
**CALCULATIONS FOR CASE STUDY SETTLEMENTS,
STRUCTURES, COSTS, AND DISTRIBUTIONS**

INTRODUCTION

In spite of the high level of precision found in the carefully chosen words used by attorneys drafting settlement agreements, and the centuries of Anglo-American jurisprudence that interpret and enforce such contracts, no standard taxonomy exists for those who attempt to understand how the terms and conditions contained in a settlement's complicated provisions affect the costs paid and compensation received by parties to litigation.

Class actions are certainly no exception to this observation. While the subtle nuances of what exactly is being promised when class counsel and the defendants' attorneys reach an agreement to end the litigation might be known to the parties (and hopefully to the judicial officer approving the settlement), it is often difficult for outsiders to understand *who is supposed to pay what to whom and when, and from what source, and for what in return*. Indeed, some attorneys make settlement provisions deliberately vague to provide greater latitude in interpreting claiming requirements, to avoid attracting the attention of those who might object to its terms, or to defer, until the distant future, confronting potentially thorny issues that could scuttle a hard-won resolution during the sensitive period prior to court approval.

Even when the terms are crafted in such a way as to make them as unambiguous as possible, the attorneys involved employ very different language from that used in provisions in other cases with similar intentions. For example, an "incentive payment" to representative plaintiffs in one case is a "direct award" in another; "settlement funds" sometimes include class counsel fees and costs and sometimes do not; "benefits available to the class" can include payments made to charities in some situations and in others refer only to the cash claimants might pocket; an order that the "defendant shall pay for the costs of administration" in one case means that the payments will be made by the defendant out of the common fund and, in another, that the defendant will handle

these expenditures separately and in addition to the fund set aside for compensation. In a sense, each class action settlement agreement is a unique work of art that defies easy categorization.

When we first attempted to organize the information from our ten cases in a manner that would allow us to compare the particular settlement provisions in a meaningful way, we were struck by the difficulty of merely assessing the total value of what was being offered to end the litigation. What is the real value to a class member of a discount coupon? How likely is it that “optional” funding contributions will be made years in the future? What has the class “lost” when personal injuries or deaths are involved? Is the value of the benefit conferred the total funds made available by defendants, or the total likely to be collected by class members? How much did class counsel really receive for their services when they were in turn required to make payments to others as part of the final order of approval?

Another difficult issue we confronted was how to define the case. Most of the class action lawsuits we studied did not take place in a litigation vacuum. Often, other class actions had been filed pertaining to the same circumstances that gave rise to the lawsuit that we selected for study; in some instances, individuals had filed lawsuits as well. Defendants’ costs to resolve all of the litigation associated with particular circumstances included the costs of these other suits as well as the costs of the lawsuit that was the subject of our analysis. Our solution to this problem was to limit our analysis to data pertaining to cases that were proximately related to the ultimate settlement in the lawsuit we selected. So, for example, our analysis of the *home siding* litigation incorporates information from the three lawsuits that were settled in *Sandpiper Village v. Louisiana-Pacific Corporation* (*Sandpiper*, *Hudlicky v. Louisiana-Pacific*, and *Matherly v. Louisiana-Pacific*), but not the information pertaining to *Anderson v. Louisiana-Pacific*, a Florida statewide class action that was settled about three months prior to the settlement in *Sandpiper*.

The most frustrating aspect of our efforts was the lack of systematic information about the cases. While we expected some difficulty in learning about the outside legal fees and costs incurred by defendants, we were surprised to find other aspects of the class action settlement agreement equally shrouded in mystery, given the responsibility of judges to approve any settlement and award fees based on the outcome. Ongoing reporting of settlement distribution details to the court was not always required or made publicly available. Information regarding the ancillary costs of providing compensation to the class, such as expenditures for settlement administration and notice, were sometimes documented publicly and sometimes not. In some of the latter instances, parties shared this information with us; in other instances, the details remain closely

held by the parties. In some cases, the pleadings offered support for the request for final approval of the settlement, and the settlement agreement itself clearly set forth the expectations of class counsel and the defendants regarding what most likely *could* be paid to the class as well as what would be the *most likely* aggregate level of claims. In other cases, the issue of what level of demand would be made upon the settlement fund was not broached by parties in court papers, apparently in an effort to present the agreement to the judge in the most favorable light. In one case, no one apparently ever stated how much the class might receive in the aggregate, even under the most optimistic assumptions. All of these problems make assessment of the value of settlements difficult or impossible, even in instances where the parties agree about what the settlement is trying to accomplish.

Some of the attorneys we contacted tried to dissuade us from comparing the terms of settlement in different cases. They variously argued that each case is unique, that the factors driving the parties to reach agreement do not translate well to a spreadsheet or summary table, and that the dispensation of civil justice should not be viewed in the same light as the manufacture and sale of products. Despite their concerns, the fact is that courts generally make comparisons similar to ours in their deliberations as to the fairness of a proposed settlement. The most obvious example of this is in the decision to award class counsel fees. With the percentage-of-fund method generally enjoying the greatest favor among judges, a real need exists for judicial officers to define exactly what makes up the fund on which fees will be calculated. Does the fund include all of defendants' expenditures required under the settlement or just those intended to compensate the class directly? Should it include coupons providing some level of discount for retail purchases, and if so, how should they be valued? Once the fund is defined, judges must decide whether the fees sought are reasonable, given the awards in similar class actions. Moreover, it is unreasonable to claim that competing settlement proposals in the same case, or an objector's criticism of terms in an agreement, cannot be evaluated in a systematic way simply because the matter involves a lawsuit. Such a position ignores the fact that class action settlement agreements are contracts and that even extremely complicated contracts are analyzed, dissected, and compared every business day.

What does *not* appear in the tables that follow is any valuation of the effect of the lawsuit on defendant practices, or of how it may have provided the initiative for new regulations or legislation, or whether it satisfied a class member's sense of justice and fair play. Although the main text discusses these possible outcomes, assigning a monetary value to them is highly imprecise and subject to competing claims even by class counsel and defendants who are jointly offering a settlement for a judge's approval.

APPROACH

Our calculations are based upon the assumption that the defendants bear the entire cost of the class action settlement. This assumption follows from the fact that the defendants are generally responsible for paying plaintiff attorney fees and costs (usually including the costs of notifying the class of initial certification), the settlement benefits to the class, and the expenses for settlement administration, notice of settlement and fairness hearings, and other items. In some instances, this assumption is not wholly accurate. For example, the class counsel may have agreed to pay one-third of a settlement to a third-party intervenor to eliminate a potential roadblock to final approval, with defendants agreeing to pay the other two-thirds. Some might view this contribution as the plaintiff attorney's uncompensated business expense, rather than as a part of the settlement agreement. On the other hand, the payment to the intervenor constituted a significant portion of the amount of fees and costs the class counsel collected from defendant and furthermore, without such payment, the case might not have been settled. We felt that it would be unfair to compare "percentage of fund" fees in this matter with those in other cases without using the fee award *excluding* this necessary expense of litigation. To account for these costs, we added the class counsel's contribution to our category for "other litigation costs and expense paid by defendants." The *total* paid by the defendant for class counsel fees and the intervenor settlement is the same regardless of how we view (or in what category we place) the class counsel's share of the payment. We used a similar approach when class counsel was responsible for paying the representative plaintiffs an incentive fee. These direct payments to the plaintiffs were shifted to the "other litigation costs" category and deducted from the class counsel award.

Another potential area of confusion concerns our characterization of all transactional costs or settlement benefits as being paid by defendants. Some settlements require the defendants to pay a flat amount into a fund, which in turn is used to pay the costs of settlement administration, notification to the class regarding the proposed settlement or claiming procedures, other expenses, the class counsel fees and expenses, and class member claims. Subsequent demands on this fund may be paid by an independent third-party settlement administrator and not technically by the defendants (who may no longer have any duties or responsibility to the class). However, the money originated with the defendants regardless of who actually wrote the check and we treat these costs as such. We have also been required occasionally to use estimates of future payments by defendants for the costs of administration and notice. In some instances, defendants made these estimates at the time of settlement approval but the actual amount expended over the life of the settlement is not publicly known (and the parties were not willing to share the true figure with

us). Rather than characterizing these costs as unknown, we have used the best publicly available figures as part of the defendants' overall payments to settle the class's claims.

The costs and compensation figures presented herein are not restricted only to those that are a direct result of the judicially approved settlement. We have attempted to include all costs paid or incurred that had an effect upon the ability of the parties to reach an agreement, that were spent to avoid or resolve challenges to a proposed settlement, or played a role in the size of the funds available to compensate the class. Thus, descriptions of some of these costs will not be found in the settlement agreement or in the order of approval. Such costs might include, for example, confidential payments to attorneys representing potential objectors or the satisfaction of the subrogation claims of third-parties.

To some extent, we are tied to the parties' own definitions of what the intended purposes were for their expenditures. For example, some of a defendant's estimated costs of notice of settlement might be characterized as administrative expenses if they involved providing claim forms to be used in the event of final approval of proposed agreement.

COSTS, BENEFITS, AND OTHER ADDITIONS AND SUBTRACTIONS GENERALLY NOT INCLUDED

Defendants' Own Legal Expenses

Keep in mind that we are not including, *except where clearly indicated*, the expenditures incurred by defendants for outside legal fees and costs. These expenditures are an important part of the costs of litigating and settling class actions but since we could only obtain this information for three of the case studies, we chose not to add them routinely to our transactions cost and settlement valuations. In the text, we present estimates of such costs for the other seven case studies, based on three different assumptions (see Chapter Fifteen). However, in our database, outside defense expenditures are not generally taken into account because they were not consistently available.

Arguably, just as important to a complete picture of class action costs are those costs incurred by defendants' own in-house counsel. While it appears that most defendants contracted with independent law firms to handle litigation duties associated with the class action, corporate counsel appeared to play an important role throughout the pendency of the lawsuit (as well as before and after). However, the costs for such internal legal services could not be determined, even in the cases where the defendants were willing and able to share information about other legal expenses they paid.

Other Transactional Costs and Settlement Benefits Not Included

The picture painted by the tables contained in this appendix do not include a number of other cost components of civil litigation. Other RAND ICJ research analyses of litigation costs have included the time and money expended by plaintiffs and defendants (individuals and employees of organizations and government agencies) as a result of talking with lawyers, experts, witnesses, court personnel and others; collecting information to assist in the lawsuit; traveling to and from law offices and courthouses; processing claims not related to specific litigation; and government expenditures related to the judicial system for judges' salaries, etc.¹ We could not estimate these costs from the data collected in our case studies.²

In most of our cases, obligations under the settlement terms were met within about the first year after final approval. In two cases, however, payments to claimants may take seven or more years to complete. This extended payment period, coupled with the size of the amounts in question, would suggest that a more precise way of viewing what was at stake at the time of settlement would be to discount the fund to a comparable net present value. This solution is somewhat problematic because in these two cases (*polybutylene plumbing pipes* litigation and *home siding* litigation), the actual rate at which the defendant would have to make payments into the compensation fund would vary depending on claimant demand and the defendants' desire to meet that demand.

In the *polybutylene pipes* case, defendants were to pay into the Consumer Plumbing Recovery Center (the administrative mechanism for compensation) on an ongoing, as-needed basis. The great uncertainty about the number of class members and the value of their claims would have made any calculations of net present value at the time of settlement highly speculative. In the *home siding* case, there was a structure anticipated at the time of settlement for defendant contributions. We have calculated a comparable net present value of the settlement, as it was originally structured, of between \$242 million and \$381 million, compared to minimum and maximum anticipated contributions of between \$275 million and \$475 million.³ The actual rate of defendant contributions into the siding compensation fund, however, is significantly greater than what was anticipated at the time of settlement (and so the net present value would be higher). Also, the settlement structure has undergone a number of changes recently that may affect the final numbers.⁴ For these reasons, and because the defendants' obligations in both cases have soft caps that may be breached when the dust finally settles, we do not use net present value figures in our costs and compensation analysis. Remember, however, that in both of the cases (and to a lesser extent in others), the fact that a significant portion of

the defendant's obligation might not come due for some time may have played a role in the decision to agree to a particular settlement structure.

In some of our cases, funds are paid into interest-bearing accounts prior to distribution to attorneys and claimants. Because we were usually unable to get detailed information about the interest paid into the accounts as well as the tax liabilities incurred, we ignore them in our analysis.

GENERAL ASSUMPTIONS

Our key assumption about the cost structure of these cases is that the *negotiated* value of a class action settlement at the time of final approval is the sum of the maximum potential settlement benefits available to the class members and the transaction costs⁵ incurred to obtain judicial approval of the settlement as well as to deliver the benefits. The *actual* value of such a settlement is the actual or *most likely projection* of the distribution of benefits plus the transaction costs.

Settlement Transaction Costs

We define "transaction costs" as the sum of payments defendants made to plaintiffs' attorneys (whether ordered by the court or paid voluntarily) and any settlement-related expenses also paid by defendants.⁶ In nearly all of our cases, we had no problem distinguishing between expenditures made to plaintiffs' attorneys and other costs. However, in the *blood products* litigation, a single \$40 million fund was created to pay all transaction costs, with the costs of administration and notice being drawn off first and the residual used to pay class counsel fees. As we went to press, the final accounting of this fund had not yet taken place and so we cannot say with certainty what the judge will eventually award to class counsel and other attorneys seeking compensation from this fund. We do know, informally, that as of September 1998 about \$3.5 million had been drawn from the fund for the costs of administration and notice. Thus, a maximum of about \$36.5 million is available for attorney compensation, and our calculations use \$36.5 million as the estimated plaintiffs attorney fees and costs. However, the final figure could be less.

Plaintiff Attorney Fees and Costs

These are costs to the defendants other than for settlement benefits or related administrative expenditures. Throughout this appendix we attempt to distinguish class counsel (whether actually appointed, putative, or de facto) in the matters that are the primary focus of our case studies from other plaintiff attor-

neys who also are an integral part of the story. The latter include attorneys representing intervenors and objectors as well as those who have brought competing or related class litigation (who may be named as class counsel but not in our primary case). The term “plaintiff attorneys” generally encompasses both our study case class counsel and all other attorneys receiving some sort of payment from the defendants (or, less commonly, from the class counsel in our primary case). Information about payments made to attorneys other than class counsel is not always available: Unlike court-ordered fees and costs to class counsel, settlements with attorneys representing individual plaintiffs are often confidential.

Costs for notice are amounts known to have been paid by plaintiff attorneys for notice given to the class of the initial certification order and informing them of any opt-out requirements. In some cases class counsel was responsible for underwriting the expenses of notice, but for various reasons the process of publicizing the order for certifying a trial class was delayed or deferred and a subsequent settlement made such notice unnecessary. “Costs for other than notice” are the more typical expenses of litigation (e.g., court fees, witness and expert fees, travel) reimbursed directly or indirectly by the defendant. In many instances, we were unable to distinguish what portion of plaintiff attorneys’ reimbursed costs was for notice.

Note that we consider class counsel’s “costs” as costs so defined and awarded by the court, or paid by the defendants (or the settlement fund). These costs may be less than the actual litigation expenditures incurred by class counsel.

We also were not always able to determine how much of the money received by the plaintiff attorneys was for their fees and how much was for expenses. Some final orders awarded class counsel a single undifferentiated amount to cover both fees and costs. A similar lump sum payment might also be made to plaintiff attorneys other than class counsel.

Settlement-Related Expenses

These expenses are direct costs to the defendants (or costs paid indirectly through a settlement fund) other than for settlement benefits or for plaintiff attorney fees and costs. Typically, these expenses are for administering the terms of the settlement, including establishing compensation facilities, reviewing submitted claims, and issuing checks or credits to accounts. They may also cover providing notice to the class that a settlement has been reached, informing members of the time period available to opt out of the class if members have not received a previous notice, giving details of an impending fairness hearing and the procedures for making objections, and explaining how claims are to be made. The distinctions between the costs of administration and no-

tice are often blurred, especially where notice of the right to opt out and instructions for claiming compensation from a fund are published simultaneously.

