

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

NORMA FIORENTINO, *et al.*,)

Plaintiffs,)

v.)

CABOT OIL & GAS)
CORPORATION, *et al.*,)

Defendants.)

CASE NO. 3:09-cv-02284-JEJ

ORDER

This matter having been opened to the Court by certain Plaintiffs in the above-captioned matter, by and through their counsel, for an Order permitting the establishment of a Qualified Settlement Fund, and the Court having considered the moving papers and supplemental submissions, there being no objection and for good cause having been shown;

IT IS On this _____ day of August, 2012, HEREBY ORDERED:

That Plaintiffs’ Amended Motion to Administer Settlements Resolving Cases and Claims to Plaintiffs and to Establish Qualified Settlement Fund is hereby GRANTED as follows:

1. The Napoli Bern Ripka Shkolnik & Associates, LLP Dimock Client Settlement Fund (hereinafter the “Fund”) is established as a §468B Qualified Settlement Fund within the meaning of Treasury Regulation 1.468B-1;
2. The ATG Trust Company is appointed as Fund Administrator;

3. The Fund Administrator is given the authority to conduct any and all activities necessary to administer this Fund as described in Plaintiffs' Motion;

4. Settling Plaintiffs' counsel are hereby ordered to cooperate and insure that all monies received from Defendants or paid on behalf of Defendants, regardless of the named payee, are deposited by Settling Plaintiffs' counsel directly into the Napoli Bern Ripka Shkolnik & Associates, LLP Dimock Client Settlement Fund, without first taking actual receipt, such as by depositing into an office trust account, or otherwise taking constructive receipt within the meaning of 26 C.F.R. § 1.451-2(a);

5. The Fund will be effectuated on a rolling "per release" basis, with Defendants having a specified period of time to transfer settlement funds after receipt of an executed Settlement Release and Agreement ("Settlement Release") from a Settling Plaintiff and Plaintiffs' counsel seeking to establish additional Fund accounts as additional Releases are received and served upon Defendants' counsel;

6. The Fund is now approved and will now be established only for the Plaintiffs covered by the twenty-three (23) executed Releases that have been served upon Defendants, as previously identified to the Court;

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

8. Escrow accounts are to be opened for the foregoing Plaintiffs covered by the twenty-three (23) executed Releases.

9. Additional accounts will be opened in the Fund for additional Plaintiffs who execute Settlement Releases upon the filing of orders under seal to preserve confidentiality consistent with the terms of this Order, and thus, separate motions to establish additional settlement fund accounts are not required;

10. All funds received as settlement proceeds are to be deposited by Settling Plaintiffs' counsel into a segregated account established by the Administrator of the Napoli Bern Ripka Shkolnik & Associates, LLP Dimock Client Settlement Fund;

11. In the event the payee or payees of any check that might be received by or on behalf of Defendants for the benefit of any specified or any other potential Settling Plaintiff(s) is other than the Napoli Bern Ripka Shkolnik & Associates, LLP Dimock Client Settlement Fund, or if additional payees are specified on the check, the Administrator is hereby authorized and ordered to deposit such check or checks into the Napoli Bern Ripka Shkolnik & Associates, LLP Dimock Client Settlement Fund, without the endorsement of the other payees and whether or not

the Napoli Bern Ripka Shkolnik & Associates, LLP Dimock Client Settlement Fund is a named payee; and the Administrator is authorized to endorse any such check on behalf of any other payee;

12. The Fund is authorized to enter into Fund Agreements with Settling Plaintiffs claiming damages, injury or death as a result of the Incidents, including the use of structured settlements and/or structured attorney fees in a manner described in Plaintiffs' Motion;

13. The Fund is authorized to effect qualified and/or non-qualified assignments of any future periodic payment liabilities in a manner described in Plaintiffs' Motion; and

14. The Fund Administrator is authorized, upon completion of all Fund Agreements and final distribution to Settling Plaintiffs of all monies deposited into the Fund, to take appropriate steps to wind-down the Fund and thereafter discharging the Fund Administrator from any further responsibility with respect to the Fund.

IT IS SO ORDERED.

JOHN E. JONES III
UNITED STATES DISTRICT JUDGE