

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 90-cv-00181-JLK

MERILYN COOK, *et al.*,

Plaintiffs,

v.

ROCKWELL INTERNATIONAL CORPORATION
and THE DOW CHEMICAL COMPANY,

Defendants.

**PLAINTIFFS' AND CLASS COUNSEL'S MOTION FOR A SECOND DISTRIBUTION OF
THE NET SETTLEMENT FUNDS; FOR INITIAL DISTRIBUTION AWARDS TO
CLAIMANTS WHO SUBMITTED VALID, TIMELY CLAIMS; AND FOR
ADJUSTMENTS TO INITIAL DISTRIBUTION AWARD AMOUNTS**

For the reasons set forth in the accompanying memorandum in support and related materials, Class Counsel and Plaintiffs Marilyn Cook, Richard and Sally Bartlett, and William and Delores Schierkolk¹ respectfully move for an Order approving a second distribution from the Net Settlement Fund to claimants who have submitted valid, timely claims, to be distributed in the *pro rata* manner set forth in the attached memorandum in support. Plaintiffs and Class Counsel also respectfully request that the Court authorize payment of both an initial distribution award and a second distribution award to those claimants who submitted timely claims but who have not yet received any distribution of Net Settlement Funds because they only recently submitted sufficient supporting documents in connection with their (timely-submitted) claim. Plaintiffs and Class Counsel also respectfully request that the Court authorize adjustment to the initial distribution award amounts in connection with 224 claims whose initial distribution award amounts should be increased, and adjustment to the initial distribution award amounts for the 7 claims whose initial payment amounts were too high and should be decreased.²

Dated: November 6, 2018

Respectfully submitted,

/s/ Merrill G. Davidoff

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¹ Delores Schierkolk is deceased, but William Schierkolk is her heir and representative.

² The claimants who were overpaid will not be asked to return money they received; rather, Plaintiffs and Class Counsel request permission to reduce these claimants' second distribution amounts so that the total of their initial and second distributions is correct.

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CERTIFICATE OF SERVICE

The undersigned certifies that on this 6th day of November, 2018, he caused the foregoing submission to be served via the Court's ECF system on all participating counsel.

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