

**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re ADC ERISA Litigation</i>	2004 WL 1683144 (D. Minn. July 26, 2004) 2005 WL 2250782 (D. Minn. Sept. 15, 2005)	July 2006 (Prelim.) Sept. 2006 (Final)	2/24/00 to 10-14-05	Over 9,000 participants	\$3.25 million	Cash from insurer	Ind. advisor for employer stock fund for 3 years; Fiduciary training for committee annually for 3 years	30% \$975,000 (.28 multiplier) plus expenses \$490,071 plus \$2,500 each for class reps	Employer Stock

¹ Additional settlements, corrections and comments should be sent to nell.hennessy@fiduciarycounselors.com.

² Decisions cited in black involve issues in the case prior to settlement, those in blue relate to settlement approvals that did not discuss attorney fees, and those in red deal with attorney fee awards.

³ Number of class members is generally based on number of notices sent as indicated in motions for approval of settlements.

⁴ Generally taken from settlement document or motion for approval of settlement.

⁵ Additional future contributions, the value of increased vesting to former participants and other structural changes are included in cash, if valued.

⁶ "Up to" in the Attorney Fees column indicates maximum in settlement agreement or in notice to participants or amount requested.



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re Affiliated Computer Services ERISA Litigation</i>		Dec. 2007 (Prelim.) Oct. 2008 (Final)	12/31/98 to 12/20/07	Over 37,000 participants	\$1.5 million	Cash from insurer		33 1/3% \$500,000 (multiplier less than 1) plus expenses \$33,010 plus \$5,000 each for 2 class reps	Employer Stock
<i>In re AIG ERISA Litigation</i>		July 2008 (Prelim.) Oct. 2008 (Final)	9/30/00 to 5/31/05	40,609 participants	\$24.2 million	Cash from insurers		30% \$7.26 million (multiplier less than 1) plus expenses (\$443,819) plus \$5,000 each for 6 class reps	Employer Stock
<i>In re Allegheny Energy Securities Litigation (Consolidated ERISA Matter)</i>		Dec. 2006 (Prelim.) June 2006 (Final)	3/16/01 to 12/20/06	9,812	\$4 million	Cash		22.5% \$900,000 (1.485 multiplier) plus expenses \$29,500 plus \$2,500 for class reps	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>AK Steel Corp., Bailey v.</i>	2006 WL 2727732 (S.D. Ohio Sept. 22, 2006) 2008 WL 148941 (S.D. Ohio Jan. 14, 2008) 2008 WL 495539 (S.D. Ohio Feb. 21, 2008) 2008 WL 553764 (S.D. Ohio Feb. 28, 2008)	Nov. 2007 (Prelim.) Feb. 2008 (Final)	Hourly Retired 1/1/50 to 5/31/07; Salaried Retired 1/1/84 to 5/31/07	4,872 participants	\$666 million	\$468 million plus 3 annual payments of \$65 million (\$663 million PV) plus attorney fees	VEBA to pay retiree benefits; Employer to have no future obligation to provide retiree benefits	4.5% \$3 million for fees and costs (3.04 multiplier) (includes \$36,000 in expenses)	Retiree Health



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
Allegheny Health, Educ. and Research Foundation (<i>Grunewald v. Kasperbauer</i>)	263 F. Supp. 2d 949 (E.D. Pa. 2002); 334 F.3d 365 (3d Cir. 2003); 235 F.R.D. 599 (E.D. Pa. 2006)	May 2006 (Prelim.)	Nonvested participants on or before 11/10/98	5,003 participants	\$1.85 million	Cash from insurer (employer bankrupt)		Up to 16% \$300,000 (.1 multiplier) plus expenses (\$395,000)	Cash Balance
<i>Amerada Hess, Falk v.</i>		July 2005 (Prelim.)	2/9/01 to 7/15/05	\$13 – 24 million	\$2.25 million	Cash and plan changes	Permit participants to diversify for at least 5 years	Up to 25% \$562,500 (.64 multiplier) plus expenses (\$33,520.50) plus \$5,000 for each class rep	Employer Stock
<i>American Express Fin., Lambert v.</i>				More than 10,000 participants	\$15 million			33.3% \$5 million	Independent Contractor



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re AOL Time Warner, Inc. ERISA Litigation</i>	2005 WL 563166 (S.D.N.Y. Mar. 10, 2005) 2006 WL 2789862 (S.D.N.Y. Sept. 27, 2006) 2007 WL 3145111 (S.D.N.Y. Oct. 26, 2007)	April 2006 (Prelim.) Sept. 2006 (Final)	1/27/99 to 7/3/03	38,584 participants \$500 million	\$100 million	All cash		17.9% \$17.865 million (1.95 multiplier) plus expenses (\$267,553) plus \$1,000 each for 2 class reps who were deposed and \$500 for class rep who was not deposed	Employer Stock
<i>AOL Time Warner, Inc., Spann v.</i>	2005 U.S. Dist. LEXIS 10848 (S.D.N.Y. June 7, 2005)				\$2.9 million			33.3% \$.96 million	DB Plan Compensation



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re Aquila ERISA Litigation</i>		Aug. 2007 (Prelim.) Nov. 2007 (Final)	1/1/99 to 5/5/04	More than 7,000	\$10.5 million	All cash	Independent advisor to plan fiduciaries for 5 years; No restriction on sale of employer stock; Clarification of fiduciaries and functions in plan; 100% vesting;	33% \$3.5 million (1.2 multiplier) plus expenses \$393,228 plus \$25,000 for one class rep and \$5,000 each for 7 other class reps	Employer Stock
<i>ArvinMeritor Inc., Leonhardt v.</i>	2008 WL 4489769 (E.D. Mich. Oct. 7, 2008)	Aug. 2008 (Prelim.) Oct. 2008 (Final)		1,000 retirees	\$28.39 million	Cash to VEBA plus attorney fees	VEBA to pay retiree benefits; Employer to have no future obligation for retiree benefits	\$631,840 (Iodestar) plus expenses (\$10,857)	Retiree Health



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>Ashworth Corp., Gasche v. (Braniff Airways Pilots)</i>		Nov. 2004 (Prelim.) March 2005 (Final)		2,250 individuals covered by annuity purchased for terminated plan	Approx. \$17.5 million	60% of demutualiza- tion proceeds (308,093 shares of Prudential stock plus dividends)		23% for fees and expenses	Insurance Company Demutualiza- tion Proceeds
<i>AT&T Corp., Furstenau v.</i>	2004 WL 5582592 (D.N.J. Sept. 3, 2004)	July 2005 (Prelim.) Sept. 2005 (Final)	9/15/99 to 12/28/00	More than 50,000	\$29 million	All cash		29% \$8.41 million (1.5 multiplier) plus expenses (\$1.25 million)	Employer Stock
<i>Azon Corp. (Beam v. HSBC Bank)</i>	2003 WL 22087589 (W.D.N.Y. Aug. 19, 2003) 2004 WL 944522 (W.D.N.Y. Mar. 30, 2004)	June 2005 (Prelim.) Nov. 2005 (Final)	9/21/99 to ?	More than 500 <u>participants</u> \$15 million	\$9.35 million	All cash Trustee agreed to provide IRAs for any missing participants	None (plan terminated)	25% \$2.337 million plus expenses (\$135,317)	Employer Stock (ESOP)



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>Bank of Boston, Esden v.</i>	5 F. Supp. 2d 214 (D. Vt. 1998) 182 F.R.D. 432 (D. Vt. 1998) 229 F.3d 154 (2d Cir. 2000)				\$7.2 million			35.5% \$2.028 million	Cash Balance
<i>Bank of NY Mellon, Beane v.</i> (Federal Mogul Pension Fund)	2009 WL 874046 (S.D.N.Y. Mar. 3, 2009)	Oct. 2008 (Prelim.) May 2009 (Final)	10/31/98 to 1/9/07	78 plans	\$2.2 million	Cash		16% \$352,000 (.35% multiplier) plus expenses (\$37,914) nothing for class rep	Prohibited Transactions and Disclosure (Revenue Sharing)