Information about such expenditures comes from a variety of sources. Ideally, these data are included as part of the ongoing process of reporting on the progress of distributing the settlement proceeds. In a number of cases, however, the defendants paid these costs separately from funding the common benefits and were not required to report them; we relied on their cooperation to obtain these figures. In some instances, the actual expenditures were not available but projections of what the defendants might pay for administration and notice were made or reported at the time the settlement was submitted for judicial approval. Such estimates may not prove accurate because they are usually based on the costs of handling the claims of the *entire* potential class, rather than on the smaller number of class members who may come forward.

In some cases, a portion of the settlement fund was set aside and made available to pay the costs of administration. Expenses would be extracted from the amount set aside and any funds remaining after final distribution might be paid to the class as benefits, shared with class counsel, contributed to charities, or returned to the defendants. In those cases where a final accounting has not been made (or was not made available to the public), we assumed that the entire amount of this fund would be used for administration.

Other costs and charges to defendants include all other expenses that are neither benefits to the class (or their substitutes) nor payments to plaintiff attorneys nor the defendants' administration or notice costs. Most often these are incentive payments to representative plaintiffs or intervenors, but we also include any fees or expenses paid to special masters who are tasked with reviewing the adequacy of the proposed settlement on behalf of the supervising judge.

NEGOTIATED SETTLEMENT BENEFITS

Generally

"Negotiated settlement benefits" refer to the value of any benefits made available, at the time of settlement approval, to the class (or others) as compensation for class member losses or claimed damages. This amount does not include any expenditures to attorneys or other transactional costs of the settlement and reflects what one might have expected to be the *maximum possible size of the aggregate distribution*.

What this figure encompasses differs somewhat from case to case. In some cases (*brokerage products, collateral protection insurance, chemical factory*), the

aggregate amount of benefits to be paid to successful claimants (or as automatic payments to class members) or other recipients was fixed at the time of settlement. The fund would be divided up into pro rata shares among all successful claimants. Thus, the negotiated settlement benefit was the size of the fund set aside for claims. In two cases (*insurance premium double rounding, cable TV late fee*), a predetermined, capped fund was also made available to the class but no pro rata distribution was anticipated. Here again, the negotiated settlement benefit was the size of the fund but not all of this fund necessarily would be used. In another case (*polybutylene pipes*), the defendants had agreed to pay claims as they were submitted but the total payments were capped, even if total demand on the fund exceeded its size. Defendants could refuse to pay more than their agreed-to maximum but had to pay all claims up to that amount. Accordingly, we used the maximum aggregate ceiling as the allocated settlement benefit. The situation was a little more complicated in the *home siding* litigation, since the defendant has the choice whether to make a number of additional payments into the compensation fund. Because all involved have a general expectation that all of these payments eventually will be made, we have used the sum of both mandatory and optional funding as our maximum benefit allocation.

In other cases, however, no maximum preset cap to defendants' expenditures exists, and they have essentially agreed to pay all claims received. Nevertheless, we sometimes were still able to calculate a maximum exposure. In the *blood products* case, the number of class members who appeared to have valid claims at the time of the settlement is used to calculate the compensation benefit since the number of eventually successful claimants by definition had to be a subset of this group. In another case (*contact lens pricing*), we used the parties' own estimates of the total allocated settlement benefits, though conceivably the final amount of paid claims could exceed this estimate. In the *credit life insurance* case, no information was provided to the court (as far as we could determine) as to the amount the defendant was agreeing to pay in the aggregate.

Because compensation funds can involve a significant amount of money that is not used for quite some time, they are sometimes deposited in bank accounts and drawn upon as needed. We do not include in the negotiated settlement benefit any interest accrued from these accounts, any taxes paid on such interest, or any costs of administration (if we can identify such costs) expended towards handling either interest or related taxes.

Cash and Noncash Benefits

In all of our cases save two, all of the compensation that was to be paid to class members was in the form of "cash" (typically in negotiable checks or account

credit). In the *contact lens pricing* litigation, in addition to cash compensation, each claimant would receive a coupon giving a discount on future purchases of selected products. Since the amount of the discount was equal to the cash compensation received, the coupons were potentially a significant amount of the total benefit package. However, the true value of such retail coupons as settlement compensation has been called into question in a number of cases, so we separate cash and noncash benefits. Coupons were also issued, to a far lesser extent, in the *credit life insurance* settlement. Claimants for whom it was impossible to confirm the purchase of the policies in question were issued a 10 percent discount coupon for future purchases in the defendants' stores. However, these discounts were issued more as gestures of goodwill to unsuccessful claimants (who would have received nothing had they failed the claiming process in our other case studies) and do not appear to have been perceived by parties as class compensation. Apparently the parties never expected to issue a significant number of these coupons and so we do not include an estimate of their value.

Direct and Indirect Benefits

The bulk of the compensation offered in our case studies was to be given directly to class members. In a number of instances, however, defendants made payments to nonparties as disgorgement of allegedly illegal gains, to forestall objections to settlement approval advanced by intervenors or others, or to enhance the value of the proposed compensation offered to class members by settling third-party claims. In the *insurance premium double rounding* case, defendants and class counsel ended an intervention initiated by the State of Texas by making a \$2 million contribution to a consumer education fund. In the *blood products* case, defendants paid off about \$35 million in possible subrogation claims that might have canceled out the benefits for some class members. In the *chemical factory* case, the defendants made a \$1 million donation to a local charity in lieu of allowing class members the right to opt out and sue for punitive damages.

We have termed these payments "indirect" settlement benefits because they are not paid to class members per se but serve some settlement-related interest. Such expenses should be distinguished from cy pres uses of unused portions of the compensation fund; these contributions may also be paid to charities or other third parties in lieu of compensation to class members, but are typically an accounting tool to compensate for claimants not cashing issued checks, accounts' closing prior to being credited with the settlement benefits, or the failure of class members to initiate or complete the claiming process.⁷

DISTRIBUTION OF SETTLEMENT BENEFITS ALLOCATED TO CLASS

Generally

In some of our cases, we know at the outset how much cash will be distributed to the class. In *brokerage products*, *collateral protection insurance*, and the *chemical factory* litigation, every dollar of the negotiated settlement direct cash benefits will be divided up, using various formulas, among successful claimants.⁸ In the remainder of our cases, we are dependent either on published reports of settlement distribution or on the cooperation of the parties because the actual aggregate claiming demand may well be less than the negotiated settlement benefits.

In these seven cases, less-than-100 percent claiming has different effects, depending on how the settlement distribution was structured. In the *cable TV late fee* litigation, the defendant paid the settlement amount into a separate fund administered by a third party. Any amount in this fund left over after the claiming period ended and all other costs were deducted was to be donated to nonprofit organizations approved by the court, a “cy pres” distribution of the remainder. In the *home siding* litigation, all undistributed amounts in the compensation fund revert to the defendants when the settlement administrator decides no more claims are likely to be made. Unlike these two cases, other settlements have the defendants controlling the distribution of money at all times so there really never is any unused balance to be redirected to the defendant (as a reversion) or anyone else (as a cy pres distribution). In *polybutylene pipes*, the defendants simply pay claims as they come in. The \$950 million soft cap is not a fund per se, but only a limit to what they have agreed ultimately to spend. If only \$750 million in claims is received and paid, for example, there is no multi-million dollar refund due anybody. On the other hand, the settlement was approved with the understanding that its benefits to the class were “worth” \$950 million. In the hypothetical presented, the ultimate settlement payout would be “worth” \$200 million less than that anticipated in the proposed agreement. The defendants would not get anything back because they never spent the whole amount, but they would wind up buying global peace at a reduced price. In one sense, this price reduction is the same as the undistributed amounts in the fund described in *home siding*, and we treat these “reversions” identically.

We used a similar reasoning in our figures for *blood products*. At the time of settlement, the defendants thought that under the worst-case scenario they would have to pay 6500 claims worth \$100,000 each. They agreed to the settlement because 6500 claims appeared valid (without further inspection), they knew that no new claims would be allowed, and the maximum potential demand on their assets was acceptable. At the present time, though, 300 of those claims appear to be duplicates and will not be paid. Thus, the defendants will

“receive” a reversion (or refund) of \$30 million from the maximum potential settlement value since the ultimate number of claims did not meet expectations.

The *insurance premium double rounding* settlement has a mix of these approaches, depending on what particular subgroup a class member was in. There was one allocation of settlement benefits for a combined Groups 1 and 2 and another for Group 3. If not all of the claim allocation in Group 3 was used, the defendant would keep any amount remaining (as in *polybutylene pipes*, the defendants made payments only as needed) and we are able to calculate a remainder to the defendants for that group (because we know the approximate amount of money actually distributed). The tiny remainder from the automatic payment scheme in Groups 1 and 2, if any, would be used for special master costs (a type of settlement-related expense) and any left after that would go to charity as a cy pres distribution (similar to *cable TV late fees*).

These sorts of calculations were not possible for our remaining two cases. The defendant in *credit life insurance* made payments as needed and we would normally calculate a reversion using the difference between the actual distribution and the maximum potential aggregate compensation claimed at the time the settlement was presented for final approval. Unfortunately, while we know (from the defendants) how much was distributed, we do not know how much in total was on the table at the time of settlement. In *contact lens pricing*, the opposite is true. The parties to the agreement were quick to point out what the potential payout might be when they submitted the settlement for approval, but they kept the details regarding eventual distribution to themselves. We did, however, attempt to estimate how much the company thought it might have to pay out based on its SEC filings.⁹

Because of the problem with placing a value on coupons, we report settlement benefit distribution, cy pres redirection, and reversion to the defendants only for actual cash benefits. This coupon valuation reporting would be a significant issue in only one case, *contact lens pricing*, but since the parties would not share their ultimate distribution figures with us, as a practical matter it did not affect any calculations. There is a “coupon” component in the *credit life premium* case but since these 10-percent-off certificates were only given as a goodwill gesture to possible class members whose claims were inadequately documented (and who in other cases would receive nothing), we do not include them in our settlement valuation.

As we did in calculating maximum potential allocated settlement benefits, we did not include in the distribution figures the amount of interest accrued in settlement fund accounts, any taxes paid on such interest, or any costs of administration expended towards handling either interest or related taxes.

Reported Versus Projected

Unlike settlement benefits directly intended for the class, indirect benefit payments are usually made relatively soon after the settlement is finalized. Because of this, we assume that the contributions intended for charitable organizations or other third parties as indirect benefits were indeed made as agreed or anticipated, even in cases where the distribution of benefits to class members is still ongoing.

In these cases where the final distribution will take place after we have gone to press, we attempted to estimate how much will eventually be distributed to the class. In some instances, we assumed that a relatively tiny amount of leftover checks that had not yet been cashed or delivered would eventually find their way to the rightful owners. In *blood products*, we assumed, as do the parties in the case, that all remaining class members with currently valid claims will be paid.

Estimating projected amounts in *home siding* and *polybutylene pipes* was more problematic. Many claims will not be made against the settlement fund in these cases for years and the ultimate magnitude of the payout is currently unknown. However, we assumed that since \$457 million worth of claims already had been submitted and inspected by September 1998 for *home siding* compensation (even though additional claims could conceivably come in through at least the year 2002), the total of mandatory and optional funding of \$475 million would eventually be exhausted. In *polybutylene pipes*, it is generally expected that the ultimate amount of claims will be at or near the allocated settlement benefit cap.

Table E.1 summarizes all these data for all ten class actions. These data provide the basis for figures and tables in Chapter Fifteen. Tables E.2–E.11 repeat these figures and provide additional details for each of our cases.

Table E.1 (continued)

Line #	Description	Contact Lens Pricing	Bank Brokerage Product	Collateral Insurance	Cable TV Late Fee	Credit Life Insurance Premium Over-charging	Insurance Premium Double Rounding	Blood Clotting Products for Hemo-philias	Toxic Chemical Factory	Oriented Strand Board Home Siding	Poly-butylene Plumbing Pipes
A2.132	Class counsel's costs for notice awarded/paid (\$M)	0.148	—	—	—	—	—	—	3.100	—	—
A2.133	Class counsel's costs for other than notice awarded/paid (\$M)	0.352	0.454	—	0.063	—	1.605	—	4.600	—	—
A2.2	Total known fees and costs awarded or paid to other plaintiffs attorneys (\$M)	Unknown	Unknown	0.350	0.009	Unknown	—	Unknown	—	1.100	8.400
A3	Total known costs to defendants for settlement-related expenses (\$M) (total, lines A3.1, A3.2)	Unknown	0.745	0.362	0.051	0.300	1.175	3.500	0.500	19.946	121.048
A3.1	Costs to defendants for administration and notice (\$M) (total, lines A3.1.1, A3.12, A3.13)	Unknown	0.700	0.350	0.049	0.300	1.010	3.500	0.500	18.900	114.000
A3.11	Costs to defendants for administration and notice, undifferentiated (\$M)	Unknown	—	0.350	—	—	1.010	3.500	Unknown	—	—
A3.12	Costs to defendants for administration (\$M)	Unknown	0.562	Unknown	0.049	0.175	Unknown	Unknown	0.500	14.000	84.000
A3.13	Costs to defendants for notice (\$M)	Unknown	0.138	Unknown	Unknown	0.125	Unknown	Unknown	Unknown	4.900	30.000
A3.2	Other costs and charges to defendants (\$M) (not including settlement benefits)	Unknown	0.045	0.012	0.003	—	0.165	Unknown	—	1.046	7.048

Table E.1 (continued)

Line #	Description	Contact Lens Pricing	Bank Brokerage Product Insurance	Collateral Protection Insurance	Cable TV Late Fee	Credit Life Insurance Premium Over-charging	Insurance Premium Double Rounding	Blood Clotting Products for Hemo-philias	Toxic Chemical Factory	Oriented Strand Board Home Siding	Poly-burylene Plumbing Pipes
SECTION B: NEGOTIATED SETTLEMENT BENEFITS											
B	Negotiated direct and indirect settlement benefits (\$M) (total, lines B1, B2)	67.000	11.232	7.868	0.929	Unknown	27.235	685.000	26.175	470.054	838.000
B1	Settlement benefits not directly allocated to class (\$M)	—	—	—	—	—	2.000	35.000	1.000	—	—
B2	Total settlement benefits allocated to class members (\$M) (total, lines B2.1, B2.2)	67.000	11.232	7.868	0.929	Unknown	25.235	650.000	25.175	470.054	838.000
B2.1	Noncash benefits allocated to class members (\$M)	33.500	—	—	—	—	—	—	—	—	—
B2.2	Cash benefits allocated to class (\$M)	33.500	11.232	7.868	0.929	Unknown	25.235	650.000	25.175	470.054	838.000
SECTION C: DEFENDANT'S LEGAL FEES AND COSTS											
C	Outside defense fees and costs (\$M)	Unknown	5.000	Unknown	Unknown	0.115	4.487	Unknown	Unknown	Unknown	Unknown
SECTION D: AGGREGATE CLASS LOSS AND SIZE											
D1	Total loss (\$M)	Unknown	34,900	Unknown	7.260	Unknown	41.127	Unknown	Unknown	Unknown	Unknown
D2	Class size	1,250,000	60,000	60,379	Unknown	Unknown	4,401,817	6,500	3,931	808,000	Unknown
SECTION E: REPORTED DISTRIBUTION OF SETTLEMENT BENEFITS ALLOCATED TO CLASS											
E1	Reported number of claims paid	Unknown	7,595	56,506	7,629	5,940	1,550,221	4,364	3,931	37,781	395,969
E2	Reported cash disbursed to class (\$M)	9.175	11.232	7.583	0.271	0.272	8.914	436.400	25.175	165.000	567.538
E3	Cy pres, based on reported cash disbursement (\$M)	—	—	0.285	0.657	—	0.319	—	—	—	—

Table E.1 (continued)

