

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

IN RE MUTUAL FUNDS)	MDL-1586
INVESTMENT LITIGATION)	
Columbia sub-track)	Case No. 04-md-15863
)	

**ORDER APPROVING PLAN OF DISTRIBUTION
IN THE COLUMBIA SUB-TRACK**

J. FREDERICK MOTZ, District Judge

On the 21st ~~and 22nd~~ days of October, 2010, a hearing having been held before this Court to consider: (1) the Plan of Distribution (the "Plan") for distribution of the Net Settlement Funds to be established as a result of the Settlement between and among Lead Plaintiffs and the Settling Defendants in the Columbia sub-track in MDL-1586, and (2) the fairness and reasonableness of the Plan to the Class;

And it appearing that a notice of the hearing, and a description of the Plan, substantially in the form approved by the Court was mailed to all Class Members reasonably identifiable, except those persons and entities excluded from the definition of the Class, as shown by the records of the Columbia Mutual Funds or their transfer agents, at the respective addresses set forth in such records, that a more detailed notice and proof of claim and release were made available on a website and to persons who requested them, and that a summary notice of the hearing in the form approved by the Court was published as directed by the Court;

And the Court, having considered all matters submitted to it at the hearing, and all prior submissions by the parties to the Settlements and others, and otherwise having determined the fairness and reasonableness of the Plan; and

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The proposed Plan of Distribution is APPROVED. The Settlement Administrator is authorized and directed to utilize the Plan as the basis for calculating and paying the amounts to be distributed to the Class Members in accordance with the Plan; *provided, however, that* there shall be no distribution of any of the settlement amounts in the MDL-1586 (Columbia sub-track) Settlement Funds to any Class Member or to the Columbia Mutual Mutual Funds until after the Effective Date.

2. The Court hereby finds and concludes that: (a) the Plan is rationally related to the relative strengths and weaknesses of the respective claims asserted by the Lead Plaintiffs and the Class; and (b) the mechanisms and procedures set forth in the Plan by which payments from the Net Settlement Funds (and, if the OAG authorizes the distribution, the OAG/Canary Amount) are to be calculated and made to the Class are fair, reasonable and adequate, and payment shall be made according to those allocations and pursuant to the procedure set forth in the Plan.

3. The Court hereby finds, after reviewing the objection submitted by Theodore Bechtold in the Strong sub-track of the MDL Actions and the objections that Theodore Bechtold attempts to raise in this sub-track, that Theodore Bechtold does not purport to represent a class member in the Columbia sub-track in MDL-1586 and therefore has no standing to object in the Columbia sub-track in MDL-1586.


4. The finality of the Order and Final Judgment entered with respect to the Settlements between shall not be affected in any manner by this Order, or any appeal from this Order Approving Plan of Distribution.

5. These coordinated actions have been pending since the first of the constituent actions were filed in 2003. The Stipulations resolve all of the claims asserted by Lead Plaintiffs and the Class against the Settling Defendants. The claims asserted against the Settling Defendants and now settled raise issues that are separable from the remaining claims of Lead Plaintiffs and the Class against the Non-Settling Defendants. Permitting the immediate appeal, if taken, of this Order Approving Plan of Distribution does not result in any duplication of review by an appellate court, because if an appellate court were to vacate any of the Stipulations, then the relevant parties may reasonably continue their prosecution or defense of the claims while this Court continues to preside over other related claims, without a waste of time or judicial resources. If this Order Approving Plan of Distribution were not immediately appealable, once an appeal were ripe after the conclusion of the entire coordinated litigation, and if the appellate court vacated this Order Approving Plan of Distribution, then this Court would face re-trying the entire litigation as to the Settling Defendants, wasting judicial resources.

6. By reason of the finding in the previous paragraph, there is no just reason for delay in the entry of this Order Approving Plan of Distribution, and immediate entry of this Order by the Clerk of the Court is expressly directed pursuant to Rule 54(b) of the Federal Rules of Civil Procedure. None of the coordinated actions is dismissed in respect of claims against any person or entity other than the Settling Defendants.

SO ORDERED:

Dated: Baltimore, Maryland
10/25, 2010



J. FREDERICK MOTZ
United States District Judge