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re BellSouth Corp. ERISA Litigation</i>		July 2006 (Prelim.)	11/7/00 to 7/28/06		Potentially \$90 million in future contributions plus attorney fees and expenses	Only plan changes, no additional cash; Company or insurers to pay attorney fees and expenses	Company match in cash; Formula fixed; Life style or similar funds; Participants direct match for 3 yrs; Inv. education	\$3.675 million for fees and expenses	Employer Stock
<i>Beverly Enterprises Inc., Katziff v.</i>		Jan. 2010 (Prelim.)	1/1/96 to 1/10/10?	Over 10,000 participants	\$6.25 million	Cash plus plan changes	Fiduciary education	Up to 33 1/3% plus up to \$80,000 expenses plus up to \$10,000 each for 3 class reps	401(k) Fees; Stable Value Market Value Adjustment; Mapping; Poor Investments
<i>Boston Scientific Corp., Hochstadt v.</i>		Dec. 2009 (Settlement)	5/7/2004 to 1/26/2006						Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re Bristol-Myers Squibb Co. ERISA Litigation</i>		Oct. 2005 (Final)	1/1/99 to 3/10/03	\$300 million	\$41.22 million	Cash and plan changes	Unlock match for a period of at least 5 yrs	21% \$8.544 million (3.8 multiplier) plus expenses (\$174,726) plus \$5,000 for each class rep	Employer Stock
<i>In re Broadwing, Inc. ERISA Litigation</i>	252 F.R.D. 369 (D. Ohio Oct. 5, 2006)	Feb. 2006 (Prelim.) Oct. 2006 (Final)	11/9/99 to 2/28/03	5,000 + <u>participants</u> \$200 million - \$300 million	\$11 million	All cash		23% \$2.53 million (1.6 multiplier) plus expenses (\$99,801) plus \$5,000 for class rep	Employer Stock
<i>In re Calpine Corp. ERISA Litigation</i>	2005 WL 3288469 (N.D. Cal. Dec. 5, 2005)	July 2007 (Prelim.) Oct. 2008 (Final)	1/5/01 to 11/30/05	3,000 participants	\$4.2 million	Cash from insurer (employer bankrupt)		25% \$1.05 million (.79 multiplier) plus expenses \$62,114 plus \$5,000 for class rep	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>Campbell Soup Co., Local 56 UFCW v.</i>					\$114.5 million			2.8% \$3.239 million (2.39 multiplier)	Retiree Health
<i>Capitol American Life Insurance Co., Hover v.</i>					\$6.826 Million			29% \$1.993 million (1.54 multiplier)	
<i>In re Cardinal Health, Inc. ERISA Litigation</i>	225 F.R.D. 552, 555 (S.D. Ohio 2005) 424 F. Supp. 2d 1002 (S.D. Ohio 2006)	June 2007 (signed) Oct. 2007 (Final)	8/24/00 to 7/2/04	30,000 participants	\$40 million			25% \$10 million (2.23 multiplier) plus expenses (\$156,027.74) plus \$20,000 each for 2 class reps	Employer Stock
<i>Carter Hawley Hale Profit Sharing Plan, Presley v.</i>	2000 WL 16437 (N.D. Cal. Jan. 7, 2000)	Jan. 2000	9/1/89 to 2/11/91	23,000 <u>participants</u> \$100 million	\$36 million	\$22.5 million from company plus \$13.5 million from trustee		25% \$9 million plus expenses (\$272,151) plus \$25,000 each for 2 class reps	Employer Stock (ESOP)



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>Caterpillar, Inc., Martin v.</i>	2006 WL 3923900 (W.D. Mo. Dec. 15, 2006) 2008 WL 5082981 (C.D. Ill. Sep. 25, 2008)	Nov. 2009 (settlement)	7/1/92 to 9/10/09		\$16.5 million		Annual disclosure of fees for 2-4 years; Independent Monitor; RFP for recordkeeping services;	Up to 33 1/3% \$5.5 million plus expenses up to \$325,000	401(k) Fees
<i>Ceridian Corp., Kiefer v.</i>	976 F. Supp. 829 (D. Minn. 1997)		1990-95	12,000 participants	\$51 million			22.5% \$11.475 million (4.69 multiplier)	DB Plan Lump Sums



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name¹	Published Decision(s)²	Settlement Approval Date	Class Period	Class Members³ Estimated Maximum Exposure⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash⁵ or property)⁶	Case Type
<i>ChoicePoint, Inc., Mellott v</i>	561 F. Supp. 2d 1305 (N.D. Ga. 2007)	June 2008 (Prelim.) Sept. 2008 (Final)	3/12/04 to 3/5/05		\$110,000	Attorney fees plus plan changes	Through 2010: Right to diversify match; Match of 25% of first 6% of pay; Continue investment education; Post IRS language on diversification	Up to \$100,000 for fees and expenses; \$10,000 for class rep.	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>Chrysler LLC, UAW v.</i>		July 2008 (Final)	Retirees and beneficiaries as of 10/29/07		\$9.7 billion	\$7.1 billion cash to VEBA by 1/1/08; Up to 20 payments of \$50 million (PV \$487 million); \$375 million in diverted pension increases; \$1.2 billion debenture; Warrant (potential \$605 million); \$10 million for National Institute for Health Care Reform	VEBA to pay retiree benefits beginning in 2010; 3% maximum increase in retiree payments through 2015 and 4% thereafter, but trustees may adjust based on future experience; Employer to have no future obligation for retiree benefits; No future collective bargaining negotiations over retiree benefits	\$208,770 (negotiated rates) plus expenses (\$370,785)	Retiree Health



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re CIGNA Corp. ERISA Litigation</i>	2004 WL 1859786 (E.D. Pa. Aug. 2, 2004)	July 2005 (Prelim.) Sept. 2005 (Final)	5/02/01 to 3/01/05	34,295 <u>participants</u> \$720 million	\$954,000 in cash plus plan changes	\$950,000 attorney fees plus \$4,000 to Class Reps plus plan changes	Amend plan to diversify match (valued at \$24-\$30 million)	\$950,000 plus \$4,000 to Class Reps	Employer Stock
<i>In re CMS Energy ERISA Litigation</i>	312 F. Supp. 2d 898, 917 (E.D. Mich. 2004) 225 F.R.D. 539 (E.D. Mich. 2004) 2006 WL 2109499 (E.D. Mich. June 27, 2006)	March 2006 (Prelim.) June 2006 (Final)	8/03/00 to 12/27/04	10,000 to 11,000 <u>participants</u> \$100 million to \$200 million	\$28 million plus plan changes	Cash (from insurer) plus plan changes	Permit diversification for at least 4 years; Fiduciary and participant education; Identification of fiduciaries	28.5% \$7.9 million (1.52 multiplier) plus expenses (\$424,268) plus \$15,000 each for 3 class reps	Employer Stock
Color Tile (<i>Almand v. Lesok</i>)					\$4.1 million			17% \$700,000	Employer Real Property



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>Comair Holding, LLC, Massey v.</i>		Sept. 2008 (Prelim.) Dec. 2008 (Final)	12/31/04 to 3/21/06	1,493 <u>participants</u> \$8.9 million	\$1.875 million	Cash		22% \$412,500 (3.44 multiplier) plus \$2,500 for class rep.	Employer Stock
<i>Comerica, Francis v.</i>		March 2007 (Prelim.) June 2007 (Final)	7/17/02 to 12/30/02	12,000 participants	\$2.02 million			33 1/3% \$673,333 (.926 multiplier) plus expenses \$21,049 plus \$15,000 for 2 class reps	Employer Stock
<i>In re Computer Associates ERISA Litigation</i>		Aug. 2003 (Prelim.) Dec. 2003 (Final)	01/20/98 to 05/30/03	6,000 participants	\$4,980,756	213,400 shares CA stock; Up to \$1,922,571 in cash if share price below \$23.43 at distribution		20% \$1.34 million	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>ConAgra Foods, Inc., Bright</i>		Aug. 2007 (Prelim.) Nov. 2007 (Final)	9/18/03 to 7/10/07	39,000 participants	\$4 million	\$4 million cash plus plan changes	No new contributions investments (except dividends) in company stock for 4 years; Participant risk assessments	35% \$1.4 million (1.57 multiplier)	Employer Stock
<i>Conexant, Graden v.</i>			3/1/04 to 5/15/09		\$12.25 million	\$3.25 million cash plus plan changes valued at \$9 million	Elimination of company stock fund for 5 years; Communications about diversification; Online participant education; Outside entity to review investment options; Fiduciary training seminar	Up to 33% of cash 11.5% of total \$1.07 million	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>Conseco Services, LLC, Russell v.</i>		Oct. 2005 (Final)	04/28/99 to 09/09/03	14,388 <u>participants</u> \$32.5 million	\$9.975 million	Cash		25% \$2.5 million plus expenses (\$80,938) plus \$20,000 for class rep	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>Continental Group, McLendon v.</i>	812 F.2d 834 (3rd Cir.), <i>cert. denied</i> , 485 U.S. 959 (Mar. 21, 1988) 749 F. Supp. 582 (D.N.J. 1989) 908 F.2d 1171 (3rd Cir. 1990) 802 F. Supp. 1216 (D.N.J. 1992) 872 F. Supp. 142 (D.N.J. 1994)	July 1992		5,000 participants	\$415 million			8% \$33.289 million (1.5 multiplier)	ERISA §510



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>Continental Tire North America, Pringle v.</i>	541 F. Supp. 2d 924 (N.D. Ohio 2007)	April 2008 (Prelim.) Sept. 2008 (Final)	On or before 4/11/08	2,504	\$158 million plus attorney fees	\$64 million into VEBA plus payment of \$3,000 base retiree medical benefit for 20 years (valued at \$94 million)	VEBA to pay retiree benefits after	\$450,000 (.72 multiplier) plus expenses (\$74,814)	Retiree Health



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>Countrywide Financial Corporation, Alvidres v.</i>	2008 WL 803132 (C.D. Cal. Mar. 17, 2008) 2008 WL 819330 (C.D. Cal. Mar. 18, 2008) 2008 WL 1700312 (C.D. Cal. Apr. 09, 2008) 2008 WL 1766927 (C.D. Cal. Apr. 16, 2008) 2008 WL 2944866 (C.D. Cal. May 16, 2008)	Sept. 2009 (Prelim.) Nov. 2009 (Final)		42,272 participants	\$55 million	Cash from insurer		20% (2.48 multiplier) plus expenses (\$255,420) plus \$10,000 for class rep	Employer Stock

