

## **EXHIBIT 5**

**WOOD MOUNTAIN FISH LLC, et al. v. MOWI ASA et al.**  
**United States District Court for the Southern District of Florida**  
**Case No. 19-22128-CIV-SMITH/LOUIS**

**DISTRIBUTION OF NET SETTLEMENT FUND**

**PLAN OF ALLOCATION**

The Net Cash Settlement Fund (the Settlement Fund less amounts approved by the Court for Administrative Costs, including costs of issuance of Class Notice to the Settlement Class, Settlement Administrator fees and expenses, and fees related to the Cash Settlement Fund, and any Court-awarded attorneys' fees and reimbursed litigation expenses) will be distributed to Settlement Class Members submitting timely and valid claims showing indirect purchases of Defendants' farm-raised salmon, or products derived from Defendants' farm-raised salmon (such as salmon fillets or smoked salmon) ("Salmon"), sold by persons or distributors other than the Defendants in or made from a Class Member's residence or principal place of business located within the states of AL, AZ, AR, CA, FL, HI, IL, IA, KS, ME, MA, MI, MN, MS, MO, MT, NE, NV, NH, NM, NY, NC, ND, OR, RI, SC, SD, TN, UT, VT, WV, WI, the territory of Guam, and the District of Columbia between April 10, 2013 and [Preliminary Approval Date] ("the Settlement Class Period"), as set forth below:

- Each Settlement Class Member that timely submits a valid Claim Form for Defendants' Salmon indirectly purchased by the Settlement Class Member shall be credited with the purchase price documented in the Claim Form, not including any taxes, fees or surcharges related to the purchase.
- The Net Settlement Fund will be allocated, *pro rata*, to eligible Settlement Class Members on a claims-made basis, based upon the total dollar value of each Settlement Class Member's credited verified purchase amount ("Verified Claim Amount") in proportion to the total amount of the Net Settlement Fund.
- Each eligible Settlement Class Member's actual recovery **will be a percentage** of their credited Verified Claim Amount, **and will vary** depending on the number and amounts of qualifying Verified Claims submitted.
- All of the Net Settlement Fund will be distributed, in full, to eligible Settlement Class Members who have valid claims, according to this Plan of Allocation.
- To the extent there are undistributed amounts remaining in the Net Settlement Fund after distribution to eligible Settlement Class Members with valid claims under this Plan of Allocation, if any (resulting, for example, by the fact that cash settlement payment checks went uncashed), the Settlement Administrator, upon the recommendation of Class Counsel and approval of the Court, will either make a subsequent distribution to Settlement Class Members, or, if it is infeasible to do so in light of the amount of undistributed funds and costs, that money, together with any uncashed checks, will be distributed by *cy pres* to a charitable recipient, to be determined and subject to Court approval.

**PROCEDURES FOR SUBMITTING CLAIMS FOR SETTLEMENT BENEFIT  
PAYMENTS AND FOR CURING CLAIM FORM DEFICIENCIES**

- To be eligible for a distribution payment from the Net Settlement Fund, the Settlement Class Member's Claim Form must be completed and verified, and the Total Purchase Amount listed on the Claim Form must be accurately calculated.
- Each Settlement Class Member Claim Form (whether submitted by the Class Member by mail or electronically) shall bear a unique control number. The Settlement Administrator will use this control number, and the contact information provided, to communicate with a Settlement Class Member in the event the Settlement Administrator determines that a Claim Form is deficient, or the Total Purchase Amount listed is inaccurately calculated.
- The Settlement Administrator has the sole authority to determine the credited value of, the validity of, or deficiency within, any Claim Form under this Plan of Allocation.
- If a Claim Form is determined to be deficient by the Settlement Administrator in any respect, the Settlement Administrator will send a Notice of Deficiency to the Settlement Class Member using the contact information provided by the Settlement Class Member on the Claim Form. The Notice of Deficiency will identify the reasons why the Settlement Administrator determined the Claim Form to be deficient and tell the Settlement Class Member the time period in which the Settlement Class Member must correct the deficiency.
- The Settlement Class Member **MUST** cure or correct the deficiency to the satisfaction of the Settlement Administrator within the time period specified in the Notice of Deficiency. If the Class Member does not timely correct or cure the deficiency within the time period specified by the Settlement Administrator in the Notice of Deficiency, the Settlement Administrator will determine the Claim Form to be invalid and the Settlement Class Member will be deemed ineligible to receive a payment from the Settlement Fund.
- In lieu of a Notice of Deficiency, if a Claim Form is certified and valid in all respects except that the Total Purchase Amount is inaccurately calculated, the Settlement Administrator will send a Notice of Claim Adjustment to the Settlement Class Member using the contact information provided by the Settlement Class Member on the Claim Form. The Notice of Claim Adjustment will list the Total Purchase Amount the Settlement Administrator believes to be accurate, tell the Settlement Class Member the time period in which the Settlement Class Member must object to the Claim Adjustment, identify the reasons for that objection, and provide any documentation the Settlement Class Member believes supports that objection.
- The Settlement Class Member **MUST** object to the Claim Adjustment, with any appropriate supporting documentation, within the time period specified by the Settlement Administrator in the Notice of Claim Adjustment. If the Settlement Class Member does not object within this time period, the amount listed by the Settlement Administrator in the

Notice of Claim Adjustment will be deemed to be that Settlement Class Member's Total Purchase Amount for purposes of calculating any distribution from the Net Settlement Fund under the Plan of Allocation. The Settlement Administrator, in consultation with Class Counsel, will evaluate the Settlement Class Member's objection and thereafter decide the Total Purchase Amount to be applied to the Settlement Class Member's Claim, which decision shall be deemed to be final, subject only to review or modification by the Court, as provided in the Settlement Agreement.

- The Court shall retain jurisdiction over implementation of the Settlement and disposition of the Settlement Fund, including whether to allow, disallow, or adjust the claim of any Settlement Class Member on equitable grounds. If a Settlement Class Member disputes the Settlement Administrator's determination as to the eligibility of its Claim, its credited value, or whether to adjust the Class Member's claim due to a deficiency in its claim, and wishes to seek Court review of its dispute, the Settlement Class Member MUST file a statement of no more than two (2) pages with the Court within fourteen (14) days of the Settlement Administrator's decision to disallow or adjust the Claim. Any statement of response by Class Counsel and/or Defendants shall be filed with the Court not later than fourteen (14) days thereafter. The Court will decide the dispute based on these filings and whatever other materials or procedures the Court may require. No person shall have any claim against any Plaintiff, Class Counsel, Defendant, counsel for any Defendant, or the Settlement Administrator, based on the distribution of the Net Settlement Funds made substantially in accordance with the Plan of Allocation or as modified or interpreted by the Court.