

DONALD W. ABSHIRE, ET AL
VS
THE STATE OF LOUISIANA, ET AL

19TH JUDICIAL DISTRICT COURT
CIV. ACTION NO. 377,713, DIV. "M"
EAST BATON ROUGE PARISH,
LOUISIANA

CONSOLIDATED WITH

ARTHUR A. LEWIS, ET AL
VS
THE STATE OF LOUISIANA, ET AL

19TH JUDICIAL DISTRICT COURT
CIV. ACTION NO. 412,265, DIV. "M"
EAST BATON ROUGE PARISH,
LOUISIANA

FILED: _____

DEPUTY CLERK

MOTION FOR APPROVAL OF CLAIM ADMINISTRATION PLAN

NOW INTO COURT, through undersigned counsel, come counsel for the Plaintiff Class, who respectfully represents that:

1.

In the Motion By All Parties for Final Approval of Settlement With Incorporated Memorandum of Law, filed on March 21, 2019, Plaintiffs expressed their intention to file a motion seeking approval of a detailed plan of administration of claims on or before April 29, 2019.

2.

By order signed on December 21, 2018, preliminarily approving the settlement agreement reached among all parties, this Court found that "[a]llocation and distribution of the settlement fund among the Class members who submit valid claims *pro rata* based on the net value of the instruments at issue in the litigation is fair and reasonable."

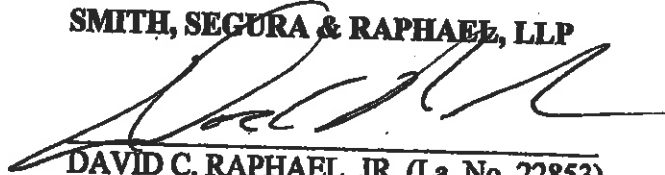
3.

Attached hereto as Exhibit A is a Claim Administration Plan, which sets forth in detail procedures for class counsel and the claims administrator to approve, modify, or reject claims; procedures for providing notices to class members of any rejection or modification of submitted claims; and procedures for challenges to the claims administrator's determinations with respect to submitted claims.

WHEREFORE, Plaintiffs prays that this Honorable Court approve the attached Claim Administration Plan.

Respectfully submitted:

SMITH, SEGURA & RAPHAEL, LLP



DAVID C. RAPHAEL, JR. (La. No. 22853)

Email: draphael@ssrllp.com

DAVID P. SMITH (La. No. 12159)

Email: dsmith@ssrllp.com

3600 Jackson Street, Suite 111

Alexandria, LA 71303

Telephone: (318) 445-4480

John Gregory Odom (La. No. 1109)

Email: Jodom@odrlaw.com

Stuart E. Des Roches (La. No. 21902)

Suite 2020, Poydras Center

650 Poydras Street

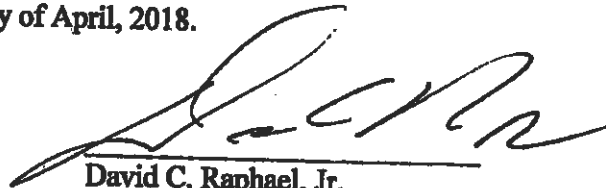
New Orleans, Louisiana 70130

Telephone: (504) 522-0077

CO-LEAD CLASS COUNSEL

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been forwarded to all counsel of record via electronic mail, this 29th day of April, 2018.



David C. Raphael, Jr.

EXHIBIT A

DONALD W. ABSHIRE, ET AL.

19TH JUDICIAL DISTRICT COURT

-versus-

CIV. ACTION NO. 377713, SEC. 26

THE STATE OF LOUISIANA, ET AL.

EAST BATON ROUGE PARISH,

CONSOLIDATED WITH

ARTHUR A. LEWIS, ET AL.

19TH JUDICIAL DISTRICT COURT

-versus-

CIV. ACTION NO. 412265, SEC. 26

THE STATE OF LOUISIANA, ET AL.

EAST BATON ROUGE PARISH,

CLAIM ADMINISTRATION PLAN

I. Introduction

This Claim Administration Plan sets forth the procedures for submission of claims, processing of claims, challenging claims, and allocation and distribution of the Net Settlement Fund.¹

II. Claim Form

On March 8, 2019, the claims administrator, Rust Consulting, who was appointed by this Court by order dated September 6, 2018, mailed a notice of settlement and claim form to all known potential class members. The claim form was in substantially the form approved by this Court by order dated December 27, 2018. A copy of the claim form also is accessible on the firm website for co-lead class counsel Smith Segura & Raphael, LLP. If a class member agrees with the claim value information set forth in Exhibit A to the claim form, he or she is asked to check a box verifying its accuracy, sign the claim form, and timely mail it to the claims administrator. If a class member believes that the information contained in his or her claim form is not accurate, that class member may provide policy records and other supporting documents in order to establish the value of their claim pursuant to the procedures set forth below.

The claim form requests the name and contact information of the person asserting the right to participate in the distribution of the Net Settlement Fund. All persons who timely submit an executed claim form are referred to herein as “Claimants.” Given that over the almost 28-

¹ “Net Settlement Fund” refers to the Court-approved settlement amount of \$5.81 million, less Court-approved attorneys’ fees, incentive awards, and expenses.

year history of this case, many original Plaintiffs have passed away, and Claimants who submit claims on behalf of deceased Plaintiffs are required to provide documentation of their right to make a claim as an heir or successor of a class member.