Page 21 of 72



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>Crown Cork & Seal, Lawhorn v</i>		April 2008 (Prelim.) July 2008 (Final)	Retired before 10/1/02	Over 5,000 households		\$14 million plus reinstatement of benefits plus attorney fees	Retiree benefits reinstated 1/1/08	\$1.1 million for fees and expenses (negotiated based on lodestar)	Retiree Health
<i>CVS Corp., Fescina v.</i>		July 2005 (Prelim.) Sept. 2005 (Final)	12/01/00 to 10/30/01		\$3 million	Cash (75% for 401(k) plan participants and 25% for ESOP participants)	401(k) governance changes (committee charter)	27.5% \$825,000 plus expenses (\$17,743) plus \$10,000 for class rep	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re: Delphi Securities Derivative and "ERISA" Litigation</i>	230 F.R.D. 496 (E.D. Mich. 2005) 403 F. Supp. 2d 1358 (J.P.M.L. 2005) 458 F. Supp. 2d 455 (E.D. Mich. 2006) 2007 WL 171330 (E.D. Mich. Jan. 18, 2007) 248 F.R.D. 483 (E.D. Mich. 2008)	Sept. 2007 (Prelim.) Jan. 2008 (Final)		45,780 participants		Cash from insurers (\$22.5 million) and \$24.5 million claim in bankruptcy)		20% reserved plus \$750,000 for expense	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re Delta Air Lines, Inc. ERISA Litigation</i>	170 F. Supp. 2d 1359 (J.P.M.L. 2001)	May 2005 (Prelim.) Sept. 2005 (Final) Nov. 2005 (Bankry Ct.)			\$16 million plus warrants			Up to 1/3 plus expenses	DB Plan Lump Sums
<i>Dillard's Inc., Clevenger v</i>	412 F. Supp. 2d 832 (S.D. Ohio 2006) 2007 WL 764291 (S.D. Ohio Mar. 9, 2007)	Oct. 2006 (Prelim.) Feb. 2007 (Final)		25,500	\$35 million	All cash		29% \$10.15 million (includes expenses)	DB Plan Lump Sums
<i>In re Dynege, Inc. ERISA Litigation</i>	309 F. Supp. 2d 861 (S.D. Tex. 2004)	Dec. 2004 (Final)	04/27/99 to 01/30/03		\$30.75 million	All cash		25% \$7.7 million plus \$10,000 for class rep.	Employer Stock
<i>Dynege Inc., Shannahan v</i>	2006 WL 3227319 (S.D. Tex. Nov. 6, 2006)	June 2007 (Prelim.) Sept. 2007 (Final)			\$9.975 million			25% for fees and expenses plus \$7,500 for each class rep	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>Dynegy Inc., Lively v.</i>	420 F. Supp. 2d 949 (S.D. Ill. 2006) 2007 WL 685861 (S.D. Ill. Mar. 2, 2007) 2008 WL 4657792 (S.D. Ill. Sept. 30, 2008)	Sept. 2008 (Final)	2/1/00 to 1/17/08	2,839 participants	\$17.9 million	\$17.9 million Cash plus plan change	Plan to retain independent fiduciary for company stock fund for 18 months	20% \$3.567 million plus expenses (\$67,22) plus \$10,000 each for 3 class reps	Employer Stock
EMCOR Group, Inc. (<i>Koch v. Dwyer</i>)	1999 U.S. Dist. LEXIS 11101 (S.D.N.Y. July 22, 1999) 49 Fed. R. Serv. 3d 455 (Mar. 23, 2001)				\$6.4 million			30% \$2.52 million plus expenses (\$185.151) plus \$10,000 for the class rep	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re Electronic Data System Corp. "ERISA" Litigation</i>	2005 WL 1875545 (E.D. Tex. June 30, 2005) 224 F.R.D. 613 (E.D. Tex. 2004) 305 F. Supp. 2d 658 (E.D. Tex. 2004)	Feb. 2008 (Settlement) May 2008 (Prelim.) August 2008 (Final)	9/7/99 to 11/18/02	More than 61,000 participants	\$12.5 million	Cash from insurer	Employer contributions mad in cash for 3 years; Continuation of match for 3 years; Right to diversify company stock; Company stock fund eliminated after 3 years;	33 1/3% \$4.1 million (.65 multiplier) plus expenses (\$674,217) plus cost of notice (\$48,603) plus \$5,000 each for 3 class reps	Employer Stock
<i>El Paso Corp., Lewis v.</i>		Feb. 2009 (Prelim.) April 2009 (Final)	11/9/2000 to 3/11/2004		\$17 million	Cash		25% \$4.25 million plus expenses (\$155,179) plus \$5,000 each for 2 class reps.	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re Enron Corp. ERISA Litigation</i>	284 F. Supp. 2d 511 (S.D. Tex. 2003) 228 F.R.D. 541 (S.D. Tex. 2005)	May 2005 Individual Defendants	01/01/95 to 07/07/02	Over 20,000 <u>participants</u> \$1.1 – 1.2 billion	\$85 million	All cash (from insurer)		20% \$53.077 million (2.297 multiplier) plus expenses plus \$7,000 each for 17 class reps	Employer Stock
		July 2005 Enron Bankry.			\$133.95 million	\$9.33 million from debtor plus \$124.62 million from sale of \$365 million bankruptcy claim			
		Dec. 2005 Arthur Anderson			\$1.25 million	Cash			



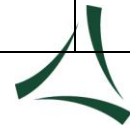
**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
		April 2006 (Prelim.) Northern Trust Co., Directed Trustee			\$37.5 million	All cash (from insurer)			
<i>Equitable Life Assurance Soc'y, Fischel v.</i>	127 F.3d 1104 (9th Cir. 1997) 191 F.R.D. 606 (N.D. Cal. 2000) 307 F.3d 997, 1011 (9 th Cir. 2002) 98 F. App'x 581 (9 th Cir. 2004)			Insurance agents	\$18.475 million	Cash (insurance commissions)			Retiree Medical and Commissions



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>Exxon Mobil Corp., Hooven v.</i>	2001 WL 793275 (E.D. Pa. July 12, 2001)	March 2004 (Decision for Plaintiffs)	1999		\$6 million			33.3% \$2 million (1.61 multiplier) plus expenses (\$89,092)	Severance
	2002 WL 1018925 (E.D. Pa. May 20, 2002)	Feb. 2005 (Attorney Fees)							
	2002 WL 1277325 (E.D. Pa. June 05, 2002)								
	2004 WL 724496 (E.D. Pa. Mar. 31, 2004)								
	2005 U.S. Dist. LEXIS 2595 (E.D. Pa. Feb. 14, 2005)								
465 F.3d 566 (3d Cir. 2006)									



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name¹	Published Decision(s)²	Settlement Approval Date	Class Period	Class Members³ Estimated Maximum Exposure⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash⁵ or property)⁶	Case Type
<i>Federal Home Loan Mortgage Corp. Securities and Derivative Litigation (No.II) ERISA Litigation</i>		Oct. 2006 (Prelim.) Mar. 2007 (Final)	7-15-99 to 11-20-03	3,600 participants	\$4.65 million	Cash		25% \$1.16 million (multiplier less than .35) plus expenses (\$479,989) plus \$1,500 for class rep	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>Federal-Mogul Corp. Retirement Programs Committee, Sherrill v.</i>	2005 WL 1076522 (E.D. Mich. Apr. 20, 2005) 2006 WL 2069433 (E.D. Mich. July 26, 2006) 2006 WL 2861853 (E.D. Mich. Oct. 4, 2006) 413 F. Supp. 2d 842 (E.D. Mich. 2006.) 2007 U.S. Dist. LEXIS 51054 (E.D. Mich. July 13, 2007)	March 2007 (Prelim.) July 2007 (Final)	8/1/99 to 10/30/02		\$15.45	\$12.75 million cash (\$750,000 from two trustees, balance from insurers) plus \$3 million bankruptcy claim		28% \$15.45 million (1.01 multiplier) plus expenses (\$310,000) plus \$15,000 each for 2 class reps and \$5,000 each for 2 other class reps	Employer Stock (includes ESOP)



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re Ferro ERISA Litigation</i>					\$4 million			33 1/3% plus \$10,000 for class rep	Employer Stock
<i>FleetBoston Financial Corp., Richards v.</i>	427 F. Supp. 2d 150 (D. Conn. 2006) 235 F.R.D. 165 (D. Conn. 2006) 2006 WL 2092086 (D. Conn. July 24, 2006) 2006 WL 3000768 (D. Conn. Oct. 16, 2006) 238 F.R.D. 345 (D. Conn. 2006)	April 2008 (Prelim.)	1/1/97	23,000 participants	\$83.4 million	\$83.4 million payments from plan (including plan change) plus attorney fees and expense	Minimum benefit for participants with age and service = 85	Up to 21% \$17.25 million (4.2 to 6.2 multiplier) plus expenses (up to \$325,000) plus up to \$15,000 for class rep	Cash Balance Conversion



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>First Union Corp., Franklin v.</i>	84 F. Supp. 2d 720 (E.D. Va. 2000)	March 2001 (Prelim.)			\$26 million	Cash and injunctive relief	Independent consultant to advise fiduciary committee	29.6% (\$7.7 million)	Proprietary Mutual Funds in DC Plans
<i>Ford Motor Co., UAW v.</i>		Feb. 2006 (Prelim.) July 2006 (Final)	Retirees as of 12/22/05	170,000 retirees		\$108 million contribution to VEBA plus stock appreciation rights on 8.75 million Ford shares plus add'l amounts if Ford raises dividends	No retiree costs if pensions below \$8,000; caps above that level	\$368,829 (hourly rates) plus \$32,421 in costs	Retiree Health



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>Ford Motor Co., UAW v.</i>		Aug. 2008 (Final)	Retirees and surviving spouses as of 11/19/07	187,000 retirees, surviving spouses and dependents	\$9.54 billion	\$2.7 billion cash; \$3.8 billion from existing VEBA; \$91 million cash in 2008-9 (PV); Up to 20 payments of \$52 million (PV \$450 million) \$3.3 billion convertible note; •\$3 billion second lien term note	VEBA to pay retiree benefits starting in 2010; 3% maximum increase in retiree payments through 2015 and 4% thereafter, but trustees may adjust based on future experience; Employer to have no future obligation for retiree benefits; No future collective bargaining negotiations over retiree benefits	\$188,034 (negotiated rates) plus expenses (\$312,903)	Retiree Health