Line #	Description	Contact Lens Pricing	Bank Brokerage Product	Collateral Insurance	Cable TV Late Fee	Credit Life Insurance Premium Over-charging	Insurance Premium Double Rounding	Blood Clotting Products for Hemo-philias	Toxic Chemical Factory	Oriented Strand Board Home Siding	Poly-butylene Plumbing Pipes
E4	Cash reversion to defendant(s), based on reported cash disbursement (\$M)	24.325	—	—	—	Unknown	16.003	213.600	—	305,054	270,462
SECTION F: PROJECTED FINAL DISTRIBUTION OF SETTLEMENT BENEFITS ALLOCATED TO CLASS											
F1	Projected final number of claims paid	Unknown	7,595	60,195	7,629	5,940	1,550,221	6,200	3,931	Unknown	Unknown
F2	Projected final cash disbursed to class (\$M)	9.175	11.232	7.868	0.271	0.272	8.914	620,000	25.175	470,054	838,000
F3	Cy pres, based on projected cash disbursement (\$M)	—	—	—	0.657	—	0.319	—	—	—	—
F4	Cash reversion to defendant(s), based on projected cash disbursement (\$M)	24.325	—	—	—	Unknown	16.003	30.000	—	—	—
SECTION G: TYPICAL CLASS MEMBER LOSS, ALLOCATED BENEFIT, AND PAYOUT											
G1	Average loss per class member	Unknown	\$581.67	Unknown	Unknown	\$1.92	\$9.34	Unknown	Unknown	Unknown	Unknown
G2	Average allocated direct cash benefit per class member	\$26.80	\$187.20	\$130.31	Unknown	Unknown	\$5.73	\$100,000.00	\$6,404.22	\$581.75	Unknown
G3	Average allocated direct/indirect cash/credit benefit per class member	\$53.60	\$187.20	\$130.31	Unknown	Unknown	\$6.19	\$105,384.62	\$6,658.61	\$581.75	Unknown
G4	Average known cash payout per claiming class member	Unknown	\$1,478.89	\$134.20	\$35.58	\$45.79	\$5.75	\$100,000.00	\$6,404.22	\$4,367.27	\$1,433.29
G5	Average projected cash payout per claiming class member	Unknown	\$1,478.89	\$130.71	\$35.58	\$45.79	\$5.75	\$100,000.00	\$6,404.22	Unknown	Unknown

Table E.1 (continued)

Line #	Description	Contact Lens Pricing	Bank Brokerage Product	Collateral Protection Insurance	Cable TV Late Fee	Credit Life Insurance Premium Over-charging	Insurance Premium Double Rounding	Blood Clotting Products for Hemo-philias	Toxic Chemical Factory	Oriented Strand Board Home Siding	Poly-butylene Plumbing Pipes
SECTION H: NEGOTIATED TOTAL SETTLEMENT VALUE AT TIME OF AGREEMENT											
H1	Maximum potential value of settlement (\$M) (total, lines A, B)	75.500	17.200	10.500	1.500	Unknown	39.698	725.000	51.575	516.300	1,042.448
H2	Maximum potential cash value of settlement (excluding noncash benefits) (\$M) (total, lines A, B1, B2.2)	42.000	17.200	10.500	1.500	Unknown	39.698	725.000	51.575	516.300	1,042.448
H3	Maximum potential direct cash value of settlement(excluding noncash and indirect) (\$M) (total, lines A, B2.2)	42.000	17.200	10.500	1.500	Unknown	37.698	690.000	50.575	516.300	1,042.448
SECTION I: ACTUAL AND PROJECTED SETTLEMENT EXPENDITURES											
I1	Reported cash disbursed, cy pres, and indirect benefits (\$M) (total lines E2, E3, B1)	9.175	11.232	7.868	0.929	0.272	11.232	471.400	26.175	165.000	567.538
I2	Projected cash disbursed, cy pres and indirect benefits (\$M) (total lines F2, F3, B1)	9.175	11.232	7.868	0.929	0.272	11.232	655.000	26.175	470.054	838.000
I3	Reported total cash settlement expenditures (reported cash disbursed, cy pres, indirect benefits, and transaction costs (excluding own legal)) (\$M) (total, lines I1, A)	17.675	17.200	10.500	1.500	1.152	23.695	511.400	51.575	211.246	771.986

Table E.1 (continued)

Line #	Description	Contact Lens Pricing	Bank Brokerage Product	Collateral Insurance	Cable TV Late Fee	Credit Life Insurance Premium Over-charging	Insurance Premium Double Rounding	Blood Clotting Products for Hemo-philias	Toxic Chemical Factory	Oriented Strand Board Home Siding	Poly-butyene Plumbing Pipes
14	Projected total cash settlement expenditures (projected cash disbursed, cy pres, indirect benefit, and transaction costs (excluding own legal)) (\$M) (total, lines I2, A)	17.675	17.200	10.500	1.500	1.152	23.695	695.000	51.575	516.300	1,042.448
15	Reported class-related direct cash settlement pay-out (reported cash disbursed (excluding cy pres or indirect benefits) and transaction costs excluding own legal)) (\$M) (total, lines E2, A)	17.675	17.200	10.215	0.843	1.152	21.377	476.400	50.575	211.246	771.986
16	Projected class-related direct cash settlement pay-out (projected cash disbursed (excluding cy pres or indirect benefits) and transaction costs excluding own legal)) (\$M) (total, lines E2, A)	17.675	17.200	10.500	0.843	1.152	21.377	660.000	50.575	516.300	1,042.448
SECTION J: DEFENDANT'S OUTSIDE LEGAL FEES AND COSTS											
J1	'Real' defendant transaction costs, known (transaction costs plus known outside defense) (line A + line C)	Unknown	10.968	Unknown	Unknown	0.995	16.950	Unknown	Unknown	Unknown	Unknown

Table E.1 (continued)

Line #	Description	Contact Lens Pricing	Bank Brokerage Product	Collateral Protection Insurance	Cable TV Late Fee	Credit Life Insurance Premium Over-charging	Insurance Premium Double Rounding	Blood Clotting Products for Hemo-philias	Toxic Chemical Factory	Oriented Strand Board Home Siding	Poly-butylene Plumbing Pipes
J2	Estimated outside defense fees and costs #1; uses 20% of class counsel's fees and costs (line A2.1) if unknown or actual (line C) if known (\$M)	1.700	5.000	0.384	0.102	0.115	4.487	7.300	4.980	5.040	15.000
J3	Estimated outside defense fees and costs #2; uses 40% of class counsel's fees and costs (line A2.1) if unknown or actual (line C) if known (\$M)	3.400	5.000	0.768	0.204	0.115	4.487	14.600	9.960	10.080	30.000
J4	Estimated outside defense fees and costs #3; uses 100% of class counsel's fees and costs (line A2.1) if unknown or actual (line C) if known (\$M)	8.500	5.000	1.920	0.511	0.115	4.487	36.500	24.900	25.200	75.000
J5	Projected 'real' total cash settlement expenditures #1 (projected cash settlement expenses plus outside defense; uses 20% of class counsel fees and costs if unknown) (line I4 + line J2)	19.375	22.200	10.884	1.602	1.267	28.182	702.300	56.555	521.340	1,057.448
J6	Projected 'real' total cash settlement expenditures #2 (projected cash settlement expenses plus outside defense; uses 40% of class counsel fees and costs if unknown) (line I4 + line J3)	21.075	22.200	11.268	1.704	1.267	28.182	709.600	61.535	526.380	1,072.448

Table E.1 (continued)

Line #	Description	Contact Lens Pricing	Bank Brokerage Product	Collateral Insurance	Cable TV Late Fee	Credit Life Insurance Premium Over-charging	Insurance Premium Double Rounding	Blood Clotting Products for Hemo-philias	Toxic Chemical Factory	Oriented Strand Board Home Siding	Poly-butylene Plumbing Pipes
J7	Projected 'real' total cash settlement expenditures #3 (projected cash settlement expenses plus outside defense; uses 100% of class counsel fees and costs if unknown) (line I4 + line J4)	26.175	22.200	12.420	2.011	1.267	28.182	731.500	76.475	541.500	1,117.448
J8	Projected 'real' class-related direct cash settlement payout #1 (projected class-related direct cash payout plus outside defense; uses 20% of class counsel if unknown)(line I6 + line J2)	19.375	22.200	10.884	0.945	1.267	25.864	667.300	55.555	521.340	1,057.448
J9	Projected 'real' class-related direct cash settlement payout #2 (projected class-related direct cash payout plus outside defense; uses 40% of class counsel if unknown)(line I6 + line J3)	21.075	22.200	11.268	1.047	1.267	25.864	674.600	60.535	526.380	1,072.448
J10	Projected 'real' class-related direct cash settlement payout #3 (projected class-related direct cash payout plus outside defense; uses 100% of class counsel if unknown) (line I6 + line J4)	26.175	22.200	12.420	1.354	1.267	25.864	696.500	75.475	541.500	1,117.448

Table E.1 (continued)

Line #	Description	Contact Lens Pricing	Bank Brokerage Product	Collateral Protection Insurance	Cable TV Late Fee	Credit Life Insurance Premium Over-charging	Insurance Premium Double Rounding	Blood Clotting Products for Hemo-philias	Toxic Chemical Factory	Oriented Strand Board Home Siding	Poly-butylene Plumbing Pipes
SECTION K: DATA USED IN FIGURES AND TABLES											
<i>Table 15.5—Amount of Compensation Collected by Class</i>											
K1.1	Reported cash disbursed to class (\$M) (line E2)	9.175	11.232	7.583	0.271	0.272	8.914	436.400	25.175	165.000	567.538
K1.2	Projected final cash disbursed to class (\$M) (line F2)	9.175	11.232	7.868	0.271	0.272	8.914	620.000	25.175	470.054	838.000
K1.3	Average known cash payout per claiming class member (line G4)	Unknown	\$1,478.89	\$134.20	\$35.58	\$45.79	\$5.75	\$100,000	\$6,404.22	\$4,367.27	\$1,433.29
K1.4	Average projected cash payout per claiming class member (line G5)	Unknown	\$1,478.89	\$130.71	\$35.58	\$45.79	\$5.75	\$100,000	\$6,404.22	Unknown	Unknown
<i>Table 15.7—Amounts Awarded to Class Counsel for Fees and Expenses Compared to Average Cash Payment to Class Members</i>											
K2.1	Total class counsel's fees and costs (\$M)(line A2.1)	8.500	5.223	1.920	0.511	0.580	11.288	36.500	24.900	25.200	75.000
K2.2	Average known cash payout per claiming class member (line G4)	Unknown	\$1,478.89	\$134.20	\$35.58	\$45.79	\$5.75	\$100,000.00	\$6,404.22	\$4,367.27	\$1,433.29
K2.3	Average projected cash payout per claiming class member (line G5)	Unknown	\$1,478.89	\$130.71	\$35.58	\$45.79	\$5.75	\$100,000.00	\$6,404.22	Unknown	Unknown
<i>Table 15.8—Price Tag to Resolve the Ten Class Actions, Not Including Defendants' Own Legal Fees</i>											
K3.1	Reported total cash settlement expenditures (reported cash disbursed, cy pres, indirect benefits, and transaction costs excluding own legal) (\$M) (line I3)	17.675	17.200	10.500	1.500	1.152	23.695	511.400	51.575	211.246	771.986

Table E.1 (continued)

Line #	Description	Contact Lens Pricing	Bank Brokerage Product	Collateral Protection Insurance	Cable TV Late Fee	Credit Life Insurance Premium Overcharging	Insurance Premium Double Rounding	Blood Clotting Products for Hemophilias	Toxic Chemical Factory	Oriented Strand Board Home Siding	Polybutylene Plumbing Pipes
K3.2	Projected total cash settlement expenditures (projected cash disbursed, cy pres, indirect benefits, and transaction costs excluding own legal) (\$M) (line 14)	17.675	17.200	10.500	1.500	1.152	23.695	695.000	51.575	516.300	1,042.448
K3.3	Total known transaction costs paid by defendants (\$M) (line A)	8.500	5.968	2.632	0.571	0.880	12.463	40.000	25.400	46.246	204.448
<i>Figure 15.1—What Defendants Agreed to Pay to Compensate Class Members</i>											
K4.1	Total settlement benefits allocated to class members (\$M) (line B2)	67.000	11.232	7.868	0.929	Unknown	25.235	650.000	25.175	470.054	838.000
K4.2	Cash benefits allocated to class (\$M) (line B2.2)	33.500	11.232	7.868	0.929	Unknown	25.235	650.000	25.175	470.054	838.000
<i>Figure 15.2—How Promised Compensation to Class Members Compared to Estimated Losses</i>											
K5.1	Percent cash benefits allocated to class of total loss (line B2.2 / line D1)	Unknown	32.2%	Unknown	12.8%	Unknown	61.4%	Unknown	Unknown	Unknown	Unknown
<i>Figure 15.3—What Proportion of the Compensation Fund Class Members Received</i>											
K6.1	Percent reported cash disbursed of cash allocation to class (line E2 / line B2.2)	27.4%	100.0%	96.4%	29.2%	Unknown	35.3%	67.1%	100.0%	35.1%	67.7%
K6.2	Percent projected cash disbursed of cash allocation to class (line F2 / line B2.2)	27.4%	100.0%	100.0%	29.2%	Unknown	35.3%	95.4%	100.0%	100.0%	100.0%

Table E.1 (continued)

Line #	Description	Contact Lens Pricing	Bank Brokerage Product	Collateral Protection Insurance	Cable TV Late Fee	Credit Life Insurance Premium Over-charging	Insurance Premium Double Rounding	Blood Clotting Products for Hemophilia	Toxic Chemical Factory	Oriented Strand Board Home Siding	Poly-burylene Plumbing Pipes
<i>Figure 15.4—Class Counsel Fees and Expenses as a Percentage of Negotiated Settlement Value</i>											
K7.1	Percent class counsel fees and costs of maximum potential settlement value (line A2.1 / line H1)	11.3%	30.4%	18.3%	34.1%	Unknown	28.4%	5.0%	48.3%	4.9%	7.2%
K7.2	Percent class counsel fees and costs of maximum potential settlement cash value (line A2.1 / line H2)	20.2%	30.4%	18.3%	34.1%	Unknown	28.4%	5.0%	48.3%	4.9%	7.2%
<i>Figure 15.5—Class Counsel Fees and Expenses as a Percentage of Actual Settlement Value</i>											
K8.1	Percent class counsel fees and costs of projected total cash settlement expenditures (line A2.1 / line I4)	48.1%	30.4%	18.3%	34.1%	50.3%	47.6%	5.3%	48.3%	4.9%	7.2%
<i>Figure 15.6—Class Counsel's Share of Sum of Class Benefits and Attorney Fees Compared to Plaintiff Attorney Shares in Other Civil Cases</i>											
K9.1	Percent class counsel fees and costs of (sum of class counsel fees and cost plus reported cash disbursed to class) (line A2.1 / (lines A2.1 + E2))	48.1%	31.7%	20.2%	65.3%	68.1%	55.9%	7.7%	49.7%	13.2%	11.7%
K9.2	Percent class counsel fees and costs of (sum of class counsel fees and cost plus projected cash disbursed to class) (line A2.1 / (lines A2.1 + F2))	48.1%	31.7%	19.6%	65.3%	68.1%	55.9%	5.6%	49.7%	5.1%	8.2%

Table E.1 (continued)

