

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:12-CV-729-D

TERESA M. SPEAKS, TOBY SPEAKS,)
STANLEY SMITH, EDDIE BROWN,)
ROBERT POINDEXTER, MIKE MITCHELL,)
ROY L. COOK, ALEX SHUGART,)
H. RANDLE WOOD, ROBIN ROGERS,)
and DANIEL LEE NELSON,)

Plaintiffs,)

v.)

FINAL JUDGMENT

U.S. TOBACCO COOPERATIVE, INC. f/k/a)
FLUE-CURED TOBACCO COOPERATIVE)
STABILIZATION CORPORATION,)

Defendant.)

On February 20, 2018, the Court GRANTED plaintiffs' motion for final approval of a class action settlement [D.E. 216] and entered a Final Approval Order. The Court finds that the Settlement Class as defined in the Settlement Agreement [D.E. 60-1] meets the requirements of Federal Rules of Civil Procedure 23(a), (b)(3). Thus, the Court certifies the Settlement Class. The Court finds that class notice satisfied the requirements of Rule 23 and the Due Process Clause. The Court also finds that the Settlement Agreement is fair, reasonable, and adequate under Federal Rule of Civil Procedure 23(e). Accordingly, the Court APPROVES the final class action settlement.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

1. This Final Judgment and the Final Approval Order incorporate the Settlement Agreement, and all definitions set forth in the Settlement Agreement. All terms used herein shall have the same meanings as defined in the Settlement Agreement.

2. The Settlement Class includes:

all individuals, proprietorships, partnerships, corporations, and other entities that are or were shareholders and/or members of U.S. Tobacco at any time during the Class Period, without any exclusion, including any heirs, representatives, executors, powers-of-attorney, successors, assigns, or others purporting to act for or on their behalf with respect to U.S. Tobacco and/or the Settled Claims.

The certified Settlement Class includes all Settlement Class Members to whom notice was directed and who did not timely request to be excluded from the Settlement Class. See Fed. R. Civ. P. 23(c)(3)(B).

3. Regardless of whether Settlement Class Members make claims under the Settlement Agreement, the Court's Final Approval Order and Final Judgment DISMISSES WITH PREJUDICE Plaintiffs' and Settlement Class Members' claims and forever releases, remises, acquits, satisfies, and discharges Defendant from any and all actions, causes of action, suits, debts, dues, sums of money, accounts, reckoning, bonds, bills, covenants, controversies, damages, judgments, extents, executions, liabilities, claims, and demands whatsoever, in law, admiralty or equity, whether based on acts, omissions, or agreements, whether arising under federal, state, local, statutory, and/or common law and/or any other law, rule, or regulation (including, without limitation, the federal securities laws), whether known claims or Unknown Claims, that have been or could have been asserted, either directly, derivatively, or otherwise, in any forum by the Plaintiffs or the Settlement Class Members, and/or any of them, against any of the Released Parties which arise out of, are based upon, are in connection with, and/or relate in any way to: (i) any of the matters, things, causes, or events that are specifically released pursuant to any of the provisions of the Settlement Agreement or any document executed in connection therewith; (ii) any matter, thing, cause, or event whatsoever, or any series thereof, involved, set forth, and/or related to the Complaint or Amended Complaint in

this Action; and (iii) any action or inaction of the Cooperative or its Board of Directors, or any of them, whatsoever during the Class Period; provided, however, that the Settled Claims shall not include the right of any of the Parties or the Released Parties to enforce the terms of the Settlement.

4. This Final Judgment is **BINDING** on all Parties and all Settlement Class Members who have not been timely excluded from the Settlement Class by serving a properly executed request for exclusion postmarked by December 20, 2017. Those **EXCLUDED** from the Settlement Class are identified in the opt-out list attached to this Final Judgment as Exhibit A. The Plaintiffs and the Settlement Class Members who have not been timely excluded from the Settlement Class by serving a properly executed request for exclusion postmarked by December 20, 2017, on behalf of themselves, their heirs, representatives, executors, administrators, successors, and assigns, and any persons they represent are **ENJOINED** from prosecuting each and every Settled Claim against the Defendant and each of the Released Parties.

5. Defendant or the Released Parties may use and file this Final Judgment, the Final Approval Order, and the Settlement Agreement to seek an injunction and to support a defense of res judicata, collateral estoppel, estoppel, release, waiver, good-faith settlement, judgment bar or reduction, full faith and credit, or any other theory of claim preclusion, issue preclusion, or similar defense, or counterclaim.

6. Neither this Final Judgment, the Final Approval Order, the Attorneys' Fees and Incentive Award Order, nor the Settlement Agreement shall be construed or deemed to be evidence of, or an admission or concession on the part of, Defendant with respect to any claim, fault, liability, wrongdoing, or damage whatsoever that has been alleged against Defendant, or of any infirmity in the defenses that Defendant has asserted or could assert. Similarly, the Settlement Agreement shall not be construed or deemed to be a concession by any of the Plaintiffs of any infirmity in the claims

asserted in this Action.

