

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

Marvin B. Dinsmore, *et al.*, on behalf of  
themselves, and all others similarly situ-  
ated,

Plaintiffs,

v.

Phillips 66 Company,

Defendant.

Case No. 22-CV-44-JFH

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

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Pursuant to the Settlement Agreement (Doc. 26-1) and the Initial Plan of Allocation Order (Doc. 35), Class Representatives Marvin B. Dinsmore and Sheridan Downey, III, as Administrators of the Estate of David D. Dinsmore and the Estate of Margaret D. Dinsmore (“Class Representatives”), file this Motion for Approval of Final Plan of Allocation and Entry of Distribution Order.<sup>1</sup> In support of this Motion, Class Representatives show the Court the following:

1. On September 21, 2023, the Court entered several orders (collectively, the “Orders”) related to approval of the Settlement:
  - a. the Judgment (Doc. 37);
  - b. the Initial Plan of Allocation Order (Doc. 35); and

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<sup>1</sup> All capitalized terms not otherwise defined in this Motion shall have the same meanings ascribed to them in the Settlement Agreement.

- c. the Order Awarding Plaintiffs' Attorneys' Fees, Litigation Expenses, Administration, Notice, and Distribution Costs, and Case Contribution Awards (Doc. 36) (the "Fee and Expense Order").

2. Under the Orders and paragraph 6.4 of the Settlement Agreement, Class Representatives are required to file and seek approval of a final plan of allocation and entry of a distribution order to disburse the Net Settlement Fund to Class Members. This Motion seeks that approval.

3. Class Representatives have calculated a Final Plan of Allocation that takes into account the Gross Settlement Fund (\$7 million), plus accrued interest while in the Escrow Account, and subtracts the amounts awarded in the Fee and Expense Order and the amounts attributable to the opt-outs approved by the Court in the Judgment.

4. The result is Class Representatives' 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 payments 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 funds in the Escrow Account to the Settlement Administrator for further administration and distribution. If payment cannot be made to 100% of the Class Members, any Residual Unclaimed Funds will be handled as set forth in the Orders and Settlement Agreement.

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

Respectfully Submitted,

/s/Reagan E. Bradford

Reagan E. Bradford, OBA #22072

Ryan K. Wilson, OBA #33306

BRADFORD & WILSON PLLC

431 W. Main Street, Suite D

Oklahoma City, OK 73102

Telephone: (405) 698-2770

reagan@bradwil.com

ryan@bradwil.com

*-and-*

James U. White, Jr., OBA #9545

White, Coffey and Fite, P.C.

P.O. Box 54783

Oklahoma City, Oklahoma 73154

(405) 842-7545

jwhite@wcgflaw.com

**CLASS COUNSEL**

### **CERTIFICATE OF SERVICE**

I hereby certify that on December 21, 2023, a true and correct copy of the above and foregoing document was served in accordance with the Local Rules on all counsel of record *via* the Court's electronic filing system.

/s/Reagan E. Bradford

Reagan E. Bradford