

In the United States Court of Federal Claims

No. 15-938

Filed: October 25, 2019

BRUCE CIAPESSONI, ELISA)
CIAPESSONI, BOB F. HANSEN,)
HANSEN ENTERPRISES, R&H)
AGRI-ENTERPRISES, ELDORA ROSSI,)
ROSSI & CIAPESSONI FARMS, and)
ROSSI & ROSSI, on behalf of themselves)
and all others similarly situated, et al,)
)
Plaintiffs,)
)
v.)
)
THE UNITED STATES,)
)
Defendant.)

ORDER DIRECTING ENTRY OF JUDGMENT

For the reasons set forth in the Court's orders granting plaintiffs' motion for final approval of class action settlement agreement (Dkt. No. 97) ("Final Approval Order") and granting plaintiffs' motion for an award of attorneys' fees and expenses (Dkt. No. 96), **IT IS HEREBY ORDERED, DECREED, AND ADJUDGED AS FOLLOWS:**

Pursuant to the Settlement Agreement¹ dated as of July 15, 2019 (Dkt. No. 82-1), which has been approved by the Court in the Final Approval Order, and which is hereby incorporated into this Judgment by reference (as modified by the Final Approval Order), Defendant shall deposit the Settlement Amount of \$85,000,000 and the Supplemental Settlement Amount of \$882,351.60 into the Settlement Class Account;

Upon receipt of funds from Defendant, the Settlement Administrator shall pay (1) attorneys' fees of \$21,470,587.90 and litigation costs and expenses and Notice and Administration Costs of \$783,899.26 as directed by Class Counsel; (2) Time and Effort Amounts of \$12,500 each to named Plaintiffs (i) Bruce and Elisa Ciapessoni, (ii) Bob F. Hansen, (iii) Hansen Enterprises, (iv) R&H Agri-Enterprises, (v) Eldora Rossi, (vi) Rossi & Ciapessoni Farms, and (vii) Rossi & Rossi; and (3) each Settlement Class Member his, her, or its Settlement Amount Share or Supplemental Settlement Amount Share;

¹ All capitalized terms not otherwise defined herein shall have the same meaning as those set forth in the Settlement Agreement.

The Settlement Administrator is authorized to issue settlement checks to a Settlement Class Member's heir(s), assign(s), or successor(s) upon receipt of an affidavit under penalty of perjury from such person or persons attesting that he, she, or they are the sole and rightful heir(s), assign(s), or successor(s) of the Settlement Class Member;

This lawsuit is dismissed with prejudice;

The Settlement Agreement constitutes a full and complete release of all rights, claims, actions, causes of action, suits, obligations, losses, liabilities, and demands of whatever character, whether known or unknown, whether arising in law or in equity, whether existing jointly or severally, which any of the Settlement Class Members, comprised of Opt-In Class Members² and Deemed Settlement Class Members,³ or any of their heirs, executors, administrators, or assignees, might have or might ever acquire against the United States, its political subdivisions, and/or any of its agencies, departments, officers, agents, and/or employees, arising out of, related to, and/or included in the Raisin Takings Claims, regardless of whether they were addressed in the Complaint, including but not limited to all rights and claims for costs, expenses, attorneys' fees, interest, and/or damages of any sort;

The court's judgment will be final and no longer subject to appeal at any level because there were no objections filed, either (i) in the time and manner prescribed by the Settlement Agreement and the Court's July 18, 2019 preliminary approval order, or (ii) otherwise before the October 8, 2019 hearing;

The date of the Judgment is therefore the Settlement Finalization Date; and

Without affecting the finality of the Judgment, and until each and every act agreed to be performed by the Parties has been performed pursuant to the Settlement Agreement, this Court retains exclusive and continuing jurisdiction as to all matters relating to the implementation, administration, consummation, enforcement, and interpretation of the Settlement Agreement, including the releases contained therein, and any other matters related or ancillary to the foregoing, and over all Parties hereto, including Settlement Class Members and any person who is released, for the purpose of enforcing and administering the Settlement Agreement and the action.

IT IS SO ORDERED.

s/ Loren A. Smith

Loren A. Smith,
Senior Judge

² A complete list of Opt-In Class Members bound by this Judgment is attached as Exhibit A to this Order.

³ A complete list of Deemed Settlement Class Members bound by this Judgment is attached as Exhibit B to this Order.