

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

DOUGLAS P. LABORDE, ET AL.,	:	
	:	Case No. 12-CV-8517
Plaintiffs,	:	
	:	JUDGE COCROFT
vs.	:	
	:	
THE CITY OF GAHANNA, ET AL.,	:	
	:	
Defendants.	:	

**AGREED ORDER PRELIMINARILY APPROVING SETTLEMENT
AND SETTING HEARING**

This matter is before the Court on the *Joint Motion Of Plaintiffs Douglas And Karla Laborde, On Behalf Of Themselves And The Class, And Defendants The City Of Gahanna, Jennifer Teal, And Regional Income Tax Agency To (1) Preliminarily Approve Class Settlement (2) Approve The Plan Of Notice To Settlement Class (3) Schedule A Fairness Hearing To Consider Final Approval Of The Settlement Agreement And (4) Enter Final Approval Of Settlement Agreement* (the “Joint Motion”).¹ The Court has considered the Settlement Agreement, attached to the Joint Motion, to determine, among other things, whether to preliminarily approve the Settlement Agreement, approve the plan of notice to the Settlement Class, schedule a Fairness Hearing, and ultimately enter final approval of the Settlement Agreement.

Upon review of the Joint Motion and the Settlement Agreement, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

1. Preliminary Approval. The Court finds that, on a preliminary basis, the Settlement Agreement filed and made a part of this Order by reference, is within the range of reasonableness;

¹ Capitalized terms not otherwise defined in this order shall have the same meaning as ascribed to them in the Settlement Agreement.

is fair and reasonable to the Settlement Class when balanced against the possible outcome of further appeals; that significant discovery, investigation, research, and litigation has been conducted such that counsel for the parties are able to reasonably evaluate their respective positions; that settlement will avoid further substantial costs, delay, and risks that would be presented by further litigation; that the proposed settlement resulted from informed, extensive non-collusive arm's-length negotiation and numerous mediation sessions; and that the Settlement Agreement is fair, reasonable, and adequate.

2. Class Notice. A proposed form of Class Notice was attached to the Joint Motion. With respect to the Class Notice, the Court finds that such form fairly and adequately states: (1) the purpose of the Class Notice; (2) the essential terms of the Settlement Agreement, including the procedure for allocating and distributing settlement funds; (3) the relief requested in the Fees Motion (defined below), including the attorneys' fees and Class Representative incentive awards; (4) the time and place of the hearing to consider approval of the Settlement Agreement and the Fees Motion; (5) how to obtain a copy of the Settlement Agreement and the Fees Motion; (6) contact information for Class Counsel so Class members can make inquiries; and (7) how to object to the Settlement Agreement or the Fees Motion.

The Court finds that the content of the Class Notice is reasonable and complies with the requirements of Civ.R. 23(E)(1) and (G)(1) and with due process.

The Court directs that Class Counsel shall cause the Class Action Administrator² to:

- a. Within 7 days of the entry of this Order, cause the Class Notice to be published in the Gahanna local paper (This Week Community News – Rocky Fork Enterprises);

² On July 6, 2016, this Court approved KCC Class Action Services, LLC as the Class Action Administrator.

and

- b. Within 7 days of the entry of this Order, post the Class Notice on the www.gahannataxlawsuit.com website.

The Court further directs that counsel for Defendant City of Gahanna shall cause the City of Gahanna to:

- a. Within 7 days of the entry of this Order, post the Class Notice in a conspicuous location on the City of Gahanna website; and
- b. Within 7 days of the entry of this Order, post the Class Notice in a conspicuous location at Gahanna City Hall.

The Court also finds that the method for distributing the Class Notice is reasonable and complies with the requirements of Civ.R. 23(E)(1) and (G)(1) and with due process.

3. Fairness Hearing. A hearing is scheduled for July 11, 2019, at 345 S. High Street, 4th Floor, Courtroom 4E, at 1:30 p.m. (“Fairness Hearing”) to determine, among other things, whether (1) the Settlement Agreement should be granted final approval as fair, reasonable, and adequate; and (2) the *Unopposed Amended Motion of Plaintiffs Douglas and Karla LaBorde and of Class Counsel for Order (1) Approving Class Counsel’s Request for Fees and Expenses and (2) Approving Class Representatives’ Incentive Awards* (“Fees Motion”) should be granted.

4. Objections to Settlement Agreement or Fees Motion. Any member of the Settlement Class who wishes to object to the Settlement Agreement or the Fees Motion must file an objection in accordance with the procedures in the Class Notice to be considered. Any member of the Settlement Class who fails to file and serve such objection as required by the Class Notice shall be deemed to have waived any objection and/or right to be heard, and shall forever be barred from raising such objections in this or any other action or proceeding.

5. Appearance at Fairness Hearing. Any objector who files and serves a timely, written objection in accordance with paragraph 4 above, may also appear at the Fairness Hearing either in person or through counsel retained at the objector's expense. Objectors or their counsel intending to appear at the Fairness Hearing must follow the procedures in the Class Notice. Any objector or counsel who does not timely file and serve a notice of intention to appear in accordance with this paragraph and the procedures set forth in the Class Notice shall not be permitted to appear at the Fairness Hearing.

6. Response to Objectors. Class Counsel is permitted to contact objectors who have timely filed and served their objections in an attempt to address any perceived concerns prior to the Fairness Hearing.

IT IS SO ORDERED.

Copies to all parties.

Approved by:

/s/ Todd H. Neuman

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Franklin County Court of Common Pleas

Date: 06-04-2019

Case Title: DOUGLAS P LABORDE -VS- GAHANNA CITY
ET AL

Case Number: 12CV008517

Type: AGREED ORDER

It Is So Ordered.

A handwritten signature in black ink is written over a circular blue seal. The seal contains the text "FRANKLIN COUNTY OHIO" and "ALL THINGS ARE POSSIBLE".

/s/ Judge Kimberly Cocroft

Court Disposition

Case Number: 12CV008517

Case Style: DOUGLAS P LABORDE -VS- GAHANNA CITY
ET AL

Motion Tie Off Information:

1. Motion CMS Document Id: 12CV0085172019-05-2499980000
Document Title: 05-24-2019-MOTION - PLAINTIFF: DOUGLAS P.
LABORDE - APPROVE CLASS SETTLEMENT (2) APPROVE PLA
Disposition: MOTION GRANTED