

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Juan Ramon Torres and Eugene Robison,

Civil Action No. 4:09-cv-2056

Plaintiffs,

Jury Demanded

vs.

SGE Management, LLC; Stream Gas &
Electric, Ltd.; Stream SPE GP, et al,

Defendants.

SUPPLEMENTAL UNOPPOSED MOTION FOR FINAL APPROVAL OF SETTLEMENT

On September 25, after the undersigned counsel filed the Plaintiffs' September 24, 2018, Agreed Motion for Final Approval of Settlement (Dkt. No. 302), the parties received the latest report of the Settlement Administrator (dated September 21, 2018) attached here as **Exhibit "A."** The Administrator's recent report indicates that no additional opt-outs from the settlement were timely submitted, and the earlier-reported total of only six opt-outs remains unchanged.

The plaintiffs therefore ask the Court to sign the amended proposed order granting final approval of the settlement attached here as **Exhibit "B."** The proposed order is identical to the previous one filed at Dkt. No. 302-2 with the sole addition of now indicating that the rights of those individuals who timely opted out are not affected by the final judgment. The Defendants are not opposed to this change to the supplemental proposed order at Ex. B.

Respectfully submitted this 1st Day of October 1, 2018.

By: /s/ Matthew J.M. Prebeg

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CERTIFICATE OF CONFERENCE

The undersigned spoke with counsel for the defendants today who confirmed they are not opposed to the relief requested in this supplemental motion.

/s/ Matthew J.M. Prebeg
Matthew J.M. Prebeg

CERTIFICATE OF SERVICE

I certify that on October 1, 2018, the foregoing document was served upon all counsel of record by email and through the Court's CM/ECF system.

/s/Brent T. Caldwell
Brent T. Caldwell

EXHIBIT A



Torres v SGE Management LLC (7561)

Weekly Administration Report

Fairness Hearing Date: 10/4/2018

	Week Ending	8/31/2018	9/7/2018	9/14/2018	9/21/2018	Cumulative
Outgoing Mailings	Initial Mailing Date 07/30/2018					
Email_Notice - Initial						170,862
Postcard - Initial						10,375
Postcard - Remail (based on Undeliverable Email Notices)						76,018
Postcard - Remail (based on postal forwards and LexisNexis research)		5,223	6,813	9	-	13,211
Requested via Toll Free Number/Correspondence		99	42	67	53	395
Total Mailings Sent		5,322	6,855	76	53	270,861

Undeliverable Mailings						
Total Processed Undeliverable Postcards (including Remails)		2,797	2,444	753	684	17,557
Total Undeliverable Emails						76,032
Current Undeliverable Records From Initial Mailing*		5,952	3,360	3,552	3,672	

*Unique record where we were not able to obtain a more current address.

Opt Outs	Deadline 09/12/2018					
Total Opt Outs Received		-	1	4	-	6
- Timely		-	1	4	-	6
- Late				-	-	-

Objections	Deadline 09/17/2018					
Total Objections Received		-	-	-	-	-
- Timely		-	-	-	-	-
- Late					-	-

Election Forms	Filing Deadline 09/12/2018					
Election Form - Total Received		30	47	135	23	309
Web Election - Total Received		180	257	434		1,781
Total Elections Received (Paper/Web)		210	304	569	23	2,090

Incoming and Outgoing Communications						
Email Correspondence (Received)		13	29	76	2	197
Email Correspondence (Sent)		-	-	3	4	18

Call Center Support	+1 855 804 8542	Launch Date 07/26/2018				
IVR - Total Calls			184	211	345	131
IVR - Total Minutes			523	626	1,149	403
Website	IgniteAssociatesSettlement.com					
Page Hits			1,733	2,455	4,110	614
Sessions			484	650	1,039	243
						18,370
						4,894

DISCLAIMER: Epiq Class Action & Mass Tort Solutions ("ECA") maintains this report for its clients to provide a near-real-time view into the Administrator's database. Please be aware that, while ECA makes every effort to ensure that the information provided is timely, accurate and complete, the status of documents and line-item counts may be changing due to work in progress, analyst review, quality assurance audits, processing of additional documentation, and data validation. Before using these statistics for critical analysis or for court filings, you should contact your Project Manager.

