

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

KIN-YIP CHUN, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

FLUOR CORPORATION, et al.,

Defendants.

§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§

Civil Action No. 3:18-cv-01338-x

CLASS ACTION

SETTLEMENT DISTRIBUTION ORDER

WHEREAS, in its Order and Final Judgment entered on November 8, 2022 (ECF 171) (“Final Approval Order”), this Court approved, *inter alia*, (i) the terms of the Stipulation of Settlement, dated March 25, 2022 (ECF 159-1) (“Stipulation”), whereby \$33,000,000.00 in cash was deposited into escrow for the Settlement Class’s benefit;(ii) a Plan of Allocation for distribution of the Net Settlement Fund; (iii) payment to Lead Plaintiffs’ counsel of their expenses in the amount of \$115,915.09; and (iv) awards to the Lead Plaintiffs pursuant to 15 U.S.C. §78u-4(a)(4) totaling \$51,919.25.¹ On May 23, 2024, the Court issued a Memorandum Opinion and Order (ECF 182) concerning counsel’s attorneys’ fees motion, various expense items, calculation of the Net

¹ Unless otherwise stated, all capitalized terms herein have the same definitions as assigned in the Stipulation.

Settlement Fund, and request for an order permitting distribution of the Net Settlement Fund. ECF 175; and

WHEREAS, the Court-approved Claims Administrator, JND Legal Administration, has determined that 119,825 properly documented, valid Proofs of Claim were submitted;² and

WHEREAS, still to be subtracted from the Settlement Fund are the remaining necessary notice and administration costs, expenses, and fees incurred, which thus far total \$719,477.85 and are expected to reach \$829,196.65 through completion of the first distribution. The Claims Administrator has been paid \$500,000.00 to date for its invoices; and

WHEREAS, this Court has authorized and directed the parties to implement all terms and provisions of the Stipulation and retained jurisdiction over this Action for the purpose of considering any further application or matter that may arise in connection with the administration and execution of the Settlement, the processing of Proofs of Claim, and the distribution of the Net Settlement Fund.

NOW, THEREFORE, upon consideration of Lead Plaintiffs' unopposed Motion and the supporting materials, including the Declaration of Luiggy Segura (ECF 176-1) ("Segura Distribution Declaration"), and all prior proceedings herein, and after due deliberation;

IT IS HEREBY ORDERED THAT:

1. Lead Plaintiffs' Motion is granted.

² This amount includes 119,383 timely-filed, valid Proofs of Claims and 442 late but otherwise valid Proofs of Claim.

2. The Claims Administrator's administrative determinations, accepting and rejecting submitted claims, as presented in the Segura Distribution Declaration and the exhibits thereto, are approved.

3. As per the Court's Order (ECF 182), the Net Settlement Fund will be calculated by Lead Counsel by adding to the Settlement Fund interest accrued to this date and subtracting from the Settlement Fund: (i) prior payment to Lead Counsel of their expenses in the amount of \$115,915.09; (ii) prior awards to the Lead Plaintiffs totaling \$51,919.25; (iii) \$275,000 for payments to the Claims Administrator for claims administration costs and fees; (iv) \$15,000.00 for payment of taxes and tax expenses; and (v) \$5,171,728.25 for payment of attorneys' fees;

4. The Net Settlement Fund shall be distributed on a *pro rata* basis to the Authorized Claimants identified in Exhibits C and D to the Segura Distribution Declaration, at the direction of Lead Counsel, pursuant to the Stipulation, the Court's Preliminary Approval Order entered on May 26, 2022 (ECF 162), the Final Approval Order (ECF 171), and the May 23, 2024 Memorandum Opinion and Order (ECF 182).

5. The checks for distribution to Authorized Claimants will bear the notation "CASH PROMPTLY, VOID AND SUBJECT TO RE-DISTRIBUTION 120 DAYS AFTER ISSUE DATE." Lead Counsel and the Claims Administrator are authorized to locate and/or contact any Authorized Claimant who has not cashed his, her, their, or its check within said time.

6. If any funds remain in the Net Settlement Fund by reason of uncashed distribution checks or otherwise, then after the Claims Administrator has made reasonable and diligent efforts to have Authorized Claimants who are entitled to

participate in the distribution of the Net Settlement Fund cash their distributions, any balance remaining in the Net Settlement Fund after at least nine (9) months after the initial distribution of such funds will be used in the following fashion: (a) first, to pay any amounts omitted from the initial distribution (*e.g.*, late-cured claims or otherwise); (b) second, to pay any additional Settlement notice and administration costs, expenses, and fees; and (c) finally, only if such second distribution is economically feasible, to make a second distribution to claimants who cashed their checks from the initial distribution and who would receive at least \$10.00, after payment of the estimated costs, expenses, or fees to be incurred in administering the Net Settlement Fund and in making this second distribution.

7. If nine (9) months after such second distribution, if undertaken, or if such second distribution is not undertaken, and if any funds remain in the Net Settlement Fund after the Claims Administrator has made reasonable and diligent efforts to have Authorized Claimants cash their checks which are not sufficiently large enough to warrant further distribution, then, in accordance with terms of Stipulation ¶6.7, and in accordance with the Court's Order (ECF 182 at 24), any funds remaining in the Net Settlement Fund will be donated to the Legal Aid of Northwest Texas as Court-approved *cy pres* recipient.

8. Any person asserting any rejected or subsequently filed claims are finally and forever barred from the date of this Order, and no claims and no responses to deficiency and/or rejection notices received after March 28, 2023 may be accepted for any reason whatsoever.

9. The Court finds that the administration of the Settlement and proposed distribution of the Net Settlement Fund complies with the terms of the Stipulation and the Plan of Allocation and the Court's prior Orders and that all persons involved in the review, verification, calculation, tabulation, or any other aspect of the processing of the claims submitted herein, or otherwise involved in the administration or taxation of the Settlement Fund or the Net Settlement Fund are released and discharged from any and all claims arising out of such involvement, and all Class Members are barred from making any further claims against the Net Settlement Fund and the Released Parties beyond the amount, if any, allocated to them pursuant to this Order.

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

IT SO ORDERED this 12th day of December, 2024.

A handwritten signature in black ink, appearing to read "Brantley Starr", is written over a horizontal line.

HONORABLE BRANTLEY STARR
UNITED STATES DISTRICT JUDGE