

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

JOEL CLEARY, M.D., individually and
on behalf of all others similarly situated,

Plaintiff,

Case No. 4:16-cv-00061-BMM-JCL

v.

RETIREMENT PLAN FOR
EMPLOYEES OF NORTHERN
MONTANA HOSPITAL,
ADMINISTRATIVE COMMITTEE OF
THE RETIREMENT PLAN FOR
EMPLOYEES OF NORTHERN
MONTANA HOSPITAL, DAVID
HENRY, KIM LUCKE, BONNIE
O'NEILL, and NORTHERN
MONTANA HOSPITAL,

Defendants.

**STIPULATION AND ORDER AMENDING
SETTLEMENT STIPULATION AND ORDER**

WHEREAS, in July 2018 the *Parties*¹ entered into a *Stipulation* settling the *Action*, and

WHEREAS, on July 30, 2018, the *Court* preliminarily approved the *Stipulation* (ECF No. 147), and

WHEREAS, after the mailing of *Notice*, the *Parties* learned that two persons (the *Additional Persons*) were inadvertently omitted from the list of *Covered Participants*, and

¹ All capitalized, italicized terms herein shall, unless otherwise stated, have the meanings ascribed to them in the *Stipulation* (ECF No. 147).

WHEREAS, the *Parties* have agreed to add the Additional Persons to the list of *Covered Participants*,

NOW, THEREFORE, in consideration of the premises and the mutual covenants set forth below, it is hereby

STIPULATED AND AGREED, by and among the *Parties* to the *Action*, pursuant to Paragraph 12.4 of the *Stipulation*, as follows:

1. Exhibit 1 to the *Stipulation* is hereby amended in the form attached hereto as Amended Exhibit 1 (“Amended Exhibit 1”) by inserting the information identifying the Additional Persons as numbers 210 and 211 therein.

2. The *Parties*’ shall file a Joint Motion seeking *Court* approval of this *Stipulation* (the “Approval Motion”).

3. Contemporaneously with the filing of the Approval Motion, the *Parties* shall file a Joint Motion for Leave to File Amended Exhibit 1 under Seal.²

4. This *Stipulation* may be executed by exchange of faxed or emailed executed signature pages, and any signature transmitted by facsimile or email for the purpose of executing this *Stipulation* shall be deemed an original signature for purposes of this *Stipulation*. This *Stipulation* may be executed in two or more counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same instrument.

5. This *Stipulation* binds and inures to the benefit of the *Parties* hereto, their assigns, heirs, administrators, executors and successors-in-interest.

6. Each individual executing this *Stipulation* on behalf of any other *Person* does hereby personally represent and warrant to the other *Parties* that he or she has the authority to execute this *Stipulation* on behalf of, and fully bind, each *Person* which such individual represents or purports to represent.

IN WITNESS WHEREOF, the *Parties* have executed this *Stipulation* on the dates set forth below.

² The *Parties*’ Joint Motion for Leave to File Exhibit 1 to the *Stipulation* under Seal (ECF No. 142) is *sub judice*.

Dated the 16th day of October, 2018.

KELLER ROHRBACK L.L.P.

By: /s/ Gary A. Gotto

Gary A. Gotto

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Plaintiff's Counsel

Dated the 16th day of October, 2018.

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Attorneys for Defendants

SO ORDERED: This 17th day of October, 2018.



Brian Morris
United States District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on October 17, 2018, a true and correct copy of the foregoing document was filed with the Court utilizing its CM/ECF system, which will send notice of such filing to all counsel of record.

/s/ Gary A. Gotto
Gary A. Gotto