

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM C. DALLAS, *et al.*,

Plaintiffs,
v.

Hon. Nancy G. Edmunds

ALCATEL-LUCENT USA INC., a corporation,

Case No. 09-14596

Defendant.

**ORDER GRANTING FINAL APPROVAL TO
SETTLEMENT OF CLASS ACTION AND
DISMISSING ACTION WITH PREJUDICE**

On May 20, 2013, this Court entered an Opinion and Order Granting Plaintiffs' Motions for Court's Preliminary Approval of (1) Settlement Agreement and Plan of Allocation; and (2) Attorney Fees And Costs [ECF No. 79]. In that Order this Court preliminarily approved settlement of this collective action brought under the Age Discrimination in Employment Act ("ADEA"), 29 U.S.C. § 620 *et seq.* for a total, aggregate sum of \$1,400,000, inclusive of attorney fees and costs; preliminarily approved the terms of the Settlement Agreement into which the parties entered to achieve that settlement; preliminarily approved the plan of allocation among the 194 Plaintiffs (the complete list of whom has been determined through separate orders [ECF Nos. 80, 81], which add and drop Plaintiffs and Plaintiff representatives); preliminarily approved payment to be made to Plaintiffs' counsel of fees and costs totaling \$482,100 out of the Qualified Settlement Fund; and directed additional steps to be taken in providing each Plaintiff with his or her estimated award and an opportunity to seek reconsideration of that award. Those steps have been taken. This matter is now before

the Court on the parties' Joint Motion to Finalize Settlement And Dismiss Action With Prejudice.

The Court held a hearing on August 7, 2013. All requests for reconsideration of awards have been resolved or overruled. The amount of each Plaintiff's award has been determined and appears on a Final Distribution List that has been submitted to the Court . No impediments to finalizing the settlement or dismissing this Action exist. Accordingly, the Court grants the Joint Motion.

IT IS ORDERED:

1. All approvals preliminarily conferred in the prior Order are hereby confirmed and made final. In particular, the Settlement Agreement, including its attachments, and Plaintiff's proposed plan of allocation are unconditionally and finally approved.

2. The class is unconditionally certified and confirmed.

3. The Court determines and holds that the form and terms of the Release, and the procedure for its return, comply fully with the Older Workers Benefit Protection Act, 29 U.S.C. § 626(f).

4. Each Plaintiff on the Final Distribution List shall be eligible to collect an award in the amount set forth on the List, provided that he or she first executes and timely returns, without alteration, the Release set forth as Exhibit B to the Settlement Agreement. Any person who is not identified on the List is not eligible to collect an award.

5. Plaintiffs' counsel shall promptly distribute an individualized copy of the Release to each Plaintiff, together with a notice informing the Plaintiff of the deadline by which the executed Release must be returned, as set forth in paragraph 6 of the

Settlement Agreement. Each and every Plaintiff who returns an executed, unaltered Release on or before the deadline shall be paid his or her award from the Qualified Settlement Fund, in accordance with the terms of the Settlement Agreement.

6. Any Plaintiff who fails to return an executed, unaltered Release on or before the deadline set forth in the Settlement Agreement shall forever forfeit his or her award, but shall still have his or her claim in this Action extinguished, and he or she may not refile this action against Defendant. Forfeited awards shall be dealt with in accordance with the terms of paragraph 6 of the Settlement Agreement.

7. Defendant shall pay the settlement amount to the Qualified Settlement Fund on the terms and within the timetable set forth in paragraph 5 of the Settlement Agreement.

8. After receipt of the settlement amount, the administrator of the Qualified Settlement Fund shall promptly and properly pay the Plaintiffs who have timely returned their unaltered Release the amounts which they have been awarded, less such withholding for tax purposes as provided in the Settlement Agreement and Order of the Court Preliminarily approving the Settlement, shall promptly remit to Plaintiffs' counsel the sum of \$482,100, as attorney fees and expenses, and shall thereafter remit to the *cy pres* designee under the Settlement Agreement any forfeited or remaining monies. When the administrator has completed the distribution of all of the monies in the Qualified Settlement Fund, she shall file with the Court a brief report of that fact.

9. This Action is hereby dismissed with prejudice, without costs to either party, as to all plaintiffs, including all of the named plaintiffs and opt-in plaintiffs.

10. The Court shall retain jurisdiction through and until the administrator's report for the limited purpose of entertaining requests for the entry of any orders that

may facilitate the orderly and timely completion of the settlement, consistent with its terms.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: August 13, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 13, 2013, by electronic and/or ordinary mail.

s/Johnetta M. Curry-Williams
Case Manager
Acting in the Absence of Carol Hemeyer