Line #	Description	Contact Lens Pricing	Bank Brokerage Product	Collateral Protection Insurance	Cable TV Late Fee	Credit Life Insurance Premium Over-charging	Insurance Premium Double Rounding	Blood Clotting Products for Hemo-philias	Toxic Chemical Factory	Oriented Strand Board Home Siding	Poly-burylene Plumbing Pipes
<i>Figure 15.7—Proportion of the Settlement, Excluding Defendants' Own Legal Fees and Expenses, Attributable to Transaction Costs</i>											
K10.1	Percent settlement transaction costs of reported total cash settlement expenditures (line A / line I3)	48.1%	34.7%	25.1%	38.1%	76.4%	52.6%	7.8%	49.2%	21.9%	26.5%
K10.2	Percent settlement transaction costs of projected total cash settlement expenditures (line A / line I4)	48.1%	34.7%	25.1%	38.1%	76.4%	52.6%	5.8%	49.2%	9.0%	19.6%
<i>Figure 15.8—Components of Transaction Costs Paid by Defendants</i>											
K11.1	Percent outside defense of 'real' defendant transaction costs (known) (line C / line J1)	Unknown	45.6%	Unknown	Unknown	11.6%	26.5%	Unknown	Unknown	Unknown	Unknown
K11.2	Percent plaintiff attorneys' fees and expenses of 'real' defendant transaction costs (known) (line A2 / line J1)	Unknown	47.6%	Unknown	Unknown	58.3%	66.6%	Unknown	Unknown	Unknown	Unknown
K11.3	Percent defendant's known costs of administrative, notice, and other expenses of 'real' defendant transaction costs (known) (line A3 / line J1)	Unknown	6.8%	Unknown	Unknown	30.2%	6.9%	Unknown	Unknown	Unknown	Unknown
<i>Figure 15.9—How Many Cents on Each Dollar Paid by Defendants (Excluding Their Own Legal Fees and Expenses) Went to Class Members</i>											
K12.1	Percent reported cash disbursed of reported total cash settlement expenditures (line E2 / line I3)	51.9%	65.3%	72.2%	18.1%	23.6%	37.6%	85.3%	48.8%	78.1%	73.5%

Table E.1 (continued)

Line #	Description	Contact Lens Pricing	Bank Brokerage Product	Collateral Insurance	Cable TV Late Fee	Credit Life Insurance Premium Over-charging	Insurance Premium Double Rounding	Blood Clotting Products for Hemo-philias	Toxic Chemical Factory	Oriented Strand Board Home Siding	Poly-burylene Plumbing Pipes
K12.2	Percent projected cash disbursed of projected total cash settlement expenditures (line F2 / line I4)	51.9%	65.3%	74.9%	18.1%	23.6%	37.6%	89.2%	48.8%	91.0%	80.4%
<p><i>Figure 15.10—Class Members' Proportion of Estimated Total Payout, Compared to Plaintiffs' Portion of Payout in Other Civil Cases</i></p>											
K13.1	Percent projected cash disbursed to class of projected class-related direct cash settlement payout #1 (substitutes 20 percent of class counsel's fees and expenses for defendants' legal costs if unknown)(line F2 / line J8)	47.4%	50.6%	72.3%	28.7%	21.5%	34.5%	92.9%	45.3%	90.2%	79.2%
K13.2	Percent projected cash disbursed to class of projected class-related direct cash settlement payout #2 (substitutes 100 percent of class counsel's fees and expenses for defendants' legal costs if unknown)(line F2 / line J10)	35.1%	50.6%	63.3%	20.1%	21.5%	34.5%	89.0%	33.4%	86.8%	75.0%
K13.3	Percent projected cash disbursed to class of projected total cash settlement expenditures #1 (substitutes 20 percent of class counsel's fees and expenses for defendants' legal costs if unknown)(line F2 / line J5)	47.4%	50.6%	72.3%	16.9%	21.5%	31.6%	88.3%	44.5%	90.2%	79.2%

Table E.1 (continued)

Line #	Description	Contact Lens Pricing	Bank Brokerage Product	Collateral Protection Insurance	Cable TV Late Fee	Credit Life Insurance Premium Over-charging	Insurance Premium Double Rounding	Blood Clotting Products for Hemo-philias	Toxic Chemical Factory	Oriented Strand Board Home Siding	Poly-butylene Plumbing Pipes
K13.4	Percent projected cash disbursed to class of projected total cash settlement expenditures #2 (substitutes 100 percent of class counsel's fees and expenses for defendants' legal costs if unknown)(line F2 / line I7)	35.1%	50.6%	63.3%	13.5%	21.5%	31.6%	84.8%	32.9%	86.8%	75.0%
<i>Table S.3—Total Compensation Offered and Collected by Class Members, and Average Cash Payments</i>											
K14.1	Cash benefits allocated to class (\$M) (line B2.2)	33.500	11.232	7.868	0.929	Unknown	25.235	650.000	25.175	470.054	838.000
K14.2	Noncash benefits allocated to class members (\$M) (line B2.1)	33.500	—	—	—	—	—	—	—	—	—
K14.3	Reported cash disbursed to class (\$M) (line E2)	9.175	11.232	7.583	0.271	0.272	8.914	436.400	25.175	165.000	567.538
K14.4	Projected final cash disbursed to class (\$M) (line F2)	9.175	11.232	7.868	0.271	0.272	8.914	620.000	25.175	470.054	838.000
K14.5	Average known cash payout per claiming class member (line G4)	Unknown	\$1,478.89	\$134.20	\$35.58	\$45.79	\$5.75	\$100,000	\$6,404.22	\$4,367.27	\$1,433.29
K14.6	Average projected cash payout per claiming class member (line G5)	Unknown	\$1,478.89	\$130.71	\$35.58	\$45.79	\$5.75	\$100,000	\$6,404.22	Unknown	Unknown
<i>Table S.4—Total Awarded to Class Counsel, Compared with Total Paid to Class</i>											
K15.1	Total class counsel's fees and costs (\$M) (line A2.1)	8.500	5.223	1.920	0.511	0.580	11.288	36.500	24.900	25.200	75.000
K15.2	Reported cash disbursed to class (\$M) (line E2)	9.175	11.232	7.583	0.271	0.272	8.914	436.400	25.175	165.000	567.538

Table E.1 (continued)

Line #	Description	Contact Lens Pricing	Bank Brokerage Product	Collateral Insurance	Cable TV Late Fee	Credit Life Insurance Premium Over-charging	Insurance Premium Double Rounding	Blood Clotting Products for Hemophiliacs	Toxic Chemical Factory	Oriented Strand Board Home Siding	Polybutylene Plumbing Pipes
K15.3	Projected final cash disbursed to class (\$M) (line F2)	9.175	11.232	7.868	0.271	0.272	8.914	620.000	25.175	470.054	838.000
<p>Figure S.3—Class Counsel Fees and Expenses as a Percentage of Negotiated and Actual Settlement Value</p>											
K16.1	Percent class counsel fees and costs of maximum potential settlement value (line A2.1 / line H1)	11.3%	30.4%	18.3%	34.1%	Unknown	28.4%	5.0%	48.3%	4.9%	7.2%
K16.2	Percent class counsel fees and costs of maximum potential settlement cash value (line A2.1 / line H2)	20.2%	30.4%	18.3%	34.1%	Unknown	28.4%	5.0%	48.3%	4.9%	7.2%
K16.3	Percent class counsel fees and costs of reported cash settlement expenditures (line A2.1 / line I3)	48.1%	30.4%	18.3%	34.1%	50.3%	47.6%	7.1%	48.3%	11.9%	9.7%
K16.4	Percent class counsel fees and costs of projected total cash settlement expenditures (line A2.1 / line I4)	48.1%	30.4%	18.3%	34.1%	50.3%	47.6%	5.3%	48.3%	4.9%	7.2%
<p>Figure S.4—Proportion of the Settlement, Excluding Defendants' Own Legal Fees and Expenses, Attributable to Transaction Costs</p>											
K17.1	Percent settlement transaction costs of reported total cash settlement expenditures (line A / line I3)	48.1%	34.7%	25.1%	38.1%	76.4%	52.6%	7.8%	49.2%	21.9%	26.5%
K17.2	Percent settlement transaction costs of projected total cash settlement expenditures (line A / line I4)	48.1%	34.7%	25.1%	38.1%	76.4%	52.6%	5.8%	49.2%	9.0%	19.6%

Table E.2

**Contact Lens Pricing Litigation: *Roberts v. Bausch & Lomb, Inc.*
Settlement Structure, Costs, and Distribution Summary**

Line #	Description	Component	Total
TOTAL SETTLEMENT VALUE AT TIME OF AGREEMENT^a			
	Maximum potential value of settlement (\$M) (Total, lines A, B)		75.500
	Maximum potential cash value of settlement (excluding noncash benefits) (\$M) (Total, lines A, B1, B2.2)		42.000
	Maximum potential direct cash value of settlement (excluding noncash & indirect) (\$M) (Total, lines A, B2.2)		42.000
A: SETTLEMENT TRANSACTION COSTS^b			
A	Total known transaction costs paid by defendant (\$M) (Total, lines A1, A2, A3)		8.500
A1	Undifferentiated fund for defendant's costs and charges and plaintiffs attorney fees and costs (\$M)		—
A2	Total known fees and costs awarded or paid to all plaintiffs attorneys (\$M) (Total, lines A2.1, A2.2)		8.500
A2.1	Total class counsel's fees & costs (\$M) (Total, lines A2.11, A2.12, A2.13)		8.500
A2.11	Class counsel's undifferentiated fees and costs awarded/paid (\$M)		—
A2.12	Class counsel's fees awarded/paid (\$M)		8.000
A2.13	Class counsel's costs awarded/paid (\$M) (Total, lines A2.131, A2.132, A2.133)		0.500
A2.131	Class counsel's costs awarded/paid, undifferentiated, may include notice (\$M)		—
A2.132 ^c	Class counsel's costs for notice awarded/paid (\$M)		0.148
	Estimated costs of mailing & reimbursement for forwarding expenses	\$30,329.35	
	Estimated costs of publication	\$117,866.27	
	<i>Total</i>	<i>\$148,195.62</i>	
A2.133 ^d	Class counsel's costs for other than notice awarded/paid (\$M)		0.352
	Award for class counsel expenses	\$500,000.00	
	Less estimated amounts for notice	(\$148,195.62)	
	<i>Total</i>	<i>\$351,804.38</i>	
A2.2 ^e	Total known fees & costs awarded or paid to other plaintiffs attorneys (\$M)		Unknown
A3	Total known costs to defendant for settlement-related expenses (\$M) (Total, lines A3.1, A3.2)		Unknown
A3.1	Costs to defendant for administration and notice (\$M) (Total, lines A3.11, A3.12, A3.13)		Unknown
A3.11 ^f	Costs to defendant for administration and notice, undifferentiated (\$M)		Unknown
A3.12	Costs to defendant for administration (\$M)		Unknown
A3.13	Costs to defendant for notice (\$M)		Unknown
A3.2 ^g	Other costs & charges to defendant (\$M) (Not including settlement benefits)		Unknown

Table E.2 (continued)

Line #	Description	Component	Total
B: ALLOCATED SETTLEMENT BENEFITS			
B	Known direct & indirect settlement benefits (\$M) (Total, lines B1, B2)		67.000
B1	Settlement benefits not directly allocated to class (\$M)		—
B2	Total settlement benefits allocated to class members (\$M) (Total, lines B2.1, B2.2)		67.000
B2.1	Noncash benefits allocated to class members (\$M)		33.500
B2.2	Cash benefits allocated to class (\$M)		33.500
C: DEFENDANT'S LEGAL FEES AND COSTS			
C	Outside defense fees & costs (\$M)		Unknown
D: CLASS LOSS AND SIZE			
D1 ^h	Total loss (\$M)		Unknown
D2 ⁱ	Class size		1,250,000
E: REPORTED DISTRIBUTION OF SETTLEMENT BENEFITS ALLOCATED TO CLASS			
E1 ^j	Reported number of claims paid		Unknown
E2 ^k	Reported cash disbursed to class (\$M)		9.175
E3	Cy pres, based on reported cash disbursement (\$M)		—
E4 ^l	Cash reversion to defendant, based on reported cash disbursement (\$M)		24.325
	Announced cash value of settlement	\$33,500,000	
	Less RAND estimated cash exposure	(\$9,175,000)	
	<i>Total</i>	<i>\$24,325,000</i>	
F: PROJECTED FINAL DISTRIBUTION OF SETTLEMENT BENEFITS ALLOCATED TO CLASS			
F1	Projected final number of claims paid		Unknown
F2 ^m	Projected final cash disbursed to class (\$M)		9.175
F3	Cy pres, based on projected cash disbursement (\$M)		—
F4 ⁿ	Cash reversion to defendant, based on projected cash disbursement (\$M)		24.325
	Announced cash value of settlement	\$33,500,000	
	Less RAND estimated cash exposure	(\$9,175,000)	
	<i>Total</i>	<i>\$24,325,000</i>	
G: TYPICAL CLASS MEMBER LOSS, ALLOCATED BENEFIT, AND PAYOUT			
G1	Average loss per class member		Unknown
G2	Average allocated direct cash benefit per class member		\$26.80
G3	Average allocated direct/indirect cash/credit benefit per class member		\$53.60
G4	Average known cash payout per claiming class member		Unknown
G5	Average projected cash payout per claiming class member		Unknown

^aMaximum value of settlement does not include expenditures made by defendant for in-house or outside legal counsel.

^bSettlement transaction costs do not include expenditures made by defendant for in-house or outside legal counsel.

^cClass counsel's costs are reduced by estimated expenses of publication and reimbursed postage.

^dAwarded class counsel's costs exclude estimated expenses of publication and reimbursed postage.

^eUnknown amounts of attorney fees were paid by defendant to counsel in two tag-along cases.

^fDefendant's expenditures for notice and settlement administration are unknown.

^gDefendant's expenditures for costs other than notice and administration are unknown.

^hPlaintiffs' counsel asserts that total loss at wholesale prices was used to estimate the \$33.5 million in class cash benefit; however, no estimate of class loss using retail price differences was made available.

ⁱClass size is midpoint of August 1996 report of class counsel Fredric Ellis's estimate of 1 to 1.5 million settlement class size.

^jNumber of class members receiving compensation not shared by defendant.

^kActual cash distribution figures not shared by defendant; uses midpoint of RAND estimates of defendant's cash exposure, ignoring administration, notice, or other costs (\$3.75 to \$14.6 million; see Chapter Five).

^lReversion (of case benefit allocation) to date based upon \$33.5 million potential cash payout less estimated cash distribution to date (see Chapter Five).

^mProjected cash distribution figures not shared by defendant; uses midpoint of RAND estimates of defendant's cash exposure, ignoring administration, notice, or other costs (\$3.75 to \$14.6 million; see Chapter Five).

ⁿProjected reversion based upon \$33.5 million potential cash payout less estimated cash distribution to date (see Chapter Five).

