

UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

SAN ANTONIO FIRE AND POLICE  
PENSION FUND, FIRE AND POLICE  
HEALTH CARE FUND, SAN ANTONIO,  
PROXIMA CAPITAL MASTER FUND LTD.,  
and THE ARBITRAGE FUND,

Plaintiffs,

v.

DOLE FOOD COMPANY, INC., DAVID H.  
MURDOCK and C. MICHAEL CARTER,

Defendants.

Civil Action No. 1:15-cv-1140-LPS

**[PROPOSED] ORDER GRANTING LEAD PLAINTIFFS' MOTION TO COMPLETE  
ADMINISTRATION OF THE NET SETTLEMENT FUND**

WHEREAS:

A. On March 29, 2017, Lead Plaintiffs, on behalf of themselves and the Settlement Class, and defendant Dole Food Company, Inc. ("Dole" or the "Company") and defendants David H. Murdock and C. Michael Carter (collectively, the "Individual Defendants;" and, together with Dole, the "Defendants;" and together with Lead Plaintiffs, the "Parties") entered into an Amended Stipulation and Agreement of Settlement (the "Stipulation") (ECF No. 88-1), which provides for a complete dismissal with prejudice of the claims asserted against Defendants in the Action on the terms and conditions set forth in the Stipulation in exchange for \$74,000,000 in cash. The terms of the Settlement are set forth in the Stipulation.

B. Following the July 18, 2017 Settlement Hearing, the Court entered the Order Approving Plan of Allocation of Net Settlement Fund (ECF No. 99) and Judgment Approving

Class Action Settlement (ECF No. 98), which approved the settlement of the Settlement Class claims against the Defendants as fair and reasonable.

C. On August 24, 2018, the Court issued the Order Approving Distribution Plan (the “Distribution Order”) (ECF No. 106).

D. Since entry of the Distribution Order, Lead Plaintiffs, Lead Counsel and the Claims Administrator have continued to administer the Settlement and to make payments to Authorized Claimants pursuant to the Distribution Order.

E. Lead Counsel and the Claims Administrator have completed, to the extent practicable, the distribution of the Net Settlement Fund authorized in the Court’s Distribution Order. Based upon these efforts, the current balance of the Net Settlement Fund is \$27,903.93 (the “Remainder”).

F. The Court has retained exclusive jurisdiction over the Action, Settlement Class Members, Authorized Claimants and any other person asserting or purporting to assert an interest in the Action, the Settlement or the Net Settlement Fund, including the administration, interpretation, effectuation and enforcement of the Settlement.

G. The Court has read and considered Lead Plaintiffs’ Motion To Complete Administration of the Net Settlement Fund (the “Motion”), the Declaration of Luigy Segura (the “Segura Declaration”) of the Court-appointed Claims Administrator filed in support thereof, the accompanying Memorandum of Law and all other supporting documents and materials filed with the Motion.

H. Substantial and sufficient grounds exist for entering this Order to complete administration of the Settlement.

**NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

1. The Claims Administrator has used reasonable and diligent efforts to distribute the Net Settlement Fund to Authorized Claimants and, other than as authorized in this Order, further distributions from the Net Settlement Fund are not cost-effective.

2. Lead Plaintiffs are authorized to direct donation of the \$27,903.93 Remainder of the Net Settlement Fund to the American Red Cross, a 501(c)(3) organization selected by Lead Counsel.

*D.I. 108 is GRANTED.  
12<sup>th</sup> November*

SO ORDERED this 12 day of November, 2021.

  
LEONARD P. STARK, U.S.D.J.