

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

MARTIN HOWARD, Individually and on)	Civ. Action No. 2:17-cv-01057-MRH
Behalf of All Others Similarly Situated,)	(Consolidated)
)	
Plaintiff,)	<u>CLASS ACTION</u>
)	
vs.)	NOTICE OF PLAINTIFFS' MOTION
)	FOR DISTRIBUTION OF THE NET
ARCONIC INC., et al.,)	SETTLEMENT FUND
)	
Defendants.)	
)	
_____)	

Lead Plaintiffs Iron Workers Local 580-Joint Funds and Ironworkers Locals 40, 361 & 417 – Union Security Funds and Janet L. Sullivan (“Plaintiffs”), on behalf of themselves and all members of the Settlement Class, hereby respectfully move this Court for an Order granting this Motion for Distribution of the Net Settlement Fund to the Settlement Class.

Plaintiffs respectfully submit contemporaneously a memorandum of law and the accompanying Declaration of Eric A. Nordskog in Support of Plaintiffs’ Motion for Distribution of the Net Settlement Fund (the “Nordskog Declaration”), together with its attached exhibits, in support of this Motion. Plaintiffs further rely upon all proceedings and papers herein.

Plaintiffs respectfully request that the Court decide the Motion on the papers and enter the [Proposed] Order Granting Plaintiffs’ Motion for Distribution of the Net Settlement Fund, also submitted contemporaneously.

Dated: November 20, 2024

Respectfully submitted,

**LAW OFFICE OF ALFRED G.
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Additional Plaintiffs' Counsel

CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2024, the attached document was electronically transmitted to the Clerk of the Court using the CM/ECF System, which will send notification of such filing and transmittal of a Notice of Electronic Filing to all CM/ECF registrants.

Dated: November 20, 2024

/s/ Emma Gilmore

Emma Gilmore

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

MARTIN HOWARD, Individually and on)	Civ. Action No. 2:17-cv-01057-MRH
Behalf of All Others Similarly Situated,)	(Consolidated)
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Plaintiff,)	<u>CLASS ACTION</u>
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vs.)	[PROPOSED] ORDER GRANTING
)	PLAINTIFFS' MOTION FOR
ARCONIC INC., et al.,)	DISTRIBUTION OF THE NET
)	SETTLEMENT FUND
Defendants.)	
)	
_____)	

Lead Plaintiffs Iron Workers Local 580-Joint Funds and Ironworkers Locals 40, 361 & 417 – Union Security Funds and Janet L. Sullivan (“Plaintiffs”), having filed a Motion for Distribution of the Net Settlement Fund, and this Court having considered all the papers filed in connection therewith, and based upon all other prior proceedings had herein, and good cause appearing:

IT IS HEREBY ORDERED THAT:

1. Plaintiffs’ Motion for Distribution of the Net Settlement Fund is GRANTED.
2. The distribution plan for the Net Settlement Fund as set forth in the Declaration of Eric A. Nordskog in Support of Plaintiffs’ Motion for Distribution of the Net Settlement Fund (the “Nordskog Declaration”) and accompanying exhibits is approved. The funds that are currently in the Net Settlement Fund (less any necessary amounts to be withheld for payment of potential tax liabilities, remaining costs of administering the Settlement, and related fees and expenses) shall be distributed on a *pro rata* basis to the Authorized Claimants identified in Exhibits D and E to the Nordskog Declaration, at the direction of Lead Counsel, pursuant to the Stipulation of Settlement dated April 21, 2023 (the “Stipulation”) (Dkt. No. 220-1) and the Plan of Allocation of the Net Settlement Fund set forth in the Notice of Pendency and Proposed Settlement of Class Action (Dkt. No. 220-3) that was distributed pursuant to this Court’s prior Order.
3. As set forth in the Nordskog Declaration, the administrative determinations of the Claims Administrator, in accepting and rejecting Claims, are approved. Specifically, the administrative determinations of the Claims Administrator accepting those Claims set forth in Exhibits D and E to the Nordskog Declaration are approved. Likewise, the administrative determinations of the Claims Administrator rejecting the Claims set forth in Exhibit F to the Nordskog Declaration are approved.

