

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO**

DARLA STEWART,

Plaintiff,

v.

CHEEK & ZEEHANDELAR, LLP, et al.

Defendants.

Case No: 2:06cv0736

Judge: Marbley

Magistrate Judge: King

GEORGE C. LEXINGTON,

Plaintiff,

v.

CHEEK & ZEEHANDELAR, LLP, et al.

Defendants.

Case No: 2:07cv153

Judge: Marbley

Magistrate Judge: King

ENTRY

The parties, having applied for an Order pursuant to Federal Civil Rule 23 seeking preliminary approval of a proposed settlement set forth in the Settlement Agreement and Stipulation of Settlement (the "Settlement") and exhibits thereto, and fixing certain matters in connection with the proposed Settlement, which Settlement provides, (i) for a hearing by this Court on the fairness, reasonableness, and adequacy of the Settlement and Plaintiffs' counsels' application for attorneys' fees and expenses pursuant to the terms of the Settlement; (ii) for notice to the class of class certification, the terms of the Settlement, the settlement hearing, and objection and opt out rights; and (iii) for entry of the Order and Final Judgment.

Now, upon the consent of the parties, after consideration of the Settlement and the exhibits thereto, and after due deliberation, it is hereby ORDERED that:

1. The Settlement is hereby preliminarily approved for the purpose of giving notice to class members of the Settlement.
2. A hearing in this Court shall be held on November 10, 2009 (the "Hearing"), (i) to determine whether the proposed Settlement is fair, reasonable, and adequate and should be approved by the Court, (ii) to determine whether the Order and Final Judgment should be entered in this case pursuant to the Settlement, (iii) to determine whether an award of attorney's fees and expenses sought by plaintiffs' counsel is fair and reasonable and should be approved by the Court, and (iv) to rule on such other matters as the Court may deem appropriate.
3. The Court reserves the right to adjourn the Hearing or any adjournment thereof without further notice other than oral announcement at the Hearing or any adjournment thereof.
4. The Court reserves the right, subject to the terms of the Settlement, to approve the Settlement with or without written modification (subject to all parties' written approval of any modification) and with or without further notice to the Class.
5. Graham & Graham Co. LPA shall administer the notice and payment of sub-class claims. Graham & Graham Co. LPA shall cause a notice of the Hearing in substantially the form attached hereto as Exhibit 1 (the "notice"), an Opt-Out Form (entitled "Exclusion Form") in the form attached as Exhibit 2, and a Claim Form in

the form attached as Exhibit 3, and to be mailed to each class member at their last known address.

6. The method of notice specified herein is the best notice practicable and shall constitute due and sufficient notice of the Hearing to all persons entitled to receive such notice, and plaintiffs shall, at or before the Hearing directed herein, file proof of mailing the notice.
7. Any member of the Class who objects to the Settlement, or who otherwise wishes to be heard, may appear in person or by his attorney at the Hearing and present any evidence or argument that may be proper and relevant. To be heard, any class member must, no later than ~~October 27, 2017~~ file with the Court (i) notice of an intention to appear, (ii) a statement of such person's objections to any matter (iii) the grounds thereof or the reasons for such person's desire to appear and be heard, as well as all documents or writings which such person desires the Court to consider. Any person who fails to object in the manner prescribed above shall be deemed to have waived such objection and shall be forever barred from raising such objection in this or any other action or proceeding.
8. Pending final determination of whether the Settlement should be approved, all members of the Class who have not filed and served an opt-out form, or any of them, either directly, representatively, or in any capacity, shall not commence or prosecute any action asserting any claims which have been or could have been asserted, arising from or relating to any of the matters or transaction referred to in the pleadings herein or in the Settlement.

Dated: 12 Aug. 2009


Honorable Judge Algenon Marbley