Table E.3

**Bank Brokerage Product Litigation: *Pinney v. Great Western*
Settlement Structure, Costs, and Distribution Summary**

Line #	Description	Component	Total
TOTAL SETTLEMENT VALUE AT TIME OF AGREEMENT^a			
	Maximum potential value of settlement (\$M) (Total, lines A, B)		17.200
	Maximum potential cash value of settlement (excluding noncash benefits) (\$M) (Total, lines A, B1, B2.2)		17.200
	Maximum potential direct cash value of settlement (excluding noncash and indirect) (\$M) (Total, lines A, B2.2)		17.200
A: SETTLEMENT TRANSACTION COSTS^b			
A	Total known transaction costs paid by defendant (\$M) (Total, lines A1, A2, A3)		5.968
A1	Undifferentiated fund for defendant's costs and charges and plaintiffs attorney fees and costs (\$M)		—
A2	Total known fees & costs awarded or paid to all plaintiffs attorneys (\$M) (Total, lines A2.1, A2.2)		5.223
A2.1	Total class counsel's fees & costs (\$M) (Total, lines A2.11, A2.12, A2.13)		5.223
A2.11	Class counsel's undifferentiated fees & costs awarded/paid (\$M)		—
A2.12 ^c	Class counsel's fees awarded/paid (\$M)		4.769
	Fee award of 30% of common fund less class counsel costs and administration/notice set-aside	\$4,813,800	
	Less direct payments to nine plaintiffs at \$5000 each	(\$45,000)	
	<i>Total</i>	<i>\$4,768,800</i>	
A2.13	Class counsel's costs awarded/paid (\$M) (Total, lines A2.131, A2.132, A2.133)		0.454
A2.131	Class counsel's costs awarded/paid, undifferentiated, may include notice (\$M)		—
A2.132	Class counsel's costs for notice awarded/paid (\$M)		—
A2.133	Class counsel's costs for other than notice awarded/paid (\$M)		0.454
A2.2 ^d	Total known fees and costs awarded or paid to other plaintiffs attorneys (\$M)		Unknown
A3	Total known costs to defendant for settlement-related expenses (\$M) (Total, lines A3.1, A3.2)		0.745
A3.1	Costs to defendant for administration and notice (\$M) (Total, lines A3.11, A3.12, A3.13)		0.700
A3.11	Costs to defendant for administration and notice, undifferentiated (\$M)		—
A3.12 ^e	Costs to defendant for administration (\$M)		0.562
	Administration and notice costs set-aside	\$700,000	
	Less \$138,000 in known notice expenses incurred	(\$138,000)	
	<i>Total</i>	<i>\$562,000</i>	
A3.13	Costs to defendant for notice (\$M)		0.138
A3.2 ^f	Other costs & charges to defendant (\$M) (Not including settlement benefits)		0.045

Table E.3 (continued)

Line #	Description	Component	Total
B: ALLOCATED SETTLEMENT BENEFITS			
B	Known direct & indirect settlement benefits (\$M) (Total, lines B1, B2)		11.232
B1	Settlement benefits not directly allocated to class (\$M)		—
B2	Total settlement benefits allocated to class members (\$M) (Total, lines B2.1, B2.2)		11.232
B2.1	Noncash benefits allocated to class members (\$M)		—
B2.2 ^g	Cash benefits allocated to class (\$M)		11.232
	Total settlement fund	\$17,200,000	
	Less class counsel costs	(\$454,000)	
	Less set-aside fund for administration and notice expenses	(\$700,000)	
	Less class counsel fee award (without reduction for direct plaintiff payments)	(\$4,813,800)	
	<i>Total</i>	<i>\$11,232,200</i>	
C: DEFENDANT'S LEGAL FEES AND COSTS			
C ^h	Outside defense fees and costs (\$M)		5.000
D: CLASS LOSS AND SIZE			
D1 ⁱ	Total loss (\$M)		34.900
D2 ^j	Class size		60,000
E: REPORTED DISTRIBUTION OF SETTLEMENT BENEFITS ALLOCATED TO CLASS			
E1	Reported number of claims paid		7,595
	Number of eligible claims with an allowed loss as of June 1998	7,595	
E2 ^k	Reported cash disbursed to class (\$M)		11.232
E3	Cy pres, based on reported cash disbursement (\$M)		—
E4	Cash reversion to defendant, based on reported cash disbursement (\$M)		—
F: PROJECTED FINAL DISTRIBUTION OF SETTLEMENT BENEFITS ALLOCATED TO CLASS			
F1	Projected final number of claims paid		7,595
	Number of eligible claims with an allowed loss as of June 1998	7,595	
F2 ^l	Projected final cash disbursed to class (\$M)		11.232
F3	Cy pres, based on projected cash disbursement (\$M)		—
F4	Cash reversion to defendant, based on projected cash disbursement (\$M)		—
G: TYPICAL CLASS MEMBER LOSS, ALLOCATED BENEFIT, AND PAYOUT			
G1	Average loss per class member		\$581.67
G2	Average allocated direct cash benefit per class member		\$187.20
G3	Average allocated direct/indirect cash/credit benefit per class member		\$187.20
G4	Average known cash payout per claiming class member		\$1,478.89
G5	Average projected cash payout per claiming class member		\$1,478.89

^aMaximum value of settlement does not include expenditures made by defendant for in-house or outside legal counsel.

^bSettlement transaction costs do not include expenditures made by defendant for in-house or outside legal counsel.

^cClass counsel fees are reduced by \$45,000 in representative plaintiff payments; do not include 30 percent share of any unused amounts in administration/notice set-aside or of common fund interest earnings.

^dFees and costs paid to non-class counsel plaintiffs attorneys exclude settlements with attorneys representing individual plaintiffs or with counsel in competing or parallel class litigation.

^eCosts of administration are based on full amount set aside from common fund for administration and notice expense; actual cost may be less although indications are that most of set-aside has already been spent.

^fDefendant's other costs and charges include \$45,000 in direct payments to representative plaintiffs paid as part of class counsel's fees.

^gCash allocation to class does not include any interest earned by common fund or any unused amounts from administration/notice costs set-aside. Actual amount available to class is approximately \$11.8 million.

^hEstimate of defendant's outside legal fees and expenses based on report published at time of settlement; does not include costs occurring beyond February 1997.

ⁱClass loss estimate uses "benefit of the bargain" model.

^jClass size estimate is midpoint of estimates of 50,000 and 70,000.

^kDistribution to date assumes entire net settlement will be distributed.

^lProjected distribution assumes entire net common fund will be distributed; does not include interest earned on the fund or unused portion of administration/notice costs set aside.

Table E.4

Collateral Protection Insurance Litigation: *Graham v. Security Pacific Housing Services, Inc.* Settlement Structure, Costs, and Distribution Summary

Line #	Description	Component	Total
TOTAL SETTLEMENT VALUE AT TIME OF AGREEMENT^a			
	Maximum potential value of settlement (\$M) (Total, lines A, B)		10.500
	Maximum potential cash value of settlement (excluding noncash benefits) (\$M) (Total, lines A, B1, B2.2)		10.500
	Maximum potential direct cash value of settlement (excluding noncash and indirect) (\$M) (Total, lines A, B2.2)		10.500
A: SETTLEMENT TRANSACTION COSTS^b			
A	Total known transaction costs paid by defendant (\$M) (Total, lines A1, A2, A3)		2.632
A1	Undifferentiated fund for defendant's costs & charges and plaintiffs attorney fees and costs (\$M)		—
A2	Total known fees & costs awarded or paid to all plaintiffs attorneys (\$M) (Total, lines A2.1, A2.2)		2.270
A2.1	Total class counsel's fees and costs (\$M) (Total, lines A2.11, A2.12, A2.13)		1.920
A2.11 ^c	Class counsel's undifferentiated fees & costs awarded/paid (\$M)		1.920
A2.12	Class counsel's fees awarded/paid (\$M)		—
A2.13	Class counsel's costs awarded/paid (\$M) (Total, lines A2.131, A2.132, A2.133)		—
A2.131	Class counsel's costs awarded/paid, undifferentiated, may include notice (\$M)		—
A2.132	Class counsel's costs for notice awarded/paid (\$M)		—
A2.133	Class counsel's costs for other than notice awarded/paid (\$M)		—
A2.2	Total known fees and costs awarded or paid to other plaintiffs attorneys (\$M)		0.350
	Award to Trial Lawyers for Public Justice	\$350,000	
A3	Total known costs to defendant for settlement-related expenses (\$M) (Total, lines A3.1, A3.2)		0.362
A3.1	Costs to defendant for administration and notice (\$M) (Total, lines A3.11, A3.12, A3.13)		0.350
A3.11 ^d	Costs to defendant for administration and notice, undifferentiated (\$M)		0.350
A3.12	Costs to defendant for administration (\$M)		Unknown
A3.13	Costs to defendant for notice (\$M)		Unknown
A3.2 ^e	Other costs & charges to defendants (\$M) (Not including settlement benefits)		0.012
B: ALLOCATED SETTLEMENT BENEFITS			
B	Known direct & indirect settlement benefits (\$M) (Total, lines B1, B2)		7.868
B1	Settlement benefits not directly allocated to class (\$M)		—
B2	Total settlement benefits allocated to class members (\$M) (Total, lines B2.1, B2.2)		7.868
B2.1	Noncash benefits allocated to class members (\$M)		—

Table E.4 (continued)

Line #	Description	Component	Total
B2.2 ^f	Cash benefits allocated to class (\$M)		7.868
	Total funds	\$10,500,000	
	Less class counsel fees and costs	(\$1,920,000)	
	Less other attorney fees and costs	(\$350,000)	
	Less fund set aside for costs of administration and notice	(\$350,000)	
	Less other defendant's costs	(\$12,000)	
	<i>Total</i>	<i>\$7,868,000</i>	
C: DEFENDANT'S LEGAL FEES AND COSTS			
C	Outside defense fees & costs (\$M)		Unknown
D: CLASS LOSS AND SIZE			
D1	Total loss (\$M)		Unknown
D2	Class size		60,379
E: REPORTED DISTRIBUTION OF SETTLEMENT BENEFITS ALLOCATED TO CLASS			
E1 ^g	Reported number of claims paid		56,506
	Total number of credits issued as of May 1, 1998	41,960	
	Total number of checks sent out as of May 1, 1998	18,235	
	Less checks not yet cashed as of May 1, 1998	(3,689)	
	<i>Total</i>	<i>56,506</i>	
E2 ^h	Reported cash disbursed to class (\$M)		7.583
	Credits issued to class as of May 1, 1998	\$5,976,607.31	
	Checks issued to class as of May 1, 1998	\$1,891,443.93	
	Less checks not cashed by May 1, 1998	(\$284,952.27)	
	<i>Total</i>	<i>\$7,583,098.97</i>	
E3 ⁱ	Cy pres, based on reported cash disbursement (\$M)		0.285
E4 ^j	Cash reversion to defendant, based on reported cash disbursement (\$M)		—
F: PROJECTED FINAL DISTRIBUTION OF SETTLEMENT BENEFITS ALLOCATED TO CLASS			
F1 ^k	Projected final number of claims paid		60,195
	Total number of credits issued as of May 1, 1998	41,960	
	Total number of checks sent out as of May 1, 1998	18,235	
	<i>Total</i>	<i>60,195</i>	
F2 ^l	Projected final cash disbursed to class (\$M)		7.868
	Credits issued to class as of May 1, 1998	\$5,976,607.31	
	Checks issued to class as of May 1, 1998	\$1,891,443.93	
	<i>Total</i>	<i>\$7,868,051.24</i>	
F3 ^m	Cy pres, based on projected cash disbursement (\$M)		—
F4 ⁿ	Cash reversion to defendant, based on projected cash disbursement (\$M)		—
G: TYPICAL CLASS MEMBER LOSS, ALLOCATED BENEFIT, AND PAYOUT			
G1	Average loss per class member		Unknown
G2	Average allocated direct cash benefit per class member		\$130.31
G3	Average allocated direct/indirect cash/credit benefit per class member		\$130.31
G4	Average known cash pay-out per claiming class member		\$134.20
G5	Average projected cash pay-out per claiming class member		\$130.71

^aMaximum value of settlement does not include expenditures made by defendant for in-house or outside legal counsel.

^bSettlement transaction costs do not include expenditures made by defendant for in-house or outside legal counsel.

^cClass counsel combined fees and costs do not include any supplemental reserve for defendant's reimbursement of plaintiffs attorneys' costs of notice and administration.

^dDefendant's costs of administration and notice assume that entire set-aside will be used; do not include any reversion to be used to offset additional costs or reimbursement to class counsel.

^eDefendant's other costs and charges include direct payments to representative plaintiffs and intervenors.

^fClass benefit figure assumes that 100 percent of amount available for defendant's costs of notice and administration will be exhausted and unavailable for class.

^gClaims to date is to May 1, 1998 and does not include checks not cashed.

^hDisbursement to date is to May 1, 1998 and does not include checks not cashed.

ⁱCy pres to date (as of May 1, 1998) assumes that no remaining amounts in the settlement fund would be used to offset defendant's costs of notice and administration.

^jReversion to date (as of May 1, 1998) assumes no part of the funds remaining would be used to offset defendant's outstanding costs of administration and notice.

^kProjected claims assume all checks issued will be cashed.

^lProjected disbursement assumes all checks issued will be cashed.

^mCy pres projections assume that all outstanding checks (as of May 1, 1998) will eventually be cashed.

ⁿReversion projection assumes no part of the funds remaining would be used to offset defendant's outstanding costs of administration and notice.

Table E.5

**Cable TV Late Fee Litigation: *Selnick v. Sacramento Cable*
Settlement Structure, Costs, and Distribution Summary**

Line #	Description	Component	Total
TOTAL SETTLEMENT VALUE AT TIME OF AGREEMENT ^a			
	Maximum potential value of settlement (\$M) (Total, lines A, B)		1.500
	Maximum potential cash value of settlement (excluding noncash benefits) (\$M) (Total, lines A, B1, B2.2)		1.500
	Maximum potential direct cash value of settlement (excluding noncash & indirect) (\$M) (Total, lines A, B2.2)		1.500
A: SETTLEMENT TRANSACTION COSTS ^b			
A	Total known transaction costs paid by defendant (\$M) (Total, lines A1, A2, A3)		0.571
A1	Undifferentiated fund for defendant's costs and charges and plaintiffs attorney fees and costs (\$M)		—
A2	Total known fees and costs awarded or paid to all plaintiffs attorneys (\$M) (Total, lines A2.1, A2.2)		0.520
A2.1	Total class counsel's fees & costs (\$M) (Total, lines A2.11, A2.12, A2.13)		0.511
A2.11	Class counsel's undifferentiated fees and costs awarded/paid (\$M)		—
A2.12 ^c	Class counsel's fees awarded/paid (\$M)		0.448
	Fee award requested	\$457,000	
	Less payment made by class counsel to attorneys in competing class action	(\$9,126)	
	Total	\$447,874	
A2.13	Class counsel's costs awarded/paid (\$M) (Total, lines A2.131, A2.132, A2.133)		0.063
A2.131	Class counsel's costs awarded/paid, undifferentiated, may include notice (\$M)		—
A2.132	Class counsel's costs for notice awarded/paid (\$M)		—
A2.133 ^d	Class counsel's costs for other than notice awarded/paid (\$M)		0.063
	Combined awarded attorney fees & costs and plaintiff incentive award	\$522,601	
	Less requested class counsel fee award	(\$457,000)	
	Less representative plaintiff fee	(\$2,500)	
	Total	\$63,101	
A2.2	Total known fees and costs awarded or paid to other plaintiffs attorneys (\$M)		0.009
	Payment made by class counsel to attorneys in competing class action	\$9,126	
A3	Total known costs to defendant for settlement-related expenses (\$M) (Total, lines A3.1, A3.2)		0.051
A3.1	Costs to defendant for administration and notice (\$M) (Total, lines A3.11, A3.12, A3.13)		0.049
A3.11	Costs to defendant for administration and notice, undifferentiated (\$M)		—
A3.12 ^e	Costs to defendant for administration (\$M)		0.049
	Payment to class administrator as of January 1997	\$27,603	

Table E.5 (continued)

Line #	Description	Component	Total
	Class counsel's estimate of future payments to class administrator	\$21,000	
	<i>Total</i>	<i>\$48,603</i>	
A3.13 ^f	Costs to defendant for notice (\$M)		Unknown
A3.2 ^g	Other costs and charges to defendant (\$M) (Not including settlement benefits)		0.003
B: ALLOCATED SETTLEMENT BENEFITS			
B	Known direct & indirect settlement benefits (\$M) (Total, lines B1, B2)		0.929
B1	Settlement benefits not directly allocated to class (\$M)		—
B2	Total settlement benefits allocated to class members (\$M) (Total, lines B2.1, B2.2)		0.929
B2.1	Noncash benefits allocated to class members (\$M)		—
B2.2 ^h	Cash benefits allocated to class (\$M)		0.929
	Total settlement fund	\$1,500,000	
	Less class counsel fees requested	(\$457,000)	
	Less class counsel costs awarded	(\$63,101)	
	Less actual and estimated future costs of administration	(\$48,603)	
	Less other settlement related expenses	(\$2,500)	
	<i>Total</i>	<i>\$928,796</i>	
C: DEFENDANT'S LEGAL FEES AND COSTS			
C	Outside defense fees & costs (\$M)		Unknown
D: CLASS LOSS AND SIZE			
D1 ⁱ	Total loss (\$M)		7.260
D2	Class size		Unknown
E: REPORTED DISTRIBUTION OF SETTLEMENT BENEFITS ALLOCATED TO CLASS			
E1	Reported number of claims paid		7,629
	Checks issued in January 1997	7,629	
E2	Reported cash disbursed to class (\$M)		0.271
	Checks issued in January 1997	\$271,450	
E3 ^j	Cy pres, based on reported cash disbursement (\$M)		0.657
	Net cash benefits allocated to class	\$928,796	
	Less value of checks issued in January 1997	(\$271,450)	
	<i>Total</i>	<i>\$657,346</i>	
E4	Cash reversion to defendant, based on reported cash disbursement (\$M)		—
F: PROJECTED FINAL DISTRIBUTION OF SETTLEMENT BENEFITS ALLOCATED TO CLASS			
F1	Projected final number of claims paid		7,629
F2	Projected final cash disbursed to class (\$M)		0.271
F3 ^k	Cy pres, based on projected cash disbursement (\$M)		0.657
	Net cash benefits allocated to class	\$928,796	
	Less value of checks issued in January 1997	(\$271,450)	
	<i>Total</i>	<i>\$657,346</i>	
F4	Cash reversion to defendant, based on projected cash disbursement (\$M)		—
G: TYPICAL CLASS MEMBER LOSS, ALLOCATED BENEFIT, AND PAYOUT			
G1	Average loss per class member		Unknown
G2	Average allocated direct cash benefit per class member		Unknown

Table E.5 (continued)

Line #	Description	Component	Total
G3	Average allocated direct/indirect cash/ credit benefit per class member		Unknown
G4	Average known cash payout per claiming class member		\$35.58
G5	Average projected cash payout per claiming class member		\$35.58

^aMaximum value of settlement does not include expenditures made by defendant for in-house or outside legal counsel.

