

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.)

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

Defendant.)

AMENDED FINAL JUDGMENT

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 Amended 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 Amended 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 Amended 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 Amended 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 Amended 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 Amended 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 Amended 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 Amended Final Judgment. Upon entry, this Court DECREES that this document be deemed an Amended Final Judgment. See Fed. R. Civ. P. 58, 60(a).

SO ORDERED. This 27 day of February 2018.



JAMES C. DEVER III
Chief United States District Judge

Name	State	Name	State
1 RACHEL J. BARR EXEC	NC	45 DANIEL H. KORNEGAY	NC
2 F R EASON	NC	46 KEITH R. BEAVERS	NC
3 KORNEGAY FARMS, INC.	NC	47 ESTATE OF HUBERT N. TYSON	NC
4 MAJOR JONES	NC	48 ESTATE OF SUSAN M. TYSON	NC
5 WHITNEY E. KING	NC	49 RANDY MCCULLEN (MCFARMS)	NC
6 DOUGLAS L. LANIER	NC	50 ALFRED J. WORLEY JR.	NC
7 RALPH ELLINGTON JR.	NC	51 DOROTHY G.I. COLTRAIN	NC
8 GLENDA B. BEAVERS	NC	52 CHARLES W. SOMERSETT	NC
9 ANDREW B. KIRBY	NC	53 MARK W. ROSS	NC
10 JEFFERY V. TYSON (TYSON FAMILY FARMS, ROLLING T FARMS LLC)	NC	54 TERRY M. ALLEN (T.M. ALLEN INC.)	NC
11 SUSAN S. EUBANK	VA	55 MORGAN KIRBY	NC
12 LESTER B. AYCOCK JR.	NC	56 S. STUART PIERCE JR. (STUART PIERCE FARMS)	NC
13 CAROLYN S. MITCHELL	VA	57 LEWIS ALPHIN II	NC
14 MAX COOPER	NC	58 LEWIS ALPHIN	NC
15 RALPH RENEGAR	NC	59 HEATHER A. INGRAM	NC
16 GREGORY C. PRITCHETT	VA	60 TONY M. JONES	NC
17 JOHN M. KORNEGAY	NC	61 JOHN D. IVEY	NC
18 GAY SULLIVAN	NC	62 GORDON R. IVEY	NC
19 CHANDLER WORLEY	NC	63 LYNN S. HOLLOWAY	NC
20 LESTER B. AYCOCK	NC	64 BRAD HOLLOWAY	NC
21 RICHARD P. RENEGAR	NC	65 JODY E. CLEMMONS (CLEMMONS FARMING INC.)	NC
22 CHASE KORNEGAY	NC	66 ESTATE OF DALLAS H. MCULLOCK JR.	NC
23 SHARON W. TYSON	NC	67 DAVID POPE	NC
24 CLAY M. STRICKLAND	NC	68 LINWOOD SCOTT JR.	NC
25 JAMES E. MORRIS	NC	69 TIMOTHY W. FISHER (TIM FISHER FARMS)	NC
26 DONNELL KORNEGAY SR.	NC	70 ESTATE OF SELBY T. BEAMAN	NC
27 ESTATE OF JOHN H. POPE	NC	71 CHANDLER KORNEGAY	NC
28 SHERRILL W. JERNIGAN	NC	72 DONNELL KORNEGAY JR.	NC
29 C. MONROE ENZOR JR.	NC	73 JOHN M. KORNEGAY	NC
30 HOWARD A. TYSON	NC	74 ESTATE OF PEARL W. TYSON	NC
31 WAITUS C. WEST	NC	75 ESTATE OF LYNWOOD S. HOLLOWAY	NC
32 CYNTHIA K. IVEY	NC	76 RALPH ELLINGTON SR.	NC
33 KRISTAL M JONES	NC	77 ESTATE OF JERRY L. WEST	NC
34 WILLIAM R HORNER	NC	78 VONDA H. BLACKBURN	NC
35 DAN LEWIS	NC	79 ESTATE OF J.T. ELLINGTON JR.	NC
36 JAMES B MORRIS	NC	80 J. THOMAS SHAW III	NC
37 KITSIE A. JONES	NC	81 JACK M. GALLIMORE	NC
38 MYRTLE BOWMAN	VA	82 ESTATE OF CHARLIE C. HORNER	NC
39 HILDA ALPHIN	NC	83 FISHER FARMS PARTNERSHIPS	NC
40 KYLE COX	NC	84 DAVID C. POPE	NC
41 SCOTT FARMS INC.	NC	85 ESTATE OF JOEY W. KIRBY	NC
42 JOHN H. POPE JR.	NC	86 ESTATE OF ROBERT F. KIRBY	NC
43 ORVILLE M. WIGGINS	NC	87 THERESA A.P. KIRBY	NC
44 CECIL E. BRYAN	NC	88 JOHN R. BEAMAN	NC

Revised Opt-Out List

EXHIBIT A