

The Settlement Agreement contemplates that settlement class members who fail to timely execute the New Distributor Agreement may be “treated as having filed a proper Opt-Out Request.” (ECF No. 142-2, ¶ 3.22.) Here, the Parties stipulate, and the court hereby finds, that the above-referenced five (5) individuals have failed to comply with the conditions of the settlement and are hereby deemed to have opted out of the settlement and are not entitled to any distribution or recovery thereunder.

The Parties stipulate and the court orders that the funds identified for distribution to the above-listed individuals in Exhibit 9 to the Settlement Agreement shall instead be distributed by the Settlement Administrator to the remainder of the Rule 23 Class on a pro rata basis. Upon entry of this order, the Settlement Administrator may proceed with distribution of settlement funds.

IT IS SO ORDERED.



United States District Judge

November 14, 2018
Columbia, South Carolina

WE SO STIPULATE:

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

s/Michael Oliver Eckard

Michael Oliver Eckard (FBN 12055)
Luci L. Nelson (FBN 10341)
211 King Street, Suite 200
Charleston, SC 29401
Telephone: (843) 853-1300
Facsimile: (843) 853-9992
michael.eckard@ogletreedeakins.com
luci.nelson@ogletreedeakins.com

Charles T. Speth (FBN 4258)
1320 Main Street, Suite 600
Columbia, SC 29201
803.252.1300 (telephone)
803.254.6517 (facsimile)
ted.speth@ogletreedeakins.com

Attorneys for Defendants

RICHARDSON PATRICK WESTBROOK
& BRICKMAN, LLC

s/Matthew A. Nickles

Terry E. Richardson, Jr. (FBN: 3457)
Chris Moore (FBN: 10445)
Matthew A. Nickles (FBN: 1101)
1730 Jackson Street
Post Office Box 1368
Barnwell, South Carolina 29812
T: 803.541.7850
F: 803.541.9625
trichardson@rpwb.com
cmoore@rpwb.com
trichardson@rpwb.com

James F. Walsh, Jr.
1436 Amelia Street
Orangeburg, South Carolina 29115
T: 803.534.6061
jfwwalsh@bellsouth.net

Attorneys for Plaintiffs