

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

CITY OF PONTIAC GENERAL
EMPLOYEES' RETIREMENT
SYSTEM,
Individually and on Behalf of All Others
Similarly Situated

PLAINTIFF

v.

Case No. 5:12-cv-5162

WAL-MART STORES, INC. and
MICHAEL T. DUKE

DEFENDANTS

ORDER APPROVING PLAN OF ALLOCATION

This matter having come before the Court on April 4, 2019, on Lead Plaintiff's motion for approval of the Plan of Allocation in the above-captioned action; the Court having considered all papers filed and proceedings had herein and otherwise being fully informed in the premises;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. This Order incorporates by reference the definitions in the Stipulation of Settlement dated October 26, 2018 (the "Stipulation"), and all capitalized terms used, but not defined herein, shall have the same meanings as set forth in the Stipulation.

2. Pursuant to and in full compliance with Rule 23 of the Federal Rules of Civil Procedure, this Court hereby finds and concludes that due and adequate notice was directed to all persons who are Class Members who could be identified with reasonable effort, advising them of the Plan of Allocation and of their right to object thereto, and a full and fair opportunity was accorded to all persons and entities who are Class Members to be heard with respect to the Plan of Allocation.

3. The Court finds and concludes that the formula for the calculation of the claims of Authorized Claimants which is set forth in the Notice of Proposed Settlement of Class Action (the “Notice”) sent to Class Members, provides a fair and reasonable basis upon which to allocate the proceeds of the Net Settlement Fund established by the Stipulation among the Class Members, with due consideration having been given to administrative convenience and necessity. This Court finds and concludes that the Plan of Allocation, as set forth in the Notice, is, in all respects, fair and reasonable and the Court approves the Plan of Allocation.

4. The Court finds and concludes that the process set forth in Paragraph 5.10 of the Stipulation provides a fair and reasonable basis upon which to reallocate any remaining funds after the initial distribution of the Net Settlement Fund to Authorized Claimants.

5. The Court finds and concludes that the minimum distribution threshold of \$10.00 as provided for in the Plan of Allocation is fair and reasonable and warranted to minimize expense and administrative costs to the Class.

6. The Court has reviewed the objections sent in the form of letters to counsel and/or the Court and finds that all objections are overruled.¹

7. Therefore, Lead Plaintiff’s Motion for Approval of the Plan of Allocation is **GRANTED**.

IT IS SO ORDERED, this 8th day of April, 2019.

/s/ Susan O. Hickey
Susan O. Hickey
Chief United States District Judge

¹ The Court notes that, as of the date of the hearing, neither the five individuals nor the entity who appear to object have filed claims in this lawsuit.