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April 6, 2018

VIA ECF

Honorable Jerome B. Simandle
United States District Court
Mitchell H. Cohen U.S. Courthouse
1 John F. Gerry Plaza
Camden, New Jersey 08101

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

Dear Judge Simandle:

This firm, along with Cohen Milstein, Shepherd Finkelman, Miller & Shah, LLP, and Quantum Legal, are Co-Lead Class Counsel. We are writing to bring to your attention an issue which has arisen regarding the Claims Administration process. It is true that everyone makes mistakes at times. The same holds true in the administration of class settlements. Yesterday afternoon, Epiq, the Court-appointed settlement administrator and one of the nation's most respected and trusted claims administrators, advised us that it had made a mistake regarding the calculation of benefits under the Settlement Agreement. As would be expected of Epiq, they have recognized this error and are working diligently to correct it.

As the Court may recall, this was a common fund settlement providing for a per-engine payment to Class Members, with a pro-rata distribution of any remaining funds once the per-engine benefits were determined. Epiq miscalculated a claim with a significant number of engines, and as a result, miscalculated the pro-rata distribution for each claimant. Epiq informed us that they had already issued checks and wire transfers to Class Members, and is implementing the following plan to correct the error:

- a) they are auditing their processes to ensure that all claims are properly calculated;
- b) they will be recalculating the amount due to each Class Member in light of the discovery of the error;
- c) they are contacting each claimant to inform them of the situation;

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- d) they are stopping payment of checks already issued; and
- e) they are re-calculating the pro rata distribution to each claimant to send a corrected check.

We are writing because we are sure that class members will be – understandably – upset by this hiccup in the administration process. We wanted to make you aware of this situation as soon as possible. We advised Epiq that its obligation was to faithfully administer claims as the Court’s Order and the parties Settlement Agreement provided, and that under no circumstances should any class members receive less or more than they are entitled to.

While we do not believe that there is any need for Court intervention at this time, we wanted to immediately inform Your Honor of the situation. We are, of course, available at your convenience if the Court has any questions.

Respectfully submitted,

CARELLA, BYRNE, CECCHI,
OLSTEIN, BRODY & AGNELLO

/s/ James E. Cecchi

JAMES E. CECCHI

cc: All Counsel (via ECF)
Epiq Systems Class Action and Class Solutions (via email)