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re General Electric ERISA Litigation</i>		Feb. 2009 (Prelim.) Aug. 2009 (Final)	3/23/01 to 2/5/09	Over 318,000 participants	\$49.456 million	\$10.15 million cash to former participants plus plan changes for 10 years valued at \$29.3 million plus attorney and class rep fees	Fiduciary training; Investment education and online tools; Right to direct allocation of match; Additional investment options; Roth 401(k)	\$9.6 million (3.0 multiplier) plus expenses (\$.4 million) plus \$5,000 each for 3 class reps	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re General Motors ERISA Litigation Settlement</i>	2006 U.S. Dist. Lexis 16782 (E.D. Mich. Apr. 6, 2006) 2007 U.S. Dist. Lexis 63209 (E.D. Mich. Aug. 28, 2007)	Jan. 2008 (Prelim.) June 2008 (Final)	3/18/99 to 5/226/06	180,000	\$37.5 million	Cash plus plan changes	Independent fiduciary for company stock; Right to diversify; Upgraded participant communications; Financial modeling tool for 1 year; Financial advice at \$30 for 1 year	30% \$11.25 million (2.46 multiplier) plus expenses (\$175,329) plus \$4,000 each for 4 class reps and \$2,000 for 2 class reps	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>General Motors, IUE-CWA v.</i>		Nov. 2006 (Final)	Retirees and dependents on 4/28/06	32,000 individuals		Plan changes plus attorney fees	No retiree costs if pensions below \$8,000 or \$33.33 per year of service; Below that level monthly premium (\$10 individual/ \$21 family); Added annual deductible (\$150/300); 10% co-insurance; Annual cap on out-of-pocket (\$250/500); Annual increases capped at 7%	\$151,595 (negotiated rates) plus expenses (\$3,000 estimated)	Retiree Medical



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>General Motors Corp., UAW v.</i>	2006 WL 891151 (E.D. Mich. Mar. 31, 2006) 235 F.R.D. 383 (E.D. Mich. 2006) 497 F.3d 615 (6th Cir. 2007)	Dec. 2005 (Prelim.) March 2006 (Final)	Retirees and dependents on 11/11/05	500,000 retirees		\$3 billion contribution minimum to VEBA plus stock appreciation rights on 8 million GM shares plus add'l amounts if GM raises dividends	No retiree costs if pensions below \$8,000; caps above that level; VEBA offsets retiree costs	\$627,135 (hourly rates) plus \$35,131 in costs	Retiree Health



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>General Motors Corp., UAW v.</i>		July 2008 (Final)	Retirees and dependents as of 10/1507	522,,000 retirees	\$38.4775 billion plus attorney fees	\$24.1 billion cash (\$16 billion from existing VEBA); Up to 20 payments of \$165 million; \$1.6 billion in diverted pension increases; \$4.3725 billion convertible note; GM to pay retiree benefits 2008-9 (PV \$5.4 billion); \$15 million to fund National Institute for Health Care Reform	VEBA to pay retiree benefits after 1/1/10; 3% maximum increase in retiree payments through 2015 and 4% thereafter, but trustees may adjust based on future experience; Employer to have no future obligation for retiree benefits; No future collective bargaining negotiations over retiree benefits	\$594,988 (negotiated rates) plus expenses (\$840,416)	Retiree Health



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re Global Crossing Ltd. ERISA Litigation</i>	223 F. Supp. 2d 1384 (J.P.M.L. 2002) 225 F.R.D. 436 (S.D.N.Y. 2004) 2004 WL 3019763 (S.D.N.Y. Dec. 29, 2004)	Mar 2004 (Prelim.) Nov. 2004 (Final)	09/28/99 to 12/8/03		\$79 million	All cash \$25 million from CEO; rest from insurance		13.9% ⁷ \$10.99 million (2.6 multiplier) plus expenses (\$395,125.75)	Employer Stock

⁷ The attorney fee award represented 20% of the recovery from the insurers. The Department of Labor objected to any award of attorney fees on amount recovered from the CEO on the grounds that the CEO made the offer of that amount in response to a Congressional hearing.



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re Goodyear Tire & Rubber Co. ERISA Litigation</i>	438 F. Supp. 2d 783 (N.D. Ohio 2006)	Dec. 2007 (Prelim.) Oct. 2008 (Final)	1/1/98 to 12/12/07	40,000 participants	\$8.375 million	Cash from insurer plus plan changes	No restrictions on investment of match for 3 years; Independent fiduciary for stock fund; Continue match (50% of first 4%) for 3 years; Investment education	25% \$2.09 million (1.62 multiplier) plus expenses (\$63,293) plus \$5,000 each for 5 class rep	Employer Stock
<i>Goodyear Tire & Rubber Co., Redington v.</i>	2008 WL 3981461 (N.D. Ohio Aug. 22, 2008)	Dec. 2007 (Prelim.) Aug. 2008 (Final)			\$1 billion plus attorney fees	Cash to VEBA plus attorney fees	VEBA to pay retiree benefits; Employer to have no future obligation for retiree benefits; No future collective bargaining negotiations over retiree benefits	\$1.543 million (negotiated rates) plus expense (\$226,267)	Retiree Health
<i>In re Gulf Pension Litigation</i>	764 F. Supp. 1149 (S.D. Tex. 1991)				\$141.73 million			13.1% \$18.506 million (3.14 multiplier)	DB Plan Spinoff



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>Gulf Telephone Co., Inc. Eslava v.</i>		Sept. 2007 (Prelim.) Nov. 2007 (Final)	1/1/99 to 9/17/07	More than 400 participants	\$5,656,860	Cash		35% \$1.975 million plus expenses (\$175,580) plus \$10,000 to class rep.	Employer Stock
<i>Hanover Compressor, Pirelli Armstrong Tire Co. Retiree Benefit Trust v.</i>		Dec. 2003 (Prelim.) Feb. 2004 (Final)	5/4/99 to 12/23/02		\$1.775 million			21.95% \$389,612 plus expense \$28,703	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
Harnischfeger Industries (<i>Kling v. Fidelity Management Trust Co.</i>)	212 F.R.D. 400 (E.D. Wis. 2002) 291 F. Supp. 2d 1 (D. Mass. 2003) 270 F. Supp. 2d 121 (D. Mass. 2003) 323 F. Supp. 2d 132 (D. Mass. 2004)	March 2006 (Prelim.) June 2006 (Final)	11/1/97 to 3/31/2000	4,700 <u>participants</u> \$31 million	\$10.85 million	Cash from insurers (co. bankrupt); Fidelity paid \$161,000 to administer settlement		30% \$3.255 million (1.25 multiplier) plus expenses (\$173,707) plus \$10,000 for class rep	Employer Stock
<i>Health Net, Inc, McCoy v</i>	569 F. Supp. 2d 448 (D.N.J. 2008)	July 2008 (Prelim.) Aug. 2008 (Final)	On or before 4/24/08	Over 2 million	\$215 million	\$215 million cash plus changes in calculation of out-of- network copayments	Change in data used to calculate copayments for out-of-network health services	32% \$69.72 million (2.1 multiplier) plus expenses (\$1,725,337) plus \$60,000 each for 2 class reps	Out of network charges



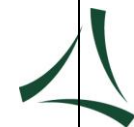
**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re HealthSouth Corp. ERISA Litigation</i>	2006 WL 2109484 (N.D. Ala. June 28, 2006)	Aug. 2005 (Settlement) May 2006 (Prelim.) June 2006 (Final)	1/1/96 to 6/3/05	Over 40,000 <u>participants</u> \$44.66 to \$73.58 million	\$28.75 million	All Cash \$18 million from insurers plus \$7 million from company plus \$3.75 million from individuals		25% \$7.18 million (2.1 multiplier)	Employer Stock
<i>Honeywell, Conjorio v.</i>		Sept. 2005					\$4 prescription co-pay	\$66,000	Retiree Health
<i>In re Honeywell ERISA Litigation</i>	2004 WL 3245931 (D.N.J. Sept. 14, 2004)	April 2005 (Prelim.) July 2005 (Final)	12/20/99 to 2/28/05	115,000 <u>participants</u>	\$14 million	Cash (from insurer) plus plan changes	Amend plan to permit diversification of match	25% \$3.5 million (3.7 multiplier) plus expenses (\$43,887) plus \$2,500 for class reps	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>Honeywell Int'l, LaForest v.</i>	2003 WL 22103474 (W.D.N.Y. Aug. 7, 2003); 2003 WL 23180220 (W.D.N.Y. Sept. 19, 2003); 2004 WL 941792 (W.D.N.Y. Mar. 2, 2004); 2004 WL 1498916 (W.D.N.Y. July 1, 2004); 2004 WL 1811415 (W.D.N.Y. Aug. 11, 2004); 2004 WL 1925490 (W.D.N.Y. Aug. 27, 2004); 2006 WL 3491213 (W.D.N.Y. Dec. 1, 2006)	Dec. 2005					Continuation of retiree benefits	\$712,554 (based on time with some reductions) plus expenses (\$38,038)	Retiree Health



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re Household Int'l, Inc. ERISA Litigation</i>	2004 WL 725973 (N.D. Ill. Mar. 31, 2004) 2004 U.S. Dist. Lexis 5286 (N.D. Ill. Mar. 31, 2004)	Oct. 2004 (Prelim.) Nov. 2004 (Final)	7/23/01 to 3/28/03	20,000 <u>participants</u>	\$46.5 million	All cash		30% \$13.95 million (4.65 multiplier) plus expenses (\$45,239) plus \$10,000 each for 2 class reps	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>IBM Personal Pension Plan, Cooper v.</i>	2001 WL 1772736 (S.D. Ill. Oct. 3, 2001) 274 F. Supp. 2d 1010 (S.D. Ill. 2003) 2004 WL 322918 (S.D. Ill. Feb. 12, 2004) 2005 WL 1981501 (S.D. Ill. Aug. 16, 2005) 163 F. App'x 424 (7 th Cir. 2006) 457 F.3d 636 (7 th Cir. 2006) 240 F. App'x 133 (7 th Cir. 2007) <i>cert. denied,</i> 127 S. Ct. 1143 (U.S. Jan. 16, 2007)	Aug. 2005 (Final)	On and after 7/1/99	More than 270,000	\$314.3 million (potential \$1.7 billion if Court of Appeals upheld) Note: 7 th Cir. Denied claim	Additional benefits only	Additional pension benefits (\$314.3 million guaranteed plus additional amounts if Court of Appeals upheld)	29% of first \$250 million; 25% of \$250-750 million; 21% of \$750 million -1.25 billion 17% above \$1.25 billion (expenses and \$40,000 and \$20,000 for 2 class reps paid from fees)	Cash Balance Conversion



