

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

John D. West, on Behalf of Himself
and All Other Persons Similarly Situated,

Plaintiffs,

v.

AK Steel Corporation Retirement
Accumulation Pension Plan, et al.,

Defendants

Case No. C-1-02-0001

District Judge Sandra S. Beckwith

Magistrate Judge Timothy S. Black

~~PROPOSED~~

**ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION FOR AN
ORDER DIRECTING A DISTRIBUTION TO CLASS MEMBERS**

While reserving their rights to appeal the Court's decision on the motion for reconsideration pending at Docket Entry 311, the parties having renounced and abandoned their respective rights to appeal from the Court's Order entered on August 31, 2009 (Doc. 310). Accordingly, for good cause shown, Plaintiffs' Unopposed Motion for an Order Directing a Distribution to Class Members (Doc. 326) is granted.

The Fund Administrator is directed to distribute, on or before November 25, 2009, the sum of \$51,329,083.80 from the fund using the following protocol:

(¶ 1) The individual amounts to be distributed will be made payable in favor of the following:

- (a) The individual Class Members who were underpaid, and thus will be receiving a distribution, as identified on The Parties' Roster (Doc. 134), or
- (b) An alternative payee as ordered by the Court, as follows:

(i) Pursuant to the Court's Order entered July 24, 2009 (Doc. 301), the payees of two distributive shares were redesignated, as follows:

- the share previously designated payable to Freddie P. Birkhimer, to his widow, Mitzi Birkhimer, and
- the share previously designated payable to Robert Geisheimer, to his widow, Sharon Geisheimer;

(ii) Pursuant to the Court's Order entered August 6, 2009 (Doc. 303), the distributive share previously designated payable to Russell A. Wise was designated payable to the Estate of Russell A. Wise;

(iii) Pursuant to the Court's Order entered September 30, 2009 (Doc. 314), the payees of three distributive shares were redesignated, as follows:

- the share previously designated payable to John R. Matzel, to his widow, Lillian Matzel, aka Lillian G. Matzel;
- the share previously designated payable to Gerald E. Nicol, to his widow, Roxie Nicol, aka Roxie D. Nicol; and
- the share previously designated payable to Anthony D. Vaccarello, to his widow, Jean Vaccarello, aka Jean M. Vaccarello, aka Jean Marie Vaccarello; and

(iv) Pursuant to the Court's Order entered November 3, 2009 (Doc. 323), the payees of the shares previously designated payable to thirty-six now-deceased Class Members were changed, as follows:

-- from the deceased Member's name as set forth in the first column, entitled "Class Member's Name as Appears on Class Roster," of the spreadsheet which appears as pages 6, 7 and 8 of Plaintiffs' Motion for an Order to Determine the Payees of the Shares of 36 Deceased Class Members, filed Oct. 2, 2009 (Doc. 316),

-- to the name(s) set forth in the fourth column, entitled "Redesignation Requested," of the aforesaid spreadsheet.

(¶ 2) Where a Rollover Election Form has been completed and executed to the Fund Administrator's satisfaction, the distribution which otherwise would be made payable to the order of, and would be sent directly to, the person described in ¶ 1, above, shall be made payable in favor of the qualified fund designated in the Rollover Election Form and sent to that fund as specified either in the Rollover Election Form or in the supporting documentation submitted with the Rollover Election Form.

(¶ 3) Where a Rollover Election Form either has not been completed and executed to the Fund Administrator's satisfaction or has been completed and executed to the Fund Administrator's satisfaction and specifies a direct distribution, the distribution shall be made payable to the order of, and shall be sent directly to, the person described in ¶ 1, above.

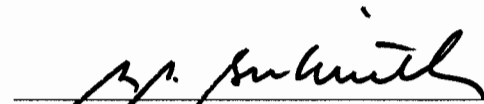
(¶ 4) The individual amounts to be distributed as set forth in ¶¶ 2 and 3, above, shall be determined as follows: (a) the amount to be distributed to the person described in ¶ 1, above, shall bear the same proportion to the sum then to be distributed as, (b) the dollar

amount in the third column entitled "Additional Amount Due" in The Parties' Roster (Doc. 134) which corresponds either to the person described in ¶ 1(a), above (*i.e.*, the Class Member), or to the deceased Class Member where the Court has redesignated the payee as set forth in ¶ 1(b), above, bears to the whole of the sum of the third column entitled "Additional Amount Due" (*i.e.*, \$37,638,442.79).

Class Counsel is hereby instructed to report to the Court regarding the status of the aforementioned tasks within sixty days after the entry of this Order.

IT IS SO ORDERED.

DATED: 11/18/09


Sandra S. Beckwith, Judge
United States District Court