

**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
UNOPPOSED MOTION FOR AN INITIAL DISTRIBUTION
OF THE NET SETTLEMENT FUNDS**

For the reasons set forth in the accompanying memorandum in support and related materials, Class Counsel and Class Representatives Marilyn Cook, Richard and Sally Bartlett, and William and Delores Schierkolk¹ respectfully request that the Court enter the proposed Order providing that (1) late, otherwise valid claims accepted as of October 6, 2017 should be approved; (2) ineligible claims should be rejected; (3) an Initial Distribution should be distributed to approved Claimants; and (4) claims received after December 31, 2017 against the Settlement Fund shall be barred.

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

Dated: October 13, 2017

Respectfully submitted,

/s/ Merrill G. Davidoff

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CERTIFICATE OF SERVICE

The undersigned certifies that on this 13th day of October, 2017, he caused the foregoing submission to be served via the Court's ECF system on all participating counsel.

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Defendants.

**[PROPOSED] ORDER GRANTING PLAINTIFFS’ AND CLASS
COUNSEL’S UNOPPOSED MOTION FOR INITIAL DISTRIBUTION**

This matter comes before the Court on Plaintiffs’ and Class Counsel’s Motion for an Initial Distribution of the Net Settlement Funds, made pursuant to Paragraph 12 of the Plan of Allocation of the Settlement Fund (“Plan of Allocation”), ECF No. 2407-2, approved by this Court on April 28, 2017, ECF No. 2471, which provides that the Court shall establish appropriate procedures for approval of the Proposed Allocation prior to disbursement of any funds to members of the Class.

Pursuant to this Court’s Order granting Final Approval of the Settlement and Plan of Allocation, ECF No. 2471, and in accordance with the terms of the Settlement Agreement between Marilyn Cook, Richard and Sally Bartlett, and William and Delores Schierkolk¹ (collectively the “Plaintiffs” or “Class Plaintiffs”) and on behalf of the Class, and Defendants

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

Rockwell International Corporation (“Rockwell”) and The Dow Chemical Company (“Dow”) (collectively, “Defendants”), dated May 18, 2016,

NOW, THEREFORE, upon review of Plaintiffs’ and Class Counsel’s Unopposed Motion for Initial Distribution of the Net Settlement Funds, the accompanying Declaration of Edward Radetich Jr. (“Radetich Declaration”) and Declaration of Wayne Hunsperger (“Hunsperger Declaration”), and all other briefing and materials filed in connection with Plaintiffs’ and Class Counsel’s Unopposed Motion for Initial Distribution of the Net Settlement Funds, it is ORDERED, ADJUDGED AND DECREED as follows:

1. The Court approves the Initial Distribution from the Net Settlement Fund as proposed by Class Counsel, and directs the Heffler Claims Group, the Settlement and Claims Administrator, to distribute the Initial Distribution awards in accordance with the Plan of Allocation.

2. The administrative determinations of the Claims Administrator accepting Claims submitted and verified as of October 6, 2017 are approved, and all such Claims are accepted.

3. The administrative determinations of the Claims Administrator rejecting Claims are approved, and these Claims are rejected.

4. Class Counsel shall submit a separate application requesting Court approval for any additional, subsequent disbursements to Class members of Net Settlement Funds.

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

6. No Claim submitted after December 31, 2017 may be included in the initial distribution or any subsequent distribution(s) for any reason whatsoever. Claims received after December 31, 2017 against the Settlement Fund shall be barred.

7. Any further Claims against the Net Settlement Funds and all persons involved in the review, verification, calculation, or any other aspect of the processing of the Claims submitted herein, or otherwise involved in the administration or taxation of the Net Settlement Funds, are released and discharged from any and all claims arising out of such involvement beyond the amount allocated to them.

8. The Court retains exclusive jurisdiction over the Settlement and the Settlement Agreement, including the administration and consummation of the Settlement.

IT IS SO ORDERED.

BY THE COURT:

John L. Kane, Senior District Judge
United States District Court