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re IKON Office Solutions, Inc. Securities Litigation</i> (ERISA class)	191 F.R.D. 457 (E.D. Pa. 2000) 86 F. Supp. 2d 481 (E.D. Pa. 2002) 209 F.R.D. 94 (E.D. Pa. 2002)	Aug. 2002 (Final)	9/30/95 to 8/13/98	51,000 <u>participants</u> \$15.677 million	\$6.375 million for attorney fees and expenses		Right to direct investment of match; Independent communications and investment advisors for 2 years	\$6.375 million for fees and expenses (multiplier less than 1)	Employer Stock (ESOP)



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
ILGWU Death Benefit Fund (<i>Banyai v. Mazur</i>)	205 F.R.D. 160 (S.D.N.Y. 2002) 2004 WL 1948755 (S.D.N.Y. Sept. 1, 2004) 2007 WL 927583 (S.D.N.Y. Mar. 27, 2007) 2007 WL 959066 (S.D.N.Y. Mar. 29, 2007)	Sept. 2003 amended January 2004 (Agreement) Sept. 2005 (Prelimin.) March 2007 (Final)	12/27/00 to ?	97,433 <u>participants</u> \$77.5 million transferred to union and non-profit	\$2 million from insurer plus plan benefit increases		33% increase in death benefit plus future benefits based on future surplus		Transfer of assets from welfare fund



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>Impac Mortgage Holdings, Inc., Page v.</i>	2009 U.S. Dist. LEXIS 26992 (N.D. Cal. Mar. 31, 2009)	July 1, 2009 (Prelim.)	5/6/2006 to 3/31/2009	398 participants	\$300,000 plus plan changes	\$300,000 in company stock plus plan changes plus attorney fees	Monthly investment training classes for one year; Company to pay plan administrative costs for two years	Up to \$300,000 for attorneys' fees, litigation expenses, notice costs, settlement administration and up to \$2,500 for class rep.	Employer Stock
<i>J.C. Penney Co., Inc., Forbush v.</i>	994 F.2d 1101 (5 th Cir. 1993) 98 F.3d 817 (5 th Cir. 1996) 132 F.3d 1456 (5 th Cir. 1997)	?		75,000 participants \$15.677 million	\$80.908 million	Additional pension benefits		9.9% \$8 million	DB Plan Social Security offset



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re JDS Uniphase Corp. ERISA Litigation</i>	2006 WL 2597995 (N.D. Cal. Sep. 11, 2006) 2007 WL 1217400 (N.D. Cal. Apr. 24, 2007)	Nov. 2009 (Prelim.)	2/4/2000 to 9/30/06		\$3 million			Up to 30% Plus expenses Plus \$7,5000 each for 3 class reps	
<i>K-M Industries Holdings Co., Inc., Fernandez v.</i>	2008 WL 2625874 (N.D. Cal. June 26, 2008) 585 F. Supp. 2d 1177 (N.D. Cal. 2008)	Jan. 2009 (Prelim.) May 2009 (Final) Company, ESOP Committee and other defendants	10/13/98 or later		\$40 million	Cash		25% \$10 million plus expenses (up to \$55,000) plus \$15,000 each for 3 class reps	Employer Stock (ESOP)



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
	646 F. Supp. 2d 1150 (N.D. Cal. 2009) 2009 WL 3431924 (N.D. Cal. (Oct. 20, 2009)	Jan. 2010 (Prelim.) Trust Co. and other defendants			\$15 million			Up to 25% plus expenses (up to \$200,000) plus \$5,000 each for 3 class reps	



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
Kmart (<i>Rankin v. Rots</i>)	278 F. Supp. 2d 853 (E.D. Mich. 2003) 220 F.R.D. 511 (E.D. Mich. 2004) 2006 WL 1876538 (E.D. Mich. June 27, 2006) 2006 WL 1791377 (E.D. Mich. June 27, 2006)	Nov. 2005 (Agreement) Feb. 2006 (Prelim.) June 2006 (Final)	3/15/99 to 3/06/03	Over 100,000 <u>participants</u> \$300 million	\$11.75 million plus \$200,000 for settlement expenses	All Cash (co. bankrupt)		10% \$1.175 million plus expenses (\$141,288) plus \$10,000 for class rep	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>Krispy Kreme Doughnut Corp., Smith v.</i>	2007 WL 119157 (M.D.N.C. Jan. 10, 2007)	Sept. 2006 (Prelim.) Jan. 2007 (Final)	1/1/03 to 5/12/06	\$11.7-12.2 million	\$8.57 million	\$4.75 million cash from insurers plus \$3.8 million plan changes	KSOP to be merged with 401(k)	26% \$1.235 million (1.6 multiplier) plus expenses (\$87,433) plus \$15,000 each for 2 class reps	Employer Stock
<i>In re Lear Corp. ERISA Litigation</i>		March 2009 (Prelim.) June 2009 (Final)	10/21/04 to 3/6/09		\$5.25 million	Cash	None	30% \$1.575 million plus expenses (\$57,045) plus \$10,000 each for 4 class reps	Employer Stock
<i>In re Loral Space ERISA Litigation</i>		Sept. 2008 (Prelim.) Jan. 2009 (Final)	11/4/99 to 7/15/03	5,464 participants	\$6.25 million	Cash	None	27.5% \$1,718,750 plus expenses (\$27,625) plus \$5,000 each for 2 class reps.	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re Louisiana-Pacific Corp. ERISA Litigation</i>	2003 WL 23537936 (D. Or. Jan. 24, 2003) 2003 WL 21087593 (D. Or. Apr. 24, 2003)	Feb. 2004 (Prelim.) May 2004 (Final)	1/1/99 to 2/13/04		\$886,000	Injunctive relief plus \$385,000 for fees and expenses	Adopt investment policy; provide educational materials	44% \$385,000 (for fees and expenses)	Employer Stock
<i>In re Lucent Technologies, Inc. ERISA Litigation</i>	327 F. Supp. 2d 426 (D.N.J. 2004)	Sept. 2003 (Prelim.) Dec. 2003 (Final)	12/31/99 to 3/27/03	136,000 <u>participants</u> “billions of dollars”	\$69 million plus plan changes	Cash: \$750,000 (remaining to be cash or stock or combo)	Amend plan to permit diversification of match and increase maximum contribution; Educational materials on diversification	15% \$10.35 million (2.46 multiplier) plus expenses (\$550,512) plus \$12,5000 for 3 class reps	Employer Stock
<i>In re Marsh ERISA Litigation</i>	2006 WL 3706169 (S.D.N.Y. Dec. 14, 2006)	Nov. 2009 (Prelim.)	7/1/2000 to 1/31/2005	More than 30,000	\$35 million	Cash		Up to 33 1/3% (multiplier less than 1)	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re MBNA Corporation ERISA Litigation</i>		Sept. 2008 (Prelim.) March 2009 (Final)	1/7/05 to 4/22/05	Over 14,000 participants	\$4.5 million	Cash		33% plus expenses (up to \$76,070) plus \$5,000 each for 2 class reps	Employer Stock
<i>McDonnell Douglas, Millsap v.</i>	162 F. Supp. 2d 1262 (N.D. Okla. 2001) 2002 WL 31386076 (N.D. Okla. Sept. 25, 2002) <i>2003 WL 21277124 (N.D. Okla. May 28, 2003)</i> 368 F.3d 1246 (10 th Cir. 2004)				\$36 million			24.3% \$8.75 million	ERISA §510



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re McKesson HBOC, Inc. ERISA Litigation</i> (HBOC Settlement Class)	2002 WL 31431588 (N.D. Cal. Sept. 30, 2002) 391 F. Supp. 2d 812 (N.D. Cal. 2005)	May 2005 (Prelim.) Sept. 2005 (Final)	3/31/96 to 4/1/99	8,000 participants	\$18.2 million			25% \$4.55 million plus expenses (\$243,349) plus \$5,000 each for 2 class reps	Employer Stock
<i>In re McKesson HBOC, Inc. ERISA Litigation</i> (McKesson Settlement Class)	2002 WL 31431588 (N.D. Cal. Sept. 30, 2002) 391 F. Supp. 2d 812 (N.D. Cal. 2005) <i>391 F. Supp. 2d 844 (N.D. Cal. 2005)</i>	May 2006 (Prelim.) Sept. 2006 (Final)	Participants who held McKesson stock on 4/27/99		\$18.5 million			25% \$4.625 million plus expenses (\$103,369) plus \$10,000 each for 2 class reps	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re Medco Health Solutions, Inc. Pharmacy Benefits Management Litigation</i>	254 F. Supp. 2d 1364 (J.P.M.L. Feb. 28, 2003) 2003 WL 21303228 (J.P.M.L. June 3, 2003) 2004 WL 1243873 (S.D.N.Y. May 25, 2004)	July 2003 (Prelim.) May 2004 (Final)		815,000 plans	\$42.5 million	Cash plus changes in business practices	Changes in business practices	30% \$12.75 million (1.79 multiplier) plus expenses (893,294)	Rebates to service provider
<i>Melkonian Enterprises Inc., Aguilar v.</i>	2006 WL 3199074 (E.D. Cal. Nov. 3, 2006) 2007 WL 201180 (E.D. Cal. Jan. 24, 2007)	Nov. 2006 (Prelim.) Jan 2007 (Final)	1/9/99 to 11/3/06	50 participants	\$295,000	\$200,000 from co; \$95,000 from carrier		25.4% \$75,000 (multiplier less than .69) plus \$10,000 for class rep	Imprudent investments and failure to provide notice of plan amendment



