

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**JACOB SMITH,
Plaintiff,**

v.

**Case No. 2:20-cv-3755
JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Kimberly A. Jolson**

**FIRSTENERGY CORP. AND
FIRSTENERGY SERVICE CO.,
Defendants.**

**BRIAN HUDOCK AND CAMEO
COUNTERTOPS, INC.,
Plaintiff,**

v.

**Case No. 2:20-cv-3954
JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Kimberly A. Jolson**

**FIRSTENERGY CORP., et al.,
Defendants,**

**JAMES BULDAS,
Plaintiff,**

v.

**Case No. 2:20-cv-3987
JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Kimberly A. Jolson**

**FIRSTENERGY CORP., et al.,
Defendants.**

ADDENDUM TO DECEMBER 5, 2022, OPINION AND ORDER

On December 5, 2022, this Court issued a decision in which it granted the parties' joint request for approval of a class action settlement and granted in part Class Counsels' request for attorney fees. This Court also entered judgment in these cases pursuant to that Opinion and Order.

The Court hereby **SUPPLEMENTS** that Opinion and Order with the following, as requested by the parties in their proposed order filed with their joint motion. (ECF No. 158-22.)

All claims against Defendants, by those members of the Settlement Class who have not timely excluded themselves from the Settlement Class, are hereby dismissed with prejudice and without costs.

Upon the Settlement Agreements becoming final in accordance with paragraph 1(h) of the Settlement Agreement with the FirstEnergy Settling Parties and paragraph 1(j) of the Settlement Agreement with Energy Harbor, Plaintiffs and the Settlement Class unconditionally, fully, and finally release and forever discharge the FirstEnergy Released Parties and the Energy Harbor Released Parties (as defined in the Settlement Agreements at paragraph 14) from any and all claims, demands, actions, suits, causes of action, counterclaims, cross-claims, obligations, damages, charges, liabilities, debts, setoffs, judgments, suits, rights of recovery, attorneys' fees and costs, or liabilities for any obligations, whether class, individual, or otherwise in nature (whether or not any Settlement Class Member has objected to either Settlement or makes a claim upon or participates in the Settlement Funds, whether directly, representatively, derivatively or in any other capacity) that they ever had or now have, that existed as of the execution date of the Settlement Agreements, on account of, or in any way arising out of, any and all known and unknown, foreseen and unforeseen, suspected or unsuspected, actual or contingent, liquidated or unliquidated claims, injuries, damages, and the consequences thereof in any way arising out of or relating in any way to the facts and circumstances alleged, or that could have been alleged, in this Litigation ("Released Claims"). The Released Claims do not include: (1) any claims asserted under the federal securities laws, including without limitation claims asserted in *In re FirstEnergy Corp. Sec. Litig.*, Case No. 20-cv-03785-ALM-KAJ (S.D. Ohio) (and all consolidated cases); (2) any derivative claims asserted on behalf of FirstEnergy in *Gendrich, et al. v. Anderson et al.*, No. CV-2020-07-2107 (Ohio Ct. of Common Pleas for Summit County); *Miller, et al. v. Anderson, et al.*, No. 5:20-cv-01743-JRA (N.D. Ohio); or *Employees Retirement*

System of the City of St. Louis, et al. v. Jones, et al., No. 2:20-cv-4813 (S.D. Ohio); or (3) any claims unrelated to HB6 or not arising out of the allegations in the Class Actions.

The Court retains exclusive jurisdiction over the Settlement and the Settlement Agreements, including the administration and consummation of the Settlement, and over this Final Judgment and Order of Dismissal.

The persons and entities identified on Tab 1 have timely and validly requested exclusion from the Settlement Class and therefore are excluded from the Settlement Class and not bound by this Final Judgment and Order of Dismissal and may not make any claim or receive any benefit from the Settlement, whether monetary or otherwise. These excluded persons and entities may not pursue any Released Claims on behalf of those who are bound by this Final Judgment and Order of Dismissal. Each Settlement Class Member who has not requested to be excluded from the Settlement and is not listed in Exhibit A is bound by this Final Judgment and Order of Dismissal and will remain forever bound.

The Court finds that this Final Judgment and Order of Dismissal adjudicates all of the claims, rights, and liabilities of the parties to the Settlement Agreements (including the members of the Settlement Class) and is final and shall be immediately appealable. Neither this Final Judgment and Order of Dismissal, the Settlement Agreements, nor any other Settlement-related document shall constitute any evidence or admission by the FirstEnergy Settling Parties, Energy Harbor or any other FirstEnergy or Energy Harbor Released Party on liability, any merits issue, or any class certification issue (including but not limited to whether a class can be certified for purposes of litigation or trial) in this or any other matter or proceeding, nor shall either of the Settlement Agreements, this Final Judgment and Order of Dismissal, or any other Settlement-related document be offered in evidence or used for any other purpose in this or any other matter or proceeding except as may be necessary to consummate or enforce the Settlement Agreements, this Final Judgment and Order of Dismissal, or if

offered by any FirstEnergy Released Party or Energy Harbor Released Party in responding to any action purporting to assert Released Claims.

Pursuant to Federal Rule of Civil Procedure 54(b), this Court directs entry of FINAL JUDGMENT of dismissal with prejudice as to all Defendants as set forth in its separate docket entries this same day.

IT IS SO ORDERED.

12-5-2022
DATE


EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE