

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF OKLAHOMA**

MARY KATHERINE HARRIS, on)
behalf of herself and all persons or)
entities similarly situated,)

Plaintiff,)

vs.)

Case No. 6:19-cv-00355-SPS

CHEVRON U.S.A., INC., ET AL.,)

Defendants.)

**ORDER PRELIMINARILY APPROVING CLASS SETTLEMENT,
APPROVING FORM OF NOTICE TO CLASS MEMBERS,
AND SETTING DATE FOR SETTLEMENT FAIRNESS HEARING**

This matter came on for hearing on the 19th day of November, 2019, on the Plaintiff’s motion for preliminary approval of the proposed settlement between the Plaintiff and Settlement Class and Defendants. The terms in the Settlement Agreement, and all other capitalized terms in this order, are given and used with the same meanings herein as such terms are given in the Settlement Agreement that has been filed by the parties in the captioned case, unless this order specifically assigns a different meaning to any of those terms. The referenced Settlement Agreement will be referred to in this Order as the “Settlement Agreement.” The parties additionally seek approval of the form of Notice of Settlement and setting the date for the Settlement Fairness Hearing.

The Court, after reviewing the pleadings on file in this cause, hearing arguments of counsel and being fully and sufficiently advised, after specifically making a preliminary

review of the Settlement Agreement among Plaintiff and Defendants, finds that the Plaintiff's Motion should be, and is hereby, granted.

THEREFORE, THE COURT FINDS AND ORDERS AS FOLLOWS:

1. The Settlement Agreement appears to the Court to provide for terms that are within the range of being fair, reasonable, and adequate to the Settlement Class, and should be preliminarily approved by the Court.

2. The Court further finds that a Settlement Fairness Hearing should be held before the Court on Tuesday, February 25, 2020 at 2:00 p.m. at the United States District Courthouse for the Eastern District of Oklahoma, 101 N. 5th Street, Muskogee, Oklahoma 74401. Evidence and arguments will be presented in support of final approval of the Settlement Agreement and in support of any motion for Class Counsel Fees and Expenses and Administration Expenses.

3. At the Settlement Fairness Hearing, the Court may, among other matters:

(a) consider any proper and timely filed opt-outs, timely objections to the proposed settlement, and timely objections to the request for Class Counsel Fees and Expenses and Administration Expenses, only if such opt-outs or objections comply with the requirements set forth in the Notice of Settlement and this Order;

(b) make further findings and orders concerning certification of the Settlement Class for settlement purposes, whether the Settlement Agreement is fair, reasonable, and adequate to the Settlement Class, and whether it should therefore be finally approved by the Court;

(c) make findings concerning whether the request by the Class Representative and Settlement Class Counsel for fees and litigation expenses, and for an incentive award for the Class Representative, to be awarded from the common fund in this case, is fair and reasonable;

(d) enter a Final Judgment as provided for in the Settlement Agreement;
and

(e) consider any other matters properly brought before the Court concerning the Class Lawsuit and the proposed settlement.

4. The forms of the Notice of the proposed settlement referenced in **Exhibits D-1** and **D-2** of the Settlement Agreement, will adequately inform the members of the Settlement Class of the scope and effect of the proposed settlement, as well as their rights related thereto. Therefore, the Court approves the content of the proposed Notice forms in **Exhibits D-1** and **D-2** to the Settlement Agreement and attached to this Order.

5. The Plan of Notice, that is the manner of providing notice of the proposed settlement to putative members of the Settlement Class, should be accomplished as the Settlement Agreement provides by: (1) mailing the proposed Notice, attached as **Exhibit D-1** (revised to reflect the date of the Settlement Fairness Hearing, the dates for the filing of opt-outs and objections, and the contact information of the Settlement Administrator) by first class mail as soon as reasonably possible to those putative members of the Settlement Class for whom names and mailing addresses have been identified; (2) publishing the Notice, attached as **Exhibit D-2**, as further described in the Plan of Notice in the Settlement Agreement as soon as reasonably possible (or if the newspaper

does not publish daily, the first publication date thereafter); and, (3) mailing the proposed Notice and other documents to the state attorneys general as required by law.

6. The Notice documents provided for in **Exhibits D-1** and **D-2** to the Settlement Agreement, and the method of providing notice to the Settlement Class set forth in this Order and in the Plan of Notice provided for in the Settlement Agreement, constitute the best notice practicable under the circumstances. Such forms of notice constitute due and sufficient notice of the Settlement Agreement and the proposed class settlement, and of the time, date and place of the Settlement Fairness Hearing, and constitutes due and sufficient notice for all other purposes, in accordance with all applicable statutory and state and federal constitutional requirements and other law, to all persons legally entitled to receive such notice.

7. Before the Settlement Fairness Hearing, Settlement Class Counsel shall cause to be filed with the Court a declaration that attests to the date of the mailing the form of Notice attached to the Settlement Agreement as **Exhibit D-1** and that attaches and *files under seal* the names and addresses of the putative members of the Settlement Class to whom the Notice was mailed. The declaration shall also attest to publication of the form of Notice attached to the Settlement Agreement as **Exhibit D-2**. This declaration(s) is to verify that Notice by mailing and publication have been accomplished pursuant to this Order and the Settlement Agreement.


8. Each person who wishes to appear at the Settlement Fairness Hearing in person or through separate counsel to object to the fairness, reasonableness or adequacy of the Settlement Agreement, or any provision thereof, or the request for Class Counsel Fees

and Expenses and Administration Expenses, must timely file the objection with this Court to put the Court and parties on notice of the objection. To be timely filed, the written objection must be filed by 5:00 p.m. on January 13, 2020, and contain the following information:

- (a) A heading referring to Case No. 6:19-cv-00355-SPS, and to the United States District Court for the Eastern District of Oklahoma;
- (b) A reasonably detailed statement of each objection;
- (c) The objector's current address and telephone number;
- (d) The objector's signature; and
- (e) A statement identifying each interest of the objector in a Class Well by well name and county and the objector's operator-assigned owner number.

9. The Court further finds that an objector who fails to follow the specified procedure for objecting to the Settlement or to the request for Class Counsel Fees and Expenses or Administration Expenses, as set forth above, shall not be permitted to raise or pursue an objection at the Settlement Fairness Hearing, and such failure shall constitute waiver of any objection and right to appeal. Furthermore, any objector who does not appear, either in person or by counsel, at the Settlement Fairness Hearing to present his, her or its objection shall be deemed to have waived the right to object, and any such non-compliant objection by such person will be deemed withdrawn and of no effect.

Dated this 19th day of November, 2019.


Steven P. Shreder
United States Magistrate Judge
Eastern District of Oklahoma

EXHIBITS:

Exhibit D-1: Long form of Notice (for mailing purposes)

Exhibit D-2: Shorter form of Notice (for publication purposes)