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re Merrill Lynch & Co., Inc. Securities, Derivative and ERISA Litigation</i>	597 F. Supp. 2d 427 (S.D.N.Y. 2009) 542 F. Supp. 2d 1374 (J.P.M.L. 2008)	March 2009 (Prelim.)	9/30/06 to 12/31/08		\$75 million	Cash	None	25% requested \$18.75 million (2.8 multiplier) plus expenses (\$372,313) plus \$5,000 each for 4 class reps	Employer Stock
<i>Microsoft Corp., Vizcaino v.</i>	173 F.3d 713 (9th Cir. 1999) 290 F.3d 1043, 1047 (9th Cir. 2002)		12/29/86 to 6/30/2000	8,558 participants	\$96.885 million			27.4% \$26.517 million (3.81 multiplier)	Employee/ Independent Contractor
<i>MidCon Corp. ESOP, Croucher v.</i>					\$28.5 million			10.1% \$2.878 million	Employer Stock (ESOP)



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re Mirant Corporation ERISA Litigation</i>		Sept. 2006 (Prelim.) Nov. 2006 (Final)	9/27/2000 to 7/22/2003	Over \$3,500 <u>participants</u> \$30-10 million	\$9.7 million	Cash from insurance (employer bankrupt)		27.5% \$2.6675 million (2.27 multiplier) plus expense (\$52,892) plus \$2,000 each for 2 class reps	Employer Stock
Monster Worldwide, Inc. (<i>Taylor v. McKelevey</i>)		Dec. 2009 (Prelim.)	1/1/2000 to 9/14/2009		\$4.25 million	Cash		Up to \$1.4 million plus expenses (\$50,000) plus \$10,000 each for	Employer Stock
Morrison Knudsen Corp. (<i>Blyler v. Agee</i>)	2001 U.S. Dist. LEXIS 22326 (D. Idaho Sept. 25, 2001) 2001 U.S. Dist. LEXIS 22328 (D. Idaho Dec. 14, 2001)	April 2004 (Prelim.) Aug. 2004 (Final)	7/19/94 to 4/2004	8,000 participants	\$21 million			30% \$6.3 million plus expenses (\$898,495) no payment for class reps	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>Navistar, Shy v.</i>	1993 US Dist. LEXIS 21291 (S.D. Ohio 1993)								Retiree Health
<i>New York Life Insurance Co., Mehling v.</i>	413 F. Supp. 2d 476 (E.D. Pa. 2005) 246 F.R.D. 467 (E.D. Pa. 2007) 248 F.R.D. 455 (E.D. Pa. 2008)	Oct. 2007 (Prelim.) March 2008 (Final)	1/1/94 to 12/31/05	45,643 <u>participants</u> <u>\$70 million</u>	\$14 million	Cash	Independent investment advisor retained through 5/30/2010	30% \$4.2 million (1.165 multiplier) plus expenses (\$208,208) plus payments of \$7,500 and \$15,000 for class reps	Proprietary Mutual Funds in DC and DB Plans
<i>NUI Corp., Pietrangelo v.</i>	2005 WL 1703200 (D.N.J. July 20, 2005)	Oct. 2005 (Agreement) Jan. 2007 (Prelim.) May 2007 (Final)	11/8/01 to 9/26/03	1,322 participants	\$850,000	All cash from insurers		25% for fees and expenses \$212,500 (multiplier less than 1) plus \$5,000 for class rep.	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>Pechiney Plastic Packaging Inc., Santos v.</i>		July 2006 (Final)		6,100		Benefits reinstated	Lower deductibles and out-of-pocket annual caps; Cap on retiree charges for prescription; Lifetime caps		Retiree Health
<i>In re Polaroid ERISA Litigation</i>	354 F. Supp. 2d 494 (S.D.N.Y. 2005) 362 F. Supp. 2d 461 (S.D.N.Y. 2005) 240 F.R.D. 65 (S.D.N.Y. 2006) 2007 WL 2116398 (S.D.N.Y. July 19, 2007)	June 2006 (Prelim.) June 2007 (Final)			\$15 million	Cash: \$12 million from individual defendants plus \$3 million from trustee		28% \$4.2 million (multiplier .58) plus expenses (\$839,354) plus \$10,000 each for 3 class reps	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re Providian Financial Corp. ERISA Litigation</i>	2002 U.S. Dist. LEXIS 25676 (Nov. 14, 2002) 2003 WL 22005019 (N.D. Cal. June 30, 2003)	June 2003 (Final)	9/30/00 to 1/01/02	14,410 participants \$43.6 to \$79.5 million for holder claims plus \$7.3 to \$9.58 million for purchaser claims	\$8.6 million	All cash		25% \$2.15 million (for fees and expenses of \$98,000) (multiplier 2.07) \$2,000 for each class rep	Employer Stock
<i>In re Qwest Sav. & Inv. Plan ERISA Litigation</i>	2004 U.S. Dist. LEXIS 24647 (D. Colo. Sept. 27, 2004) 2007 WL 295545 (D. Colo. Jan. 29, 2007)	2006	3-7-99 to 1-12-04	Over 60,000	\$37.5 million	\$33 from Qwest (plus additional payment if plan recovers less than \$20 million in securities settlement) \$4.75 from trustee		26% \$9.75 million (1.4 multiplier) plus expenses (\$796,880) plus \$10,000 each for 8 class reps	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re: Raytheon ERISA Litigation</i>		Feb. 2007 (Final)	10/7/98 to 4/30/06		\$5.5 million plus attorney fees and expenses	Cash plus plan changes	Right to diversify	25.45% \$1.4 million plus expenses of \$60,916 plus \$5,000 each for class reps	Employer Stock
<i>In re: RCN ERISA</i>	2006 WL 753149 (D.N.J. Mar. 21, 2006) 2006 WL 1273834 (D.N.J. Mar. 22, 2006)	Aug. 2007 (Prelim.) Dec. 2007 (Final)	1/12/99 to 12/21/04		\$5.375 million	Cash		30% \$1,612,500 (1.19 multiplier) plus expenses \$67,456 plus \$2,000 to 1 class rep and \$1,000 to 5 class reps	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>Republic Airlines, Harris v.</i>	699 F. Supp. 961 (D.D.C. 1988) 1988 WL 56256 (D.D.C. May 19, 1988) 1991 WL 238992 (D. Minn. Nov. 12, 1991)	June 1991 (Final)		296 participants	\$3.125 million			32% \$1 million (1.4 multiplier) plus expenses (\$114,190)	Coverage Dispute
<i>In re Rhodia, Inc. ERISA Litigation</i>		Oct. 2007 (Settlement) Jan. 2008 (Prelim.) June 2008 (Final)	1/1/99 to 10/1/07	3,878 participants	\$2.4 million	Cash plus plan change	Stock fund eliminated	25% \$600,000 (1.55 multiplier) plus expenses (\$22,342) plus \$2,500 to each of	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>Rite Aid, Kolar v.</i>	2003 WL 1257272 (E.D. Pa. Mar. 11, 2003)	March 2003 (Final)	5/02/97 to 11/10/99	16,000 <u>participants</u>	\$67.76 million	Cash: \$10.76 million plus \$56.84 million in future match	Safe harbor match guaranteed for 2003-06	7.725% \$5.234 million plus expenses (\$172,525) plus \$3,750 for class rep.	Employer Stock
<i>Rohm and Haas Pension Plan, Williams v.</i>		Nov. 2009 (prelim.)	On or before 12/31/09 or 12/31/08 (two subclasses)		\$176-180 million plus attorney fees	Cash paid by plan (including attorney fees) in 2 payments 2010 and 2011) plus plan changes	Minimum lump sums equal to value of normal retirement benefit plus COLA	up to \$43.5 million for fees and expenses	Lump Sum Calculation
<i>In re Royal Ahold N.V. Securities & ERISA Litigation</i>		July 2006 (Agreement) Nov. 2006 (Prelim.)	3/6/01 to 2/2/03		\$2.5 million	All cash from insurer		Up to 30% \$750,000 (less than 1) plus expenses (\$224,110) plus \$10,000 for class rep	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re Royal Dutch/Shell Transport ERISA Litigation</i>		July 2005 (Prelim.) Aug. 2005 (Final)	12/3/99 to 4/29/04	42,500 <u>participants</u> \$115-320 million (stock suffered 7.7% drop in stock)	\$91 million	All cash \$90 million plus \$1 million for expenses (only \$25 million from insurance)	ERISA Committee Governance Changes	25% \$22.5 million (3.3 multiplier) plus \$1 million for expenses	Employer Stock
<i>Ruiz Food Products, Inc., Colesberry v.</i>	2006 WL 1377011 (E.D. Cal. May 18, 2006) 2006 WL 1875444 (E.D. Cal. June 30, 2006)	July 3, 2006 (Final)	9/10/01 or 4/5/02	Over 1200 participants	\$5.25 million plus \$170,000 of attorney fees			9.7% \$525,000 fees and costs (\$355,000 from settlement fund 6.67%) plus \$4,000 each for 3 class reps	Employer Stock
<i>SBC Communications, Gottlieb v.</i>					\$10 million			25% \$2.5 million	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>SBC Pension Benefit Plan, Wagener v.</i>	407 F.3d 395 (D.C. Cir. 2005)	July 2008 (Prelim.) Nov. 2008 (Prelim. – Amended) Jan. 2009 (Final)		3,856 participants	\$16 million		Pension compensation recalculated to reflect previously excluded pay	30% \$4.8 million (2.11 multiplier) plus expenses (\$56,910) plus \$3,000 each for 2 class reps.	Benefit Calculation
<i>In re Sears, Roebuck & Co. ERISA Litigation</i>	2004 WL 407007 (N.D. Ill. Mar. 3, 2004) 2006 WL 1593902 (N.D. Ill. Feb. 15, 2006)	March 2007 (Prelim.) June 2007 (Final)	1/17/02 to 10/10/06		\$14.5 million			Up to 30%	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
Simmons Mattress Co. (<i>Florin v. NationsBank of Georgia, N.A.</i>)	34 F.3d 560 (7 th Cir. 1994) 869 F. Supp. 669 (W.D. Wis. 1994) 60 F.3d 1245 (7 th Cir. 1995)	March 1993			\$15.448 million			18.45% \$2.85 million (1.53 multiplier) plus expenses (\$646,204)	Employer Stock (ESOP)
Solutia Inc. (<i>Dickerson v. Feldman</i>)	426 F. Supp. 2d 130 (S.D.N.Y. 2006)	June 2008 (Prelim.) Sept. 2008 (Final)	9/1/97 to 8/31/05	11,000 participants	\$8.746 million	\$250,000 cash from employer \$4.5 cash from insurers \$6.65 million bankruptcy claim (valued at \$3.996 million)		22.87% \$2 million plus expenses (\$223,379) plus \$5,000 each for 2 class reps	Employer Stock
<i>Southern Co., Spivey v.</i>	427 F. Supp. 2d 1144 (N.D. Ga. 2006)	June 2007 (Prelim.) August 2007 (Final)	4/2/01 to 7/26/06	28,805 participants	\$15 million	Cash from insurers		27.5% \$4.125 million plus expenses (\$69.155) plus \$5,000 for class rep.	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>Southtrust Bank of Alabama, Bowen v.</i>	760 F. Supp. 889 (M.D. Ala. 1991)	Feb. 1991 (Final)			\$1.035 million	\$361,375 from trustee; \$227,906 held by trustee for plans; \$400,000 from receiver for bankrupt health insurer; trustee to pay for notice and distribution expenses (\$200,000)		23% \$238,000 (1.67 multiplier)	Health insurance
<i>Spang & Co., Brytus v.</i>	79 F.3d 1137 (3d Cir. 1996)				\$12.5 million			3.68% \$460,000 (for fees and expenses)	DB Plan Surplus



