

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
STATE OF LOUISIANA

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
STATE OF LOUISIANA

[PROPOSED] ORDER FOR DISTRIBUTION OF NET SETTLEMENT FUND

AND NOW, upon review and consideration of Plaintiffs' Motion for Distribution of Net Settlement Fund:

WHEREAS, on April 29, 2019, this Court entered a Final Approval Order approving a \$5.81 million settlement (the "Settlement") between the Plaintiff Class¹ and Defendants: the State of Louisiana, by and through its Department of Insurance, Office of Risk Management, and Office of Financial Institutions; Admiral Insurance Company; Westchester Fire Insurance Company; Lexington Insurance Company; National Union Fire Insurance Company of Pittsburgh, Pa.; and American Excess Insurance Association and each of its members;

¹ The Plaintiff Class certified by the Court's Order dated September 14, 2016 is defined as follows:

All persons or entities in the United States who filed suit against the State of Louisiana and/or its Department of Insurance or Office of Financial Institutions for damages caused by the State's conduct in connection with the failure of Public Investors Life Insurance Company, Inc., and whose claim was consolidated into Civil Action No. 377,713 or No. 412,265 (captioned *Donald W. Abshire, et al., vs. The State of Louisiana, et al.*);

All persons or entities in the United States who filed suit against the State of Louisiana and/or its Department of Insurance or Office of Financial Institutions for damages caused by the State's conduct in connection with the failure of Public Investors, Inc., and whose claim was consolidated into Civil Action No. 377,713 or No. 412,265 (captioned *Donald W. Abshire, et al., vs. The State of Louisiana, et al.*);

All persons or entities in the United States who filed suit against the State of Louisiana and/or its Department of Insurance or Office of Financial Institutions for damages caused by the State's conduct in connection with the failure of Midwest Life Insurance Company, and whose claim was consolidated into Civil Action No. 377,713 or No. 412,265 (captioned *Donald W. Abshire, et al., vs. The State of Louisiana, et al.*);

Excluded from the Class are any persons or entities to the extent their claims in Civil Action No. 377,713 or No. 412,265 have been resolved by a final, unappealable judgment, including those claims dismissed as a result of the rulings of the United States District Court, Western District of Louisiana, No. 06-1368.

WHEREAS, on April 29, 2019, this Court entered an Order approving the Claim Administration Plan submitted by Class Counsel;

WHEREAS, it appears that the Court-approved claims administrator Rust Consulting {"Rust"} has administered the claims process in accordance with the Claim Administration Plan, as set forth in the Declaration of Amy Fringer (the "Rust Declaration"), and has made use of the services of the accounting firm of AsherMeyers, LLC in the valuation of claims per the Claim Administration Plan;

WHEREAS, Class Counsel has submitted the Declaration of David Raphael, identifying certain expenses necessarily incurred in connection with the administration and distribution of the Net Settlement Fund;

WHEREAS, as set forth in Paragraph 7 of the Final Approval Order, the Court has retained jurisdiction over, *inter alia*, the claims administration process;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The administrative determinations of Rust concerning the Accepted Claims and Rejected Claims submitted in this case, as set forth in the Rust Declaration, are hereby **APPROVED**.

2. Rust shall distribute to each Claimant, to the extent their Claim Form has been determined to be an Accepted Claim by Rust, their pro rata percentage of the Net Settlement Fund as computed and reported by Rust and set forth in Exhibit 3 to the Rust Declaration.

3. Rust shall make payment, solely from the Settlement Fund, to the professionals whose services were required in connection with the administration of the distribution of the Net Settlement Fund as set forth in the Raphael Declaration in the following amounts:

- a. \$10,911.28 to Rust for past expenses;
- b. \$1,470.33 to Smith Segura Raphael & Leger, LLP for past expenses;
- c. \$16,635.55 to Odom & Des Roches, LLC for past expenses;
- d. Up to \$38,296.50 in future expenses for Rust.

4. No further claims received by Rust shall be accepted.

5. All claims against the Net Settlement Fund, except those described in ¶2 above, are finally and forever barred.

6. Plaintiffs class representatives, Class Counsel, Rust, AsherMeyers, LLC, and all persons who were involved in the review, verification, calculation, tabulation, acceptance, rejection, or any other aspect of the processing of the claims filed in this action, or who are otherwise involved in the administration or taxation of the Net Settlement Fund, are hereby released and discharged from any and all claims arising out of such involvement, and pursuant to the release terms of the Settlement, all Class members or any other persons, whether or not they are to receive payment from the Net Settlement Fund, are hereby barred from making any further claim against the Settlement Fund beyond the amounts allocated to them as described in ¶2.

7. Class Counsel, Rust, and AsherMeyers, LLC are hereby authorized to discard (a) paper or hard copies of Claim Forms and released documents not less than one year after the distribution of the net settlement to Class members with accepted claims; and (b) electronic media or data not less than three years after the distribution of the Net Settlement Fund to claimants.

8. The Court retains jurisdiction over any further application or matter which may arise in connection with the administration of this settlement.

SO ORDERED, on Plaintiffs' Motion for Distribution of Net Settlement Fund in Civ. Action No. 377713, c/w No. 412265, Sec. 26, on this 29 day of January, 2020.



Hon. Richard "Chip" Moore
19th Judicial District Court

I HEREBY CERTIFY THAT ON THIS DAY A COPY OF THE WRITTEN REASONS FOR JUDGMENT / JUDGMENT / ORDER / COMMISSIONER'S RECOMMENDATION WAS MAILED BY ME WITH SUFFICIENT POSTAGE AFFIXED. SEE ATTACHED LETTER FOR LIST OF RECIPIENTS.

DONE AND MAILED ON January 30, 2020


DEPUTY CLERK OF COURT