

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION
CASE NO. 3:07-CV-24-R

In re BULLITT COUNTY TRAIN
DERAILMENT LITIGATION

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CIVIL ACTION NO. 3:07CV-24-R
HON. THOMAS B. RUSSELL

**ORDER APPROVING SETTLEMENT ADMINISTRATOR'S FINAL PAYMENT
REPORT AND AUTHORIZING PRO-RATA DIVIDEND PAYMENT
AND SETTLEMENT ADMINISTRATOR'S FEE FOR REMAINDER OF
SETTLEMENT ADMINISTRATION**

Before this Court, is the December 18, 2009 Settlement Administrator's Final Claimant Payout Report to the Court and Agreed Dividend Distribution Proposal with respect to the Bullitt County Train Derailment Settlement Fund (the "Settlement Fund"). Having reviewed the foregoing, and receiving no objections from the Parties, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

1. The Final Claimant Payout Report of the Settlement Administrator respecting the Settlement Fund, and the actions of the Settlement Administrator, his employees, co-workers or Staff, in the administration and payment of same prior to the date of this Order are hereby approved.

2. This Court hereby authorizes empowers and directs the Settlement Administrator is authorized to issue a pro-rata dividend to the Ordinary Monetary Benefit claimants who successfully submitted a personal injury and/or property claim, with the pro-rata payments totaling approximately \$238,492, and the pro-rata payments per claim being as follows:

<u>Area</u>	<u>Personal Injury Dividend</u>	<u>Property Dividend</u>
Area 1	\$155.00 per claim	\$45.00 per claim
Area 2	\$93.00 per claim	\$27.00 per claim
Area 3	\$31.00 per claim	\$9.00 per claim

3. The pro-rata payment to be made will not be subject to a deduction for voluntary assistance payments made by CSXT prior to the settlement of this matter.

4. The Settlement Administrator's proposed fee cap of \$35,000 (including future expenses) for completing the administration of the Settlement Fund, including the payment of the above dividend and all tax and accounting matters to wind-up the Settlement Fund, is hereby approved.

5. The Settlement Administrator is authorized to issue payment of the remaining balance of the Settlement Fund, after the payment of the dividend and fees and expenses as approved herein, with the remaining balance equaling approximately \$393,000, as a Cy-pres distribution as follows: 50% to Safe Place, 2411 Bowman Avenue, Louisville, KY 40217 and 50% to CASA.

6. Provided that the Settlement Administrator, his employees, co-workers or Staff, have acted strictly in accordance with this Order, they are hereby granted judicial immunity and are protected and immune from liability in connection with the terms of the foregoing dividend and Cy-pres distributions.

This January 21, 2010 _____

A handwritten signature in black ink that reads "Thomas B. Russell". The signature is written in a cursive style and is positioned over a circular official seal of the U.S. District Court.

Thomas B. Russell
Chief Judge, U.S. District Court