^bSettlement transaction costs do not include expenditures made by defendant for in-house or outside legal counsel.

^cAssumes fee award to class counsel equaled amount requested in petition and is reduced by payments made by class counsel to other attorneys.

^dCosts awarded class counsel are the balance of the combined attorney award less payments made to representative plaintiff and less the requested amount of attorney fees.

^eDefendant's costs of administration include both actual and projected future payments to settlement administrator; do not include estimated \$17,000 in interest taxes and \$750 in related CPA fees.

^fDefendant's expenditures for the costs of notice are unknown.

^gMiscellaneous defendant's costs include direct award paid to representative plaintiff through class counsel.

^hCash fund available to class does not include \$29,870 accrued interest nor does it reflect reductions for \$17,000 in estimated interest taxes or \$750 in related CPA fees.

ⁱEstimated total loss based on 33,000 late fees per month at \$5 each for 32 months (Mar. 92–Oct. 94) and 22,000 per month at \$5 each for 18 months (Nov. 94–Apr. 96). Total loss would be reduced to the extent late fees were found justified.

^jCy pres amount to date does not include \$29,870 accrued interest, \$17,000 taxes on interest, and \$750 in CPA fees for interest taxes.

^kProjected cy pres amount does not include \$29,870 accrued interest, \$17,000 taxes on interest, and \$750 in CPA fees for interest taxes.

Table E.6

**Credit Life Insurance Premium Overcharging Litigation: *Inman v. Heilig-Meyers*
Settlement Structure, Costs, and Distribution Summary**

Line #	Description	Component	Total
TOTAL SETTLEMENT VALUE AT TIME OF AGREEMENT^a			
	Maximum potential value of settlement (\$M) (Total, lines A, B)		Unknown
	Maximum potential cash value of settlement (excluding noncash benefits) (\$M) (Total, lines A, B1, B2.2)		Unknown
	Maximum potential direct cash value of settlement (excluding noncash & indirect) (\$M) (Total, lines A, B2.2)		Unknown
A: SETTLEMENT TRANSACTION COSTS^b			
A	Total known transaction costs paid by defendant (\$M) (Total, lines A1, A2, A3)		0.880
A1	Undifferentiated fund for defendant's costs & charges and plaintiffs attorney fees & costs (\$M)		—
A2	Total known fees & costs awarded or paid to all plaintiffs attorneys (\$M) (Total, lines A2.1, A2.2)		0.580
A2.1	Total class counsel's fees and costs (\$M) (Total, lines A2.11, A2.12, A2.13)		0.580
A2.11	Class counsel's undifferentiated fees & costs awarded/paid (\$M)		0.580
A2.12	Class counsel's fees awarded/paid (\$M)		—
A2.13	Class counsel's costs awarded/paid (\$M) (Total, lines A2.131, A2.132, A2.133)		—
A2.131	Class counsel's costs awarded/paid, undifferentiated, may include notice (\$M)		—
A2.132	Class counsel's costs for notice awarded/paid (\$M)		—
A2.133	Class counsel's costs for other than notice awarded/paid (\$M)		—
A2.2 ^c	Total known fees and costs awarded or paid to other plaintiffs attorneys (\$M)		Unknown
A3	Total known costs to defendant for settlement-related expenses (\$M) (Total, lines A3.1, A3.2)		0.300
A3.1	Costs to defendant for administration and notice (\$M) (Total, lines A3.11, A3.12, A3.13)		0.300
A3.11	Costs to defendant for administration and notice, undifferentiated (\$M)		—
A3.12	Costs to defendant for administration (\$M)		0.175
A3.13	Costs to defendant for notice (\$M)		0.125
A3.2	Other costs and charges to defendant (\$M) (Not including settlement benefits)		—
B: ALLOCATED SETTLEMENT BENEFITS			
B	Known direct and indirect settlement benefits (\$M) (Total, lines B1, B2)		Unknown
B1	Settlement benefits not directly allocated to class (\$M)		—
B2	Total settlement benefits allocated to class members (\$M) (Total, lines B2.1, B2.2)		Unknown
B2.1 ^d	Noncash benefits allocated to class members (\$M)		—
B2.2 ^e	Cash benefits allocated to class (\$M)		Unknown

Table E.6 (continued)

Line #	Description	Component	Total
C: DEFENDANT'S LEGAL FEES AND COSTS			
C	Outside defense fees & costs (\$M)		0.115
D: CLASS LOSS AND SIZE			
D1 ^f	Total loss (\$M)		Unknown
D2 ^g	Class size		Unknown
E: REPORTED DISTRIBUTION OF SETTLEMENT BENEFITS ALLOCATED TO CLASS			
E1	Reported number of claims paid		5,940
E2	Reported cash disbursed to class (\$M)		0.272
E3	Cy pres, based on reported cash disbursement (\$M)		—
E4 ^h	Cash reversion to defendant, based on reported cash disbursement (\$M)		Unknown
F: PROJECTED FINAL DISTRIBUTION OF SETTLEMENT BENEFITS ALLOCATED TO CLASS			
F1	Projected final number of claims paid		5,940
F2	Projected final cash disbursed to class (\$M)		0.272
F3	Cy pres, based on projected cash disbursement (\$M)		—
F4 ⁱ	Cash reversion to defendant, based on projected cash disbursement (\$M)		Unknown
G: TYPICAL CLASS MEMBER LOSS, ALLOCATED BENEFIT, AND PAYOUT			
G1 ^j	Average loss per class member		\$1.92
G2	Average allocated direct cash benefit per class member		Unknown
G3	Average allocated direct/indirect cash/credit benefit per class member		Unknown
G4	Average known cash payout per claiming class member		\$45.79
G5	Average projected cash payout per claiming class member		\$45.79

^aMaximum value of settlement does not include expenditures made by defendant for in-house or outside legal counsel.

^bSettlement transaction costs do not include expenditures made by defendant for in-house or outside legal counsel.

^cPayments made to attorneys representing five class members with potential objections are unknown.

^dValue of 10-percent-off coupons not included.

^eDocumentation in case file does not permit estimate of total class cash allocation.

^fDocumentation in case file does not permit estimate of total class loss.

^gDocumentation in case file does not permit estimate of total class size.

^hDocumentation in case file does not permit estimate of actual reversion to defendant.

ⁱDocumentation in case file does not permit estimate of projected reversion to defendant.

^jAverage loss per class member based upon Heilig-Meyers' 50 percent share of estimated amount (see Chapter Nine); actual loss would have approximately doubled.

Table E.7

Insurance Premium Double Rounding Litigation: *Martinez v. Allstate* and *Sendejo v. Farmers* Settlement Structure, Costs, and Distribution Summary

Line #	Description	Component	Total
TOTAL SETTLEMENT VALUE AT TIME OF AGREEMENT^a			
	Maximum potential value of settlement (\$M) (Total, lines A, B)		39.698
	Maximum potential cash value of settlement (excluding noncash benefits) (\$M) (Total, lines A, B1, B2.2)		39.698
	Maximum potential direct cash value of settlement (excluding noncash and indirect) (\$M) (Total, lines A, B2.2)		37.698
A: SETTLEMENT TRANSACTION COSTS^b			
A	Total known transaction costs paid by defendants (\$M) (Total, lines A1, A2, A3)		12.463
A1	Undifferentiated fund for defendants' costs and charges and plaintiffs attorney fees & costs (\$M)		—
A2	Total known fees and costs awarded or paid to all plaintiffs attorneys (\$M) (Total, lines A2.1, A2.2)		11.288
A2.1	Total class counsel's fees & costs (\$M) (Total, lines A2.11, A2.12, A2.13)		11.288
A2.11	Class counsel's undifferentiated fees & costs awarded/paid (\$M)		—
A2.12 ^c	Class counsel's fees awarded/paid (\$M)		9.683
	Fee award	\$10,349,430	
	Less class counsel's one-third share of \$2 million contribution to Texas attorney general fund	(\$666,666.67)	
	<i>Total</i>	<i>\$9,682,673.33</i>	
A2.13	Class counsel's costs awarded/paid (\$M) (Total, lines A2.131, A2.132, A2.133)		1.605
A2.131	Class counsel's costs awarded/paid, undifferentiated, may include notice (\$M)		—
A2.132	Class counsel's costs for notice awarded/paid (\$M)		—
A2.133	Class counsel's costs for other than notice awarded/paid (\$M)		1.605
	Allstate contribution	\$1,520,000	
	Farmers contribution	\$85,000	
	<i>Total</i>	<i>\$1,605,000</i>	
A2.2	Total known fees and costs awarded or paid to other plaintiffs attorneys (\$M)		—
A3	Total known costs to defendants for settlement-related expenses (\$M) (Total, lines A3.1, A3.2)		1.175
A3.1	Costs to defendants for administration and notice (\$M) (Total, lines A3.11, A3.12, A3.13)		1.010
A3.11 ^d	Costs to defendants for administration and notice, undifferentiated (\$M)		1.010
	Costs of notice and check distribution to Groups 1 & 2 (from Preliminary Order of Approval)	\$900,000	
	Costs of publication to Group 3 (from Preliminary Order of Approval)	\$110,000	
	<i>Total</i>	<i>\$1,010,000</i>	
A3.12	Costs to defendants for administration (\$M)		Unknown

Table E.7 (continued)

Line #	Description	Component	Total
A3.13	Costs to defendants for notice (\$M)		Unknown
A3.2 ^e	Other costs & charges to defendants (\$M) (Not including settlement benefits)		0.165
	Direct payments to named plaintiffs (six at \$15,000 each)	\$90,000	
	Special master's fees and costs	\$75,000	
	<i>Total</i>	<i>\$165,000</i>	
B: ALLOCATED SETTLEMENT BENEFITS			
B	Known direct & indirect settlement benefits (\$M) (Total, lines B1, B2)		27.235
B1 ^f	Settlement benefits not directly allocated to class (\$M)		2.000
	Defendants' 2/3 share of \$2,000,000 contribution to Texas attorney general fund	\$1,333,333.33	
	Class counsel's 1/3 share of \$2,000,000 contribution to Texas attorney general fund	\$666,666.67	
	<i>Total</i>	<i>\$2,000,000</i>	
B2	Total settlement benefits allocated to class members (\$M) (Total, lines B2.1, B2.2)		25.235
B2.1	Noncash benefits allocated to class members (\$M)		—
B2.2 ^g	Cash benefits allocated to class (\$M)		25.235
	Group 1 fund allocation less class counsel fees and costs	\$8,064,967	
	Group 2 fund allocation less class counsel fees and costs	\$1,240,523	
	Group 3 fund allocation less class counsel fees and costs	\$16,004,958	
	Less special master's fees and costs	(\$75,000)	
	<i>Total</i>	<i>\$25,235,448</i>	
C: DEFENDANTS' LEGAL FEES AND COSTS			
C	Outside defense fees & costs (\$M)		4.487
	Allstate reported fees	\$950,000	
	Allstate reported costs	\$448,000	
	Farmers reported fees	\$2,300,000	
	Farmers reported costs	\$789,000	
	<i>Total</i>	<i>\$4,487,000</i>	
D: CLASS LOSS AND SIZE			
D1 ^h	Total loss (\$M)		41.127
D2 ⁱ	Class size		4,401,817
E: REPORTED DISTRIBUTION OF SETTLEMENT BENEFITS ALLOCATED TO CLASS			
E1	Reported number of claims paid		1,550,221
	Amount of funds paid to Groups 1 & 2 divided by \$5.75	1,549,873	
	Estimate of Group 3 payment divided by \$5.75	348	
	<i>Total</i>	<i>1,550,221</i>	
E2 ^j	Reported cash disbursed to class (\$M)		8.914
	Latest reported data for Groups 1 & 2	\$8,911,769.75	
	Most likely total payout for Group 3	\$2,000	
	<i>Total</i>	<i>\$8,913,769.75</i>	
E3	Cy pres, based on reported cash disbursement (\$M)		0.319
	Group 1 net fund allocation	\$8,064,967	
	Group 2 net fund allocation	\$1,240,523	

Table E.7 (continued)

Line #	Description	Component	Total
	Less special master fees and costs	(\$75,000)	
	Less actual Groups 1 and 2 payout	(\$8,911,769.75)	
	<i>Total</i>	<i>\$318,720.25</i>	
E4	Cash reversion to defendants, based on reported cash disbursement (\$M)		16.003
	Group 3 allocation	\$16,004,958	
	Less estimated Group 3 distribution	(\$2,000)	
	<i>Total</i>	<i>\$16,002,958</i>	
F: PROJECTED FINAL DISTRIBUTION OF SETTLEMENT BENEFITS ALLOCATED TO CLASS			
F1	Projected final number of claims paid		1,550,221
	Amount of funds paid to Groups 1 & 2 divided by \$5.75	1,549,873	
	Estimate of Group 3 payment divided by \$5.75	348	
	<i>Total</i>	<i>1,550,221</i>	
F2	Projected final cash disbursed to class (\$M)		8.914
	Latest reported data for Groups 1 & 2	\$8,911,769.75	
	Most likely total payout for Group 3	\$2,000	
	<i>Total</i>	<i>\$8,913,769.75</i>	
F3	Cy pres, based on projected cash disbursement (\$M)		0.319
	Group 1 net fund allocation	\$8,064,967	
	Group 2 net fund allocation	\$1,240,523	
	Less special master fees and costs	(\$75,000)	
	Less projected Groups 1 and 2 payout	(\$8,911,769.75)	
	<i>Total</i>	<i>\$318,720.25</i>	
F4	Cash reversion to defendant based on projected cash disbursement (\$M)		16.003
	Group 3 allocation	\$16,004,958	
	Less estimated Group 3 distribution	(\$2,000)	
	<i>Total</i>	<i>\$16,002,958</i>	
G: TYPICAL CLASS MEMBER LOSS, ALLOCATED BENEFIT, AND PAYOUT			
G1	Average loss per class member		\$9.34
G2 ^k	Average allocated direct cash benefit per class member		\$5.73
G3 ^l	Average allocated direct/indirect cash/credit benefit per class member		\$6.19
G4	Average known cash payout per claiming class member		\$5.75
G5	Average projected cash payout per claiming class member		\$5.75

^aMaximum value of settlement does not include expenditures made by defendants for in-house or outside legal counsel.

