

United States District Court
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

LUIS TORRES, ALLIA DEANGELIS,
and DARRICK INMAN, Individually
and On Behalf of All Others Similarly
Situated

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§
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v.

CIVIL ACTION NO. 3:20-CV-3464-S

BERRY CORPORATION, ARTHUR
T. SMITH, CARY BAETZ, GARY A.
GROVE, BRENT S. BUCKLEY, KAJ
VAZALES, and EUGENE VOILAND

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**ORDER GRANTING PLAINTIFFS' UNOPPOSED
MOTION FOR DISTRIBUTION OF SETTLEMENT FUND**

WHEREAS, this Court preliminarily approved the terms of the Stipulation and Agreement of Settlement (“Stipulation”) [ECF No. 150-1] by Order dated October 18, 2023 [ECF No. 151], approved the settlement as fair, reasonable, and adequate, and approved the Plan of Allocation by Order dated February 16, 2024 [ECF No. 159];

WHEREAS, this Court retained jurisdiction over this Action for the purpose of supervising the implementation of the Stipulation and distribution of the Net Settlement Fund;

Whereas, this Court has reviewed the Plaintiff’s Unopposed Motion for Distribution of Settlement Fund (“Motion”) [ECF No. 160] by Lead Plaintiffs Luis Torres and Allia DeAngelis, and additional Plaintiff Darrick Inman (collectively, “Plaintiffs”), the Declaration of Jack Ewashko on Behalf of A.B. Data, Ltd. in Support of Plaintiffs’ Motion for Distribution of Settlement Fund (“Ewashko Declaration”) [ECF No. 162-3] submitted herewith, related documents, and good cause having been shown;

AND NOW, this 5th day of September 2024, upon consideration of the Motion, it is hereby

ORDERED:


1. That the Motion is **GRANTED**;
2. The administrative determinations of the Claims Administrator to accept the claims listed in Exhibits F & G to the Ewashko Declaration and described in ¶¶ 33-34 of the Ewashko Declaration, including claims submitted after the filing deadline but before August 20, 2024, are approved and those claims are accepted;
3. The administrative determinations of the Claims Administrator to reject the claims listed in Exhibit H to the Ewashko Declaration and described in ¶¶ 35-36 of the Ewashko Declaration are approved and those claims are rejected;
4. No Proof of Claim received by the Claims Administrator after August 20, 2024, may be accepted for processing;
5. The Claims Administrator is authorized to make the distributions described in the Motion and the Ewashko Declaration;
6. Any balance remaining in the Net Settlement Fund nine (9) months after the initial distribution (whether by reason of tax refunds, uncashed checks or otherwise), shall, if feasible, be reallocated among Authorized Claimants in an equitable and economic fashion. These redistributions shall be repeated until the balance remaining in the Net Settlement Fund is no longer economically reasonable, in Plaintiffs' Counsel's discretion, to distribute to Authorized Claimants;
7. At such time as Plaintiffs' Counsel, in consultation with the Claims Administrator, determines that further distribution of the funds remaining in the Net Settlement Fund to Authorized Claimants is not cost-effective, if funds remain after payment of any unpaid administration fees or expenses, taxes and tax preparation costs, and escrow fees, Plaintiffs' Counsel shall propose a plan to the Court regarding the use of such funds for contribution to non-sectarian, not-for-profit organization(s);

8. The Claims Administrator shall continue to receive, review, and process any correspondence or information submitted by claimants with respect to already-filed Proofs of Claim. Should there be any adjustments to any Proofs of Claim prior to distribution of the Net Settlement Fund, the Claims Administrator shall update its claims database with the new information and report the updated total to Plaintiffs' Counsel prior to distribution;

9. All persons who were involved in the review, verification, calculation, tabulation, or any other aspect of the administration of claims filed in this Action, and all persons who were involved in the administration or taxation of the Net Settlement Fund, are released from liability for any and all claims arising out of such activities.

SO ORDERED.

SIGNED September 5, 2024.



KAREN GREN SCHOLER
UNITED STATES DISTRICT JUDGE