

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
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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
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HON. JAMES H. FERREIRA, Acting Justice:

Pending before the Court is Plaintiffs' Motion (1) to Partially Distribute Remaining Settlement Fund in Accordance with the Court's Order Granting Final Approval to the Settlement, and (2) for Entry of an Additional Order Requiring Class Members to Submit Verification Forms and Undistributed Pass-Through Sums. As set forth therein, Class Counsel in this matter has advised the Court that the distribution of the Settlement Fund in this case has been successful, with approximately 90.8% of the net Settlement Fund having been received and deposited by the class members. Class Counsel has further advised the Court that it has exhausted reasonable efforts to facilitate any outstanding refunds.

Having considered the request submitted by Plaintiffs, the Court determines as follows:

(1) WHEREAS the Court finds that, in the interest of finality, and in light of the successful efforts to distribute as much of the Settlement Fund as possible to the class; and

(2) WHEREAS Defendants do not oppose the relief requested; and

(3) WHEREAS the Court finds good cause to grant the relief requested;

ACCORDINGLY, it is hereby

ORDERED that Class Counsel not process any check reissue forms received by Class Counsel after July 27, 2018; and it is

FURTHER ORDERED that Class Counsel dishonor any checks drawn on the Settlement Fund that are presented for payment after August 30, 2018; and it is

FURTHER ORDERED that Class Counsel inform class members seeking refunds or check reissuance after the entry of the Court's Order that the Court has terminated Class Counsel's obligation to consider or process such requests; and it is

FURTHER ORDERED that Class Counsel shall disburse, as soon as practicable, the following portion of the Settlement Fund:

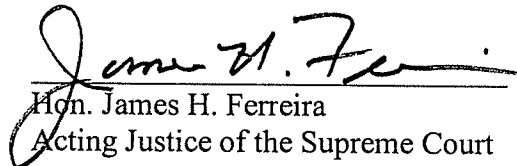
- a. A distribution to Class Counsel of \$436,358.28, and
- b. A distribution to the OOIDA Foundation, Inc., of \$2,500,000.00; and it is

FURTHER ORDERED that Class Counsel shall submit, by no later than ninety days following the entry of the Court's Order, a recommendation, if any, regarding further relief under the circumstances.

SO ORDERED.

ENTER.

DATED: Albany, New York
October 12, 2018


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