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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CAROL FOSTER, et al.,
Plaintiffs,
v.
ADAMS AND ASSOCIATES, INC., et al.,
Defendants.

Case No. 18-cv-02723-JSC

**ORDER TO SHOW CAUSE TO
DEFENDANTS**

Re: Dkt. No. 247

United States District Court
Northern District of California

Carol Foster and Theo Foreman brought this class action under the Employee Retirement Income Security Act of 1974 (“ERISA”), 29 U.S.C. §§ 1001, et seq., on behalf of participants and beneficiaries of the Adams and Associates Employee Stock Ownership Plan. Plaintiffs allege that Adams and Associates, Inc., Roy A. Adams, Leslie G. Adams, Daniel B. Norem, Joy Curry Norem, and The Daniel Norem Revocable Trust Dated January 9, 2002, (collectively “Defendants”) breached their fiduciary duty to Plaintiffs, participated in prohibited transactions, failed to make required disclosures, and improperly agreed to indemnification. On February 11, 2022, the Court granted final approval of the parties’ class action settlement. (Dkt. No. 244.) Judgment was entered on March 14, 2022 and no appeal was filed. (Dkt. No. 246.)

In accordance with the terms of the final approval order, Plaintiffs filed a notice of post-distribution accounting on June 21, 2022. (Dkt. No. 247.) While Plaintiffs indicate that distribution of the settlement funds has been accomplished as to some class members, Plaintiffs contend that Defendants have prevented the Settlement Administrator from distributing the funds to other class members because it has failed to provide wire instructions for these individuals existing or newly created AAI 401K Plan accounts. (*Id.* at 2-3.) Plaintiffs also indicate that they have not received confirmation that Defendants have provided a new Summary Plan Document

1 (SPD) as required by the settlement agreement. (*Id.* at 5.)

2 Accordingly, Defendants are ORDERED TO SHOW CAUSE as to why they have not
3 cooperated with the Settlement Administrator and Class Counsel to distribute the settlement
4 allocations to the remaining class members and provide a revised SPD. Defendants shall file a
5 written response to this Order by July 12, 2022.

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7 **IT IS SO ORDERED.**

8 Dated: June 28, 2022

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JACQUELINE SCOTT CORLEY
United States District Judge

United States District Court
Northern District of California