



UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ORIGINAL FILED WITH CLERK

CHAMBERS OF
JEROME B. SIMANDLE
U.S. DISTRICT JUDGE

April 18, 2018

UNITED STATES COURTHOUSE
ONE JOHN F. GERRY PLAZA
P.O. BOX 2797
CAMDEN, NJ 08101
(856) 757-5167

James E. Cecchi, Esq.
CARELLA, BYRNE, CECCHI, OLSTEIN,
BRODY & AGNELLO, P.C.
5 Becker Farm Road
Roseland, NJ 07068

Re: In Re: Caterpillar, Inc., C13 and C15 Engine Products
Liability Litigation
Master Docket No. 14-3722 (JBS-JS)

Dear Mr. Cecchi:

Thank you for your letter of April 17, 2018 [Docket Item 277] attaching the Declaration of Michael R. O'Connor, Esq., Vice President of Epiq Class Action & Claim Solutions, Inc. Mr. O'Connor has prepared a detailed response to my questions of April 10, 2018, and I appreciate his responsiveness and transparency in addressing and correcting the unfortunate errors in processing certain claims and distributing settlement fund to successful class claimants.

I do not have additional questions for Epiq or for Mr. O'Connor at this time nor do I see the need, at present, to convene a hearing.

I understand it is likely to take at least 60 more days to untangle the situation and recalculate class members' shares with finality. Mr. O'Connor raises the possible option of issuing an interim payment to all non-Round 2 claimants for an amount below which Epiq can be mathematically certain their claim awards will never fall. [O'Connor Decl. ¶ 30.] If this option were selected, Epiq would use the methodology described [*id.* ¶ 31], and issue an interim check to the non-Round 2 claimants within 10 days of the Court's approval [*id.* ¶ 30]. This interim payment to non-Round 2 claimants would be supplemented in several months by the remaining share after all final calculations are determined [*id.* ¶ 31]. For class members who have negotiated their first check, Mr. O'Connor recommends issuing a second disbursement for the remaining funds due,

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applying the same pro rata formula, in several months after all final calculations are determined. [Id. ¶ 32.]

At first impression, Epiq's proposals at O'Connor Decl. ¶¶ 30-32 appear sensible and reasonable to me. This interim distribution would speed the lion's share of the recovery to those whose claims were already properly determined without further delaying while the Round 2 claims are determined over the next 60 days.

I request Class Counsel's recommendations, within seven (7) days, whether the proposals in ¶¶ 30-32 should be adopted. If your recommendation is affirmative, please submit an appropriate form of Order for my consideration directing the interim distribution to successful non-Round 2 claimants to be made within ten (10) days of entry of the Order, and the other steps to be undertaken. If Class Counsel or any other interested counsel has an objection to the Court entering such an Order for interim distribution, kindly advise by written objection within seven (7) days hereof. Thank you.

Very truly yours,

s/ Jerome B. Simandle

JEROME B. SIMANDLE
U.S. District Judge

JBS/mm

cc: All Counsel of Record