

24<sup>th</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 839-979

DIVISION "H"

ANNE CANNON, INDIVIDUALLY,  
AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED

VERSUS

METAIRIE TOWERS CONDOMINIUM ASSOCIATION, INC, ET AL

FILED : \_\_\_\_\_

DEPUTY CLERK

PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF PROPOSED  
SECOND AND FINAL CLASS ACTION SETTLEMENT, PROPOSED NOTICE PLAN,  
AND TO SET THE FAIRNESS HEARING ON THE PROPOSED SECOND CLASS  
SETTLEMENT

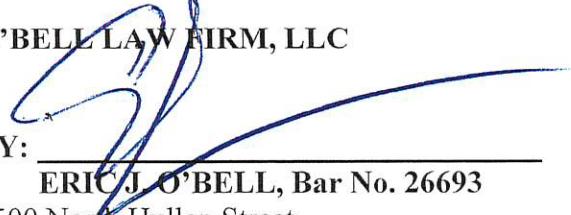
NOW COME, Class Counsel for Plaintiffs and Class Representative, ANNE CANNON, INDIVIDUALLY AND ON BEHALF OF ALL SIMILARLY SITUATED and respectfully move the Court for the following relief:

1. Preliminary approval of the proposed second and final class settlement ("Second Class Settlement") with Defendants, The Burlington Insurance Company ("TBIC"), Colony Insurance Company ("CIC"), Federal Insurance Company ("Federal") and Greenwich Insurance Company, ("Greenwich"), insurers for and on behalf of defendants, Metairie Towers Condominium Association, Inc. ("MTCA"), MTCA Board of Directors and GNO Property Management (GNO), as well as Strategic Claims Consulting, LLC ("SCC") and its insurers Old Republic Insurance Company ("ORIC"), ACE Property and Casualty Insurance Company, ("ACE") Harco National Insurance Company ("Harco") and International Fidelity Insurance Company (IFIC") collectively referred to herein as "Settling Defendants" in the above referenced litigation and pursuant to Louisiana Code of Civil Procedure Article 591(B)(4);
2. Approval of Plaintiffs' proposed plan to notify the class of the second class settlement;
3. Setting of the second final fairness hearing regarding the second settlement; and
4. Setting of all other pertinent interim dates and deadlines.

WHEREFORE, Class Counsel for Plaintiffs respectfully pray for the aforementioned relief for the reasons more fully stated in the accompanying Memorandum.

Respectfully submitted,

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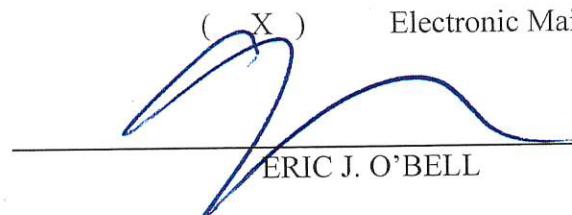
**Plaintiffs' Class Counsel**

**CERTIFICATE OF SERVICE**

I do hereby certify that I have on this 1st day of October, 2025, served a copy of the foregoing pleadings on counsel for all parties by:

( ) Hand Delivery ( ) Prepaid U.S. Mail

( ) Facsimile ( ) Electronic Mail

  
ERIC J. O'BELL

**24<sup>th</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON**

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**ANNE CANNON, INDIVIDUALLY,  
AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED**

**VERSUS**

**METAIRIE TOWERS CONDOMINIUM ASSOCIATION, INC., METAIRIE TOWERS  
BOARD OF DIRECTORS, THROUGH ITS INDIVIDUAL MEMBERS, RON CARTER,  
BETTY MILES, ELLYN MEIER, CAROLYN DIAZ, JENNIFER FAGAN, MARY KAY  
ZAHN, & ANNE BABST, STRATEGIC CLAIMS CONSULTANTS, LLC, GNO  
PROPERTY MANAGEMENT, L.L.C., BURLINGTON INSURANCE COMPANY,  
GREENWICH INSURANCE COMPANY, FEDERAL INSURANCE COMPANY,  
INTERSTATE FIRE & CASUALTY INSURANCE COMPANY, COLONY INSURANCE  
COMPANY, SCOTTSDALE INSURANCE COMPANY, EVANSTON INSURANCE  
COMPANY, OLD REPUBLIC INSURANCE COMPANY, AND ACE PROPERTY AND  
CASUALTY INSURANCE COMPANY**

**FILED:**

**DEPUTY CLERK**

**[PROPOSED] ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION FOR  
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

**NOW, BEFORE THIS COURT, is Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement ("Motion"). The Court has reviewed the Motion and Settlement Agreements between Plaintiff Anne Cannon, individually and as class representative ("Plaintiffs") and Defendants The Burlington Insurance Company ("TBIC"), Colony Insurance Company ("CIC"), Federal Insurance Company ("Federal"), and Greenwich Insurance Company ("Greenwich") as the insurers for and on behalf of Metairie Towers, Condominium Association ("MTCA") and/or the Board and/or GNO Property Management, and Strategic Claim Consultants, LLC ("Strategic"), and its insurers Old Republic Insurance Company ("ORIC"), ACE Property and Casualty Company ("ACE"), Harco National Insurance ("Harco") and International Fire Insurance Company ("IFIC"). The proposed Settlement Agreements involve a Settlement Class consisting of members of the Class previously certified by this Court in its July 31, 2024 Judgment, and represented by Class Counsel and the Class Representative appointed by the Court in that Judgment.**

The Settlement Agreements address and resolve the Plaintiffs' and Settlement Class Members' claims against TBIC, CIC, Federal, Greenwich, Strategic, ORIC, ACE, Harco, and IFIC, and any uninsured claims against GNO Property Management, LLC ("GNO"), Metairie Towers Condominium Association ("MTCA"), and MTCA's Board of Directors (collectively, the "MTCA"). The Settlement Agreement does not address or resolve the Plaintiffs' and Settlement Class Members' claims against any other defendant or insurer. After reviewing Plaintiffs' request for preliminary approval, this Court grants the Motion and preliminarily concludes that the proposed Settlement is fair, reasonable, and adequate.

