



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE DYNAGAS LNG PARTNERS LP  
SECURITIES LITIGATION

No. 19-cv-04512 (AJN)

~~PROPOSED~~ ORDER GRANTING LEAD PLAINTIFFS'  
MOTION FOR APPROVAL OF DISTRIBUTION OF NET SETTLEMENT FUND

The Court has reviewed and considered: (i) Lead Plaintiffs'<sup>1</sup> Motion for Approval of Distribution of Net Settlement Fund ("Motion"), pursuant to the Plan of Allocation ("POA"); (ii) the Declaration of Patty L. Nogalski in Support of the Motion, dated October 28, 2022, and the exhibits thereto (the "Nogalski Declaration"); and (iii) Lead Plaintiffs' Memorandum in Support of the Motion.

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT:**

1. This Order incorporates by reference the definitions in the Stipulation and Agreement of Settlement (the "Stipulation") and the Nogalski Declaration, and all terms used herein shall have the meanings as set forth in the Stipulation or in the Nogalski Declaration.
2. This Court has jurisdiction over the subject matter of the Action and over all parties to the Action, including all Settlement Class Members.
3. Lead Plaintiffs' Motion is **GRANTED**. Accordingly,
  - a. Lead Plaintiffs' plan for distribution of the Net Settlement Fund to Authorized Claimants is approved;

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<sup>1</sup> The Lead Plaintiffs are FNY Partners Fund LP ("FNY"), Mario Epelbaum and Scott Dunlop.

b. The Claims Administrator's<sup>2</sup> administrative determinations to accept the Eligible Claims set forth in Exhibits D and E to the Nogalski Declaration are adopted;

c. The Claims Administrator's administrative determinations to reject ineligible Claims, as set forth in Exhibit F to the Nogalski Declaration, are adopted;

d. The Claims Administrator is directed to distribute 100% of the Net Settlement Fund, after deducting payments previously allowed and the payments approved herein, and after payment of any estimated taxes, the costs of preparing appropriate tax returns and any escrow fees, as calculated under the POA;

e. Payments to Authorized Claimants by the Claims Administrator pursuant to the POA shall be conclusive against all Authorized Claimants. No Person shall have any claim against the Lead Plaintiffs, Lead Counsel or the Claims Administrator based upon disbursements or determinations made substantially in accordance with the POA and Distribution Plan or orders of this Court, except in the case of fraud or willful misconduct;

f. In order to encourage Authorized Claimants to cash their Class Distribution checks promptly and to avoid or reduce future expenses relating to uncashed checks, all Distribution checks shall bear the following notation: "DEPOSIT PROMPTLY; VOID AND SUBJECT TO REDISTRIBUTION IF NOT NEGOTIATED BY [DATE <sup>120</sup>90 DAYS AFTER ISSUE DATE]." The Claims Administrator is authorized to take appropriate action to locate and/or contact any Authorized Claimants who initially fail to cash their Class Distribution checks.

g. After the Claims Administrator has made reasonable and diligent efforts to encourage Authorized Claimants to cash their Distribution checks, any balance remaining in the Net Settlement Fund no less than nine (9) months after the Distribution will be redistributed to

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<sup>2</sup> The Claims Administrator refers to A.B. Data, Ltd.

Authorized Claimants who have cashed their Distribution checks and who would receive at least \$10.00 from such redistribution, after payment of any unpaid costs or fees incurred in administering the Net Settlement Fund for such redistribution and if it is economically feasible to do so. Such redistributions shall recur at nine-month intervals until such time as Lead Counsel and the Claims Administrator determine that further redistribution is not cost-effective. At that time, Lead Counsel and the Claims Administrator will determine if sufficient funds remain to warrant the processing of claims received or modified after September 19, 2022 that would have been eligible for payment or additional payment under the Plan of Allocation and, if so, may pay the distribution amounts on a *pro rata* basis that would bring them into parity with other Authorized Claimants;

h. If any funds remain in the Net Settlement Fund after such payments, then, after all costs of administration are paid, the balance shall be contributed to the American Red Cross;

i. All persons involved in the review, verification, calculation, tabulation or any other aspect of the processing of the Proofs of Claim submitted herein, or otherwise involved in the administration or taxation of the Settlement Fund or the Net Settlement Fund, are hereby released and discharged from any and all claims arising out of such involvement, and all Settlement Class Members, whether or not they receive payment from the Net Settlement Fund, are hereby barred from making any further claims against the Net Settlement Fund, Lead Plaintiffs, Lead Counsel, the Claims Administrator, the Escrow Agent or any other agent retained by Lead Plaintiffs or Lead Counsel in connection with the administration or taxation of the Settlement Fund or the Net Settlement Fund beyond the amounts allocated to Authorized Claimants pursuant to the Distribution Plan;

j. All of the Claims Administrator's fees and expenses incurred in connection with the administration of the Settlement including fees and expenses incurred in connection with the future Distribution of the Net Settlement Fund are approved, and Lead Plaintiffs are directed to pay the outstanding balance of \$8,144.58 out of the Settlement Fund to the Claims Administrator; and

k. Unless otherwise ordered by the Court, two years after the initial Distribution, if there is no Second Distribution, or one year after the Second Distribution, the Claims Administrator shall destroy the paper copies of the Proofs of Claim and all supporting documentation and, one year after all funds have been distributed, the Claims Administrator shall destroy electronic copies of the same.

4. The Court retains jurisdiction over the Action and all parties thereto, including the Settlement Class Members and over any further application or matter which may arise herein.

SO ORDERED this 16th day of November, 2022.



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The Honorable Alison J. Nathan  
United States ~~District Judge~~ Circuit Judge,  
sitting by designation

The Clerk of Court is respectfully  
directed to terminate Dkt. No. 163.