Submission of the claim form to the claims administrator, with any necessary supporting documentation if the Claimant is disputing information provided in Exhibit A to the claim form, will be deemed timely if it is received or postmarked by June 14, 2019. At co-lead class counsel's discretion, this deadline may be extended an additional 45 days without approval of the Court. Co-lead class counsel may also seek further extensions of the deadline by order of the Court after any initial extension.

III. Calculation of *Pro Rata* Shares of the Net Settlement Fund

Each Claimant will be entitled to receive a pro rata share of the Net Settlement Fund, i.e., a given Claimant's share of the Net Settlement Fund will be determined by dividing their approved claim amount by the total of all approved claim amounts, then multiplying that ratio by the total amount of the Net Settlement Fund.

IV. Processing of Claims

All claims will be reviewed and processed by the claims administrator.

The claims administrator shall first determine whether a claim form received is timely, properly completed, and signed. If a claim form is incomplete, the claims administrator shall communicate with the Claimant(s) via First Class Mail, email, or telephone regarding the deficiency. Claimants will then have 30 days from the date they are contacted by the claims administrator regarding the deficiency to cure any such deficiency. If any Claimant fails to correct the deficiency within this time, the claim may be rejected and the Claimant shall be notified of such rejections by letter stating the reason for rejection.

All timely claim forms that are properly completed and, in the discretion of the claims administrator, have sufficient documentation as to the right of the Claimant to submit the claim (if the claim is made by someone other than a class member) and the claim value (if the Claimant seeks a claim value other than as provided in Exhibit A to the claim form), will be approved by the claims administrator ("Approved Claims"). All late claim forms that are otherwise complete and sufficiently documented will be processed by the claims administrator, but segregated as

“Late Approved Claims.” Co-lead class counsel may decide to accept Late Approved Claims, in which case they will be treated as any other Approved Claim.

With respect to claims made for a value other than as provided in Exhibit A to the claim form, the claims administrator, working in conjunction with AsherMeyers, will be responsible for determining the approved amount of the claim as set forth in Section V, below. Once the claims administrator has determined the number of Approved Claims, it will calculate each Claimant’s *pro rata* share of the Net Settlement Fund as determined by the calculation methodology set forth above.

V. Processing Challenged Claims

As described above, the claims administrator shall review any and all claims made for values other than the values provided in Exhibit A to the claim form. If, as a result of this review, the claims administrator decides to amend or modify the amounts claimed on a claim form, it shall so advise that Claimant. These determinations shall be final, subject only to the appeals process described below.

Where the claims administrator determines that a claim requires additional information or documentation, it will so advise the Claimant and provide that Claimant an opportunity to cure the deficiency or deficiencies within 30 days from the date of notification. If the deficiency is related to the value of the claim and the Claimant fails to cure the deficiency within that time, the proposed modification to the amounts set forth for the Claimant (or the Claimant’s successor in interest, as the case may be) will be rejected. If the deficiency pertains to the documentation of a Claimant’s right to recover on behalf of an original class member, the claim will be rejected if the Claimant does not cure the deficiency or deficiencies within 30 days of the date of notification. The Claimant will be notified of rejections pursuant to this Section by mail, which notification shall be deemed final.

VI. Resolution of Disputes

In the event of any disputes between a Claimant and the claims administrator on any subject, including but not limited to timeliness of submissions, required completion or documentation of a claim, and calculation of claim values, the decision of the claims administrator shall be final, subject to the Claimant’s right to seek review by the Court. In

notifying a Claimant of the final rejection of a claim or a challenge to the value of a claim, the claims administrator shall notify the Claimant of his or her right to seek review by the Court. In notifying a Claimant of the final rejection of a claim, in whole or part, the claims administrator shall notify the Claimant of his or her right to seek such review.

Any such appeal by a Claimant must be submitted in writing to the Court, with copies to the claims administrator and co-lead class counsel, within 20 days of the claims administrator's mailing of the final rejection notification letter to the Claimant.

VII. Report to Court Regarding Distribution of Net Settlement Fund

After the claims administrator determines how much each Claimant is entitled to receive from the Net Settlement Fund and any disputes are resolved by the Court, the claims administrator will prepare a final report and affidavit of the claims administrator's determinations, which will be submitted to the Court with plaintiffs' motion for approval of the final plan of distribution. The affidavit will explain the tasks and methodologies employed by the claims administrator in processing the claims and administering this Administration Plan. It will also contain a list of each Claimant's final *pro rata* percentage share of the Net Settlement Fund, with the actual dollar amounts of the Claimant's proposed distribution. In addition, it will include a list of class members, if any, who filed claim forms which were rejected and the reasons those claims were rejected, as well as a list of any challenges to the claim values that were rejected, with the reasons for those rejections. Finally, the final report shall contain an accounting of the expenses associated with the Administration Plan, including bills from Rust Consulting and AsherMeyers, any taxes that are due and owing, and any other fees or expenses associated with the settlement allocation process.

VIII. Payment to the Claimants

Upon Court approval of the final distribution plan, the claims administrator shall issue a check payable to each Claimant in the amount approved by the Court.