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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

PAUL HAYDEN, et al.,

Plaintiffs,

v.

PORTOLA PHARMACEUTICALS INC.,
et al.,

Defendants.

No. 3:20-cv-00367-VC

CLASS ACTION

**LEAD PLAINTIFF’S UNOPPOSED
ADMINISTRATIVE MOTION
PURSUANT TO CIVIL L.R. 6-3 TO
AMEND SCHEDULE FOR CLAIMS
DETERMINATIONS AND
DISTRIBUTION MOTION**

Dept.: 4–17th Floor

Judge: Hon. Vince Chhabria

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Pursuant to Local Rule 6-3, Lead Plaintiff Alameda County Employees' Retirement Association ("Lead Plaintiff") submits this unopposed administrative motion to amend the schedule for the Settlement Claims Administrator's claims determinations and the filing of Lead Counsel's distribution motion, which extends certain deadlines that the Court initially set in the March 6, 2023 Order Approving Class Action Settlement as Amended (ECF No. 257) ("Final Approval Order"). For the reasons stated below, Lead Plaintiff respectfully requests that the Court extend certain deadlines set in the Final Approval Order at ¶19 as follows: the Claims Administrator shall have until October 6, 2023 to complete its review of submitted Proofs of Claim in this matter, and Lead Counsel shall have until November 6, 2023 to file the settlement distribution motion.

I. BACKGROUND

By Order dated October 31, 2022 (ECF No. 242) ("Preliminary Approval Order"), the Court preliminarily approved the class action Settlement in this action and ordered a procedure for potential Settlement Class Members to submit settlement claims: "Settlement Class Members who wish to participate in the Settlement shall complete and submit Proofs of Claim.... All Proofs of Claim must be postmarked or submitted electronically no later than February 13, 2023." Preliminary Approval Order ¶12 (ECF No. 242).

When the Court granted final approval to the class action Settlement on March 6, 2023, its order provided a schedule for the Claims Administrator to consider and review submitted claims and for Lead Counsel to finalize and file a settlement distribution motion: (i) "[t]he Claims Administrator shall complete its review of submitted Proofs of Claim ... within 180 days of the Court's existing deadline for ... submit[ting] completed Proofs of Claim;" and (ii) "[w]ithin 30 days of the Claims Administrator's completion of its review of submitted claims, Lead Counsel shall submit a distribution motion ... to the Court...." Final Approval Order ¶¶19(a) and (b) (ECF No. 257).

Thus, pursuant to the Final Approval Order, the Claims Administrator must complete its review of the Proofs of Claim by approximately August 11, 2023, and Lead Counsel must thereafter file the distribution motion on or around September 8, 2023.

II. ARGUMENT

Lead Plaintiff requests a modest extension in these two deadlines because the Claims Administrator, whose staff has been working diligently to process claims, is still engaging with claimants whose claims it initially deemed deficient, providing those claimants with an opportunity to respond and/or otherwise perfect their claims. That process requires providing those claimants with sufficient time to consider and respond to the Claims Administrator.

As such, the Claims Administrator has informed Lead Counsel that, despite its best efforts to complete the review of all Proofs of Claim by the Court's deadline, the Claims Administrator requires additional time to complete the review. The Claims Administrator identified October 6, 2023 as the earliest date by which it can complete its review and audit—a date necessitated by the need to grant Settlement Class Members with deficient Proofs of Claim adequate time to respond with curative information. Declaration of Daniel Barenbaum in Support of Lead Plaintiffs' Unopposed Administrative Motion Pursuant to Civil L.R. 6-3 to Amend Schedule for Claims Determination and Distribution Motion ("Barenbaum Decl."), ¶¶2-4.

Then, in line with ¶19(b) of the Final Approval Order, Lead Plaintiff expects to file the settlement distribution motion approximately 30 days later—on or about November 6, 2023. This time extension will allow Lead Counsel to consider the Claims Administrator's results and gather and submit all information necessary for the Court's review of the distribution motion. Barenbaum Decl. ¶5.

This administrative motion is unopposed. Barenbaum Decl. ¶6. The parties do not believe that a stipulation is appropriate for this request, because, as the Settlement Notice issued pursuant to the Preliminary Approval Order notes, "Defendants, their respective counsel, and all other Defendants' Releasees will have no responsibility for, interest in, or liability whatsoever for ... the determination, administration, or calculation of Claims." Preliminary Approval Order (ECF

No. 242, Eh. A-1, at 22). The parties have not previously requested an extension of settlement administration deadlines, and the Court has not stated that further requests for extension will be denied.¹

Accordingly, Lead Plaintiff respectfully requests that the Court extend the deadline for the Claims Administrator to finish its review of submitted Proofs of Claim until October 6, 2023 and for Lead Counsel to file the distribution motion until November 6, 2023.

DATED: August 9, 2023

Respectfully submitted,

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By: /s/ Daniel E. Barenbaum
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¹ Over the life of this litigation, the parties requested extensions of unrelated pre-trial deadlines (ECF Nos. 62, 84, 115, 186, 188, 193, 226), which the Court granted (ECF Nos. 63, 85, 116, 187, 191, 194, 228).