

16<sup>TH</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF IBERIA

STATE OF LOUISIANA

NO.: 00127719

DIVISION "A"

JOY MATURIN, ET AL

VERSUS

BAYOU TECHE WATER WORKS, INC., ET AL

FILED: \_\_\_\_\_

DEPUTY CLERK

**JOINT MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT,  
APPOINTMENT OF CLAIMS ADMINISTRATOR, APPROVAL OF THE FORM AND  
MANNER OF THE COMBINED CLASS CERTIFICATION OPT-OUT AND  
SETTLEMENT NOTICE, AND APPROVAL OF PROOF OF CLAIM FORM AND  
SUBMISSION DEADLINE**

NOW INTO COURT, through undersigned counsel come Plaintiffs and Defendants, Bayou Teche Water Works, Inc. ("BTWW") and American Alternative Insurance Corporation ("AAIC") (collectively, "Defendants"), who represent that the Parties to this matter have reached a contingent Settlement Agreement and, in furtherance of the said Settlement and for the reasons set forth in the accompanying memorandum, move this Court to:

1.

Preliminarily approve the settlement between the Parties as reflected in a Settlement Agreement dated November 2, 2022 (attached hereto as Exhibit A) as fair, reasonable and adequate, entered into in good faith and without collusion, and within the range for possible judicial approval and that the Court direct that the Agreement and the Settlement set forth therein be submitted to the Class for consideration at a fairness hearing upon the Parties filing a Motion for Final Approval of Settlement.

2.

Find that the proposed distribution of Settlement Proceeds at a uniform amount per connection, with an allowance for an equivalent payment to any and all non-customer Class Members, is fair and reasonable.

3.

Appoint Randi Ellis to serve as Claims Administrator with the authority to (i) administer the notice plan approved herein; (ii) devise a plan for establishing appropriate reserves to be deducted from the Settlement Payment in order to establish the amount available from the Settlement Payment for distribution to Class Members; (iii) establish appropriate criteria for evaluation of Claims of Class Members; review and evaluating the Claims of Class Members in accordance with the criteria so established; (iv) establish proposed allocations for each Class Member in accordance with these criteria and evaluations; (v) prepare a proposed plan for distribution of the proposed allocations; (vi) submit to the Court a report on the above, along with recommendations for the Court's consideration in proceeding with the allocation and distribution process following the Effective Date; (vii) engage such staff, deputies, and experts as reasonably necessary and conducting such hearings as may be necessary and appropriate to carry out this assignment, the Class Member disbursements, and the individual allocation or distribution of Class Counsel fees; and (viii) perform such other acts and functions as may be necessary or appropriate to fulfill the duties and responsibilities as set forth herein and in the Agreement, or as the Court may direct. Ms. Ellis' experience and qualifications are detailed in the affidavit attached as Exhibit B hereto.

4.

Order that Randi Ellis, as Claims Administrator shall be responsible for accepting and maintaining documents sent from Class Members, including Opt-Out Notices, Proof of Claim Forms, and other documents relating to claims administration and that the Claims Administrator may seek Court approval for reimbursement from the Settlement Fund for all fees and expenses incurred in connection with claims administration and the dissemination/publication of the Settlement Notice.

5.

Approve the form and manner of the Combined Class Certification Opt-Out and Settlement Notice to the Class (attached hereto in long form as Exhibit C and in short form as Exhibit D), the plan for dissemination of the notice via direct mailing to customers, publication in The Daily Iberian, and publication of a website to include all reasonable notices and forms and

ordering that any and all Opt-Outs to the Settlement shall be sent to the Claims Administrator and Objections to the Settlement shall be sent to the Court as well as Class Counsel and Defendants no later than thirty (30) days from the later of the date that said notices are mailed to customer Class Members or the date of publication of the notice in The Daily Iberian, and that the Claims Administrator shall file a report on Opt-Outs with the Court no later than fourteen (14) days following the deadline for Opt-Out Deadline.

