

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 18-cv-02381-CMA

UNITED STATES SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

CLOVIS ONCOLOGY, INC.,
PATRICK J. MAHAFFY, and
ERLE T. MAST,

Defendants.

**ORDER TO APPOINT A DISTRIBUTION AGENT AND AUTHORIZE PAYMENT OF
FUTURE FEES AND EXPENSES OF THE DISTRIBUTION AGENT FROM THE FAIR
FUND**

The Court, having reviewed Plaintiff Securities and Exchange Commission's ("the Commission") Motion to Appoint a Distribution Agent, and to Authorize Payment of Future Fees and Expenses of the Distribution Agent from the Fair Fund (Doc. # 14), and for good cause shown, ORDERS:

1. Epiq Class Action & Claims Solutions, Inc. ("EPIQ") is appointed to serve as the Distribution Agent for the Fair Fund to assist in overseeing the administration and the distribution of the Fair Fund in coordination with Commission, pursuant to the terms of a distribution plan to be approved by this Court.
2. EPIQ shall coordinate with the Court-appointed Tax Administrator, Miller Kaplan Arase, LLP, to ensure that the Fair Fund, a Qualified Settlement Fund ("QSF") under Section 468B(g) of the Internal Revenue Code, and related regulations, 26

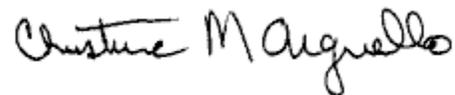
C.F.R. §§ 1.468B-1 through 5, complies with all related legal and regulatory requirements, including but not limited to, satisfying any reporting or withholding requirements imposed on distributions from the QSF.

3. EPIQ shall complete a final accounting report, in a format to be provided by the Commission, when EPIQ's duties are completed. The Commission shall file the final accounting report with the Court once it has been reviewed by Commission, and the Commission has determined it has no objections.
4. EPIQ may be removed *sua sponte* at any time by the Court or upon motion of the Commission and replaced with a successor. In the event EPIQ decides to resign, it will first give written notice to the Court and to Commission's counsel of such intention, and the resignation, if permitted, will not be effective until the Court appoints a successor.
5. The Commission is authorized to approve and arrange payment of all future fees and expenses for services rendered by the Distribution Agent directly from the Fair Fund without further order of the Court.
6. The Court will retain exclusive jurisdiction over the distribution, including, but not limited to, claims against the Distribution Agent asserting liability for violation of any duty imposed by the distribution plan or other Court order.

Accordingly, Plaintiff the Commission's Motion to Appoint a Distribution Agent, and to Authorize Payment of Future Fees and Expenses of the Distribution Agent from the Fair Fund (Doc. # 14) is GRANTED.

DATED: December 2, 2019

BY THE COURT:

A handwritten signature in black ink that reads "Christine M. Arguello". The signature is written in a cursive style with a large initial 'C' and 'A'.

CHRISTINE M. ARGUELLO
United States District Judge