

**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.

**ORDER GRANTING PLAINTIFFS' AND CLASS COUNSEL'S MOTION FOR THIRD
AND FINAL DISTRIBUTION OF THE NET SETTLEMENT FUNDS**

This matter comes before the Court on Plaintiffs' and Class Counsel's Motion for a Third and Final Distribution of the Net Settlement Funds (CM/ECF No. 2557), made pursuant to Paragraph 5 of the Order Granting Plaintiffs' and Class Counsel's Unopposed Motion for Initial Distribution, ECF No. 2501, which provides that the Court retains jurisdiction over any further application or matter that may arise in connection with this Action, and Paragraph 6 of the Order Granting Plaintiffs' and Class Counsel's Motion for a Second Distribution of the Net Settlement Funds, ECF No. 2539, which provides that Class Counsel shall submit a separate application requesting Court approval for any additional disbursements of Net Settlement Funds following the Second Distribution.

Upon review of Plaintiffs' and Class Counsel's Motion for a Third and Final Distribution of the Net Settlement Funds, the accompanying Memorandum in Support (the "Memorandum"),

and all other materials attached thereto, it is ORDERED, ADJUDGED AND DECREED as follows:

1. The Court approves the Third and Final Distribution from the Net Settlement Fund as proposed by Plaintiffs and Class Counsel, and directs the Settlement and Claims Administrator to distribute the *pro rata* Third Distribution awards as set forth in the Memorandum. As provided in the Memorandum, the methodology of calculating payment amounts for the Third Distribution shall be the same methodology that the Court approved, and the Settlement and Claims Administrator implemented, with respect to the Second Distribution. *See* Memorandum at 4-6; ECF No. 2539 (Order Granting Plaintiffs' and Class Counsel's Motion for a Second Distribution). Specifically, as with the Second Distribution, claimants who submitted claims regarding properties located within two miles of the southeast corner of the Rocky Flats plant will receive an extra weighting (relative to their initial distribution awards) of 50% for purposes of calculating their Third Distribution awards so that they will receive relatively more than properties that are farther from the Rocky Flats Plant; and this same adjustment will apply regardless of whether they are submitting a claim in connection with a residential, vacant, or commercial property.

2. The Court further orders that the Settlement and Claims Administrator will hold in escrow and not distribute \$150,000 to cover future claims administration expenses.

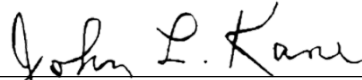
3. Class Counsel shall submit a separate application requesting Court approval for any additional or subsequent disbursements of Net Settlement Funds, including any *cy pres* distribution.

4. This Court retains jurisdiction over any further application or matter that may arise in connection with this Action.

IT IS SO ORDERED.

Date: August 5, 2019

BY THE COURT:

Handwritten signature of John L. Kane in cursive script.

JOHN L. KANE
SENIOR U.S. DISTRICT JUDGE