

A.F. and M.D.,

Plaintiffs,

vs.

STATE OF NEW JERSEY DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: HUNTERDON COUNTY

DOCKET NO. HNT-L-359-17

Civil Action

F I L E D

MAY 30, 2023

Robert A. Ballard, Jr., P.J. Cv.
CHAMBERS

MARIANNE BROWN, et al.,

Plaintiffs,

vs.

STATE OF NEW JERSEY DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: HUNTERDON COUNTY

DOCKET NO. HNT-L-76-19

TAMASA NOBLES, et al.,

Plaintiffs,

vs.

WILLIAM ANDERSON, et al.,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: HUNTERDON COUNTY

DOCKET NO. HNT-L-145-19

CONSENT ORDER REVISING TIER 1 AND HIGHER TIER COMPENSATION

THIS MATTER having been opened to the Court by counsel for defendant New Jersey Department of Corrections and related defendants (“NJDOC”) in the above-captioned actions consolidated under lead case A.F. and M.D. v. State of New Jersey Department of Corrections, et al., Docket No. HNT-L-359-17; and the Court having entered the Final Approval Order dated November 19, 2021 approving the Master Settlement Agreement and Amendment to the Master Settlement Agreement (collectively, the “Agreement”) that resolved consolidated class action

claims in Brown, et al. v. State of New Jersey Department of Corrections, et al., Docket No. HNT-L-76-19, and Nobles, et al. v. Anderson, et al., Docket No. HNT-L-145-19; and the Agreement having established a fund of \$7,985,600 for the award, calculation, and payment of Class Damages to all Class Members among three tiers, as defined therein; and the Agreement having provided that Higher Tier Compensation “shall not exceed the amount of Class Damages less Tier 1 Compensation and Incentive Compensation;” and a total of \$250,000 having been allocated from Class Damages to Incentive Compensation for the five Named Plaintiffs pursuant to the Agreement; and it being necessary to fix the total amount of Tier 1 Compensation awarded to Tier 1 Claimants in order to calculate the amount of Higher Tier Compensation available to pay damages awards to Tier 2 Claimants and Tier 3 Claimants; and the Special Master’s adjudication of claims submitted by Tier 2 Claimants and Tier 3 Claimants having resulted in aggregate awards exceeding the amount of Higher Tier Compensation available, and thereby requiring that “Higher Tier Compensation shall be reduced pro rata to the actual amount of Class Damages” pursuant to the Agreement; and the Court having previously entered an Order dated March 7, 2023 approving proration calculations and setting payment deadlines; and three claims having been filed that have since been disqualified because the claimant was not a class member; and there being certain claims that are not presently payable for lack of a tax identification number or other necessary supporting documentation; and the parties having conferred and proposed a procedure for the fair and efficient payment of all valid claims in this matter; and all counsel having reviewed and consented to the entry of this Order to facilitate administration of the Agreement; and the Court having reviewed the attached Amended Proration Schedule for payment of claims and determined that the procedures proposed by counsel are consistent with and in furtherance of the Agreement; and for good cause shown,

IT IS on this 30th day of May, 2023,

ORDERED as follows:

1. Paragraph 2 of the Order dated March 7, 2023 is amended as follows:
 - a. The amount of Tier 1 Compensation is revised and fixed at \$1,905,540.
 - b. After deducting \$1,905,540 Tier 1 Compensation and \$250,000 Incentive Compensation from the \$7,985,600 Class Damages, the amount of available Higher Tier Compensation is fixed at \$5,830,060.
 - c. Because the \$10,309,500 aggregate amount of awards entered by the Special Master in favor of Tier 2 Claimants and Tier 3 Claimants exceeds the amount of available Higher Tier Compensation, all damages awards payable to Tier 2 Claimants and Tier 3 Claimants shall be prorated as set forth in the attached Amended Proration Schedule, which is incorporated into this Order.
 - d. All awards issued pursuant to the Agreement, including those set forth in the attached schedule, remain subject to itemized deductions as provided by the Agreement.
2. There shall be no further reallocation of Class Damages from Tier 1 Compensation to Higher Tier Compensation. Tier 2 Claimants and Tier 3 Claimants shall not be entitled to any further share of Class Damages if Tier 1 Compensation is not exhausted.
3. Funds necessary to satisfy all Tier 1 Claims that are not payable as of the date of this Order shall be held by the State of New Jersey and/or the settlement administrator for no less than one year from the date of this Order (the "Tier 1 Deadline"). If any pending Tier 1 Claim becomes payable due to submission of a validated tax identification number or other necessary documentation to the settlement administrator, within 60 days of notification, NJDOC shall

transmit funds to the settlement administrator in the amount of the claim less any itemized deductions and direct the settlement administrator to promptly issue payment to the claimant.

4. No interest shall accrue on any Tier 1 Claims subject to Paragraph 3 of this Order.


5. Funds reserved for payment of Tier 1 Claims that remain unpayable as of the Tier 1 Deadline shall be turned over to the New Jersey Unclaimed Property Administration ("NJUPA"). Alternatively, if NJUPA cannot accept funds for particular claims for any reason, each such claim shall be deemed extinguished as of the Tier 1 Deadline and the relevant funds will revert to the State of New Jersey.

6. A copy of this Order shall be served on all counsel of record via eCourts and shall be posted on the class settlement website at www.EMCFWsettlement.com.

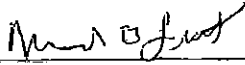
/s/ Robert A. Ballard, Jr., P.J. Cv.
HON. _____, J.S.C.
ROBERT A. BALLARD, JR., P.J. CV.

The undersigned counsel hereby consent to the form and entry of the foregoing Order.

BARRY, CORRADO & GRASSI, PC
Class Counsel

By: 
Oliver T. Barry 5/24/2023
Shauna Friedman

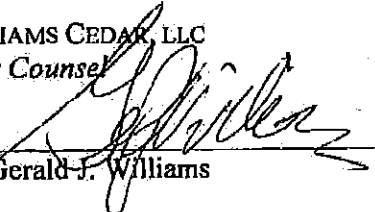
MARK B. FROST & ASSOCIATES
Class Counsel

By: 
Mark B. Frost


STARK & STARK
Class Counsel

By: /s/ Martin P. Schrama
Martin P. Schrama
Stefanie Colella-Walsh

WILLIAMS CEDAR, LLC
Class Counsel

By: 
Gerald J. Williams

CHIESA SHAHINIAN & GIANTOMASI PC
Attorneys for Defendants

By: 
Mauro G. Tucci Jr.

AMENDED PRORATION SCHEDULE

Class Damages		\$7,985,600.00
Tier 1 Awards		
1,262 total claimants (previous)	1,912,660.00	
3 ineligible claimants (removed)	<u>(7,120.00)</u>	
	1,905,540.00	(\$1,905,540.00)
Incentive Compensation (previously paid)		<u>(\$250,000.00)</u>
Subtotal remaining Class Damages		\$5,830,060.00
Greater Value of Higher Tier Claims for which Tier 1 Minimum Exceeds Prorated Special Master Award		<u>(\$24,100.00)</u>
Higher Tier Compensation Available for Proration		\$5,805,960.00
Special Master Awards for Higher Tier (Tier 2 & Tier 3) Claims		\$10,309,500.00
Value of Higher Tier Awards for which Prorated Amount is Less Than Tier 1 Minimum		<u>(\$33,000.00)</u>
Value of Higher Tier Claims Subject to Proration		\$10,276,500.00
<u>Proration Rate</u>	<u>56.49745%</u>	