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

Juan Ramon Torres and Eugene Robison,

Plaintiffs,

v.

SGE Management, LLC; Stream Gas &
Electric, Ltd.; Stream SPE GP, *et al.*,

Defendants.

CIVIL ACTION NO. 4:09-CV-2056

**ORDER GRANTING FINAL APPROVAL
OF CLASS ACTION SETTLEMENT AND FINAL JUDGMENT**

Plaintiffs Christopher Robison (as executor of the Estate of Eugene Robison), and Luke Thomas (collectively, the “Named Plaintiffs”), acting individually and on behalf of the Settlement Class, filed an Unopposed Motion for Final Approval of Proposed Settlement and Final Judgment (the “Motion”). The Motion seeks final approval of the Named Plaintiffs’ agreement with Ignite Holdings LTD, Stream Gas & Electric LTD, Stream Georgia Gas SPE, LLC, Stream SPE GP LLC, Stream SPE LTD, Stream Texas Serviceco, LLC, SGE Consultants, LLC, SGE Energy Management, Ltd., SGE Georgia Holdco, LLC, SGE IP Holdco, LLC, SGE Ignite GP Holdco, LLC, SGE Management LLC, SGE North America Serviceco, LLC, SGE Serviceco, LLC, and SGE Texas Holdco, LLC (collectively, “Ignite”) to settle all individual and class claims that have, or could have, been made in exchange for certain compensation. This Court, having reviewed the Motion and the exhibits, including the settlement agreement (the “Agreement”), finds itself to be apprised of the issues and grants the Motion

NOW, THEREFORE, this Court, having heard the oral presentations made at the Final Approval Hearing, having reviewed the submissions presented regarding the proposed Settlement,

having determined that the Settlement is fair, adequate, and reasonable, and having reviewed the materials in connection therewith, and now deeming itself to be fully informed;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. The capitalized terms used in this Order and Judgment shall have the same meaning as defined in the Agreement except as may otherwise be ordered.
2. This Court has jurisdiction over the subject matter of this case, all claims raised therein, and all Parties thereto, including the members of the Settlement Class.
3. This Court finds, solely to consider this Settlement, that the requirements of Federal Rule of Civil Procedure 23 are satisfied, including requirements for numerosity, commonality, typicality, adequacy of representation, manageability of the Settlement Class for settlement, that common issues of law and fact predominate over individual issues, and that Settlement and certification of the Settlement Class is superior to alternative means of resolving the claims and disputes.
4. The Settlement Class, which will be bound by this Final Approval Order and Judgment, shall include all members of the Settlement Class who did not submit timely and valid requests for exclusion. The members of the Settlement Class who have timely submitted a valid request for exclusion are identified in **Exhibit A**.
5. Plaintiffs Christopher Robison (acting as executor of the Estate of Eugene Robison), and Luke Thomas have served fairly and adequately as class representatives of the Settlement Class.
6. These attorneys have served fairly and adequately as Class Counsel (together with Jeffrey W. Burnett, Esq., of Jeffrey W. Burnett, PLLC and Thomas Goldstein and Eric Citron of Goldstein & Russell, P.C., and their respective firms [hereinafter, “Associated Class Counsel”]):

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7. For purposes of this Final Approval Order and Judgment, the Settlement Class is:

All Independent Associates [IAs] who joined Ignite on or after January 1, 2005, through April 2, 2011, and paid more for the Ignite (a) membership, (b) monthly fees for an Ignite Homesite, and/or (c) other marketing materials than Ignite has paid the IA.

