

1 IN RE: STERICYCLE, INC.,

No. 1:13-cv-5795

2 STERI-SAFE CONTRACT LITIGATION

MDL No. 2455

3  
4 MEMORANDUM OPINION AND ORDER

5  
6 On October 26th, 2017 this Court issued its  
7 Preliminary Approval Order ("Preliminary Approval") granting  
8 an Unopposed Motion for Preliminary Approval of Class  
9 Settlement and Approval of Notice Plan, which had in turn  
10 been identical in substance to the Preliminary Approval  
11 itself. On that same October 26 date this Court granted  
12 preliminary approval of a settlement, calling for payment of  
13 \$295 million in the Settlement Agreement that accompanied the  
14 other documents referred to there.

15 This memorandum opinion and order carries those  
16 documents forward in accordance with those same principles  
17 and their originally-set timetable. In important part those  
18 principles and timetable allow each Class Member to reject  
19 class action membership on or before January 22, 2018, in  
20 which event that Class Member will be an "Opt-Out"  
21 participant. To qualify for such "Opt-Out status," any Class  
22 Member can exercise that judgment independently.

23 If the effect of any Class Member's objection to  
24 the present Preliminary Approval is to prevent its  
25 qualification as a final Approval Order, the terms of the

1 Preliminary Approval as to the February 23, 2018 Fairness  
2 Hearing specified in the Preliminary Approval shall apply.  
3 But for any payment of Class Member benefits to any Class  
4 Member to render that party an "Opt-Out," that Class Member  
5 (a) must couple its putative Opt-Out status with a  
6 representation that it has received no part of any financial  
7 benefit in conjunction with any individual claim in this  
8 Steri-Safe Contract Litigation, or (b) if it cannot make such  
9 a representation, it must return such financial benefit to  
10 the Class Members' pool of funds to be used for distribution  
11 to Class Members other than Opt-Outs in accordance with the  
12 terms of the Fairness Hearing.

13 One additional - and critical - matter must be  
14 added to this memorandum opinion and order. Under the terms  
15 of Preliminary Approval ¶ 38 the Opt-Out and objection  
16 deadlines are both set for January 22, 2018, with a very  
17 brief period - until February 12 - thus designated as this  
18 Court's deadline for the Motion For Final Approval and  
19 Response to Objections. For that schedule to have any  
20 realistic prospect for compliance, it is essential that a  
21 counterpart of every Opt-Out claim and of every court-filed  
22 objection to the final Approval Plan must be emailed to  
23 bredflame@ameritech.net contemporaneously with its in-court  
24 filing.