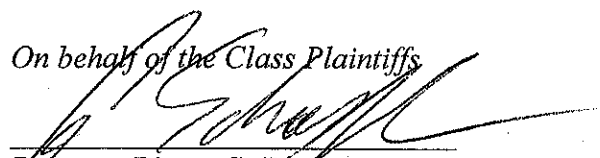
6.

Approve the Proof of Claim Form (attached hereto as Exhibit E) for all non-customer Class Members and the plan to make the Proof of Claim Form available to all non-customer Class Members on a web page dedicated to the Settlement and referenced in the approved notices and order that Proof of Claim forms shall be received by the Claims Administrator no later than thirty (30) days from the later of the date that said notices are mailed to customer Class Members or the date of publication of the notice in The Daily Iberian.

WHEREFORE, for the reasons set forth in the accompanying memorandum, Plaintiffs and Defendants pray that this Honorable Court issue the aforementioned orders, as set forth in the accompanying proposed order.

Respectfully submitted,


*On behalf of the Class Plaintiffs*

  
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-and-

*On behalf of Bayou Teche Water Works, Inc.*

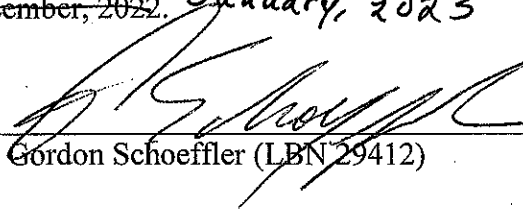
  
\_\_\_\_\_  
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*On behalf of American Alternative Ins. Corp.*

  
\_\_\_\_\_  
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CERTIFIED: A copy of this pleading has been served on all counsel via facsimile, email, hand delivery, and/or by depositing same in the U.S. mail on the 6 day of ~~December, 2022.~~ January, 2023

  
Gordon Schoeffler (LBN 29412)

16<sup>TH</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF IBERIA

STATE OF LOUISIANA

NO.: 00127719

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JOY MATURIN, ET AL

VERSUS

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FILED: \_\_\_\_\_

DEPUTY CLERK

**ORDER**

WHEREAS, this Court had reviewed and considered the parties Joint Motion for Preliminary Approval of Settlement, Appointment of Claims Administrator, Approval of the Form and Manner of the Combined Class Certification Opt-Out and Settlement Notice, and Approval of Proof of Claim Form and Submission Deadline (referred to herein as "the Motion for Approval") and all documents submitted as exhibits thereto.

WHEREAS, the Motion for Approval and documents submitted as exhibits thereto establish that the November 2, 2022 Settlement Agreement and Release ("the Settlement") was the result of extensive arms-length negotiations between Class Counsel for Plaintiffs, on the one hand, and counsel for Defendants, on the other hand. Counsel for the Parties are experienced in this type of litigation, with full knowledge of the risks inherent in this Action. The extent of legal research as to the sufficiency of the Claims and Class Certification, independent investigations by counsel for the Parties, and the factual record compiled, suffices to enable the Parties to make an informed decision as to the fairness and adequacy of the terms of the Settlement.

WHEREAS, the Court has determined that the proposed Settlement of the Claims of the Class Members against Defendants, as well as the release of Defendants and the Released Parties (as that term is defined in the Settlement), the significant relief provided to the Class Members in the form of monetary payments to Class Members as described in the Settlement, are fair, reasonable and adequate.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1.

The Settlement between the Parties as reflected in a Settlement Agreement dated November 2, 2022 attached to the Motion for Approval as Exhibit A is hereby preliminarily approved as fair, reasonable and adequate, entered into in good faith and without collusion, and within the range for possible judicial approval and the Agreement and the Settlement set forth

therein shall be submitted to the Class for consideration at a fairness hearing upon the Parties' filing of a Motion for Final Approval of Settlement.

2.

The proposed distribution of Settlement Proceeds at a uniform amount per connection, with an allowance for an equivalent payment to any and all non-customer Class Members, is fair and reasonable.

3.

