## THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA ANDERSON DIVISION

IN RE: LANDAMERICA 1031 EXCHANGE )	
SERVICES, INC. INTERNAL REVENUE )	
SERVICE § 1031 TAX DEFERRED	MDL No. 2054
EXCHANGE LITIGATION )	
Angela M. Arthur, as Trustee of the Arthur  Declaration of Trust data   Decease   20, 1000	
Declaration of Trust, dated December 29, 1988;	
Vivian R. Hays, an individual; Leapin Eagle,	Southern District of California
LLC, a limited liability company; Denise J.	C.A. No. 3:09-cv-00054
Wilson, an individual; Gerald R. Terry, an	
individual, Ann T. Robbins, an individual; and )	
Jane T. Evans, an individual; on their own	District of South Carolina
behalf and on behalf of a class of others	C.A. No.: 8:09-cv-00415
similarly situated,	
)	
Plaintiffs, )	
)	
v. )	
SunTrust Bank; Theodore L. Chandler, Jr.;	
G. William Evans; Stephen Conner; Ronald B. )	
Ramos; Devon M. Jones; and Brenton J. Allen,	
Defendants.	

## CONSENT ORDER TO DISPOSE OF RESIDUAL CLASS ACTION SETTLEMENT FUNDS BY CY PRES AWARD TO THE PUBLIC JUSTICE FOUNDATION

Plaintiffs have moved for an Order authorizing disposal of residual Settlement Funds remaining following administration of the Class Action Settlement in the above matter. On November 7, 2012, this Court entered its Order and Final Judgment in this matter approving a Class Settlement and authorizing Class Counsel to go forward with claims administration and all other matters necessary to consummate the Settlement. No appeal was taken and the Order

became final on December 7, 2012. It appears to the Court that Class Counsel and the Claims

Administrator have completed all tasks necessary to fully distribute the Settlement Funds in

accordance with the terms of the Order and Final Judgment and the Settlement Agreement, and

that a residual amount of \$11,931.14 remains in the Settlement Fund.

The Settlement Agreement provides at Section 7.21.4 that residual funds may be paid *pro* 

rata to members of the settlement class, to the extent practicable, or disposed of as directed by

further Order of the Court. It appears to the Court that the residual funds are not sufficient to

distribute pro rata given the costs required to administer a second distribution. Plaintiffs'

counsel have therefore moved that the residual funds be disposed of by donation to a non-profit

organization as a cy pres award.

The Public Justice Foundation is a not-for-profit, §501(c)(3) charitable organization that

undertakes litigation on "precedent-setting and socially significant" issues such as civil rights and

civil liberties, consumer rights, and worker rights and educates the public on critical public

interest issues. The Public Justice Foundation has been frequently approved to receive cy pres

awards. It appears that all parties consent to a cy pres award of the residual funds to the Public

Justice Foundation.

ACCORDINGLY, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that

Class Counsel is to distribute the \$11,931.14 residual amount in the Settlement Fund to the

Public Justice Foundation forthwith.

AND IT IS SO ORDERED.

Columbia, South Carolina July / **7**. 2015

IOSEPHE ANDERSON

UNITED STATES DISTRICT JUDGE