

SUPREME COURT OF LOUISIANA

ORDER

Acting in accordance with Article V, Sections 1 and 5 of the Louisiana Constitution of 1974, and the inherent power of the Court, and considering the need to enact a Court Rule pertaining to the disposition of residual class action funds,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

Louisiana Supreme Court Rule XLIII be and is hereby enacted to read as follows:

PART Q. CLASS ACTION LITIGATION; DISPOSITION OF CY PRES FUNDS

XLIII. CY PRES AWARD

Section 1. For purposes of this rule, “Cy Pres Funds” shall refer to all funds that remain after the payment of all approved class member claims, expenses, litigation costs, attorneys’ fees and other court-approved disbursements to implement the relief granted. It shall not refer to any such remaining funds that are otherwise distributed by the parties through class settlement, including funds to be returned to one or more parties.

Section 2. In matters where the claims process has been exhausted and Cy Pres Funds remain, such funds may be disbursed by the trial court to one or more non-profit or governmental entities which support projects that will benefit the class or similarly situated persons consistent with the objectives and purposes of the underlying causes of action on which relief was based, including the Louisiana Bar Foundation for use in its mission to support activities and programs that promote direct access to the justice system.

Section 3. All disbursements of Cy Pres Funds made pursuant to this Rule shall be reported to the Office of the Judicial Administrator of the Louisiana Supreme Court.

This rule shall become effective upon signing, and shall remain in full force and effect thereafter, until amended or changed through future Orders of the Court.

New Orleans, Louisiana, this _____ day of September, 2012.

FOR THE COURT:

Catherine D. Kimball, Chief Justice