

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] AGREED JOURNAL ENTRY ON  
PLAINTIFFS' MOTION FOR DETERMINATION  
OF THE MATTER OF SATISFYING THE JUDGMENT**

This matter is before the Court on Plaintiffs' Motion for Determination of the Manner of Satisfying the Judgment. (Doc. No. 158). Defendants filed a response (Doc. No. 161) to which the Class has replied (Doc. No. 163). During the course of these submissions, the parties continued their discussions and exchanges of data and other information required for the efficient conclusion of this case, including the computation of the judgment's principal. The Court is advised that these discussions and exchanges have matured to the point where the parties have submitted this Agreed Journal Entry for resolution of Plaintiffs' Motion for Determination, as follows:

It is hereby **ORDERED** that the amount owed by Defendants under the Court's earlier orders, inclusive of pre- and post-judgment interest through March 31, 2009, but

exclusive of sums, if any, that the Court may award Plaintiffs in addition to the judgment amount on Plaintiffs' anticipated motion for an award of costs and prevailing party attorneys' fees and expenses under ERISA § 502(g), 29 U.S.C. § 1132(g), and/or Fed. R. Civ. P. 54(d), will stand at \$51,459,920.10 as of April 1, 2009.


It is hereby further **ORDERED** that on or before April 1, 2009, Defendants shall pay into the Court the sum of \$51,459,920.10 pursuant to Fed. R. Civ. P. 67(a).

It is hereby further **ORDERED** that the aforesaid sum shall be deposited into an interest-bearing account or instrument pursuant to Fed. R. Civ. P. 67(b) and 28 U.S.C. § 2041. The Court is advised that the parties presently intend to propose to the Court on or before March 25, 2009, the entity which the Court may designate as the depository of the aforesaid sum.

It is hereby further **ORDERED** that, upon Defendants' deposit of \$51,459,920.10 with the Court on or before April 1, 2009, Defendants' liability in this action, but for any amounts that the Court may award on a motion for costs and for prevailing-party attorneys' fees and expenses under ERISA § 502(g), 29 U.S.C. § 1132(g), and/or Fed. R. Civ. P. 54(d), will be fully satisfied, and that Defendants, upon the making of such deposit, shall be fully discharged and finally dismissed therefrom.

**IT IS SO ORDERED.**

DATED: 3/25/09

  
Sandra S. Beckwith, Judge  
United States District Court

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Case No. C-1-02-0001

District Judge Sandra S. Beckwith  
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~~PROPOSED~~ **AGREED ORDER**  
**GRANTING UNOPPOSED MOTION FOR AN ORDER**  
**APPROVING A FUND ADMINISTRATOR**

This matter is before the Court on the Unopposed Motion for an Order Approving a Fund Administrator filed by Class Counsel. (Doc. No. 170). For good cause shown therein, the motion is GRANTED. Upon the Defendants' deposit/payment of Defendants' monetary liability to the Class (but for any amounts that the Court may award for costs, fees and expenses under ERISA § 502(g), 29 U.S.C. § 1132(g), and/or Fed.R.Civ.P. 54(d), which amounts the Court will subsequently and separately consider), The Garden City Group, Inc. ("GCG") may administer such fund thereby created. The costs of GCG's fund-administration services shall be borne by the fund, first out of the proceeds of the interest earned by the fund on deposit in the below-specified federally-secured funds. Nothing will be paid GCG without this Court's express permission. GCG

shall act in a neutral capacity consistent with its court-appointed role, and shall perform no discretionary act without this Court's preceding, explicit Order directing that the task be done.

The first task<sup>9</sup> to which GCG is hereby directed to perform is the establishing of the interest-bearing depository account into which Defendants will make their deposit/payment. Such account shall be interest-bearing and in money market funds whose portfolio is composed of short-term United States Agency or Treasury securities. GCG will then promptly provide the parties' counsel the information necessary for Defendants' safe and efficient deposit of the fund. Armed with that information, the parties' counsel will promptly submit an agreed Order to the Court, such that the further and final steps for Defendants' deposit/payment can be set forth for Defendants' performance. Such further agreed Order shall operate as the Order Permitting Deposit called for by Fed.R.Civ.P. 67(a).


