

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

COOK CHILDREN’S HEALTH
FOUNDATION a/k/a W.I. COOK
FOUNDATION, INC., on behalf of itself
and a class of similarly situated persons,

Plaintiff,

vs.

DIAMONDBACK E&P LLC,

Defendant.

Case No. CIV-21-359-D

**CLASS REPRESENTATIVE’S
MOTION FOR APPROVAL OF FINAL PLAN OF ALLOCATION
AND ENTRY OF DISTRIBUTION ORDER**

Pursuant to the Settlement Agreement (Doc. 50-1) and the Preliminary Distribution Order (Doc. 60), Class Representative Cook Children’s Health Foundation a/k/a W.I. Cook Foundation, Inc. (“Class Representative”) files this Motion for Approval of Final Plan of Allocation and Entry of Distribution Order.¹ In support of this Motion, Class Representative shows the Court the following:

1. On May 3, 2024, the Court entered several orders (collectively, the “Orders”) related to approval of the Settlement:
 - a. the Judgment (Doc. 59);
 - b. the Preliminary Distribution Order (Doc. 60); and
 - c. the Order Awarding Plaintiff’s Attorneys’ Fees, Litigation Expenses, Administration, Notice, and Distribution Costs, and Case Contribution Award (Doc. 61) (the “Fee and Expense Order”).

¹ Capitalized terms not otherwise defined in this Motion shall have the meanings ascribed to them in the Settlement Agreement.

2. Under the Orders and paragraph 6.4 of the Settlement Agreement (Doc. 50-1 at 26), Class Representative is required to file and seek approval of a final plan of allocation and entry of a distribution order to disburse the Net Settlement Amount to Class Members. This Motion seeks that approval.

3. Class Counsel has calculated a Final Plan of Allocation that takes into account the Gross Settlement Fund (\$11,975,580), as well as accrued interest, and subtracts the amounts awarded in the Fee and Expense Order and attributable to approved Requests for Exclusion.

4. The result is Class Representative's proposed Final Plan of Allocation, which is attached to this Motion as **Exhibit 1**.

5. The proposed Final Plan of Allocation shows the proportionate settlement payment to be made to Class Members in accordance with the Allocation Methodology previously approved.

6. Upon the Court's approval, the distributions set out in the Final Plan of Allocation will be made to Class Members in accordance with the Orders and the Settlement Agreement. To effectuate distribution, the Escrow Agent will transfer all funds in the Escrow Account to the Settlement Administrator for further administration and distribution.

7. Class Representative respectfully requests that the Court enter the proposed Final Plan of Allocation and Distribution Order in the form attached as **Exhibit 2**. Class Representative will also submit a native version of the proposed order in accordance with the Court's local rules.

Dated: July 24, 2024

Respectfully Submitted,

/s/Rex A. Sharp

Rex A. Sharp

Scott B. Goodger

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CLASS COUNSEL

CERTIFICATE OF SERVICE

I hereby certify that, on July 24, 2024, I caused to be electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/ Rex A. Sharp
Rex A. Sharp