4. Any person asserting Claims received after September 20, 2024 or any responses to Deficiency Notices received after September 20, 2024, the date used to finalize the administration by the Claims Administrator, is finally and forever barred from asserting such Claims or responses.

5. The Court finds that the administration of the Settlement and proposed distribution of the Net Settlement Fund comply with the terms of the Stipulation and the Plan of Allocation and that all persons involved in the review, verification, calculation, tabulation, or any other aspect of the processing of the Claims submitted herein, or otherwise involved in the administration or taxation of the Settlement Fund or the Net Settlement Fund, including, but not limited to Lead Counsel and the Court-appointed Claims Administrator, A.B. Data, Ltd. (“A.B. Data”), are released and discharged from any and all claims arising out of such involvement, and all Settlement Class Members, whether or not they receive payment from the Net Settlement Fund, are barred from making any further claims against the Net Settlement Fund, Plaintiffs, the Settlement Class, Plaintiffs’ Counsel, the Claims Administrator, the Escrow Agent, or any other agent retained by Plaintiffs or Lead Counsel in connection with the administration or taxation of the Settlement Fund or the Net Settlement Fund beyond the amount allocated to them pursuant to this Order.

6. The checks for distribution to Authorized Claimants shall bear the notation “DEPOSIT PROMPTLY, VOID AND SUBJECT TO RE-DISTRIBUTION IF NOT NEGOTIATED WITHIN 120 DAYS OF DISTRIBUTION.” Lead Counsel and A.B. Data are authorized to locate and/or contact any Authorized Claimant who has not cashed his, her, or its check within said time.

7. Pursuant to the Plan of Allocation, if any funds remain in the Net Settlement Fund by reason of uncashed checks or otherwise, then, after A.B. Data has made reasonable and diligent

efforts to have Settlement Class Members who are entitled to participate in the distribution of the Net Settlement Fund cash their distribution checks, any balance remaining in the Net Settlement Fund after six (6) months from the initial distribution (whether by reason of tax refunds, uncashed checks, or otherwise), the Claims Administrator, shall, if feasible: (a) *first*, pay any additional settlement administration fees, costs, and expenses, including those of Lead Counsel as may be approved by the Court; and (b) *second*, make a second distribution to Claimants who cashed their checks from the initial distribution and who would receive at least \$10.00, after payment of the estimated costs, expenses, or fees to be incurred in administering the Net Settlement Fund and in making this second distribution, if such second distribution is economically feasible.

8. At such time as Lead Counsel, in consultation with the Claims Administrator, determines that no additional distributions are cost effective, then the remaining funds, after payment of any unpaid fees and expenses incurred in administering the Settlement, shall be contributed to the Investor Justice and Education Clinic (“IJEC”), a program of a 501(c)(3) not-for-profit, Howard University, which represents underserved and indigent investors and develops the next generation of securities law attorneys. *The Clinical Law Center*, Howard University School of Law, <https://law.howard.edu/academics/clinical-law-center> (last visited November 20, 2024). IJEC opened in the fall of 2010, when Howard University Law School received a selective grant from the FINRA Investor Education Foundation to fund the development and operation of an investor protection and education clinical law program. *Id.* IJEC provides instruction and practical experience in securities law and arbitration and mediation, through representing actual investor cases accepted by the clinic. *Id.* Participants also work to design, implement, and present at least one investor education and outreach program for under-served investors each semester. *Id.* IJEC has been approved as a *cy pres* recipient in the past. Letter Order, *Li v. Aeterna Zentaris*,

Inc., No. 3:14-CV-07081 (D.N.J. Jan. 2, 2024) ECF No. 199; Order for Distribution of Class Settlement Funds, *P. Van Hove BVBA v. Universal Travel Group, Inc.*, No. 2:11-CV-02164 (D.N.J. Jan. 26, 2018), ECF No. 230.

9. A.B. Data is authorized to dispose of the paper copies of the Claims and all supporting documentation no less than one year after the distribution of the Net Settlement Fund is complete and to dispose of the electronic copies of the same no less than three years after the distribution of the Net Settlement Fund is complete.

10. This Court retains jurisdiction over any further application or matter which may arise in connection with this action.

DATED: _____

THE HONORABLE MARK R. HORNAK
CHIEF UNITED STATES DISTRICT JUDGE