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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11
12 IN RE:

13 REFORMULATED GASOLINE (RFG)
14 ANTITRUST & PATENT
LITIGATION,

15
16 This document relates to:
17 ALL ACTIONS

MDL Case No. 05-1671 CAS (VBKx)

The Honorable Christina A. Snyder

Class Action

18 **~~PROPOSED~~ ORDER (1)**
19 **REALLOCATING REMAINING**
20 **CY PRES FUNDS FROM THE**
21 **FCCC REPAIR/SCRAP**
22 **PROGRAM TO THE OPEN**
23 **GRANTS PROGRAM; (2)**
24 **APPROVING A DISTRIBUTION**
25 **TO BAY AREA CLEAN AIR**
26 **FOUNDATION; AND (3)**
27 **AUTHORIZING CARL OSHIRO**
28 **IN HIS CAPACITY AS THE OPEN**
GRANTS ADMINISTRATOR TO
CONDUCT THE CY PRES
ADMINISTRATION FOR THE
REMAINING CY PRES FUNDS

No Hearing Set Unless Ordered by the Court

On May 8, 2015, plaintiffs' counsel in this matter filed an Application for an Order (1) reallocating the remaining *cy pres* funds from the Foundation for California Community Colleges ("FCCC") Repair/Scrap Program to the Open Grants Program, (2) approving distribution of funds from the Open Grants Program to the Bay Area Clean Air Foundation ("BACAF") for the clean air and fuel efficiency purposes described in BACAF's Proposal, and (3) authorizing Carl K. Oshiro in his capacity as Open Grants Administrator to conduct the *cy pres* administration for the remaining *cy pres* funds. Having reviewed plaintiffs' Application and supporting papers and there being no objection, and good cause appearing,

IT IS ORDERED:

(1) The Application is GRANTED;

(2) The Court approves reallocating *cy pres* funds remaining in the Foundation for California Community Colleges ("FCCC") Repair/Scrap Program to the Open Grants Program;

(3) The Court approves distributing funds from the Open Grants Program to the Bay Area Clean Air Foundation ("BACAF") for the clean air and fuel efficiency purposes described in BACAF's Proposal;

(4) The Court authorizes Carl K. Oshiro in his capacity as Open Grants Administrator to conduct the *cy pres* administration for the remaining *cy pres* funds. In this role, Mr. Oshiro's duties will include (a) administering the BACAF Proposal including negotiating, executing and monitoring the BACAF Grant Contract and approving payment(s) to the grantee during the term of the grant; (b) assisting plaintiffs' counsel in identifying one or more appropriate recipients and use(s) for funds remaining in the Open Grants Program (including funds transferred from the Repair/Scrap Program) consistent with the purposes of the Open Grants Program; (c) assisting plaintiffs' counsel in applying to the Court for approval of such

distributions; (d) if approved by the Court, administering the subsequent grant(s) including drafting, negotiating and executing the Grant Contract(s), monitoring progress of the grant(s) and approving payments to the approved grantee(s); (e) keeping plaintiffs' counsel informed of the progress of approved grants and significant developments related thereto; (f) preparing three written annual reports to plaintiffs' counsel regarding the status of the BACAF Grant and grant or grants subsequently approved by the Court covering the periods of calendar years 2015, 2016 and 2017;

(5) The Court approves the requested fees and budget for administration of the Open Grants Program, in accordance with the schedule set forth below:

Expense	Maximum Reimbursement Amount
Grant Administrator (Carl K. Oshiro)	\$63,000.00 (180 hours at a rate of \$350 per hour)
Expert Consulting	As incurred, up to \$10,000.00
Accounting Review	As incurred, up to \$9,500.00
Travel (site visits, meetings, with grantees, court appearances, etc.)	As incurred, up to \$2,000.00
Copying, Postage and Fed Ex	As incurred, up to \$500.00
Total:	\$85,000.00

(6) Upon submission of invoices by the *Cy Pres* Administrator, plaintiffs' counsel shall reimburse reasonable expenses incurred by the *Cy Pres* Administrator;

1 (7) Payments that would exceed a total expenditure of more than \$85,000
2 over the next three calendar years (2015, 2016, and 2017) will require prior Court
3 approval.

4
5 DATED: May 12, 2015



HON. CHRISTINA A. SNYDER
UNITED STATE DISTRICT COURT