



3. The order authorizing dissemination of notice to the Class outlined the form and manner by which Plaintiffs were to provide the Class with notice of the settlement, the fairness hearing, and related matters. The notice program included individual notice to members of the Class who could be identified through reasonable effort. Proof that the mailing conformed with the preliminary approval order has been filed with the Court (Dkt. No. 3270). The Court finds that this notice program fully complied with Federal Rule of Civil Procedure 23 and the requirements of due process, providing to the Class the best notice practicable under the circumstances.

4. The Court hereby grants final approval of the settlement on the basis that the settlement is fair, reasonable, and adequate to the Class. *See* Fed. R. Civ. P. 23(e). In reaching this conclusion, the Court is satisfied that the settlement was fairly and honestly negotiated inasmuch as it was the result of vigorous arm's length negotiations which were undertaken in good faith by counsel with significant experience litigating antitrust class actions, and that serious questions of law and fact exist such that the value of an immediate recovery of nearly 80% of the \$1.06 billion judgment and more than double the damages found by the jury outweighs the mere possibility of additional, future monetary relief. The Court gives weight to the parties' judgment that the settlement is fair and reasonable, as well as to the Class's reaction to the settlement. The Court also gives weight to the fact that no Class member has objected to approval of the settlement.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

5. The escrow account established by the parties, into which The Dow Chemical Company already has deposited \$835,000,000.00, is approved as a Qualified Settlement Fund pursuant to Internal Revenue Code Section 468B and Treasury Regulations promulgated

thereunder.

6. All Released Claims are hereby dismissed with prejudice and without costs as to the Releasees. The Releasors are barred from instituting or prosecuting, in any capacity, an action or proceeding that asserts a Released Claim against any Releasee.

7. This Order does not settle or compromise any claims by Plaintiffs or the Class against persons or entities other than the Releasees or for any claims other than the Released Claims, and all rights against any other person or entity or respecting other claims are specifically reserved.

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

9. Without affecting the finality of this Order, the Court retains exclusive jurisdiction over: (a) the enforcement of this Order; (b) the administration and enforcement of the Settlement Agreement; and (c) the administration and distribution of settlement funds and any disputes related thereto.

10. Pursuant to Federal Rule of Civil Procedure 54(b), the Court finds that there is no just reason for delay and hereby directs that the claims in this litigation against defendant Dow be dismissed with prejudice.

ENTERED THIS 29<sup>th</sup> day of July, 2016.

s/ John W. Lungstrum  
Honorable John W. Lungstrum  
United States District Judge