7. This Court SHALL retain jurisdiction for the purpose of (i) enforcing the terms of this Final Judgment and the Final Approval Order; (ii) enforcing the terms of the Settlement Agreement; (iii) resolving any claims of Settlement Class Members with respect to the Settlement Fund; and (iv) taking any steps necessary in aid of its jurisdiction or to protect or effectuate its judgments.

8. All Settled Claims as against the Defendant and the Released Parties are hereby DISMISSED WITH PREJUDICE.

9. The Court expressly DIRECTS the Clerk of Court immediately to enter this Final Judgment. Upon entry, this Court DECREES that this document be deemed a Final Judgment. See Fed. R. Civ. P. 58.

SO ORDERED. This 20 day of February 2018.



JAMES C. DEVER III
Chief United States District Judge

Name	State	Name	State
1 RACHEL J BARR EXEC	NC	48 SCOTT FARMS INC	NC
2 F R EASON	NC	49 RALPH RENEGAR	NC
3 KORNEGAY FAMILY FARMS LL	NC	50 KRISTAL M JONES	NC
4 MAJOR JONES	NC	51 SHERRILL W JERNIGAN	NC
5 WHITNEY ELROY KING	NC	52 JOHNNY POPE	NC
6 DOUGLAS L LANIER	NC	53 ORVILLE M WIGGINS	NC
7 RALPH ELLINGTON JR	NC	54 DANIEL KORNEGAY	NC
8 GLENDA B BEAVERS	NC	55 BEAVERS, KEITH R	NC
9 ANDREW KIRBY	NC	56 TYSON, HUBERT	NC
10 JEFFREY V TYSON	NC	57 TYSON, SUSAN M	NC
11 SUSAN S EUBANK	VA	58 MCCULLEN, RANDY	NC
12 LESTER B AYCOCK JR	NC	59 WORLEY JR, ALFORD J	NC
13 MAJOR JONES	NC	60 COLTRAIN, DOROTHY GAIL IVEY	NC
14 C L MITCHELL	VA	61 SOMERSETT, CHARLES W	NC
15 MAX COOPER	NC	62 ROSS, MARK WHITLEY	NC
16 RALPH RENEGAR	NC	63 HENDERSON, TERRY M	NC
17 GREGORY C PRITCHETT	VA	64 KIRBY, MORGAN	MH
18 JOHN MITCHELL KORNEGAY	NC	65 BEAMAN, JOHN RUSSELL	NC
19 MAJOR M JONES	NC	66 PIERCE JR, S STUART	MP
20 GAY SULLIVAN	NC	67 MILLIGAN, CRAY	NC
21 C J MITCHELL	VA	68 ALPHIN II, LEWIS	NC
22 CHANDLER WORLEY	NC	69 ALPHIN, LEWIS	NC
23 LESTER B AYCOCK	NC	70 INGRAM, HEATHER ALPHIN	NC
24 RICHARD P RENEGAR	NC	71 MCCLENNY, MEREDITH ALPHIN	NC
25 GREGORY PRITCHETT	VA	72 JONES, TONY M	NC
26 CHASE KORNEGAY	NC	73 IVEY, JOHN D	NC
27 SHARON W TYSON	NC	74 IVEY, GORDON ROUSE	NC
28 CLAY STRICKLAND	NC	75 HOLLOWAY, LYNN S	NC
29 JAMES MORRIS	NC	76 HOLLOWAY, BRAD	NC
30 DONNELL KORNEGAY SR	NC	77 KIRBY, TERRESA ANN PENNINGTON	NC
31 JOHN H POPE	NC	78 CLEMMONS, JODY E	NC
32 SHERRILL W JERNIGAN	NC	79 BRYAN, CECIL E	NC
33 SHERRILL JERNIGAN	NC	80 HORNER, DEBRA MCCULLOCK	NC
34 C MONROE ENZOR JR	NC	81 POPE, DAVID	NC
35 ANDREW TYSON	NC	82 SCOTT JR, LINWOOD	NC
36 CRAIG WEST	NC	83 FARMS, TIM FISHER	NC
37 CYNTHIA K IVEY	NC	84 WEST, NELL BEAMAN	NC
38 KRISTAL M JONES	NC		
39 MAJOR M JONES	NC		
40 WILLIAM R HORNER	NC		
41 DAN LEWIS	NC		
42 JAMES B MORRIS	NC		
43 KITSIE JONES	NC		
44 C J MITCHELL	VA		
45 MYRTLE BOWMAN	VA		
46 HILDA ALPHIN	NC		
47 KYLE COX	NC		

EXHIBIT A