

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 21-CV-61275-RAR**

**WENSTON DESUE**, *individually and  
as legal guardian of N.D. and M.D.  
and all others similarly situated,*

Plaintiff,

v.

**20/20 EYE CARE NETWORK, INC.**, *et al.*,

Defendants.

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**ORDER GRANTING JOINT MOTION FOR APPROVAL OF PLAN FOR  
DISTRIBUTION OF REMAINING SETTLEMENT FUNDS**

**THIS CAUSE** comes before the Court on the parties' Joint Motion for Approval of Plan for Distribution of Remaining Settlement Funds ("Joint Motion"), [ECF No. 103]. The Court having reviewed the Joint Motion, the record, and being otherwise fully advised, it is hereby

**ORDERED AND ADJUDGED** as follows:

1. The parties' Joint Motion is **GRANTED**.
2. Payment of settlement benefits to Class Members in accordance with the Order on Final Approval of Class Action Settlement, [ECF No. 100], have been made, amounts associated with the maximum number of identity monitoring enrollments have been tabulated and reserved, and funds remain available for distribution in the Net Settlement Fund due to uncashed checks and unclaimed digital payments. O. Castillejos Decl. ¶¶ 2-7, [ECF No. 103-1].
3. The Court finds that the unclaimed funds which are the subject of the Join Motion have been forfeited except as set forth herein and the remaining funds are available for distribution as set forth herein.

4. The parties' plan of distribution of remaining funds to the settlement is hereby **APPROVED** and shall be administered as follows:

a. All Class Members with an Approved Claim for payment who accepted such payment by depositing checks or accepting digital payments for such Approved Claim or who as of February 28, 2024 have requested re-issue of their settlement payments will receive an additional distribution (hereinafter "Qualifying Class Members"). Payment re-issue requests made by Class Members before February 28, 2024 shall be honored by the Settlement Administrator per the agreement of the parties.

b. In total, 20,425 Qualifying Class Members will receive an additional distribution in the amount of approximately \$14.55. O. Castillejos Decl. ¶ 10. Such payments shall be distributed by check or digital payment based on the Qualifying Class Member's prior election.

c. Payments to Qualifying Class Members shall be issued within thirty (30) days of the date of entry of this Order.

d. Qualifying Class Members receiving an additional distribution shall have ninety (90) days from the additional distribution payment issue date to deposit their check or accept their digital payment.

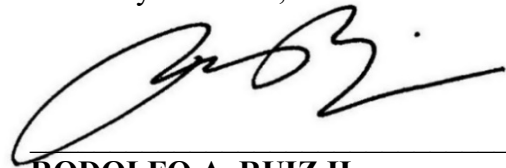
e. The Settlement Administrator shall hold in reserve an amount for Identity Monitoring enrollments consistent with the terms of the Settlement Agreement up to October 6, 2024 which shall be the final deadline for such Identity Monitoring enrollments.

f. Pursuant to the terms of the Settlement Agreement, Defendants shall pay all costs and expenses for administering the additional distribution outside the Net Settlement Fund.

g. Following the expiration of the 90-day period to negotiate the additional distribution payments, the Settlement Administrator shall distribute any funds remaining in the Net Settlement Fund from (a) unclaimed or uncashed additional distribution funds, and (b) Identity Monitoring enrollment opportunities not claimed, to the Florida Bar Foundation n/k/a Funding Florida Legal Aid (“FFLA”)<sup>1</sup> as the *cy pres* recipient agreed upon by the parties. The Settlement Administrator shall do so without further order of this Court. All remaining funds in the Net Settlement Fund shall be distributed either by additional distribution, payment for Identity Monitoring enrollments, or to the *cy pres* recipient no later than December 31, 2024.

5. The class members reflected on Plaintiffs’ Opt-Out List, submitted as part of Exhibit 1 to the Declaration of Orlando Castillejos, [ECF No. 103-1], shall not be bound by the terms of the parties’ Settlement Agreement.

**DONE AND ORDERED** in Miami, Florida, this 6th day of March, 2024.



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**RODOLFO A. RUIZ II**  
**UNITED STATES DISTRICT JUDGE**

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<sup>1</sup> See FUNDING FLORIDA LEGAL AID, available at <https://fundingfla.org> (last visited February 29, 2024).