

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

JAMES SCHAEFER, JR., on behalf of  
himself and all others similarly situated,

Plaintiff,

-against-

M&T BANK CORPORATION,

Defendant.

No. 14 Civ. 6622 (PGG)

USDC SDNY
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**ORDER AND FINAL JUDGMENT ON UNOPPOSED MOTION FOR APPROVAL OF  
SETTLEMENT OF  
COLLECTIVE ACTION AND DISMISSING ACTION WITH PREJUDICE**

This matter came before the Court upon Plaintiffs' Unopposed Motion for Approval of Settlement of Collective Action and Dismissing Action with Prejudice. Having reviewed the Parties' settlement papers, it is hereby **ORDERED AND ADJUDGED** as follows:

1. Plaintiffs' Motion is GRANTED. The Court finds that the Parties' Settlement for \$2,490,000 in this action is fair, reasonable and just.
2. Unless otherwise defined herein, all terms used in this Order and Final Judgment will have the same meaning as defined in the Settlement Agreement and Release (the "Agreement").
3. The collective as defined in the Parties' Agreement is certified for settlement purposes only and the claims administrator is authorized to send Notice to Prospective Collective Members and Opt-In Plaintiffs of their opportunity to participate in the Settlement.
4. The Agreement, and releases therein, are approved.
5. The Notice Packets for Prospective Collective Members and Opt-In Plaintiffs are approved, and the Claim Form for Prospective Collective Members is approved.

6. Plaintiffs' Counsel's request for attorneys' fees, costs, and expenses is approved.
7. The Service Award Plaintiffs' requests for Service Awards are approved.
8. The Release and Waiver Agreement for Service Award Plaintiffs is approved.
9. The Claims' Administrator's fee is approved.

10. No later than two business days after the Effective Date of the Settlement Agreement and Release, M&T will provide the Settlement Claims Administrator with a list, in electronic form, of all Prospective Collective Members and Opt-In Plaintiffs as identified in Exhibits E and F of the Settlement Agreement with the following information: name, last known address, last known phone number(s) (to the extent known), last known email address(es) (to the extent known), social security number, location(s) worked, and dates of employment within the relevant titles during Relevant Statutory Period. M&T will provide Plaintiffs' Counsel with the aforementioned list, but without social security numbers.

11. No later than twenty (20) days after the Effective Date of the Settlement Agreement and Release, the Claims Administrator shall issue each Prospective Collective Member and Opt-In Plaintiff a Notice Packet.

12. Prospective Collective members will have sixty (60) days from the date the Notice Packet and Claim Forms are mailed to post-mark and mail the Claim Form (hereinafter "Bar Date"). Opt-In Plaintiffs are automatically deemed Participating Collective Members and need not submit a Claim Form.

13. Within forty (40) days after the Bar Date, the Claims Administrator shall issue checks to Collective Members who properly returned a Claim Form and all Opt-In Plaintiffs. Only those Collective Members and Opt-In Plaintiffs who endorse their settlement checks are

deemed to release any claims against Manufacturers and Traders Trust Company and Defendants.

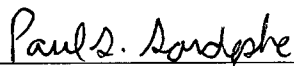
14. Nothing relating to this Order, or any communications, papers, or orders related to the Agreement, shall be cited as, construed as, construed to be, admissible as, or deemed an admission by Manufacturers and Traders Trust Company or M&T Bank Corporation of any liability or wrongdoing or the propriety of class certification. There has been no determination by any Court as to the merits of the claims asserted in this action or as to whether a class or collective should be certified on the merits.

15. This action is hereby dismissed with prejudice.

16. This Court will retain jurisdiction as necessary to enforce the Settlement.

The case is closed and all pending motions are denied as moot.

SO ORDERED on this 31st day of October, 2018.



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Hon. Paul G. Gardephe