^bSettlement transaction costs do not include expenditures made by defendants for in-house or outside legal counsel.

^cClass counsel fee award is reduced by 1/3 share of \$2,000,000 combined contribution to attorney general Consumer Education Fund.

^dDefendants' costs of administration and notice do not include negligible costs of distributing checks to Group 3. Figures are from the Preliminary Order of Approval and differ from class counsel estimates.

^eDefendants' other costs and charges include \$90,000 in direct payments paid to representative plaintiffs and \$75,000 in special master fees and costs.

^fIndirect settlement benefits includes both defendants' and class counsel's share of contribution to attorney general fund.

^gCash benefits exclude fees and expenses to be paid to special master.

^hTotal loss estimate is midpoint of defendants' (\$36M) and latest plaintiffs' (\$46.3M; from Application for Fees) estimates for ten-year class.

ⁱClass size estimate is from Final Order.

^jDisbursement to date figure includes estimate of \$2000 Group 3 payout.

^kCash allocation per class member differs slightly from refund amount due to special master fee adjustment.

^lCash and indirect benefit allocation per class member is adjusted for special master fee.

Table E.8

Blood Clotting Products for Hemophiliacs: *In re Factor VIII or IX Concentrate Blood Products* Settlement Structure, Costs, and Distribution Summary

Line #	Description	Component	Total
TOTAL SETTLEMENT VALUE AT TIME OF AGREEMENT ^a			
	Maximum potential value of settlement (\$M) (Total, lines A, B)		725.000
	Maximum potential cash value of settlement (excluding noncash benefits) (\$M) (Total, lines A, B1, B2.2)		725.000
	Maximum potential direct cash value of settlement (excluding noncash & indirect) (\$M) (Total, lines A, B2.2)		690.000
A: SETTLEMENT TRANSACTION COSTS ^b			
A	Total known transaction costs paid by defendants (\$M) (Total, lines A1, A2, A3)		40.000
A1 ^c	Undifferentiated fund for defendants' costs & charges and plaintiffs attorney fees and costs (\$M)		—
A2	Total known fees and costs awarded or paid to all plaintiffs attorneys (\$M) (Total, lines A2.1, A2.2)		36.500
A2.1	Total class counsel's fees & costs (\$M) (Total, lines A2.11, A2.12, A2.13)		36.500
A2.11 ^d	Class counsel's undifferentiated fees & costs awarded/paid (\$M)		36.500
	'Cost and Fee Fund'; covers all transaction costs including costs of administration and notice and attorney fees and expenses	\$40,000,000	
	Less amounts used from fund for administration and costs as of September 1998	(\$3,500,000)	
	<i>Total</i>	<i>\$36,500,000</i>	
A2.12	Class counsel's fees awarded/paid (\$M)		—
A2.13	Class counsel's costs awarded/paid (\$M) (Total, lines A2.131, A2.132, A2.133)		—
A2.131	Class counsel's costs awarded/paid, undifferentiated, may include notice (\$M)		—
A2.132	Class counsel's costs for notice awarded/paid (\$M)		—
A2.133	Class counsel's costs for other than notice awarded/paid (\$M)		—
A2.2 ^e	Total known fees & costs awarded or paid to other plaintiffs attorneys (\$M)		Unknown
A3	Total known costs to defendants for settlement-related expenses (\$M) (Total, lines A3.1, A3.2)		3.500
A3.1	Costs to defendants for administration and notice (\$M) (Total, lines A3.11, A3.12, A3.13)		3.500
A3.11	Costs to defendants for administration and notice, undifferentiated (\$M)		3.500
	Midpoint of estimated \$3–\$4 million paid out of Cost and Fee Fund as of September 1998	\$3,500,000	
A3.12	Costs to defendants for administration (\$M)		Unknown
A3.13	Costs to defendants for notice (\$M)		Unknown
A3.2	Other costs and charges to defendants (\$M) (Not including settlement benefits)		Unknown

Table E.8 (continued)

Line #	Description	Component	Total
B: ALLOCATED SETTLEMENT BENEFITS			
B	Known direct & indirect settlement benefits (\$M) (Total, lines B1, B2)		685.000
B1 ^e	Settlement benefits not directly allocated to class (\$M)		35.000
B2	Total settlement benefits allocated to class members (\$M) (Total, lines B2.1, B2.2)		650.000
B2.1	Noncash benefits allocated to class members (\$M)		—
B2.2 ^f	Cash benefits allocated to class (\$M)		650.000
C: DEFENDANTS' LEGAL FEES AND COSTS			
C	Outside defense fees and costs (\$M)		Unknown
D: CLASS LOSS AND SIZE			
D1	Total loss (\$M)		Unknown
D2 ^g	Class size		6,500
E: REPORTED DISTRIBUTION OF SETTLEMENT BENEFITS ALLOCATED TO CLASS			
E1 ^h	Reported number of claims paid		4,364
E2 ⁱ	Reported cash disbursed to class (\$M)		436.400
E3	Cy pres, based on reported cash disbursement (\$M)		—
E4 ^j	Cash reversion to defendants, based on reported cash disbursement (\$M)		213.600
	Estimated size of class cash benefit allocation	\$650,000,000	
	Less disbursement to May 26, 1998	(\$436,400,000)	
	<i>Total</i>	<i>\$213,600,000</i>	
F: PROJECTED FINAL DISTRIBUTION OF SETTLEMENT BENEFITS ALLOCATED TO CLASS			
F1 ^k	Projected final number of claims paid		6,200
	Number of claims appearing to be valid at time of submission for final approval (and not opting out)	6,500	
	Less number of claims presumed to duplicate existing submission as of May 26, 1998	(300)	
	<i>Total</i>	<i>6,200</i>	
F2 ^l	Projected final cash disbursed to class (\$M)		620.000
F3	Cy pres, based on projected cash disbursement (\$M)		—
F4 ^m	Cash reversion to defendants, based on projected cash disbursement (\$M)		30.000
	Estimated size of class cash benefit allocation	\$650,000,000	
	Less projected disbursement	(\$620,000,000)	
	<i>Total</i>	<i>\$30,000,000</i>	
G: TYPICAL CLASS MEMBER LOSS, ALLOCATED BENEFIT, AND PAYOUT			
G1	Average loss per class member		Unknown
G2	Average allocated direct cash benefit per class member		\$100,000
G3	Average allocated direct/indirect cash/credit benefit per class member		\$105,384.62
G4	Average known cash payout per claiming class member		\$100,000
	Average payout (line F2/F1)	\$100,000	

^aMaximum value of settlement does not include expenditures made by defendants for in-house or outside legal counsel.

^bSettlement transaction costs do not include expenditures made by defendants for in-house or outside legal counsel.

^cUndifferentiated Cost and Fee Fund of \$40 million will be used to pay all plaintiffs' attorney fees and costs as well as notice and administrative expenses. Since some administrative and notice costs are known, remainder is treated as fund for attorney fees and costs.

^dClass counsel fees and costs assume use of entire unspent amount in Cost and Fee Fund available as of Sept. 1998 after known deduction for notice and administration (uses midpoint of \$3–\$4 million estimate). Final amount may be less.

^eIndirect settlement benefits includes estimated \$30–\$40 million in settled subrogation claims; midpoint figure used here.

^fClass benefit based on 6500 claims that appeared valid at final approval (does not include 550 valid opt-outs), at \$100,000 each.

^gClass size uses 6500 claims that appeared to be valid at time of final approval. Does not include 550 opt-outs with valid claims. Actual size is higher because definition included family members and partners.

^hNumber of claims is actual paid as of May 26, 1998.

ⁱDisbursement is actual as of May 26, 1998.

^jReversion to date is based upon actual disbursement as of May 26, 1998. Assumes that the parties' estimated number of valid claims at the time of submission of the settlement for final approval was 6500.

^kProjected number of claims assumes all 6200 class members with nonduplicative claims as of May 26, 1998 will be paid.

^lProjected disbursement assumes all 6200 class members with nonduplicative claims as of May 26, 1998 will be paid.

^mProjected reversion assumes 6200 claims will eventually be paid and that the parties' estimated number of valid claims at the time of submission of the settlement for final approval was 6500.

Table E.9

**Harcros Toxic Chemical Factory Litigation: *Atkins v. Harcros* Settlement Structure,
Costs, and Distribution Summary**

Line #	Description	Component	Total
TOTAL SETTLEMENT VALUE AT TIME OF AGREEMENT^a			
	Maximum potential value of settlement (\$M) (Total, lines A, B)		51.575
	Maximum potential cash value of settlement (excluding noncash benefits) (\$M) (Total, lines A, B1, B2.2)		51.575
	Maximum potential direct cash value of settlement (excluding noncash and indirect) (\$M) (Total, lines A, B2.2)		50.575
A: SETTLEMENT TRANSACTION COSTS^b			
A	Total known transaction costs paid by defendants (\$M) (Total, lines A1, A2, A3)		25.400
A1	Undifferentiated fund for defendants' costs & charges and plaintiffs attorney fees and costs (\$M)		—
A2	Total known fees & costs awarded or paid to all plaintiffs attorneys (\$M) (Total, lines A2.1, A2.2)		24.900
A2.1	Total class counsel's fees & costs (\$M) (Total, lines A2.11, A2.12, A2.13)		24.900
A2.11	Class counsel's undifferentiated fees & costs awarded/paid (\$M)		—
A2.12	Class counsel's fees awarded/paid (\$M)		17.200
A2.13	Class counsel's costs awarded/paid (\$M) (Total, lines A2.131, A2.132, A2.133)		7.700
A2.131	Class counsel's costs awarded/paid, undifferentiated, may include notice (\$M)		—
A2.132 ^c	Class counsel's costs for notice awarded/paid (\$M)		3.100
A2.133 ^d	Class counsel's costs for other than notice awarded/paid (\$M)		4.600
A2.2	Total known fees and costs awarded or paid to other plaintiffs attorneys (\$M)		—
A3	Total known costs to defendants for settlement-related expenses (\$M) (Total, lines A3.1, A3.2)		0.500
A3.1	Costs to defendants for administration and notice (\$M) (Total, lines A3.11, A3.12, A3.13)		0.500
A3.11	Costs to defendants for administration and notice, undifferentiated (\$M)		Unknown
A3.12	Costs to defendants for administration (\$M) Amount earmarked for settlement administration	\$500,000	0.500
A3.13	Costs to defendants for notice (\$M)		Unknown
A3.2	Other costs and charges to defendants (\$M) (Not including settlement benefits)		—
B: ALLOCATED SETTLEMENT BENEFITS			
B	Known direct and indirect settlement benefits (\$M) (Total, lines B1, B2)		26.175
B1 ^e	Settlement benefits not directly allocated to class (\$M)		1.000
B2	Total settlement benefits allocated to class members (\$M) (Total, lines B2.1, B2.2)		25.175
B2.1	Noncash benefits allocated to class members (\$M)		—

Table E.9 (continued)

Line #	Description	Component	Total
B2.2	Cash benefits allocated to class (\$M)		25.175
C: DEFENDANTS' LEGAL FEES AND COSTS			
C	Outside defense fees and costs (\$M)		Unknown
D: CLASS LOSS AND SIZE			
D1	Total loss (\$M)		Unknown
D2 ^f	Class size		3,931
	Claim forms opting in	3,877	
	Additional opt-ins allowed at fairness hearing	54	
	<i>Total</i>	<i>3,931</i>	
E: REPORTED DISTRIBUTION OF SETTLEMENT BENEFITS ALLOCATED TO CLASS			
E1 ^g	Reported number of claims paid		3,931
E2 ^h	Reported cash disbursed to class (\$M)		25.175
E3	Cy pres, based on reported cash disbursement (\$M)		—
E4	Cash reversion to defendants, based on reported cash disbursement (\$M)		—
F: PROJECTED FINAL DISTRIBUTION OF SETTLEMENT BENEFITS ALLOCATED TO CLASS			
F1 ⁱ	Projected final number of claims paid		3,931
F2 ^j	Projected final cash disbursed to class (\$M)		25.175
F3	Cy pres, based on projected cash disbursement (\$M)		—
F4	Cash reversion to defendants, based on projected cash disbursement (\$M)		—
G: TYPICAL CLASS MEMBER LOSS, ALLOCATED BENEFIT, AND PAYOUT			
G1	Average loss per class member		Unknown
G2	Average allocated direct cash benefit per class member		\$6,404.22
G3	Average allocated direct/indirect cash/credit benefit per class member		\$6,658.61
G4	Average known cash payout per claiming class member		\$6,404.22
G5	Average projected cash payout per claiming class member		\$6,404.22

^aMaximum value of settlement does not include expenditures made by defendants for in-house or outside legal counsel.

^bSettlement transaction costs do not include expenditures made by defendants for in-house or outside legal counsel.

^cClass counsel's awarded costs for nonnotice expenses include reimbursement for 'litigation costs' such as witness preparation, court filing costs, etc.

^dClass counsel's costs for 'notice' includes costs of notice, establishment of Gert Town office, holding of Superdome hearing, and other expenses; some expenditures might be characterized as administrative.

^eIndirect settlement benefits includes \$1 million charitable contribution to Gert Town projects.

^fNumber of claims allowed to "opt in"; actual number of potential class members unknown.

^gNumber of claims to date includes about 20 to 22 disbursements that have not yet been made.

^hDisbursement to date includes total to be eventually distributed among class members; about 20 to 22 disbursements have not yet been made.

ⁱProjected number of claims assumes that all eligible payments will eventually be made.

^jProjected disbursement assumes all eligible payments will eventually be made.

Table E.10

Oriented Strand Board Home Siding Litigation: *In re Louisiana-Pacific Inner-Seal Siding* Settlement Structure, Costs, and Distribution Summary

Line #	Description	Component	Total
TOTAL SETTLEMENT VALUE AT TIME OF AGREEMENT^a			
	Maximum potential value of settlement (\$M) (Total, lines A, B)		516.300
	Maximum potential cash value of settlement (excluding noncash benefits) (\$M) (Total, lines A, B1, B2.2)		516.300
	Maximum potential direct cash value of settlement (excluding noncash and indirect) (\$M) (Total, lines A, B2.2)		516.300
A: SETTLEMENT TRANSACTION COSTS^b			
A	Total known transaction costs paid by defendant (\$M) (Total, lines A1, A2, A3)		46.246
A1	Undifferentiated fund for defendant's costs & charges and plaintiffs attorney fees & costs (\$M)		—
A2	Total known fees & costs awarded or paid to all plaintiffs attorneys (\$M) (Total, lines A2.1, A2.2)		26.300
A2.1	Total class counsel's fees & costs (\$M) (Total, lines A2.11, A2.12, A2.13)		25.200
A2.11 ^c	Class counsel's undifferentiated fees & costs awarded/paid (\$M)		25.200
	Total fees and costs awarded to class counsel	\$26,250,000	
	Less one-half of special master expenses	(\$500,000)	
	Less one-half of payments made to attorneys representing Gronvold intervenors	(\$500,000)	
	Less one-half of payments made to Lawrence Schonbrun	(\$50,000)	
	<i>Total</i>	<i>\$25,200,000</i>	
A2.12	Class counsel's fees awarded/paid (\$M)		—
A2.13	Class counsel's costs awarded/paid (\$M) (Total, lines A2.131, A2.132, A2.133)		—
A2.131	Class counsel's costs awarded/paid, undifferentiated, may include notice (\$M)		—
A2.132	Class counsel's costs for notice awarded/paid (\$M)		—
A2.133	Class counsel's costs for other than notice awarded/paid (\$M)		—
A2.2 ^d	Total known fees and costs awarded or paid to other plaintiffs attorneys (\$M)		1.100
	Defendant's share of payments to attorneys for Gronvold intervenors	\$500,000	
	Class counsel's share of payments to attorneys for Gronvold intervenors	\$500,000	
	Defendant's estimated share of reported payments to Lawrence Schonbrun	\$50,000	
	Class counsel's estimated share of reported payments to Lawrence Schonbrun	\$50,000	
	<i>Total</i>	<i>\$1,100,000</i>	
A3	Total known costs to defendant for settlement-related expenses (\$M) (Total, lines A3.1, A3.2)		19.946
A3.1	Costs to defendant for administration and notice (\$M) (Total, lines A3.11, A3.12, A3.13)		18.900

