

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

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)	
SHANNAN WHEELER, et al.,)	CIVIL ACTION NO.: 4-17-cv-2960
)	
Plaintiffs,)	
)	
v.)	The Hon. Keith P. Ellison
)	
)	
ARKEMA, INC.,)	REPLY TO PLAINTIFFS’ UNOPPOSED
)	MOTION FOR APPROVAL OF CLASS
Defendant.)	SETTLEMENT AND PLAINTIFFS’
)	UNOPPOSED MOTION IN SUPPORT OF
)	AN AWARD OF ATTORNEYS’ FEES,
)	REIMBURSEMENT OF COSTS AND
)	EXPENSES AND INCENTIVE AWARDS
)	

Plaintiffs Corey Prantil, Betty Whatley, Bevely Flannel, Roland Flannel, Bret Simmons, Phyllis Simmons, Larry Anderson, and Tanya Anderson (“Plaintiffs”), by Class Counsel, hereby submit this Reply to Plaintiffs’ Unopposed Motion for Approval of Class Settlement (Doc. 333) and Plaintiffs’ Unopposed Motion in Support of an Award of Attorneys’ Fees, Reimbursement of Costs and Expenses and Incentive Awards (Doc. 334).

The class action settlement before this Court provides unprecedented community relief that is fair, adequate, and reasonable. Additionally, the attorneys’ fees and class representative incentive awards sought are reasonable. As the notice plan and Court’s order have been fully complied with, and there are no objections for this Court to consider, the Court should grant both of Plaintiffs’ unopposed motions for Approval of Class Settlement and Award of Attorneys’ Fees, Reimbursement of Costs and Expenses and Incentive Awards.

Preliminary Approval Order, Notice Requirements, and Objection Deadline

On January 24, 2024, this Court issued an Order granting preliminary approval of the class action settlement, approving class notice, and setting a date for a final class settlement approval hearing (Doc. 336). This Order required the Settlement Administrator to send Class Notice to Class Members pursuant to the Notice Plan set forth in the Settlement Agreement and set deadlines for objections.

By way of Settlement Administrator's Affidavit Regarding Class Member Notice and CAFA Notice (Doc. 338), evidence of compliance with the notice plan set forth in the Settlement Agreement and Court's Order was provided to the Court. The extensive notice by various means not only complied with the notice plan and Court's Order, but also satisfies *Mullane v. Central Hanover*, 339 U.S. 306 (1950). Dozens of class members contacted Stag Liuzza, LLC, for additional information, with most seeking to sign up for the sampling protocol if the final settlement is approved. These individuals spoke directly with class counsel, Ashley Liuzza, who worked to ensure that class members understood the terms of the settlement fully.

During this period, a single objection to the class settlement, which covers over 28,000 individuals, was filed with the Court. (Doc. 339). After the objector spoke with class counsel (who also serve as his retained counsel), the sole objector sent notice to the Court asking that his statement of objections be rescinded from the docket, and that the settlement be allowed to proceed with no further objections. (Doc. 341). The deadline for objections was April 22, 2024. There are no objections to either the approval of the class settlement, award of attorneys' fees, reimbursement of costs and expenses, or incentive awards remaining on the docket, and the deadline for such objections has passed.

Conclusion

Class counsel has worked diligently to investigate, file, litigate, and settle the class action before the Court. It was a hard-fought battle over nearly 6 years and 28,430 hours of work for the Class that ultimately culminated in a settlement which provides substantial community relief in the form of: (1) a Property Characterization and Remediation Fund and (2) an Anonymized Epidemiological Study Fund. These programs will provide meaningful information and removal of contaminants for the impacted community. This relief will provide positive benefits for years to come. Accordingly, this Court should grant both of Plaintiffs' unopposed motions for Approval of Class Settlement and Award of Attorneys' Fees, Reimbursement of Costs and Expenses and Incentive Awards.

DATED: May 7, 2024

Respectfully submitted by:

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CERTIFICATE OF SERVICE

I hereby certify that on May 7, 2024, I served a true and correct copy of the foregoing document upon counsel of record by using the email addresses listed below. The document was filed under seal using the Court's ECF service in compliance with Federal Rule of Civil Procedure 5 and Local Rule 5.1:

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