
**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

IN RE VIVINT SOLAR, INC. SECURITIES
LITIGATION

**ORDER GRANTING IN PART AND
DENYING IN PART MOTION FOR
AUTHORIZATION TO DISTRIBUTE
SETTLEMENT FUNDS**

Case No. 2:20-cv-00919-JNP-CMR

District Judge: Jill N. Parrish

Magistrate Judge: Cecilia M. Romero

Before the court is the lead plaintiffs' motion for authorization to distribute settlement funds to the class members. ECF No. 101. The court GRANTS IN PART and DENIES IN PART the motion.

The court has reviewed the lead plaintiffs' motion and agrees with their proposed plan for distributing the funds. But the court disagrees with the lead plaintiffs' request for the court to enter an order barring all legal claims that class members may have against the lead plaintiffs, lead plaintiffs' counsel, or any other person involved in calculating or processing the claims.¹ Permanently barring the class members from pursuing a legal claim without notice or a hearing may violate the class members' due process rights. Moreover, lead plaintiffs, through their counsel,

¹ The lead plaintiffs do not provide a reasoned justification for barring all legal claims against these parties. They cite a district court order approving the distribution of funds to class members that discharges from liability all persons that were involved in processing the class members' claims. *In re Crocs, Inc. Secs. Litig.*, 2018 U.S. Dist. LEXIS 35646, *9 (D. Colo. March 5, 2018). But that court provided no reasoning for including this language. By all appearances, the court merely rubber-stamped a proposed order provided by the lead plaintiffs in that case.

are advocating against the best interests of the class members, potentially violating their duty to represent the class. Accordingly, the court will modify paragraph six of the proposed order (paragraph five of the court's order) to remove any language limiting the class members' right to bring a legal claim. The court, however, will retain language barring the class members from making any further claims against the settlement funds so that the lead plaintiffs may distribute the funds to the class in an expeditious manner.

DATED February 8, 2023



Judge Jill N. Parrish

United States District Court for the District of Utah