IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

PHT HOLDING II LLC, on behalf of itself and all others similarly situated, Plaintiff, v. NORTH AMERICAN COMPANY FOR LIFE AND HEALTH INSURANCE, Defendant.	)	Case No. 4:18-cv-00368-SMR-HCA ORDER ON MOTION FOR APPROVAL OF THIRD DISTRIBUTION AND PAYMENT OF ADDITIONAL SETTLEMENT ADMINISTRATION EXPENSES

Before the Court is Plaintiff's Unresisted Motion for Approval of Third Distribution and Payment of Additional Settlement Administration Expenses. [ECF No. 318]. The Settlement Administrator, JND Legal Administration LLC, has completed two rounds of distributions from a Settlement Fund that initially exceeded $37.9 million. Not every check was cashed, and $411,381.95 remained in the Settlement Fund as of July 3, 2026. [ECF No. 318-2 ¶ 23]. Plaintiff seeks approval of a third *pro rata* distribution and payment of $276,209.58 in outstanding Settlement Administration Expenses, approximately $76,172.37 of which remains available for redistribution. *See id*. ¶¶ 22, 24. Defendant does not resist.

A third distribution is warranted. Where further distributions to class members remain feasible, a district court should order redistribution before turning to *cy pres*. *In re BankAmerica Corp. Sec. Litig.*, 775 F.3d 1060, 1064–65 (8th Cir. 2015); *see also Caligiuri v. Symantec Corp.*, 855 F.3d 860, 867 (8th Cir. 2017). The Plan of Allocation adopts the same standard and permits modification by further order of the Court. [ECF No. 309-8 ¶¶ 5, 7]. Distribution to Class Members whose *pro rata* share equals or exceeds $10.00 is feasible and economical. [ECF

No. 318-2 ¶¶ 25–27]. Distributing without a floor would send 14,449 of 15,332 eligible Class Members less than $10.00, at a mean award of $3.53 and a higher administrative cost. *Id.* ¶ 26. The Court adopts the $10.00 floor.

Payment of outstanding Settlement Administration Expenses is likewise approved. The Settlement Administrator has billed $409,253.67, exceeding the $138,253.27 to $153,253.27 estimated in October 2023. [ECF Nos. 312-4 ¶¶ 4–6; 318-2 ¶ 22]. The administration ran more than three years against an ordinary expectation of twelve to eighteen months, required four check mailings and hundreds of reissued checks, and demanded continuous tracking of policies moving between in-force and terminated status. [ECF No. 318-2 ¶¶ 7–21]. The work was performed and it benefited the Class. The Final Approval Order permits payment of Settlement Administration Expenses from the Settlement Escrow Account as they become due. [ECF No. 316 ¶ 21]. The Plan of Allocation places the costs of disposing of residual funds on that same account. [ECF No. 309-8 ¶ 6].

Plaintiff's Motion is GRANTED. [ECF No. 318]. It is ORDERED:

1. The Plan of Allocation is modified to provide for a third distribution. The Settlement Administrator shall conduct a third *pro rata* distribution of residual settlement funds to Class Members who cashed the checks they received in the second distribution or who received Accumulation Value Credits in that round, and whose *pro rata* share equals or exceeds $10.00.
2. Settlement checks issued in the third distribution shall be valid for sixty days, and the Settlement Administrator shall process reissue requests received within thirty days after the void date. North American shall apply Accumulation Value Credits to In-Force Policies as provided in the Plan of Allocation. Counsel shall work with the Settlement Administrator on a timeline for the mailing of checks and the application of Accumulation Value Credits.
3. Payment to the Settlement Administrator of $276,209.58 in outstanding Settlement Administration Expenses, and of up to $49,000 in Settlement Administration Expenses for the third distribution, is APPROVED.

4. Within sixty days after the close of the reissue period, Plaintiff shall file a status report addressing final closing fees, any remaining tax filing obligations, and whether a further distribution or an application for *cy pres* distribution is appropriate.

IT IS SO ORDERED.

Dated this 1st day of September, 2026.

STEPHANIE M. ROSE, CHIEF JUDGE
UNITED STATES DISTRICT COURT