

FILED IN CLERKS OFF  
JEFFERSON CIRCUIT CT

Case No. 15 CI-01623  
2017 SEP 14 AM 11:26

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D.C.

SHERHONDA STEWART

and

BEVERLY SHEPPARD, *et al.*

v.

DERBY INDUSTRIES, LLC

and

GENERAL ELECTRIC COMPANY

FILED IN CLERKS OFF  
JEFFERSON CIRCUIT CT

2017 SEP 14 AM 11:19  
JEFFERSON CIRCUIT COURT  
DIVISION TWELVE (12)  
JUDGE SUSAN SCHULTZ GIBSON

D.C.

PLAINTIFFS

DEFENDANTS

**JOINT MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION  
SETTLEMENT, FOR CERTIFICATION OF SETTLEMENT CLASS, AND  
FOR APPROVAL OF NOTICE PLAN AND FORM OF NOTICE**

**NOTICE**

Please take notice that on Monday, September 18, 2017, at 3:15 p.m., in the courtroom of the above Court, the undersigned will make the following motion and tender the attached order.

**MOTION**

The Parties move, under Kentucky Rule of Civil Procedure 23.05, for preliminary approval of a Settlement of this class action.<sup>1</sup> The Settlement Class consists of:

All natural persons who, on April 3, 2015, resided in or owned residential property located (a) within a two-mile radius of the former AP6 facility at 4000 Buechel Bank Road, Louisville, Kentucky, or (b) within a two- to three-mile radius of AP6 and bounded by Fern Valley Road to the south and Route 150 to the northeast.

Excluded from the Settlement Class are: (a) officers and directors of the Defendants, (b) insurers of Class Members, and (c) subrogees or all entities claiming to be subrogated to the rights of a Class Member.

As explained in the Parties' briefs in support of this Motion, the Settlement is fair,

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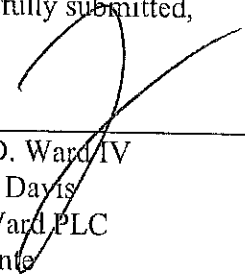
<sup>1</sup> The Settlement Agreement and Release is attached to this Motion as Exhibit 1. Unless otherwise specified, all capitalized terms in this Motion carry the same meaning as set forth in the Settlement Agreement.

reasonable, and adequate to the Class, is the product of good-faith bargaining between the Parties, and is well within the range of possible approval. Accordingly, the Parties request that the Court:

1. enter the Parties' proposed Order Granting Preliminary Approval of Class Action Settlement ("Preliminary Approval Order"), attached hereto as Exhibit 2 (and also Exhibit 4 to the Parties' Settlement Agreement and Release);
2. certify the Rule 23.02(c) Settlement Class;
3. appoint Class Counsel as Settlement Class Counsel;
4. appoint Edgar C. Gentle, III, Esq. of Gentle, Turner, Sexton & Harbison, LLC, as the Settlement Administrator;
5. order notice of the Settlement to be provided to members of the Settlement Class;
6. enter the proposed schedule, detailed in the Proposed Preliminary Approval Order (Exhibit 2 to this Joint Motion), for notice, opt-out deadlines, objections deadlines, and dates for final approval briefing and hearing.

Dated: September 14, 2017

Respectfully submitted,



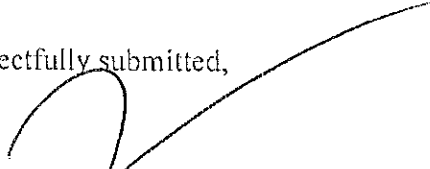
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*Counsel for Plaintiffs*

Dated: September 14, 2017

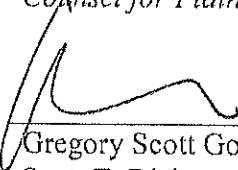
Respectfully submitted,



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*Counsel for Plaintiffs*



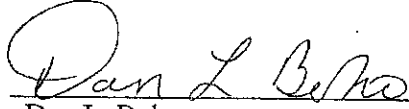
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