

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action 1:18-CV-01897-DDD-SKC

PHT Holding I LLC,
on behalf of itself and all others similarly
situated,

Plaintiff,

v.

SECURITY LIFE OF DENVER INSURANCE
COMPANY,

Defendant.

[PROPOSED] ORDER APPROVING CLASS ACTION SETTLEMENT

WHEREAS, Plaintiff PHT Holding I LLC, on behalf of itself and on behalf of the Class, entered into a settlement (the “Settlement”) with Defendant Security Life of Denver Insurance Company;

WHEREAS, on April 18, 2023, the Court entered its Order granting preliminary approval of the proposed settlement (“Preliminary Approval Order”) (Dkt. 225). Among other things, the Preliminary Approval Order authorized notice of the Settlement, the fairness hearing, and related matters. Notice was provided to the Class pursuant to the Preliminary Approval Order, and the Court held a fairness hearing on September 13, 2023 at 2:30 pm;

WHEREAS, the approved short-form notice was mailed to Class Members, a website was established with the approved long-form notice, and a call-in line was established;

WHEREAS, no Class Member objected to the Settlement by the deadline provided for in the Preliminary Approval Order;

WHEREAS, the Settlement requires, among other things, that all Released Claims against Released Parties be settled and compromised; and

WHEREAS, this application is uncontested by Defendant;

Having considered Plaintiff's Motion for Final Approval of Class Action Settlement, supporting declarations, oral argument presented at the fairness hearing, and the complete records and files in this matter,

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

1. The capitalized terms used herein shall have the meanings set forth in the Settlement Agreement, Dkt. 224-3.

2. The Preliminary Approval Order outlined the form and manner by which the Plaintiff would provide the Class with notice of the Settlement, the fairness hearing, and related matters. Proof that Notice complied with the Preliminary Approval Order has been filed with the Court and is further detailed in Plaintiff's Motion for Final Approval of Class Action Settlement. The Notice given to Class Members complied in all respects with the requirements of Rule 23 of the Federal Rules of Civil Procedure and due process and provided due and adequate notice to the Class.

3. The Court finds that the Attorney General of the United States and the state attorneys general have received notice of the Settlement Agreement in accordance with the terms of the Class Action Fairness Act, 28 U.S.C. § 1715(b). *See* Dkt. 227.

4. The Settlement was attained following an extensive investigation of the facts. It resulted from vigorous arm's-length negotiations which were undertaken in good faith by counsel with significant experience litigating class actions.

5. The Class is the class certified by this Court on January 6, 2021. *See* Dkt. 141 at 19, 24.

6. The Settlement is fully and finally approved because its terms are fair, reasonable, and adequate within the meaning of Rule 23 of the Federal Rules of Civil Procedure and the Court directs its consummation pursuant to its terms and conditions. In reaching this conclusion, the Court considered the relevant factors under Rule 23(e)(2) and *Rutter & Wilbanks Corp. v. Shell Oil Co.*, 314 F.3d 1180 (10th Cir. 2002).

7. In reaching this conclusion, the Court considered the complexity, expense, and likely duration of the litigation, the Class's reaction the Settlement, and the result achieved. No objections to the Settlement or the plan of distribution were received or timely filed.

8. The Court reserves continuing and exclusive jurisdiction over the Settlement, including all future proceedings concerning the administration and enforcement of the Settlement Agreement as well as any supplemental application for reimbursement of costs or expenses incurred by Class Counsel or the Settlement Administrator on behalf of the Class.

9. Defendant shall fund the Settlement Fund pursuant to the terms of the Settlement Agreement.

10. Neither the Settlement, nor any act performed or document executed pursuant to the Settlement, may be deemed or used as an admission of wrongdoing in any civil, criminal, administrative, or other proceeding in any jurisdiction.

11. The distribution plan, as described in the Motion for Final Approval of Class Action Settlement, and previously preliminarily approved by the Court, is approved because it is fair, reasonable, and adequate.

12. This Order shall become effective immediately.

ENTERED this ____ day of _____ 2023.

Daniel D. Domenico
UNITED STATES DISTRICT JUDGE