

11/7/16

ORIGINAL

CLERK OF DISTRICT COURT

MONTANA ELEVENTH JUDICIAL DISTRICT COURT
FLATHEAD COUNTY

2016 DEC -7 AM 9:00

FILED

RICHARD P. MATTSON, SLITERS, NORTH)
 FLATHEAD LAKE YACHT CLUB, J.)
 MICHAEL DOCKSTADER, GREG R.)
 HABEL, MARY D. BOWD, PAUL & MARY)
 SULLIVAN, RANDA J. MCALPIN, PETE)
 C. WOLL, LOYD FOSTER, G.W. INGRAM II,)
 BENJAMIN W. LOUDEN, WOLL FAMILY)
 TRUST, LOUDEN FAMILY TRUST,)
 LOUDEN RIVERSIDE FARMS, a general)
 partnership, MICHAEL O. SPECKERT,)
 STEVEN SPECKERT, SUSIE SPECKERT,)
 HECTOR R. SPECKERT TRUST, AND ALL)
 OTHER PARTIES SIMILARLY SITUATED,)

BY _____ *[Signature]*
 Cause No. DV-99-548A DEPUTY
 Hon. Katherine R. Curtis

ORDER OF PRELIMINARY APPROVAL

Plaintiffs,

-vs-

PPL MONTANA, LLC, a
 Delaware Limited Liability Company,

Defendant.

The Named Plaintiffs by Class Counsel have moved under Montana Rule of Civil Procedure 23 for an Order: 1) preliminarily approving a class settlement with PPL Montana, LLC ("PPLM") on the terms and conditions set forth in the Amended Stipulation of Settlement and General Release ("Amended Stipulation"), and 2) approving Supplemental Class Notice by first class mail and publication to the Class this Court previously certified on July 23, 2014. The terms capitalized in this Order and not defined shall have the meanings ascribed to them in the Amended Stipulation. The Court, having reviewed and considered all papers filed in connection with the Motion and all exhibits attached thereto, including the Amended Stipulation, and hearing the presentation of counsel appearing on these matters, it is hereby ORDERED as follows:

1. The Court has jurisdiction over the subject matter of this action and jurisdiction over the Parties.

2. Under the Amended Stipulation, the Class means the class previously certified by the Court via Order dated July 23, 2014:

All person and entities (other than the United States, the defendants, and the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana) that have, since November 9, 1991 to December 1, 2006, owned real property either: i) with frontage on the shoreline of Flathead Lake in the Flathead County or Lake County, Montana or ii) which contains a bank of the Flathead River located in Flathead County, Montana, south of the point at which Lower Valley Road (east of U.S. Highway 93) intersects with the Flathead River, or both.

3. The Settlement provided for in the Amended Stipulation is expressly conditioned upon the entry of the Settlement Approval Order, which is the Court's entry of Final judgment approving the Settlement. In the event that the Court does not enter the Settlement Approval Order, or that the Settlement Approval Order does not become Final, then this Settlement is terminated. In the event that the Court denies approval of any material term of the Settlement, the Settlement is terminated.

4. The Court finds that the Amended Stipulation is the result of arms-length negotiations and is sufficiently within the range of reasonableness to warrant sending the Supplemental Class Notice of the settlement to Class Members and making appropriate further consideration at a hearing to be held pursuant to the Supplemental Class Notice.

5. A Fairness Hearing shall be held on March 9, 2017 at 10:00 a.m. before the undersigned at the Flathead County Justice Center, 920 S. Main St., Kalispell, MT. The date of the Fairness Hearing will be included in the Supplemental Class Notice and Publication Notice. The purpose of the Fairness Hearing will be to: (a) determine whether the proposed Amended Stipulation is fair, reasonable, and adequate and should be finally approved; (b) determine

whether upon the Settlement Approval Order becoming final the Named Plaintiffs on behalf of the Class shall dismiss with prejudice the Mattson Case; and (c) consider other settlement-related matters, including appropriate attorneys' fees and costs. The Court may adjourn, continue, and reconvene the Fairness Hearing pursuant to oral announcement without further notice to the Class Members, and the Court may consider and grant final approval of the Amended Stipulation with or without minor modifications and without further notice to Class Members.

6. The Court has reviewed the proposed notice forms and the supplemental notice documents attached as Exhibits C and D to the Motion. The Court approves as to form the notices and also approves the method of directing the notices to the Class Members.

7. Class Members may submit a written objection to the Amended Stipulation or other settlement-related matters (including attorneys' fees) by first-class mail on or before February 27, 2017, as set forth in the Supplemental Class Notice. The Objection must set forth any and all objections to this Settlement and include any supporting papers and arguments. Any Class Member may also attend the Fairness Hearing in person or through counsel, and if the Class Member has submitted written objections, may pursue those objections. No Class Member shall be entitled to contest the Amended Stipulation in writing or at the Fairness Hearing unless the Class Member has served and filed copies of its objections, together with any supporting papers and any notice of appearance from counsel, as set forth in the Supplemental Class Notice and Amended Stipulation.


8. If the Amended Stipulation is not approved by the Court or for any reason does not become effective, the Amended Stipulation will be regarded as nullified. In such event, the parties and their counsel shall take any and all steps as may be appropriate to restore the pre-settlement status of the case.

9. Nothing contained in the Amended Stipulation nor this Order, nor any negotiations, statements, proceedings in connection with the Settlement of this action shall be construed or deemed to be evidence of an admission or concession on the part of any of the parties, Class Counsel, or any other person, of any liability or wrongdoing by any of them, or of any lack of merit to the claims or defenses.

10. The Court shall have jurisdiction to interpret and enforce the Amended Stipulation and shall retain exclusive jurisdiction with respect to all matters arising from or related to it as such matters relate to the Mattson Case, and any rights or remedies related thereto.

IT IS HEREBY ORDERED

DATED this 28th day of November, 2016


Katherine R. Curtis
District Court Judge

Emailed counsel
12/1/16 *RC*