

NINTH JUDICIAL DISTRICT COURT FOR THE PARISH OF RAPIDES  
STATE OF LOUISIANA

NO.: 251,417 c/w NOS. 251,456; 251,515; 252,446; 252,458; and  
252,459

DIVISION B

HELEN MOORE, et al., Individually and on Behalf of All Others Similarly Situated,  
Plaintiffs

versus

MACQUARIE INFRASTRUCTURE AND REAL ASSETS, et al., Defendants

FILED: \_\_\_\_\_

DEPUTY CLERK

**NOTICE OF NON-OPPOSITION AND REPLY IN FURTHER  
SUPPORT OF MOTION FOR FINAL APPROVAL OF CLASS  
ACTION SETTLEMENT AND PLAN OF ALLOCATION AND  
FOR ATTORNEYS' FEES AND EXPENSES AND SERVICE AWARDS**

Plaintiffs and Class Counsel respectfully submit this notice of non-opposition and reply in further support of their motion for final approval of class action settlement, approval of the Plan of Allocation, and approval of the request for attorneys' fees and expenses and service awards to Plaintiffs.<sup>1</sup>

## I. INTRODUCTION

Courts around the country are unanimous in noting that “the favorable reaction of the overwhelming majority of class members to the Settlement is perhaps **the most significant factor** in [the settlement approval] inquiry.” *Wal-Mart Stores, Inc. v. Visa U.S.A., Inc.*, 396 F.3d 96, 119 (2d Cir. 2005); *Cotton v. Hinton*, 559 F.2d 1326, 1330 (5th Cir. 1977); *Patel v. Axesstel, Inc.*, No. 3:14-CV-1037-CAB-BGS, 2015 WL 6458073, at \*6 (S.D. Cal. Oct. 23, 2015) (“The absence of a single objection to the settlement ‘is compelling evidence that the Proposed Settlement is fair, just, reasonable, and adequate.’”).

Plaintiffs are pleased to advise the Court of a **unanimously positive reception** by the Class to the proposed \$37 million Settlement, Plan of Allocation, Class Counsel's requested attorneys' fees and expenses, and Plaintiffs' requested service awards. Pursuant to the Court's Preliminary Approval Order, the Claims Administrator mailed over 26,000 copies of the Notice and Proof of Claim (collectively, the “Claim Package”) to potential Class Members and nominees. *See* Affidavit of Ross D. Murray Regarding Notice Dissemination, Publication, and Requests for Exclusion Received to Date (hereinafter, the “Murray Aff.”), ¶¶5-11. In addition, the Claims Administrator caused the Summary Notice to be published in the national edition of *The Wall Street Journal* and over *Business Wire* on December 21, 2023. *Id.* at ¶12. The Claims Administrator also placed all of the relevant materials on a dedicated website, [www.ClecoMergerSettlement.com](http://www.ClecoMergerSettlement.com). *Id.* at ¶14.

The deadline for objection was January 12, 2024, and **no Class Members objected – even past the deadline – to any of the Settlement, the Plan of Allocation, or the fees, expenses, and service award application**. In sum, after an extensive notice process, the *unanimously* positive reaction from Class Members strongly indicates that the Class supports the Settlement, the Plan of Allocation, and the fees, expenses, and service award application. Accordingly, they should all be approved as fair and reasonable. *See In re S. Cent. States Bakery Prods. Antitrust Litig.*, 88 F.R.D.

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<sup>1</sup> Unless otherwise defined herein, capitalized terms have the meaning ascribed to them in the Stipulation of Settlement, previously filed with the Court. All emphasis is added, and internal citations, quotations, and punctuation are omitted unless otherwise noted.

641, 643 (M.D. La. 1980) (“The reaction of the class warrants approval of the settlements. The fact that not one of the thousands of class members has objected to the proposed settlement is a factor which clearly supports the inference that the proposed settlement is fair, adequate and reasonable.”).

