

STATE OF NEW YORK
SUPREME COURT COUNTY OF ALBANY

OWNER-OPERATOR INDEPENDENT DRIVERS
ASSOCIATION, *et al.*,

Plaintiffs,

-against-

NEW YORK STATE DEPARTMENT OF
TAXATION AND FINANCE, *et al.*,

Defendants.

ORDER

Index No.: 5551-13

RJI No.: 01-13-111950

(Supreme Court, Albany County, Motion Term)

APPEARANCES:

Tabner, Ryan & Keniry, LLP
Thomas R. Fallati
Co-Counsel for Plaintiffs
18 Corporate Woods Blvd.
Albany, New York 12211

The Cullen Law Firm, PLLC
Paul D. Cullen, Sr., Esq.
Daniel E. Cohen, Esq.
Joseph A. Black, Esq. (Of Counsel)
Lead Counsel for Plaintiffs
1101 30th Street, NW, Suite 300
Washington, D.C. 20007

Barbara D. Underwood, Esq.
Attorney General of the State of New York
Helena Lynch, Esq., AAG
Attorney for Defendants
The Capitol
Albany, New York 12224

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HON. JAMES H. FERREIRA, Acting Justice:

Pursuant to the Court's prior Orders in this case, class members who charged back any registration or decal fees, which are the subject matter of this action, to owner-operators or to any other parties were required to reimburse or pass through to those parties any refunds the class members received. Class members who could not pass through some or all of the funds were required to complete and return a verification form to Class Counsel, along with the excess funds.

Pursuant to their obligation to update the Court as to the status of the distribution of refunds, Class Counsel has advised the Court that many verification forms of the class members subject to the aforementioned requirements in this case remain outstanding. Class Counsel has requested on behalf of these class members that they be permitted sixty additional days to comply with the aforementioned requirements.

Finding good cause to grant the relief requested, it is hereby:

ORDERED that any class members who received more than \$1,000 in this case, who charged back any registration or decal fees to owner-operators or to any other entities, and who were unable to reimburse or pass through some or all of the refunds to those parties, shall, by no later than sixty days following the entry of this Order, complete the attached verification form and remit the excess funds to The Cullen Law Firm, PLLC; and it is

FURTHER ORDERED that Class Counsel shall submit to the Court, under seal, by no later than ninety days following the entry of the Court's Order, a report of those class members who received \$1,000 or more from the Settlement Fund, but from whom verification forms have not yet been received; and it is

FURTHER ORDERED that Class Counsel shall mail this Order and a copy of the verification form to those class members who received \$1,000 or more from the Settlement Fund, but from whom verification forms have not yet been received; and it is

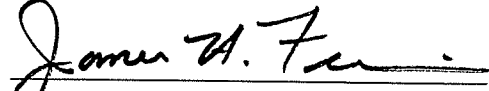
FURTHER ORDERED that Class Counsel and named Plaintiff Owner-Operator Independent Drivers Association shall contact by telephone an economically practicable subset of the class from whom Class Counsel expected, but has not yet received, verification forms.

SO ORDERED.

ENTER.

Albany, New York

DATED: October 12, 2018


Hon. James H. Ferreira
Acting Justice of the Supreme Court