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re Sprint Corporation ERISA Litigation</i>	388 F. Supp. 2d 1207 (D. Kan. 2004) 2004 WL 2182186 (D. Kan. Sept. 24, 2004) 443 F. Supp. 2d 1249 (D. Kan. 2006)	Aug. 2006 (Final)	9/15/99 to 12/28/00	84,965 (21,690 current employees; 63,275 former participants)	“at least \$25 million”	\$4M cash \$8.9M match \$1.6M vesting \$3.9 fees and expenses plus other plan changes	Increase match; Accelerated vesting; Diversification Participant education, including two meetings with a financial planner	19.5% \$3.6 million (1.18 multiplier) plus \$258,098 expenses plus \$5,000 each for 4 class reps (paid from \$3.9 million expense fund in addition to settlement fund)	Employer Stock
<i>In re SPX Corp. ERISA Litigation</i>		Dec 2006 (Prelim.) April 2007 (Final)	7/28/03 to ?		\$3.6 million	Cash		28% \$1 million plus expenses (\$27,960) plus \$7500 for class rep	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>Standard Ready Mix Concrete LLC, Gries v.</i>	2007 WL 1970979 (N.D. Iowa July 3, 2007) 252 F.R.D. 479 (N.D. Iowa 2008) 2009 WL 427281 (N.D. Iowa Feb. 20, 2009)	Feb. 2009 (Prelim.)	6/1/02				No accruals after 6/1/02; No reduction in accrued benefits		Anti-Cutback
<i>State Street Bank and Trust Co. ERISA Litigation</i>	579 F. Supp. 2d 512 (S.D.N.Y. 2008) 2009 WL 3458705 (S.D.N.Y. Oct. 28, 2009)	Oct. 2009 (Prelim.)	2007		\$89.75 million			Up to 25%	Mortgage - backed securities



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>The St. Paul Travelers Companies, Inc., Spiziri v.</i>		May 2007 (Final)	4/2/04 to 9/1/05	38,000 class members	\$4.45 million	Cash		30% \$1.335 million (3.069 multiplier) plus expenses (\$33,308) plus \$5,000 for class rep	Employer Stock
Statewide Bancorp <i>(Moench v. Robertson)</i>	62 F.3d 553 (3d Cir. 1995) rev'g 1994 U.S. Dist. LEXIS 21270 (Sept. 21, 1994) 1996 U.S. Dist. LEXIS 21898 (D.N.J. Nov. 1, 1996)	Nov. 1996 (Final)			\$700,000			35% \$245,000 (multiplier less than 1) plus expenses 13,551 plus \$3,000 for class reps	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re Syncor ERISA Litigation</i>	351 F. Supp. 2d 970 (C.D. Cal. 2004) 227 F.R.D. 338 (C.D. Cal. 2005) 229 F.R.D. 636 (C.D. Cal. 2005) 410 F. Supp. 2d 904 (C.D. Cal. 2006) 516 F.3d 1095 (9 th Cir. 2008)	July 2008 (Prelim.) Oct. 2008 (Final)	7/26/00 to 1/1/03	\$20-46 million	\$4 million	\$4 million cash plus attorney fees		Up to 33 1/3% plus expenses plus \$2,500 each for 3 class reps	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
Teamster Local 705 (Cook v. McCarron)	1997 WL 47448 (N.D. Ill. Jan. 30, 1997)	Feb. 1996 (Prelim.)	7/1/89 to 1/31/96	Over 15,000 participants in pension plan; Over 5,000 in the health plan	\$14.768 million	\$13 million paid by insurer; balance by other defendants	Health plan to maintain eligibility data, create interface to prevent payment for ineligible, and allow participants to pay when employer delinquent; Plan to set contributions to cover costs of benefits and maintain 12 month reserve; consultant to provide report on staffing levels; Plan to stop sharing space, services and goods with local; Plan to reduce clinic losses	13.7% \$2.12 million (1.5 multiplier) plus expenses (\$117,876) plus \$25,000 for class rep	Fiduciary Breach & RICO



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
The Employee Ownership Holding Company, Inc. (<i>Johnson v. Couturier</i>)	2007 WL 3151883 (E.D. Cal. Oct. 26, 2007) 2007 WL 3151802 (E.D. Cal. Oct. 26, 2007) 572 F.3d 1067 (9 th Cir. 2009)	Dec. 2009 (Settlement)	10/2/96 to present		Approx. \$14 million	\$5.05 million in cash from insurers; \$3.75 million cash from defendant's IRA; property valued at \$4 million; plus tax benefits valued at \$1.2 million	Independent fiduciary for ESOP		Employer Stock (ESOP)



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re Touch America ERISA Litigation</i>	2007 WL 4790799 (D. Mont. Feb. 1, 2007) 2008 WL 6953960 (D. Mont. Apr. 8, 2008) 563 F.3d 903 (9 th Cir. 2009)	Jan. 2010 (Prelim.)			\$4.9 million	\$3.675 from insurer; \$25,000 from trustee; \$1.2 million from liquidating trust for bankrupt employer		Up to \$1.4 million plus up to \$3,000 each for 5 class reps	
<i>In re Tower Automotive ERISA Litigation</i>		Sept. 2007 (Prelim.)	8/3/2001 to 2/2/2005	7,000 participants	\$5.7 million	\$2 million from company \$3.7 million from insurer		30% \$1.71 million (2 multiplier) plus expenses (\$52.311) plus \$5,000 each for 8 class reps.	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>TRW, Inc., Rybarczyk v.</i>	1997 WL 129296 (N.D. Ohio Mar. 14, 1997) 1997 WL 580609 (N.D. Ohio Sept. 5, 1997) 235 F.3d 975 (6 th Cir. 2000)		10/23/86 to 7/1/96	\$42 – \$52.6 million	\$48.5 million			33.3% \$16.167 million	DB Plan Lump Sums
<i>TWA, Long v.</i>					\$4.075 million			32% \$1.304 million	??
<i>TXU Corp., Hargrave v.</i>	392 F. Supp. 2d 785 (N.D. Tex. 2005)	Dec. 2007 (Prelim.) March 2008 (Final)	4/26/01 to 10/11/02	14,257 <u>participants</u> \$18-22 million	\$7.25 million			30% \$2.175 million (1.15 multiplier) plus expenses (\$97,969) plus \$2,500 each for 5 class reps	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>Tyco Int'l Ltd., Overby v.</i>		Nov. 2009 (Final)	8/12/89 to 7/25/2002	\$12 billion	\$70.525 million	Cash		30% 21.157 million (multiplier less than 1) plus expenses (\$1,982,873.88) plus \$15,000 each for 7 class reps	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>UAL ESOP, Summers v.</i>	2004 WL 2583877 (N.D. Ill. Nov. 10, 2004) 2005 WL 1323262 (N.D. Ill. Feb. 17, 2005) 2005 WL 2648670 (N.D. Ill. Oct. 12, 2005) <i>2005 WL 3159450 (N.D. Ill. Nov. 22, 2005)</i> <i>2006 WL 752968 (N.D. Ill. Mar. 23, 2006)</i> 453 F.3d 404 (7 th Cir. 2006)	Aug. 2005 (Prelim.) Oct. 2005 (Final)	7/19/01 to 7/30/03	65,000 <u>participants</u> \$2 billion	\$5.25 million plus cost of administering settlement	All cash from insurer (company bankrupt)		\$850,000 (.4 multiplier) plus expenses (\$850,000)	Employer Stock (ESOP)



