

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

MADELINE REED, RONALD SUMTER, )  
STEPHANIE PEMBERTON, AND CYNTHIA )  
SPENCE, on behalf of themselves and all other )  
similarly situated pension plan participants, and )  
on behalf of the J-CAP PENSION PLAN, )

Plaintiffs, )

v. )

Case No. 18-cv-3114 (RML)

QUEENS VILLAGE COMMITTEE FOR )  
MENTAL HEALTH FOR JAMAICA )  
COMMUNITY ADOLESCENT PROGRAM, )  
Inc., Plan Administrator, The J-CAP Pension )  
Plan; DIANE GONZALEZ, NANCY BRINN, )  
and NILDA RUIZ, Fiduciaries, The J-CAP )  
Pension Plan; DELAWARE CHARTER )  
GUARANTEE AND TRUST COMPANY, )  
d/b/a Principal Trust Co., )

Defendants. )

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DJUANA DAVIS AND GLADYS SULLIVAN, )

Plaintiffs, )

v. )

Case No. 19-cv-3353 (RML)

QUEENS VILLAGE COMMITTEE FOR MENTAL )  
HEALTH FOR JAMAICA COMMUNITY )  
ADOLESCENT PROGRAM, INC., Plan )  
Administrator, The J-CAP Pension Plan; DIANE )  
GONZALEZ, Fiduciary, The J-CAP Pension Plan, )

Defendants. )

**ORDER AND JUDGMENT GRANTING FINAL APPROVAL TO THE  
COMBINED CLASS ACTION SETTLEMENT AGREEMENT**

This matter comes before the Court in these two cases on the Plaintiffs' Unopposed Motion to Grant Final Approval to the Combined Class Action Settlement Agreement (Agreement) and Appoint Nicole Williams, Administrator of the Estate of Stephanie Pemberton, as an Additional Settlement Class Representative. This Court previously entered an Order on August 10, 2021, preliminarily approving the Agreement.

Notices explaining the Agreement were sent to all class members in September, 2021, informing them that they could object to the Agreement; that objections to the Agreement needed to be filed with the Court by October 29, 2021; that the Court would hold a Fairness Hearing on December 16, 2021 at which any class member could request to appear and speak about any part of the Agreement.

No objections to the Agreement were filed with the Court, and no class member has requested to speak at the Hearing about the Agreement.

The Court held a Fairness Hearing on December 16, 2021, to determine whether to give final approval to the Agreement.

For the reasons set forth in Plaintiffs' Plaintiffs' Memorandum of Law in Support of Their Motion to Certify a Settlement Class; Appoint Class Representatives and Class Counsel; Preliminarily Approve the Combined Class Action Settlement Agreement; and Authorize Appropriate Notices to be Sent to the Class (Doc. 97), and Plaintiffs' Memorandum of Law in Support of Their Motion to Give Final Approval to the Combined Class Action Settlement Agreement, and Declarations Filed in Support thereof; and the reasons stated at the hearing on August 10, 2021, and stated at Fairness Hearing on December 16, 2021, the Plaintiffs' unopposed Motion is GRANTED, and upon reviewing the Agreement, it is hereby ORDERED

that:

1. The following settlement class of participants in the J-CAP Pension Plan as set forth in the Agreement is hereby certified:

All participants in the Plan between July 1, 2008 and June 30, 2019 who were eligible but did not receive a contribution to their accounts in the Plan for at least one of the 2008, 2009, or 2010 plan years (July 1, 2008 to June 30, 2009; July 1, 2009 to June 30, 2010; or July 1, 2010 to June 30, 2011), and who were or have become vested in their benefits under the Plan with the exception of the Named Individual Defendants.

2. The Court finds that the Settlement Class meets all requirements of **Federal Rule of Civil Procedure 23(a)** for certification of the class alleged in the operative Complaint, including (a) numerosity; (b) commonality; (c) typicality; and (d) adequacy of Class Representatives and Class Counsel.

3. Additionally, the requirements of Rule 23(b)(1) have been satisfied, since the prosecution of separate actions by individual members of the Settlement Class would create a risk of (a) inconsistent or varying adjudication which would establish incompatible standards of conduct for Defendants; and (b) adjudications with respect to individual Settlement Class members, which would, as a practical matter, be dispositive of the interests of the other members not parties to the adjudications or would substantially impair or impede their ability to protect their interests.

4. Having considered the factors set forth in Rule 23(g)(1), the Court finds that Class Counsel has fairly and adequately represented the Settlement Class for purposes of entering into and implementing the Agreement, and thus hereby appoints Robert L. Liebross and Edgar Pauk as Class Counsel, and authorizes payment of the requested attorney's fee of \$238,000 from the Settlement Amount to Class Counsel; and authorizes reimbursement of \$1,750 in expenses to

Robert L. Liebross from the Settlement Amount.

5. The Court also hereby grants the uncontested motion to add, as a class representative, Nicole Williams, Administrator, Estate of Stephanie Pemberton. Ms. Pemberton was a named plaintiff in No. 18-3114, *Reed, et al., v. Queens Village, et al.*, who passed away during the litigation of this action. The Court hereby authorizes payment of the requested incentive payment of \$5,000 to each class representative from the Settlement Amount.

6. The Court hereby authorizes that the Remaining Settlement Amount be disbursed to the members of the Settlement Class, as provided for in the Agreement.


7. All members of the Settlement Class are bound by this Judgment and by the terms of the Agreement, which are incorporated by reference into this Judgment, including but not limited to the Released Claims described in Article III of the Agreement.

8. The Court hereby dismisses all claims in both cases, with prejudice, and without any award of fees or costs, except as explicitly set forth in this Judgment.

9. The Court retains jurisdiction over the implementation, administration and enforcement of this Judgment and the Agreement, and all matters ancillary thereto.

SO ORDERED

Dated: December 16, 2021

  
Robert M. Levy  
United States Magistrate Judge  
United States District Court