



AlaFile E-Notice

01-CV-2003-006630.00

Judge: PAT BALLARD

To: SOMERVILLE JOHN QUINCEY
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NOTICE OF COURT ACTION

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

JOHN LAURIELLO VS CAREMARK RX LLC
01-CV-2003-006630.00

A court action was entered in the above case on 8/15/2016 5:03:13 PM

ORDER

[Filer:]

Disposition: GRANTED
Judge: PJB
Notice Date: 8/15/2016 5:03:13 PM

ANNE-MARIE ADAMS
CIRCUIT COURT CLERK
JEFFERSON COUNTY, ALABAMA
JEFFERSON COUNTY, ALABAMA
716 N. RICHARD ARRINGTON BLVD.
BIRMINGHAM, AL 35203

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**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA
BIRMINGHAM DIVISION**

SAM JOHNSON, ET AL.,)	
Plaintiffs,)	
)	
v.)	01-CV-2003-6630
)	
CAREMARK RX, LLC, ET AL.,)	
Defendants.)	

PRO AMI JUDGMENT ORDER

This matter came before the Court for hearing on August 8, 2016, pursuant to the June 1, 2016, Order Preliminarily Approving Settlement and Providing for Notices to the Class, on the Plaintiffs’ application for approval of the Settlement set forth in the May 27, 2016, Stipulation and Agreement of Settlement between Plaintiffs, on behalf of themselves individually and on behalf of the Class and all Class Members, the AIG Defendants, and Caremark (the “Stipulation”). The Court, having considered all papers filed and proceedings held herein and all evidence proffered in support of the Settlement by Class Counsel, is fully informed of these matters.

This Court has given final approval to the \$310-million settlement detailed in the Stipulation. See FINAL JUDGMENT AND ORDER OF DISMISSAL filed contemporaneously with this PRO AMI JUDGMENT ORDER.

No evidence has been presented to prove or indicate that any member of the class is presently a minor (under the age of 19) or legally incompetent or incapacitated. However, in case any of the absent class members, who all will be bound by this judgment, are minors or incompetents, this Court has considered the elements of this proposed settlement in light of the possibility that this judgment might bind minor and/or incapacitated class members.

For good cause shown, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED

that:

1. The FINAL JUDGMENT AND ORDER OF DISMISSAL is fully applicable to all class members, including class members who are minors or incompetents.

2. It is the opinion of the Court that this is a case of disputed liability presenting a substantial factual question of liability and damages that would have been uncertain for the class, and that would have presented a substantial possibility of a verdict in favor of the defendants. For all the same reasons this Court finds the proposed settlement to be fair, adequate, and reasonable to the Class as a whole, this Court specifically determines that the proposed \$310-million settlement and the provisions of the Stipulation are fair, adequate, and reasonable to minor and incompetent class members, if any, and that the settlement is in the best interests of minor and incompetent class members, if any.

3. The final judgment entered in this case applies to and binds all class members, including those class members who may be minors or incompetents. The release language found in the Stipulation, notices, and claim forms are binding on all class members, including those class members who may be minors or incompetents. If a minor or incompetent class member files a claim, e.g., through their representative, the release language contained in the claim form is binding. And, the res judicata effect of the judgment in this case and the release is equally binding on all class members who do not attempt to file a claim prior to September 30, 2016, including those class members who may be minors or incompetents. The release is fair, reasonable, and adequate as to, and in the best interests of, all class members, including those class members who may be minors or incompetents.

4. The processes used to give notice to class members (of certification and the right to opt out, in 2015; and of the proposed settlement terms and the right to object, in 2016) comply

with and exceed the requirements of Ala. R. Civ. P. 23 and constitutional due process, and the notices are equally effective as to any class members who may be minors or incompetents.

5. The \$310-million amount of this settlement is fair, reasonable, and adequate as to, and in the best interests of, all class members, including those class members who may be minors or incompetents.

6. The terms of this settlement, including the Plan of Allocation, are fair, reasonable, and adequate as to, and in the best interests of, all class members, including those class members who may be minors or incompetents. Nothing in the settlement terms or in the Plan of Allocation purports to discriminate against class members on the basis of their being minors or incompetents. All similarly-situated class members are treated similarly under the terms of this settlement. There is nothing unfair about this settlement from the perspective of minor or incompetent class members, if any.

7. The Court has awarded fees and expenses to class counsel and has made service awards to class representatives. For the same reasons that the Court finds that the fees, expenses and service awards are fair and reasonable to the class as a whole, the Court also finds that the fees, expenses, and service awards are fair and reasonable to, and are in the best interests of, any minors and incompetents.

8. In accordance with the Stipulation, the defendants have not made any representation and have taken no position as to the fairness, reasonableness, or adequacy of the settlement in regard to its fairness to minor or incompetent class members, if any.

DONE and ORDERED this 15th day of August, 2016.

/s/ PAT BALLARD
CIRCUIT JUDGE