

In the United States Court of Federal Claims

ELECTRICAL WELFARE TRUST FUND,
et al.,

Plaintiffs,

v.

THE UNITED STATES,

Defendant.

No. 19-cv-353

Filed: February 21, 2024

ORDER

Pending before the Court is Plaintiff’s Unopposed Motion for Preliminary Approval of Settlement and Authorization to Disseminate Notice of Settlement. ECF No. 142.

Having reviewed Plaintiff’s Motion and supporting Memorandum and the Parties’ Settlement Agreement, the Court **ORDERS** as follows:

1. The Settlement Agreement entered into by Plaintiff and Defendant on February 16, 2024 is approved preliminarily as fair, reasonable, and adequate and in the best interest of the Settlement Class;

2. The Court approves JND Legal Administration (“JND”) to act as Settlement Administrator and JND is authorized and directed to act in accordance with the Settlement Agreement and all Orders relating to the Settlement;

3. The form and content of the proposed Notice of Class Action Settlement and the proposed manner of communicating the Notice to Settlement Class Members are approved. The Court finds the Notice is the best practicable notice under the circumstances, constitutes reasonable notice to Settlement Class Members of the essential terms of the Parties’ Settlement Agreement

and Settlement Class Members' rights and options in connection with the Settlement and satisfies applicable laws, including due process and Rule 23:

(a) Within fifteen (15) days of the Court's entry of this Order, JND shall e-mail the Notice to all Settlement Class Members. Continuing through the date of the Fairness Hearing, JND shall also display on the internet website dedicated to the matter (www.TRPLitigation.com/exaction) the following documents: (i) the Notice of Class Action Settlement; (ii) the operative Complaint; (iii) the Settlement Agreement; and (iv) this Order.

(b) Plaintiff's Motion for Final Approval of the Settlement and Class Counsel's Motion for an Award of Attorneys' Fees, Litigation Expenses, and Case Contribution Award shall be filed no later than thirty-five (35) days prior to the date of the Fairness Hearing.

(c) Any objections to the Settlement Agreement and/or Class Counsel's Motion for an Award of Attorneys' Fees, Litigation Expenses and Case Contribution Award shall be filed with the Court, with copies provided to Class Counsel and Defendant's counsel, no later than twenty-one (21) calendar days prior to the date of the Fairness Hearing.

(d) Any reply submissions, including responses to any objection by Class Counsel and Defendant's counsel, shall be filed with the Court no later than seven (7) calendar days prior to the date of the Fairness Hearing.

4. Pursuant to Rule 23(e), a final Fairness Hearing shall be held on May 1, 2024 at 1:00 p.m. ET at the United States Court of Federal Claims, Howard T. Markey National Courts Building, 717 Madison Pl., N.W., Washington, D.C., the Honorable Eleni M. Roumel presiding, to:

- (a) determine whether the Settlement Agreement should be finally approved as fair, reasonable and adequate and in the best interest of the Settlement Class;
- (b) determine whether Class Counsel's Motion for Attorneys' Fees, Litigation Expenses and Case Contribution Award is fair and reasonable and should be approved; and
- (c) determine whether a Final Judgment should be entered dismissing all claims in this litigation with prejudice and releasing all claims asserted herein against Defendant in accordance with the Settlement Agreement.

IT IS SO ORDERED.



Eleni M. Roumel
ELENI M. ROUMEL
Judge