## **II. THE REACTION OF THE CLASS STRONGLY SUPPORTS APPROVAL OF THE SETTLEMENT AND PLAN OF ALLOCATION**

“The reaction of the Class to the Settlement is a significant factor – perhaps the most significant factor to be weighed in considering its adequacy.” *In re Flag Telecom Holdings, Ltd. Sec. Litig.*, No. 02-CV-3400 (CM)(PED), 2010 WL 4537550, at \*16 (S.D.N.Y. Nov. 8, 2010). *See also Quintanilla v. A & R Demolition Inc.*, No. H-04-1965, 2008 WL 9410399, at \*6 (S.D. Tex. May 7, 2008) (“In sum, the opinions of counsel and of representative class members support approval of the settlement. The absence of objections and opt outs also supports approval.”).

In this case, **not a single Class Member objected** to the Settlement or Plan of Allocation. This unanimously positive reaction from the Class to the Settlement, together with the relevant factors discussed in Plaintiffs’ opening brief, strongly support the Court’s final approval of the Settlement and approval of the Plan of Allocation.

## **III. THE REACTION OF THE CLASS STRONGLY SUPPORTS APPROVAL OF CLASS COUNSEL’S REQUEST FOR ATTORNEYS’ FEES AND EXPENSES AND SERVICE AWARDS**

Courts nationwide have considered the absence of substantial objections to requested attorneys’ fees and expenses as supporting the reasonableness of such requests. *See, e.g., In re Rite Aid Corp. Sec. Litig.*, 396 F.3d 294, 305 (3d Cir. 2005) (the absence of substantial objections by class members to fee request weighed in favor of approval); *Maley v. Del Glob. Techs. Corp.*, 186 F. Supp. 2d 358, 374 (S.D.N.Y. 2002) (“The reaction by members of the Class is entitled to great weight by the Court.”); *Ressler v. Jacobson*, 149 F.R.D. 651, 656 (M.D. Fla. 1992) (noting that the lack of objections “is strong evidence of the propriety and acceptability” of the fee request).

As noted, over 26,000 copies of the Claim Package were mailed to potential Class Members and nominees. Murray Aff., ¶11. The Notice reported that Plaintiffs’ Counsel would request a fee award of no more than 33% of the Settlement Amount, plus expenses and interest, as well as service awards to Plaintiffs to compensate them for the time they devoted to the representation of the Class. And, consistent with the Notice, Class Counsel has requested an award of attorneys’ fees of 33% of the Settlement Amount, plus expenses and interest. No objection to the requested attorneys’ fees and expenses or service awards has been filed.

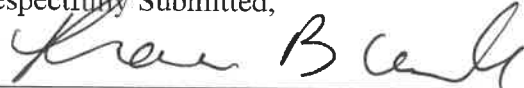
The Class' unanimous approval of Class Counsel's requested fees and expenses and Plaintiffs' service awards is consistent with, and underscores, their reasonableness. In sum, as set forth in greater detail in the opening brief, Class Counsel's fee request of 33% falls comfortably within the typical range of percentages awarded by courts in this state, and should be awarded here.

#### IV. CONCLUSION

As confirmed by the unanimously positive reaction from the Class and the lack of a single objection, the \$37 million Settlement Fund for the Class is a highly favorable culmination to the Litigation. Based on the foregoing and the entire record herein, Plaintiffs and Class Counsel respectfully request that the Court: (1) approve the Settlement and Plan of Allocation as fair, reasonable, and adequate and in the best interests of the Class and enter final approval of the Settlement and Plan of Allocation; (2) grant Class Counsel's request for attorneys' fees and expenses; and (3) grant Plaintiffs' requests for modest service awards.

Dated: January 26, 2024

Respectfully Submitted,



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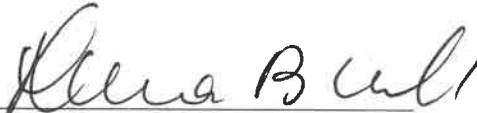
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**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing pleading has been served upon counsel for all parties by electronic mail and/or by hand, facsimile, and/or by mailing same via U.S. mail, properly addressed, and postage prepaid this 26th day of January, 2024.

  
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Laura B. Knoll