

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

PRECISION ASSOCIATES, INC.;
ANYTHING GOES LLC d/b/a MAIL BOXES
ETC., and JCK INDUSTRIES, INC., on
behalf of themselves and all others similarly
situated,

Plaintiffs,

vs.

PANALPINA WORLD TRANSPORT
(HOLDING) LTD., et al.,

Defendants.

Case No.: 08-CV-00042 (BMC) (PK)

**PLAINTIFFS' RENEWED NOTICE OF MOTION AND MOTION
TO DISTRIBUTE NET SETTLEMENT FUNDS, AMEND THE PLAN OF
ALLOCATION, DISTRIBUTE FUNDS TO LATE-FILED CLAIMANTS AND SET A
BRIEFING SCHEDULE FOR OBJECTIONS TO CLAIM DETERMINATIONS**

Christopher Lovell
**LOVELL STEWART HALEBIAN
JACOBSON LLP**
61 Broadway, Suite 501
New York, NY 10006

Steven N. Williams
**COTCHETT, PITRE & MCCARTHY
LLP**
San Francisco Airport Office Center
840 Malcolm Road, Suite 200
Burlingame, CA 94010

W. Joseph Bruckner
**LOCKRIDGE GRINDAL NAUEN
P.L.L.P.**
100 Washington Avenue South, Suite 2200
Minneapolis, MN 55401

Daniel E. Gustafson
GUSTAFSON GLUEK PLLC
Canadian Pacific Plaza
120 South 6th Street, Suite 2600
Minneapolis, MN 55402

TO THE COURT AND ALL COUNSEL OF RECORD:

PLEASE TAKE NOTICE that Plaintiffs will move this court before the Honorable Brian M. Cogan, United States District Court Judge, in Courtroom 8D in the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201 on February 27, 2019 at 9:30am, or as soon thereafter as counsel may be heard for an Order granting Plaintiffs' Motion to Distribute Net Settlement Funds, Amend the Plan of Allocation, and Distribute Funds to Late-Filed Claims.

PLEASE TAKE NOTICE, Plaintiffs further move this Court to set a briefing schedule for objections to determination awards. Please take further notice that if the Court modifies or sets the hearing date and/or objection briefing schedule, that information will be posted on www.freightforwardcase.com.

Plaintiffs move the Court for entry of an order to authorize the distribution of the Round 1, 2 and 3 settlement funds to qualified claimants who made qualifying purchases of freight forwarding services, amend the Plan of Allocation to allow for \$100 minimum payments to those qualified claimants whose *pro rata* award was less than \$100, and distribute funds to late-filed claimants. In support of their Motion, Plaintiffs submit a Memorandum of Law, Declaration of Michael O'Connor, Declaration of Daniel C. Hedlund, and proposed order, attached to this Notice.

Plaintiffs further request the Court order the following with respect to objection briefing:

- (1) Any Authorized Claimant may object to their determination by March 1, if that claimant first objected to the claims administrator Epiq in a timely fashion, consistent with the instructions provided to claimants in their determination letters.
- (2) Class Counsel shall have until March 15 to respond to any objections.

(3) Any Authorized Claimant who did not object first to the claims administrator Epiq in a timely fashion consistent with the instructions provided to claimant in their determination letters, shall have waived their right to object to this Court.

(4) Reset the hearing date on Plaintiffs' motion to occur after objectors and Class Counsel have the opportunity to fully brief all objections as described above.

Plaintiffs have provided a separate proposed order with respect to objection briefing, which Plaintiffs respectfully request the Court enter as soon as the Court is able.

Dated: January 28, 2019

Respectfully Submitted,

/s/ Daniel C. Hedlund
Daniel E. Gustafson
Daniel C. Hedlund
Michelle J. Looby
Joshua J. Rissman
GUSTAFSON GLUEK PLLC
Canadian Pacific Plaza
120 South 6th Street, Suite 2600
Minneapolis MN 55402
Telephone: (612) 333-8844
Facsimile: (612) 339-6622
Email: dgustafson@gustafsongluek.com
dhedlund@gustafsongluek.com
mlooby@gustafsongluek.com
jrissman@gustafsongluek.com

Adam J. Zapala
COTCHETT, PITRE & McCARTHY, LLP.
San Francisco Airport Office Center
840 Malcolm Road, Ste. 200
Burlingame, CA 94010
Telephone: (650) 697-6000
Facsimile: (650) 697-0577
Email: azapala@cpmlegal.com

W. Joseph Bruckner
Heidi M. Silton

Anna M. Horning Nygren
LOCKRIDGE GRINDAL
NAUEN P.L.L.P.
1000 Washington Avenue South, Suite 2200
Minneapolis MN 55401
Telephone: (612) 339-6900
Facsimile: (612) 339-0981
Email: wjbruckner@locklaw.com
hmsilton@locklaw.com
amhorningnygren@locklaw.com

Christopher Lovell
Benjamin M. Jaccarino
LOVELL STEWART HALEBIAN
JACOBSON LLP
61 Broadway, Suite 501
New York, NY 10006
Telephone: (212) 608-1900
Facsimile: (212) 719-4775
E-mail: clovell@lshllp.com
bjaccarino@lshllp.com

*Counsel for Plaintiffs and Interim Co-Lead
Counsel*