Randi Ellis is hereby appointed to serve as Claims Administrator with the authority to (i) administer the notice plan approved herein; (ii) devise a plan for establishing appropriate reserves to be deducted from the Settlement Payment in order to establish the amount available from the Settlement Payment for distribution to Class Members; (iii) establish appropriate criteria for evaluation of Claims of Class Members; review and evaluating the Claims of Class Members in accordance with the criteria so established; (iv) establish proposed allocations for each Class Member in accordance with these criteria and evaluations; (v) prepare a proposed plan for distribution of the proposed allocations; (vi) submit to the Court a report on the above, along with recommendations for the Court's consideration in proceeding with the allocation and distribution process following the Effective Date; (vii) engage such staff, deputies, and experts as reasonably necessary and conducting such hearings as may be necessary and appropriate to carry out this assignment, the Class Member disbursements, and the individual allocation or distribution of Class Counsel fees; and (viii) perform such other acts and functions as may be necessary or appropriate to fulfill the duties and responsibilities as set forth herein and in the Agreement, or as the Court may direct.

4.

Randi Ellis, as Claims Administrator shall be responsible for accepting and maintaining documents sent from Class Members, including Opt-Out Notices, objections to the Settlement and Proof of Claim forms and other documents relating to claims administration and that the Claims Administrator may seek Court approval for reimbursement from the Settlement Fund for all fees and expenses incurred in connection with claims administration and the dissemination/publication of the Settlement Notice.

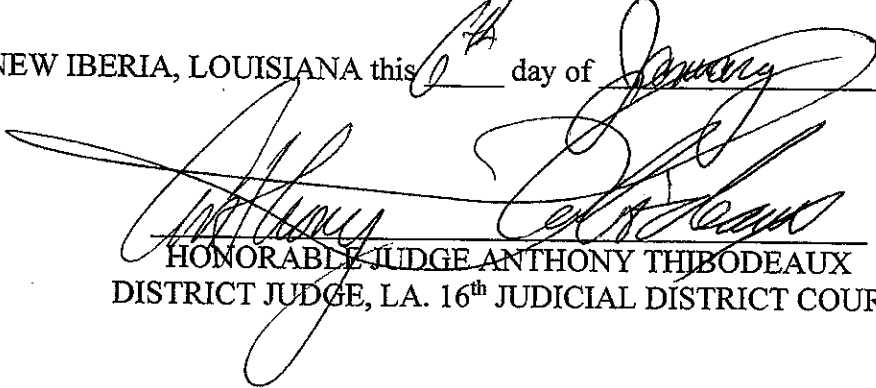
5.

The form and manner of the Combined Class Certification Opt-Out and Settlement Notice attached in Long Form as Exhibit C and in Short Form as Exhibit D to the Motion for Approval, the plan for dissemination of the notice via direct mailing to customers, publication in The Daily Iberian, and publication of a website to include all reasonable notices and forms, is hereby approved. Further, any and all Opt-Outs and/or Objections to the Settlement shall be sent to the Claims Administrator no later than thirty (30) days from the later of the date that said notices are mailed to customer Class Members or the date of publication of the notice in The Daily Iberian, and that the Claims Administrator shall file a report on Opt-Outs and Objections with the Court no later than fourteen (14) days following the deadline for Opt-Outs and Objections.

6.

Both the content and plan for dissemination of the Proof of Claim Form for all non-customer Class Members, attached as Exhibit E to the Motion for Approval, which shall be made available on a web page dedicated to the Settlement and referenced in the approved notices, is hereby approved. Proof of Claim Forms shall be sent to the Claims Administrator no later than thirty (30) days from the later of the date that said notices are mailed to customer Class Members or the date of publication of the notice in The Daily Iberian.

NEW IBERIA, LOUISIANA this 14 day of January, 2023

  
HONORABLE JUDGE ANTHONY THIBODEAUX  
DISTRICT JUDGE, LA. 16<sup>th</sup> JUDICIAL DISTRICT COURT

Filed January 6, 2023  
Signed: Rhonda A. Champagne, Dty. Clk.  
A TRUE COPY

ATTEST: Rhonda A. Champagne  
Dty. Clerk of Court  
Iberia Parish, La