After performing the task set forth above, GCG is hereby directed to assist Class Counsel in preparing—for presentation to the Court for its permission to disseminate—a Notice, inclusive of a W-9 form, to be sent to Class Members, which is intended to:

- (a) Advise the Class Member that a distribution from the fund will be made to them,
- (b) Allow the Class Member to confirm or change her/his mailing address to facilitate the distribution's prompt receipt by the Member, and
- (c) Obtain from the Class Member a W-9 Form.

Class Counsel is hereby instructed to report to the Court regarding the status of the  
aforementioned tasks within thirty days of Defendants' deposit/payment.

**IT IS SO ORDERED.**

DATED: 3/30/09

  
Sandra S. Beckwith, Judge  
United States District Court

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Case No. C-1-02-0001

District Judge Sandra S. Beckwith

Magistrate Judge Timothy S. Black

~~PROPOSED~~ <sup>o</sup> AGREED ORDER PERMITTING DEPOSIT

This matter comes before the Court upon the further advice and information provided to the Court by the parties' counsel consequent to their continued consultation on matters pertinent to the items addressed below, and as a result of information provided to the parties incident to their communications with the Court-appointed Fund Administrator, The Garden City Group, Inc., as previously ordered by the Court.

The Court is informed that the Fund Administrator, pursuant to the Court's previous Order, has established the interest-bearing depository account which the Court had ordered the Fund Administrator to establish to receive Defendants' deposit/payment. Accordingly, the Court's Order entered March 25, 2009, which had directed Defendants to pay into the Court the sum of \$51,459,920.10 pursuant to Fed. R. Civ. P. 67(a) on or before April 1, 2009 (Doc. 164), is hereby amended to the extent that Defendants are now

ordered to deposit the sum of \$51,459,920.10 on or before April 1, 2009, into account number 1501112077, named the "*West v. AK Steel Pension Class Action Fund*," at Signature Bank, 1225 Franklin Avenue, Garden City, NY 11530 (ABA No. 026013576). Said bank shall hold and not disburse any portion of the deposit, or any interest paid thereon, pending further Orders of this Court upon the Fund Administrator as the account holder. Upon Defendants' making of the aforementioned deposit, Defendants' liability in this action, but for any amounts that the Court may award on a motion for costs and for prevailing-party attorneys' fees and expenses under ERISA § 502(g), 29 U.S.C. § 1132(g), and/or Fed. R. Civ. P. 54(d), will be fully satisfied, and Defendants, upon the making of such deposit, shall be fully discharged and finally dismissed therefrom.

The Court's previous Orders referencing Fed. R. Civ. P. 67 are hereby amended to comport with the foregoing amendments and, inasmuch as Defendants' deposit will be made directly to the Fund Administrator's Court-ordered account and will not be deposited with the Clerk or with the Registry of the Court, no registry-fund fees are chargeable against the fund under S.D. Ohio Loc. R. 77.2(b)(3).

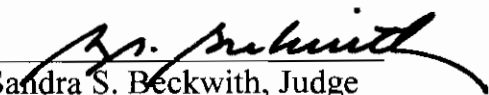
The parties are directed to cooperate with the Court-appointed Fund Administrator, The Garden City Group, Inc., and to provide the Fund Administrator the information and data which the Fund Administrator may reasonably request of the parties, including personal information of the Class Members such as that discussed at S.D. Ohio Loc. R. 26.2(a). Toward that end, Class Counsel are permitted, and hereby are directed, to provide to the Fund Administrator the names and current mailing addresses of the Class Members which Class Counsel have in their records and files, and Defendants

are permitted, and hereby are directed, to provide to the Fund Administrator the Social Security numbers of the Class Members which Defendants have in their records and files. Class Counsel and Defendants shall take all reasonably necessary steps to preserve, in the transmittal of Class Members' personal information to the Fund Administrator, the confidentiality of such information. The Fund Administrator will hold all such information in the strictest confidence, and shall use such information solely for the purposes of administering the instant action's fund as previously ordered by this Court and as may be further ordered by this Court.

Class Counsel is hereby instructed to report to the Court regarding the status of the aforementioned tasks within thirty days of Defendants' deposit.

**IT IS SO ORDERED.**

DATED: 3/30/09

  
Sandra S. Beckwith, Judge  
United States District Court