Table E.10 (continued)

Line #	Description	Component	Total
A3.11	Costs to defendant for administration and notice, undifferentiated (\$M)		—
A3.12 ^e	Costs to defendant for administration (\$M)		14.000
A3.13 ^f	Costs to defendant for notice (\$M)		4.900
A3.2 ^g	Other costs and charges to defendant (\$M) (Not including settlement benefits)		1.046
	Class counsel's one-half share of special master expenses	\$500,000	
	Defendant's one-half share of special master expenses	\$500,000	
	Direct payments to representative plaintiffs and intervenors (12 at \$3,000 each plus 1 at \$10,000 each)	\$46,000	
	<i>Total</i>	<i>\$1,046,000</i>	
B: ALLOCATED SETTLEMENT BENEFITS			
B	Known direct & indirect settlement benefits (\$M) (Total, lines B1, B2)		470.054
B1	Settlement benefits not directly allocated to class (\$M)		—
B2	Total settlement benefits allocated to class members (\$M) (Total, lines B2.1, B2.2)		470.054
B2.1	Noncash benefits allocated to class members (\$M)		—
B2.2 ^h	Cash benefits allocated to class (\$M)		470.054
	Initial funding obligations through Year 7	\$275,000,000	
	Second funding obligation (estimated maximum)	\$50,000,000	
	Third funding obligation (estimated maximum)	\$50,000,000	
	Final funding obligation, Year 8 (estimated benchmark value)	\$50,000,000	
	Final funding obligation, Year 9 (estimated benchmark value)	\$50,000,000	
	Less direct payments to representative plaintiffs and intervenors	(\$46,000)	
	Less minimum amount of pre-Fairness Hearing notice costs	(\$4,900,000)	
	<i>Total</i>	<i>\$470,054,000</i>	
C: DEFENDANT'S LEGAL FEES AND COSTS			
C	Outside defense fees and costs (\$M)		Unknown
D: CLASS LOSS AND SIZE			
D1	Total loss (\$M)		Unknown
D2 ⁱ	Class size		808,000
	Midpoint of class counsel's estimated range of 700,000 to 900,000 single-family dwellings	800,000	
	Midpoint of class counsel's estimated range of 7500 to 8500 multifamily structures	8,000	
	<i>Total</i>	<i>808,000</i>	
E: REPORTED DISTRIBUTION OF SETTLEMENT BENEFITS ALLOCATED TO CLASS			
E1 ^j	Reported number of claims paid		37,871
E2 ^k	Reported cash disbursed to class (\$M)		165.000
E3	Cy pres, based on reported cash disbursement (\$M)		—
E4 ^l	Cash reversion to defendant, based on reported cash disbursement (\$M)		305.054
	Total available in fund, including optional supplemental payments	\$470,054,000	

Table E.10 (continued)

Line #	Description	Component	Total
	Less known distribution through June 1998	(\$165,000,000)	
	<i>Total</i>	<i>\$305,054,000</i>	
F: PROJECTED FINAL DISTRIBUTION OF SETTLEMENT BENEFITS ALLOCATED TO CLASS			
F1 ^m	Projected final number of claims paid		Unknown
F2	Projected final cash disbursed to class (\$M)		470.054
	Assumes complete exhaustion of initial and optional funding	\$470,054,000	
F3	Cy pres, based on projected cash disbursement (\$M)		—
F4 ⁿ	Cash reversion to defendant, based on projected cash disbursement (\$M)		—
	Total available in fund, including optional supplemental payments	\$470,054,000	
	Less projected final disbursement	(\$470,054,000)	
	<i>Total</i>	<i>0</i>	
G: TYPICAL CLASS MEMBER LOSS, ALLOCATED BENEFIT, AND PAYOUT			
G1	Average loss per class member		Unknown
G2	Average allocated direct cash benefit per class member		\$581.75
G3	Average allocated direct/indirect cash/credit benefit per class member		\$581.75
G4	Average known cash payout per claiming class member		\$4,367.27
G5	Average projected cash payout per claiming class member		Unknown

^aMaximum value of settlement does not include expenditures made by defendant for in-house or outside legal counsel.

^bSettlement transaction costs do not include expenditures made by defendant for in-house or outside legal counsel.

^cClass counsel fees and cost are reduced by their share for special master expenses and payments to Gronvold attorneys and Lawrence Schonbrun.

^dAmounts paid to nonclass counsel plaintiffs' attorneys do not include payments made to attorneys appealing the settlement on behalf of builders.

^eCosts of administration based upon midpoint of estimates published in the *San Francisco Recorder* at time of approval of settlement; may include some postapproval notice costs.

^fCosts of notice is minimum amount reported for pre-Fairness Hearing purposes. Notice costs subsequent to settlement approval come from common fund.

^gDefendant's other costs and charges includes class counsel's and defendant's shares of five years of special master expenses as well as incentive payments to plaintiffs and intervenors.

^hCash benefit includes \$275 million initial contribution and \$200 million in optional funding, less direct fees paid and initial notice costs; does not include interest added or deduction for postapproval notice costs; no adjustment for Nov. 1998 amendments.

ⁱClass size based upon midpoints of class counsel's estimates for single-family dwelling and multifamily structures. Does not include commercial structures.

^jNumber of claims to date are to June 1998.

^kDisbursements to date are to June 1998.

^lReversion to date is to June 1998; assumes \$200 million in optional funding will eventually be added; however, no additional funds beyond initial \$275 million would be needed if no further claims paid.

^mProjected disbursement assumes exhaustion of \$275 million initial funding and \$200 million in optional funding. As of June 1998, claims worth \$410 million had been submitted and inspected. No adjustment for Nov. 1998 settlement amendments.

ⁿProjected reversion assumes exhaustion of \$275 million initial funding as well as \$200 million in optional funding opportunities. No adjustment for Nov. 1998 settlement amendments.

Table E.11

**Polybutylene Plumbing Pipes Litigation: *Cox v. Shell Oil*
Settlement Structure, Costs, and Distribution Summary**

Line #	Description	Component	Total
TOTAL SETTLEMENT VALUE AT TIME OF AGREEMENT ^a			
	Maximum potential value of settlement (\$M) (Total, lines A, B)		1,042.448
	Maximum potential cash value of settlement (excluding noncash benefits) (\$M) (Total, lines A, B1, B2.2)		1,042.448
	Maximum potential direct cash value of settlement (excluding noncash and indirect) (\$M) (Total, lines A, B2.2)		1,042.448
A: SETTLEMENT TRANSACTION COSTS ^b			
A	Total known transaction costs paid by defendants (\$M) (Total, lines A1, A2, A3)		204.448
A1	Undifferentiated fund for defendants' costs and charges and plaintiffs attorney fees and costs (\$M)		—
A2	Total known fees & costs awarded or paid to all plaintiffs attorneys (\$M) (Total, lines A2.1, A2.2)		83.400
A2.1	Total class counsel's fees & costs (\$M) (Total, lines A2.11, A2.12, A2.13)		75.000
A2.11 ^c	Class counsel's undifferentiated fees & costs awarded/paid (\$M)		75.000
	<i>Cox</i> counsel's fees awarded/paid (\$M)	\$45,000,000	
	<i>Spencer</i> counsel fees & costs from coordinated settlement with <i>Cox</i> case	\$30,000,000	
	<i>Total</i>	\$75,000,000	
A2.12	Class counsel's fees awarded/paid (\$M)		—
A2.13	Class counsel's costs awarded/paid (\$M) (Total, lines A2.131, A2.132, A2.133)		—
A2.131	Class counsel's costs awarded/paid, undifferentiated; may include notice (\$M)		—
A2.132	Class counsel's costs for notice awarded/paid (\$M)		—
A2.133	Class counsel's costs for other than notice awarded/paid (\$M)		—
A2.2 ^d	Total known fees and costs awarded or paid to other plaintiffs' attorneys (\$M)		8.400
	<i>Spencer</i> counsel fees and costs from earlier settlement with DuPont	\$8,400,000	
	<i>Total</i>	\$8,400,000	
A3	Total known costs to defendants for settlement-related expenses (\$M) (Total, lines A3.1, A3.2)		121.048
A3.1	Costs to defendants for administration and notice (\$M) (Total, lines A3.11, A3.12, A3.13)		114.000
A3.11	Costs to defendants for administration and notice, undifferentiated (\$M)		—
A3.12 ^e	Costs to defendants for administration (\$M)		84.000
A3.13 ^f	Costs to defendants for notice (\$M)		30.000
	CPRC capped costs of notice to be deducted from fund (actual is \$10.902 million to June 1998)	\$28,000,000	
	Defendants' own costs of notice for 1-800 telephone line	\$2,000,000	
	<i>Total</i>	\$30,000,000	

Table E.11 (continued)

Line #	Description	Component	Total
A3.2 ^g	Other costs & charges to defendants (\$M) (Not including settlement benefits)		7.048
	Payment to <i>Cox</i> representative plaintiffs; three individuals and one married couple at \$3,000 each	\$12,000	
	Payment to <i>Spencer</i> representative plaintiffs; twelve individuals at \$3,000 each	\$36,000	
	Costs expended by DuPont for early notice campaign later subsumed by coordinated settlement	\$7,000,000	
	<i>Total</i>	<i>\$7,048,000</i>	
B: ALLOCATED SETTLEMENT BENEFITS			
B	Known direct & indirect settlement benefits (\$M) (Total, lines B1, B2)		838.000
B1	Settlement benefits not directly allocated to class (\$M)		—
B2	Total settlement benefits allocated to class members (\$M) (Total, lines B2.1, B2.2)		838.000
B2.1	Noncash benefits allocated to class members (\$M)		—
B2.2 ^h	Cash benefits allocated to class (\$M)		838.000
	Soft cap (does not include U.S. Brass contribution of \$53.4 million in cash and \$20 million in notes)	\$950,000,000	
	Less costs of administration to be deducted from the soft cap	(\$84,000,000)	
	Less costs of notice to be deducted from the soft cap (excludes notice costs borne solely by defendants)	(\$28,000,000)	
	<i>Total</i>	<i>\$838,000,000</i>	
C: DEFENDANTS' LEGAL FEES AND COSTS			
C	Outside defense fees & costs (\$M)		Unknown
D: CLASS LOSS AND SIZE			
D1 ⁱ	Total loss (\$M)		Unknown
D2 ^j	Class size		Unknown
E: REPORTED DISTRIBUTION OF SETTLEMENT BENEFITS ALLOCATED TO CLASS			
E1 ^k	Reported number of claims paid		395,969
E2 ^l	Reported cash disbursed to class (\$M)		567.538
E3	Cy pres, based on reported cash disbursement (\$M)		—
E4 ^m	Cash reversion to defendants, based on reported cash disbursement (\$M)		270.462
	Total amount of funds available for claims after deductions for administration and notice	\$838,000,000	
	Less distribution to June 1998	(\$567,538,000)	
	<i>Total</i>	<i>\$270,462,000</i>	
F: PROJECTED FINAL DISTRIBUTION OF SETTLEMENT BENEFITS ALLOCATED TO CLASS			
F1	Projected final number of claims paid		Unknown
F2 ^m	Projected final cash disbursed to class (\$M)		838.000
F3	Cy pres, based on projected cash disbursement (\$M)		—
F4 ⁿ	Cash reversion to defendants, based on projected cash disbursement (\$M)		—
	Total amount of funds available for claims after deductions for administration and notice	\$838,000,000	
	Less projected distribution	(\$838,000,000)	
	<i>Total</i>	<i>0</i>	

Table E.11 (continued)

Line #	Description	Component	Total
G: TYPICAL CLASS MEMBER LOSS, ALLOCATED BENEFIT, AND PAYOUT			
G1	Average loss per class member		Unknown
G2	Average allocated direct cash benefit per class member		Unknown
G3	Average allocated direct/indirect cash/credit benefit per class member		Unknown
G4	Average known cash payout per claiming class member		\$1,433.29
G5	Average projected cash payout per claiming class member		Unknown

^aMaximum value of settlement does not include expenditures made by defendants for in-house or outside legal counsel.

^bSettlement transaction costs do not include expenditures made by defendants for in-house or outside legal counsel.

^cClass counsel fees and costs only include amounts paid to *Cox* and *Spencer* attorneys in coordinated settlement. Fees and costs paid to *Spencer* attorneys for separate settlement with DuPont shown elsewhere.

^dFees and costs paid to attorneys in other related individual and class litigation (other than settlement with DuPont in *Spencer*) are unknown.

^eRAND-estimated costs of administration based on average of 10 percent in claims cost through July 2009. Fund administration costs to June 1998 have been \$34.857 million.

^fDefendants' costs of notice include CPRC capped amount deductible from settlement fund and costs for 1-800 telephone line (borne by defendants). Fund notice costs to June 1998 have been \$10.902 million. DuPont's notice expenses shown elsewhere.

^gDefendants' other expenses include direct payments to named plaintiffs in *Cox* and *Spencer* cases as well as DuPont's notice expenses from early agreement later subsumed by coordinated settlement.

^hCash benefit does not include projected U.S. Brass contribution of \$53.4 million in cash and \$20 million in notes; amount is net of estimated costs of administration and notice chargeable to settlement fund.

ⁱEstimated total loss for class is unknown.

^jActual number meeting class definition (property owners with leaking polybutylene plumbing) unknown. Estimates of all properties using these pipes ranged from 4.7 million to 6 million.

^kNumber of claims made to date is to June 1998 (includes some open claims).

^lDollars disbursed to date are to June 1998.

^mProjected dollars disbursed assumes entire amount of fund available to class will be exhausted; does not include any additional funding available from U.S. Brass contribution.

ⁿProjected reversion estimate assumes eventual magnitude of claims will exhaust fund.

NOTES

¹See, e.g., James S. Kakalik and Nicholas M. Pace, *Cost and Compensation Paid in Tort Litigation* (Santa Monica, Calif.: RAND, R-3391-ICJ, November 1986). See also David M. Trubek et al., "The Costs of Ordinary Litigation," *31 UCLA Law Review*, October 1983.

²However, a 1986 RAND Institute for Civil Justice study found that, of all costs and compensation paid in "typical" tort litigation (gross compensation paid to plaintiffs of about \$24,000 to \$29,000) in federal and state courts of general jurisdiction, 46 percent of the total was for compensation to the plaintiffs, 21 percent was for plaintiffs' legal fees and expenses, 16 percent was for defendants' legal fees and expenses (in-house and outside), the value of plaintiff's time was 3 percent of the total, 9 percent of the total was for defendant's time, and 2 percent was for the costs of processing all tort claims, and 2 percent was for government tort expenditures. James S. Kakalik and Nicholas M. Pace, *supra* note 1 at 71. Of course, class actions with far larger stakes and multitudes of class plaintiffs might yield different proportions.

³See Chapter Thirteen, page 352.

⁴See Chapter Thirteen, page 364.

⁵Generally excluding defendant legal fees and expenses.

⁶Note that the term "transaction costs" as applied to class actions is sometimes used in court documents to refer only to expenditures other than for settlement benefits or to plaintiffs' attorneys for their fees and costs.

⁷Note that our concept of a cy pres award may differ from the potentially more common use that includes any "next best use" of settlements or judgments other than payments directly to plaintiffs. Under this definition, the payments to Gert Town charities or to the Texas attorney general consumer funds might be considered cy pres distributions.

⁸In a couple of instances, most notably in the *collateral protection insurance* litigation, the benefit fund would be divided completely and checks or credits issued, but for one reason or another the class member could no longer be located, the check would not be cashed, or crediting the account was no longer possible. The small amount of money remaining from the fund usually was donated to charities as a cy pres distribution.

⁹See Chapter Five.