribution. To the extent the
26 Reserve is not depleted, the remainder will be distributed
27 in the “Second Distribution” described in subparagraph (d)
28 below.

1 (b) To encourage Authorized Claimants to deposit their payments
2 promptly, all distribution checks will bear a notation: "CASH
3 PROMPTLY. VOID AND SUBJECT TO REDISTRIBUTION
4 IF NOT CASHED BY [DATE 90 DAYS AFTER ISSUE
5 DATE]." For Authorized Claimants whose checks are returned
6 as undeliverable, A.B. Data will endeavor to locate new
7 addresses through reasonable methods. Where a new address is
8 located, A.B. Data will update the Settlement Database
9 accordingly and reissue a distribution check to the Authorized
10 Claimant at the new address. In the event a distribution check is
11 lost or damaged or otherwise requires reissuance, A.B. Data will
12 issue replacements. Distribution reissues will be undertaken
13 only upon written instructions from the Authorized Claimant,
14 provided that the Authorized Claimant returns the previous
15 check where appropriate. For all checks, A.B. Data will void the
16 initial payment prior to reissuing a payment. In order not to delay
17 further distributions to Authorized Claimants who have timely
18 cashed their checks, A.B. Data's outreach program shall end
19 thirty (30) days after the initial void date. Authorized Claimants
20 will be informed that, if they do not cash their Initial Distribution
21 checks within ninety (90) days of the mail date, or they do not
22 cash check reissues within thirty (30) days of the mailing of such
23 reissued check, their check will lapse, their entitlement to
24 recovery will be irrevocably forfeited, and the funds will be
25 reallocated to other Authorized Claimants. Reissue requests for
26 lost or damaged checks will be granted after the void date on the
27 checks as long as the request for the reissue is received no later
28 than forty-five (45) days prior to the next planned distribution.

1 Requests for reissued checks in connection with any subsequent
2 distributions (should such distributions occur) will be handled in
3 the same manner.

4 (c) Authorized Claimants who do not cash their Initial Distribution
5 checks within the time allotted or on the conditions set forth
6 above will irrevocably forfeit all recovery from the Settlement.
7 The funds allocated to all such stale-dated checks will be
8 available for distribution to other Authorized Claimants in the
9 Second Distribution. Similarly, Authorized Claimants who do
10 not cash their second or subsequent distribution checks, should
11 such distributions occur, within the time allotted or on the
12 conditions set forth above will irrevocably forfeit any further
13 recovery from the Net Settlement Fund.

14 (d) Consistent with the Court-approved Plan of Allocation, after
15 A.B. Data has made reasonable and diligent efforts to have
16 Authorized Claimants cash their Initial Distribution checks,
17 which efforts shall consist of the follow-up efforts described
18 above, but not earlier than seven (7) months after the Initial
19 Distribution, A.B. Data will, after consulting with Lead Counsel,
20 conduct a second distribution of the Net Settlement Fund
21 (“Second Distribution”). *See id.* ¶ 89. Any amounts remaining
22 in the Net Settlement Fund after the Initial Distribution,
23 including from the Reserve and the funds allocated for all void
24 stale-dated checks, after deducting A.B. Data’s unpaid fees and
25 expenses incurred in connection with administering the
26 Settlement, including A.B. Data’s estimated costs of the Second
27 Distribution, and after deducting the payment of any estimated
28 taxes, the costs of preparing appropriate tax returns, any escrow

1 fees, and appropriate reserves, will be distributed to all
2 Authorized Claimants in the Initial Distribution (other than
3 Claims Paid in Full) who cashed their distribution checks and
4 who would receive at least \$10.00 in the Second Distribution
5 based on their *pro rata* share of the remaining funds. *See id.*

6 (e) After the conclusion of the Initial Distribution and thereafter,
7 funds available in the Reserve or as a result of uncashed checks
8 or returned payments may be used to address any claims
9 administration-related contingencies, including those that may
10 require a modification of a Claim's status after consultation with
11 the Claims Administrator and Lead Counsel, without
12 necessitating further involvement of the Court.

13 (f) If any funds remain in the Net Settlement Fund after the Second
14 Distribution, additional distributions, after deduction of costs and
15 expenses as described above and subject to the same conditions,
16 may occur thereafter in intervals of approximately five months
17 until Lead Counsel, in consultation with A.B. Data, determine
18 that further distribution is not cost-effective.

19 (g) At such time as Lead Counsel, in consultation with A.B. Data,
20 determine that further distribution of the funds remaining in the
21 Net Settlement Fund is not cost-effective, if sufficient funds
22 remain to warrant the processing of Claims received after
23 September 30, 2025, those Claims will be processed, and any
24 otherwise valid Claims received after September 30, 2025, as
25 well as any earlier-received Claims for which an adjustment was
26 received after September 30, 2025, that resulted in an increased
27 Recognized Claim, will be paid in accordance with subparagraph
28 (h) below. If any funds remain in the Net Settlement Fund after

1 payment of these late or late-adjusted Claims, the remaining
2 balance of the Net Settlement Fund, after payment of any unpaid
3 fees or expenses incurred in connection with administering the
4 Net Settlement Fund and after the payment of any estimated
5 taxes, the costs of preparing appropriate tax returns, and any
6 escrow fees, will be contributed to the Bluhm Legal Clinic
7 Complex Civil Litigation and Investor Protection Center at the
8 Northwestern Pritzker School of Law. *See id.*

9 (h) No new Claims may be accepted after September 30, 2025, and
10 no further adjustments to Claims received on or before
11 September 30, 2025, that would result in an increased
12 Recognized Claim may be made after September 30, 2025,
13 subject to the following exception. If Claims are received or
14 modified after September 30, 2025, that would have been eligible
15 for payment or additional payment under the Plan of Allocation
16 if timely received, then at the time that Lead Counsel, in
17 consultation with A.B. Data, determine that an additional
18 distribution is not cost-effective as provided in subparagraph (g)
19 above, and after payment of any unpaid fees or expenses incurred
20 in connection with administering the Net Settlement Fund and
21 after deducting the payment of any estimated taxes, the costs of
22 preparing appropriate tax returns, and any escrow fees, such
23 Claimants, at the discretion of Lead Counsel and to the extent
24 possible, may be paid the distribution amounts or additional
25 distribution amounts on a *pro rata* basis that would bring them
26 into parity with other Authorized Claimants who have cashed all
27 their prior distribution checks.
28

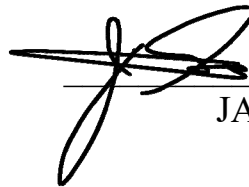
(i) Unless otherwise ordered by the Court, A.B. Data may destroy the paper copies of the Claims and all supporting documentation one (1) year after the Initial Distribution, and one (1) year after all funds have been distributed may destroy the electronic copies of the same.

CONCLUSION

44. A.B. Data respectfully requests that the Court enter the Order Approving Distribution Plan approving its administrative determinations accepting and rejecting the Claims submitted herein and approving the proposed Distribution Plan. A.B. Data further respectfully submits that its unpaid fees and expenses and its fees and expenses expected to be incurred in connection with the Initial Distribution, as reflected on the invoices attached hereto as Exhibit G, should be approved for payment from the Settlement Fund.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on October 27, 2025.



JACK EWASHKO