8. Excluded from the Settlement Class, even if they meet the criteria above, are (i) IAs who profited from Ignite (that is, earned more than they paid); (ii) the presiding judge(s) and his or her (or their) immediate family; (iii) any Class Member that elects to be excluded from the Settlement Class; and (iv) any person who has previously released claims against Defendants or whose claims have been fully and finally adjudicated by a court or arbitrator with jurisdiction over the claims.

9. This Court finds that the Notice Plan in the Settlement Agreement and effectuated under the Preliminary Approval Order constitutes the best notice practicable under the circumstances and constitutes due and sufficient notice to the Settlement Class of the pendency, certification of the Settlement Class for settlement only, the terms of the Agreement, and the Final Approval Hearing, and satisfies the requirements of the Federal Rules of Civil Procedure, the United States Constitution, and any other applicable law. This Court further finds that Defendants have fully and timely met the requirements for notice to appropriate federal and state officials under 28 U.S.C. § 1715, and this Order is issued ninety (90) or more days after the service of such notice.

10. The Settlement is fair, reasonable, adequate and in the best interests of the Settlement Class, considering the risks that both sides faced regarding the merits of the claim alleged and remedies requested, the risks of maintaining a class action, and the expense and duration of further litigation. Therefore, this Court has determined that the Settlement should be approved. The Parties shall effectuate the Settlement according to its terms. The Settlement and every term and provision thereof shall be deemed incorporated herein as if explicitly set forth and shall have the full force of an Order of this Court.

11. Upon the Effective Date, the Settlement Class, each of the Class Members, and the Named Plaintiffs (collectively, “Releasers”) shall have, by operation of this Final Approval Order and Judgment, fully, finally and forever released, relinquished, and discharged the Released Persons from all Released Claims under the Settlement.

12. Releasers are permanently barred and enjoined from instituting, commencing or prosecuting, either directly or in any other capacity, any Released Claim against any of the Released Persons.

13. This Final Approval Order and Judgment, the Agreement, the settlement which it reflects, and any and all acts, statements, documents or proceedings relating to the Settlement are not, and shall not be construed as or used as an admission by or against Defendants or any other Released Person of any fault, wrongdoing, or liability on their part, or of the validity of any Released Claim or of the existence or amount of damages.

14. The claims of the Named Plaintiffs and all members of the Settlement Class are dismissed in their entirety with prejudice. Except as otherwise provided in this Order and/or in this Court’s Order Awarding Attorneys’ Fees and Expenses, entered in response to Class Counsel’s motion therefor brought in the Settlement, the parties shall bear their own costs and attorneys’ fees. This

Court reserves jurisdiction over implementing the Settlement, including enforcement and administration of the Agreement.

15. This Court finds that no reason exists for delay in entering this Final Order and Judgment, so the Clerk is directed forthwith to enter this Final Order and Judgment.

16. The Parties, without further approval from this Court, are permitted to adopt such amendments, modifications and expansions of the Settlement and its implementing documents (including all exhibits to the Settlement) as may be necessary or expedient to implement the Settlement, so long as they are consistent in all material respects with the Final Order and Judgment and do not limit the rights of the Settlement Class or any of the Class Members.

17. The Settlement and Agreement shall not constitute a waiver of any rights any party may have to compel arbitration in any other legal proceeding.

18. Without affecting the finality of this Final Judgment for appeal, the Court retains jurisdiction on all matters related to the administration, enforcement, and interpretation of the Agreement and this Final Order and Judgment, and for any other necessary purpose.

19. The following six individuals have timely submitted notices to opt out of this class settlement, and therefore their rights are not affected by this final judgment: (1) James Stewart (A#1889670); (2) Guillermo Garza (A#1519859); (3) Lucille P. Pool (A#1763252); (4) Marian Thompson (A#1374951); (5) Maria Magallan (A#1797710); and (6) Cameron Gardens Volunteer Fire Department (A#1234662).

IT IS SO ORDERED.

Dated:

Hon. Kenneth M. Hoyt
U.S. District Court Judge