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re Unisys Retiree Medical ERISA Benefits Litigation</i>	837 F. Supp. 670 (E.D. Pa. 1993) 1994 WL 6883 (E.D. Pa. Jan. 6, 1994) 1994 WL 284079 (E.D. Pa. June 23, 1994) 1994 WL 702638 (E.D. Pa. Nov. 3, 1994) 886 F. Supp. 445 (E.D. Pa 1995) Other decisions available concerning litigation after settlement	Oct. 1994		10,000 <u>participants</u>	\$111 million			6.25% (\$6.938 million) (2.19 multiplier)	Retiree Health



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>US Correction Corp ESOP</i>		Jan. 2005 (Final)			\$21.7 million				Employer Stock (ESOP)
<i>In re U.S. Sugar Corp. Litigation</i>	2009 WL 2460770 (S.D. Fla. Apr. 28, 2009)	Oct. 2009 (Prelim.) Jan. 2010 (Final)	1/31/2002 to 9/24/2009	Over 4,000 ESOP participants and 50 other shareholders	\$8.4 to \$15.9 million plus (for ESOP and other shareholders)	\$8.4 million cash plus additional \$7.5 million contingent on sale of company for at least \$500 million by end of 2011	Annual notice to participants about valuation method	30% \$2.52 to 4.77 million (1.4 to 2.6 multiplier) plus expenses (\$430,029) plus \$5,000 each for 3 class reps and \$7,500 for 1 class rep.	Employer Stock (ESOP)
<i>UnitedHealth Group, Inc., Zilhaver v.</i>	646 F. Supp. 2d 1075 (D. Minn. 2009)	Feb. 2009 (Prelim.) Aug. 2009 (Final)	12/21/05 to 5/24/06	More than 23,000	\$17 million	Cash		12.77% \$2.171 million (1.3 multiplier) plus expenses (\$212,629) plus \$15,000 each for 2 class reps.	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re Valin ESOP</i>			6/12/01		\$2.45 million plus interest at 6%	53,327 additional shares of Valin stock plus interest at 6%		6% \$202,622 (3.0 multiplier) plus \$4,000 for class rep	Employer Stock (ESOP)
<i>In re Visteon Corp. ERISA Litigation</i>		Dec. 2006 (Prelim.) March 2007 (Final)		10,000	\$7.6 million			28% 2.128 million (1.44 multiplier) plus expenses (\$72,344) plus \$5,000 each for 2 class reps.	Employer Stock
W.R. Grace & Co. (<i>Evans v. Akers</i>)	466 F. Supp. 2d 371 (D. Mass. 2006) 534 F.3d 65 (1 st Cir. 2008)	April 2009 (Prelim.)	7/1/99 to 4/19/04		\$10 million	Cash		Up to 30% plus expenses plus \$5,000 each for 3 class reps.	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>Wachovia Securities LLC, Serio v.</i>	2007 WL 2462626 (D.N.J. Aug. 27, 2007) 2009 WL 900167 (D.N.J. Mar. 31, 2009)	Nov. 2008 (Prelim.) March 2009 (Final)		600 participants	\$1.005 million			28% \$300,000 (.25 multiplier) plus expenses (\$35,265)	Constructive Termination
<i>Wal-Mart Stores, Inc., King v.</i>		June 9, 2009 (Prelim.)	2/1/97 to 5/26/09		\$5 million	Contribution of 3.1% of back pay award		Up to 33 1/3% (\$1.67 million) including fees plus \$7,500 for class reps	Wage and Hour
<i>In re Westar Energy, Inc. ERISA Litigation</i>	2005 WL 2403832 (D. Kan. Sept. 29, 2005)	May 2006 (Prelim.) July 2006 (Final)	7/1/98 to 1/1/03	3,800	\$9.25 million	All cash		30% \$2.775 million (1.88 multiplier) plus expenses (\$76,716) plus \$1,000 for each class rep.	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re Williams Cos. ERISA Litigation</i>	271 F. Supp. 2d 1328 (N.D. Okla. 2003) 2003 WL 22794417 (N.D. Okla. Oct. 27, 2003) 2004 WL 5537083 (N.D. Okla. Aug. 3, 2004) 2004 WL 5537084 (N.D. Okla. Dec. 20, 2004) 2004 WL 5537081 (N.D. Okla. Dec. 21, 2004) 231 F.R.D. 416 (N.D. Okla. 2005) 2006 WL 5411268 (N.D. Okla. Mar. 14, 2006)	Sept. 2005 (Prelim.) Nov. 2005 (Final)	7/24/00 to 12/12/02	Over 20,000 <u>participants</u> \$1.2 billion	\$55 million plus future contributions (valued at \$57.3 million)	Cash (\$50 million from insurers and \$5 million from co.) plus future contributions	Matching contributions at least 4% until 2011 (not restricted to company stock)	20% for lead counsel \$11 million plus \$300,000 for other counsel, plus expenses (\$870,807) plus \$150,000 reserve for fees and expenses implementing settlement	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re Winn Dixie Stores, Inc. ERISA Litigation</i>	2007 WL 2127882 (M.D. Fla. July 24, 2007) 2007 WL 1877887 (M.D. Fla. June 28, 2007) 2008 WL 815724 (M.D. Fla. Mar. 20, 2008)	Dec. 2007 (Prelim.) March 2008 (Final)	5/6/02 to 3/17/04	11,768 participants	\$2.985 million	Cash from insurer (employer bankrupt)		26% \$77,601 plus expenses (\$57,603)	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re WorldCom, Inc. ERISA Litigation</i>	2002 WL 31640557 (N.D. Cal. July 26, 2002) 263 F. Supp. 2d 745 (S.D.N.Y. 2003) 2004 WL 2211664 (S.D.N.Y. Oct. 4, 2004) 339 F. Supp. 2d 561 (S.D.N.Y. 2004) 2004 WL 2338151 (S.D.N.Y. Oct. 18, 2004)	Oct. 2004 (Final)	9/14/98 to 7/21/02		\$47.15 million	All cash	None	20% plus interest \$9.586 million (1.3 multiplier) plus expenses (\$1.2 million)	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
	2004 WL 2579630 (S.D.N.Y. Nov. 15, 2004) 2004 WL 2579631 (S.D.N.Y. Nov. 15, 2004) 2005 WL 2035496 (S.D.N.Y. Aug. 24, 2005)								



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
	2005 WL 3107725 (S.D.N.Y. Nov. 21, 2005)	Nov. 2005 Scott Sullivan (Final)			\$485,000 (estimate)	10% of 401(k) account and 10% of proceeds from sale of Florida home			
	2005 WL 3116188 (S.D.N.Y. Nov. 22, 2005)								



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
	339 F. Supp. 2d 561 (S.D.N.Y. 2004)	Nov. 2005 Merrill Lynch (Final)			Up to \$200,000	Trustee will forego fees related to administration of settlement, up to \$200,000			
	354 F. Supp. 2d 423 (S.D.N.Y. 2005)								
	2005 WL 3116188 (S.D.N.Y. Nov. 22, 2005)								
	2005 WL 3107723 (S.D.N.Y. Nov. 21, 2005)								



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re Xcel Energy, Inc. ERISA Litigation</i>	254 F. Supp. 2d 1368 (J.P.M.L.ult.L it2003) 286 F. Supp. 2d 1047 (D. Minn. 2003) 222 F.R.D. 603 (D. Minn. 2004) 312 F. Supp. 2d 1165 (D. Minn. 2004) 364 F. Supp. 2d 980 (D. Minn. 2005) 364 F. Supp. 2d 1005 (D. Minn. 2005) 364 F. Supp. 2d 1013 (D. Minn. 2005) 364 F. Supp. 2d 1020 (D. Minn. 2005)	Jan. 2005 (Prelim.) April 2005 (Final)	9/23/99 to 3/31/03	13,000 <u>participants</u>	\$8 million	\$8 million Cash + Plan Design Changes	Diversification of company stock permitted	25% \$2 million (2.16 multiplier) plus expenses (\$66,780) plus \$2,000 each for 3 class reps	Employer Stock



**ERISA Class Action
Settlements & Attorney Fees**
(2009-10 Settlements Highlighted in Yellow)

Company/ Case Name ¹	Published Decision(s) ²	Settlement Approval Date	Class Period	Class Members ³ Estimated Maximum Exposure ⁴	Total Settlement	Settlement Components	Plan Changes	Attorney Fees (as % of cash ⁵ or property) ⁶	Case Type
<i>In re Xerox Corp. ERISA Litigation</i>	483 F. Supp. 2d 206 (D. Conn. 2007) 2008 WL 918539 (D. Conn. March 31, 2008)	Jan. 2009 (Prelim.) April 2009 (Final)	5/12/97 to 6/28/02		\$51 million	Cash plus plan changes	Independent fiduciary for company stock fund; No amendment to prevent diversification; Annual publication of objective of employer stock fund	29.9% \$15.25 million (1.6 multiplier) plus expenses (\$981,336) plus \$5,000 each for 5 class reps.	Employer Stock
<i>Xerox Corp. Ret. Income Guar. Plan, Berger v.</i>	231 F. Supp. 2d 804 (S.D. Ill. 2002) 338 F.3d 755 (7 th Cir. 2003) 2004 WL 287902 (S.D. Ill. Jan. 22, 2004)				\$240 million			29% \$69 million	Cash Balance

