

IN THE CIRCUIT COURT  
THIRD JUDICIAL CIRCUIT  
MADISON COUNTY, ILLINOIS

**FILED**  
AUG 28 2017  
CLERK OF CIRCUIT COURT #11  
THIRD JUDICIAL CIRCUIT  
MADISON COUNTY, ILLINOIS

Peggy Keltner, Jerome and Beverly Johnson and )  
Melinda Duniphan, )

Plaintiffs, )

vs. )

Case No.: 2014-L-1540

SunCoke Energy, Inc. and Gateway Energy & )  
Coke Company, LLC and United States Steel )  
Corporation, )

Defendants. )

**PRELIMINARY APPROVAL ORDER**

Plaintiffs, Peggy Keltner, Jerome and Beverly Johnson and Melinda Duniphan, individually and on behalf of each member of the Settlement Class, and Defendants, SunCoke Energy, Inc. and Gateway Energy & Coke Company, LLC and United States Steel Corporation, having made a joint request pursuant to 735 ILCS 5/2-806 for an order preliminarily approving the proposed settlement of this lawsuit in accordance with the Settlement Agreement (the "Agreement")<sup>1</sup> filed with this Court, and the Court having read and considered the Agreement, and Plaintiffs and the Defendants having consented to the entry of this Order:

IT IS HEREBY ORDERED:

1. The Agreement, and all of its terms and conditions, is preliminarily approved as fair, just, reasonable and adequate, subject to further consideration at a final approval hearing (the "Final Approval Hearing").

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<sup>1</sup> Capitalized terms used herein but not defined shall have the meanings ascribed to them in the Agreement.

2. For purposes of settlement only, the Court conditionally certifies the Settlement Class pursuant to 735 ILCS 5/2-801. Peggy Keltner, Jerome and Beverly Johnson and Melinda Duniphan are appointed as Representatives of the Settlement Class, and Simmons Hanly Conroy are appointed as Class Counsel. Analytics, LLC is appointed as the Claims Administrator.

3. The Court approves the form of the Class Notice and directs that Class Counsel shall serve same upon the Settlement Class (by hand delivery, U.S. Mail or its equivalent and by publication in the Alton Telegraph newspaper) no later than 9/27/17. The Court finds that service of the Settlement Notice in this manner constitutes the best notice practicable under the circumstances to members of the Settlement Class, and complies fully with the provisions set forth in 735 ILCS 5/2-803, and any and all substantive and procedural due process rights guaranteed by the United States Constitution and any other applicable law. The Court further finds that the Settlement Notice clearly and concisely informs the Settlement Class of their rights and options with respect to the proposed settlement, in plain, easily understood language, in conformance with the requirements of 735 ILCS 5/2-803.

5. As provided for in the Class Notice, the Settlement Class shall be afforded the right to either opt out from or object to the final approval of this settlement.

6. The Final Approval Hearing is scheduled for Feb 16<sup>th</sup>, 2018 1:00 p.m., at which time the Court will consider the entry of the Final Approval Order (Exhibit E to the Agreement).

7. Any Member of the Settlement Class may, but need not, appear at the Final Approval Hearing, at the Member's own expense, individually or through counsel of the Member's choice. Each Member of the Settlement Class who intends to appear at the Final Approval Hearing must file a Notice of Appearance with the Court within fourteen (14) calendar days prior to the Final Approval Hearing. Notice of any such appearance shall be served, on or prior to the date of

its filing, on the Claim Administrator. The Claims Administrator shall serve any such Notice of Appearance on Class Counsel and Defendants' Counsel within seven (7) calendar days of receipt. Any Member of the Settlement Class who does not enter an appearance will be represented by Class Counsel.

8. Members of the Settlement Class shall have until 11/27/17 to opt out of the Settlement Class, but in no event not later than 60 days from service of the Class Notice. Any Member of the Settlement Class who opts out shall be excluded from the Settlement Class, and shall have no rights under the Agreement. A request for exclusion must be in writing, state the name of the Member of the Settlement Class, the address of the Class Area property and the telephone number of the person requesting exclusion, and contain the following statement: "I WANT TO BE EXCLUDED FROM THE SETTLEMENT IN THE KELTNER CLASS ACTION LITIGATION." The request must be signed and mailed to the address provided in the Class Notice and postmarked (or mailed by overnight delivery) by 11/27/17

9. All Members of the Settlement Class who do not request exclusion shall have until 11/27/17 to object to the proposed settlement but in no event, not later than 60 days after service of the Class Notice. Any objection must be in writing, be signed by the objecting Member of the Settlement Class, state the name, address, telephone number of the person and provide proof of membership in the Class, state specific grounds for the objection along with any documents to be considered, be filed with the Court on or before 11/27/17, and be mailed to Class Counsel and Defendants' counsel at the addresses set forth in the Class Notice. Further, any person objecting to final approval of the Agreement must appear in person at the Final Approval Hearing. Any Member of the Settlement Class who fails to timely object in the manner prescribed herein or to appear at the Final Approval Hearing shall be deemed to have waived his or her objections and

forever be barred from making any such objections in this action. Only Members of the Settlement Class shall have the right to object to the settlement. At any time prior the Final Approval Hearing, Class Counsel and Defendants shall have the right to respond in writing to any objections timely received.

IT IS SO ORDERED.

DATED: 8-28-17

BY: William C. Mudge  
Judge Mudge