

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION**

In re Provectus Biopharmaceuticals, Inc.,)	
)	No. 3:14-CV-338
<i>Securities Litigation.</i>)	REEVES/GUYTON
)	

MEMORANDUM OPINION AND ORDER

In the above-captioned litigation, the Claims Administrator has completed the administration of the Settlement Fund, including processing all submitted Proof of Claim and Release forms, and is now prepared, with the approval of the Court, to distribute the proceeds of the Settlement.

On December 12, 2016, the Court entered a Final Judgment and Order of Dismissal with Prejudice [D. 140], which approved the Plan of Allocation of Settlement proceeds and retained jurisdiction over the litigation for all matters relating to the implementation of the Settlement. The Court's September 29, 2016 Order [D. 137] extended deadlines for filing an exclusion request, objection, or Proof of Claim and Release form to accommodate those potential Settlement Class Members who received belated Postcard Notices. The deadline for Class Members to submit claims to participate in a distribution from the Net Settlement Fund was November 25, 2016.

As reflected in the Declaration of Justin R. Hughes Regarding: (A) Mailing of the Notice and Proof of Claim Form; (B) Administration of Received Proof of Claim Forms; and (C) Proposed Distribution of Settlement, the Claims Administrator has completed the process of reviewing all submitted claims and has made a recommendation as to the eligibility of each submitted claim. Lead Plaintiff and the Claims Administrator now seek authorization to distribute the Net Settlement Fund to Authorized Claimants.

After reviewing the Motion for an Order Authorizing Distribution of the Net Settlement Fund, the Hughes Distribution Declaration, and all other exhibits and papers submitted in support thereof, the Court has determined that good cause exists for the relief requested.

THEREFORE, IT IS HEREBY ORDERED as follows:

1. All timely filed claims that the Claims Administrator has determined to be eligible, listed in Exhibit B-1 of the Hughes Distribution Declaration, are approved for payment from the Net Settlement Fund;

2. All late claims submitted after the November 25, 2016, deadline for filing claims, but otherwise determined to be eligible by the Claims Administrator, listed in Exhibit B-2 of the Hughes Distribution Declaration, are also approved for payment from the Net Settlement Fund;

3. All claims that the Claims Administrator has determined to be ineligible or unacceptable, listed in Exhibit B-3 of the Hughes Distribution Declaration, are disallowed and shall not be paid;

4. No claim received on or after August 4, 2017, may be accepted for any reason whatsoever;

5. The amount of \$133,548.35 shall be reserved from the Settlement Fund to pay the Claim Administrator's fees and expenses actually incurred and expected to be incurred through the end of the initial distribution, as reflected in Exhibit C of the Hughes Distribution Declaration, that have yet to be paid to the Claims Administrator;

6. The entire balance of the Net Settlement Fund, after deducting the payments previously allowed and requested herein, and after the payment of any estimated taxes and the costs of preparing appropriate tax returns and any escrow fees, shall be distributed to the Authorized Claimants listed in Exhibits B-1 and B-2 of the Hughes Distribution Declaration based

on each Authorized Claimant's total Recognized Loss in comparison to the total Recognized Loss of all Authorized Claimants. However, if an Authorized Claimant's prorated payment calculates to less than \$5.00, it will not be included in the calculation and the claimant will not receive any distribution;


7. All distribution checks issued to Authorized Claimants shall bear the notation: "CASH PROMPTLY, VOID AND SUBJECT TO RE-DISTRIBUTION IF NOT CASHED 90 DAYS AFTER ISSUE DATE";

8. If economically feasible, any funds remaining in the Net Settlement Fund after the initial distribution shall be allocated in a second distribution to Authorized Claimants who have cashed their checks from the initial distribution. After the second distribution or if a second distribution is not economically feasible, the balance of the Net Settlement Fund will be distributed to one or more secular §501(c)(3) organization(s) selected by mutual agreement of the Parties;

9. Any further claims against the Net Settlement Fund beyond the amount allocated to Authorized Claimants are barred and all persons involved in the review, verification, calculation, tabulation, or any other aspect of the processing of the claims submitted herein, or otherwise involved in the administration of the Settlement Fund or the Net Settlement Fund, are released from any claims arising out of their involvement; and

10. The Claims Administrator shall be permitted to destroy paper copies of Proof of Claim and Release forms and all supporting documentation one year after the initial distribution, and all electronic copies of the same three years after the initial distribution.

IT IS SO ORDERED.


— UNITED STATES DISTRICT JUDGE —