

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

ENVIROSOLVE, LLC, et al.)	
)	
Plaintiffs,)	
)	Case No. 03-CV-635-TCK-FHM
)	(Consolidated for settlement purposes
)	only with 04-cv-963-TCK-FHM)
ePEO LINK, INC., et al.)	CLASS ACTION
)	
Defendants.)	
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**ORDER GRANTING INDEPENDENT FIDUCIARY’S
MOTION TO APPROVE DISTRIBUTION OF ASSETS AND PROCEDURE
TO CLOSE THE SETTLEMENT FUND ESTATE**

Pending before the Court is the Independent Fiduciary’s Motion for Approval of Distribution of Assets, Procedure to Close the Settlement Fund Estate (“Motion”), filed November 24, 2008. D.E. #324. The Court notes that notice of the Motion has been given to all required under the Class Action Settlement Agreement which created the Settlement Fund at issue and that notice of the Motion also has been given to all claimants receiving a distribution hereunder, including those claimants who had not agreed with/objected to the Independent Fiduciary’s claim determination positions. The time frame for responses in opposition to the Motion has passed without any responses being filed. The Court finds the Motion well taken and hereby ORDERS the following:

- 1) The Independent Fiduciary is to reserve \$34,066 to address the completion of tasks remaining in effecting the distribution of funds herein ordered and the closure of the Settlement Fund estate;
- 2) The Independent Fiduciary is to pay the Class A Claimants the amounts set forth in **Exhibit 1** to this Order;

- 3) The Independent Fiduciary is to pay the Class B and C Claimants a pro rata 84.8% of the amounts set forth in **Exhibit 2** to this Order;
- 4) As to all distribution checks sent to claimants from this Settlement Fund estate that are returned “undelivered,” the Independent Fiduciary is to use reasonable means, within her discretion, to locate those claimants. As to all “undelivered” distribution checks to which revised addresses cannot be found and as to all distribution checks that remain uncashed after six (6) months of being mailed, the Independent Fiduciary is to disburse those funds to the Unclaimed Property Fund of the state of the claimant’s last known address to be held in that claimant’s name pursuant to the rules and regulations of the particular state’s Unclaimed Property Fund;
- 5) North Idaho Family Physicians Clinic’s objection/correction to the Independent Fiduciary claim determination is sustained and the correction is reflected in **Exhibit 2**; all other claimants’ objections to the Independent Fiduciary’s claim determinations (there being, according to the Independent Fiduciary, nine (9) in number) are overruled and otherwise waived for their failure to continue with their objections and/or their failure to pursue the objection in light of this Motion;
- 6) Upon completion of the tasks set forth herein, the Independent Fiduciary will file a Final Report regarding that completion and a Final Order closing the Settlement Fund estate, closing this case and discharging her from any further obligations; and
- 7) Certainty and finality regarding the payments approved through this Order are needed, and, therefore, the Court finds that there is no just reason to delay the entry of this Order as final pursuant to Rule 54(b) Fed. R. Civ. P. and expressly directs the Clerk to enter this Order as such.

IT IS SO ORDERED, this 29th day of December, 2008.



Honorable Terence Kern
United States District Judge