**IT IS HEREBY ORDERED THAT:**

1. The Settlement Agreements and the definition of words and terms contained therein are incorporated by reference in this Order.
2. The Settlement Agreements are fair, reasonable, and adequate, and within the reasonable range of possible final approval, subject to further consideration at the Final Approval Hearing described below.
3. The Court approves, as to form and content, the Notices as presented during the August 11, 2025 status conference and attached to the Motion for Preliminary Approval, and finds that the Notice plan meets the requirements of La. C.C.P. Art. 592(B)(1) and 594(A)(2), and due process, and is the best notice practicable under the circumstances, and shall constitute due and efficient notice to all persons or entities entitled to notice.
4. A Final Approval Hearing shall be held before the Court on November 21, 2025 at 8:00 a.m. for the following purposes:
  - a. To determine whether the proposed Settlement is fair, reasonable, and adequate to the Settlement Class and should be approved by the Court;
  - b. To determine whether the Notice plan as conducted was appropriate;
  - c. To address any timely objections to the Settlement;
  - d. To rule upon such other matters as the Court may deem appropriate.
5. The Court also shall hold a hearing for the approval of Plaintiffs Class Counsel's Common Benefit Fees and Reimbursement of Common Benefit Expenses following the Final Approval Hearing on November 21, 2025.

No later than seven (7) days prior to the Fee Hearing, Class Counsel shall provide sworn affidavit stating all common benefit work that he or she performed during the litigation of the Pending Class Action Partial Settlement and all expenses incurred which benefited the Settlement Class and support for the requested common benefit expense application to be paid from the Settlement Fund.

6. All requests to opt out of the proposed Settlement must be submitted in writing to Class Counsel and must be postmarked no later than November 10, 2025. Any request to opt out of the Settlements should, to the extent possible, contain words or phrases such as "opt-out," "opt out," "exclusion," or words or phrases to that effect indicating an intent not to participate in the Settlements or be bound by the Settlement Agreements. Opt-out requests shall not be rejected simply because they were inadvertently sent to the Court or Defendant so long as they are timely postmarked or timely received by the Court, Defendant, or Class Counsel on or before the Opt-Out Deadline. Class Members who seek to opt-out shall receive no benefit or compensation under the Agreements they have excluded themselves from.

7. Class Members may submit an objection to the proposed Settlements. For an Objection to be valid, it must be filed with the Court, and mailed to Class Counsel no later than November 10, 2025 and include each and all of the following:

- (i) The objector's full name and address;
- (ii) The case name and docket number, *Michael O'Dwyer, et al. v. Metairie Towers Condominium Association, Inc., et al.*, Case No. 839-979, 24<sup>th</sup> Judicial District for the Parish of Jefferson, State of Louisiana;
- (iii) A written statement of all grounds for the objection, accompanied by any legal support for the objection the objector believes applicable;
- (iv) The identity of any and all counsel representing the objector in connection with the objection;
- (v) A statement whether the objector and/or his or her counsel will appear at the Final Approval Hearing; and

(vi) The objector's signature or the signature of the objector's duly authorized attorney or other duly authorized representative (if any) representing him or her in connection with the objection.

8. All participating Settlement Class Members shall be bound by all determinations and judgments in this Action concerning the Settlement Agreements, including, but not limited to, the Release provided for in the Settlement Agreements, whether favorable or unfavorable, except those who timely and validly request exclusion from the partial class action Settlements. The persons and entities who timely and validly request exclusion from the Settlement Class will be excluded from the Settlement Class and shall not have rights under the Settlement Agreements they have excluded themselves from, shall not be entitled to any of the Settlement benefits for the Settlement Agreements they have excluded themselves from, and shall not be bound by the Settlement Agreements or any Final Approval Order as to TBIC, CIC, Federal, Greenwich, and/or Strategic and its insurers, ORIC, ACE, Harco, and IFIC in this Action with respect to the Settlement Agreements they have excluded themselves.

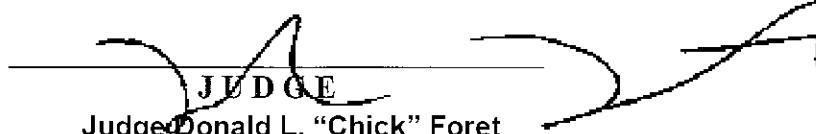
9. Pending final determination of whether the Settlement Agreements should be approved, Plaintiffs and the Settlement Class Members are barred and enjoined from commencing or prosecuting any claims asserting any of the Released Claims against TBIC, CIC, Federal, Greenwich, and/or Strategic and its insurers, ORIC, ACE, Harco, and IFIC in this Action.

10. If for any reason the Settlement Agreements terminate, the Parties shall return to the status quo ante in the Action, without prejudice to the right of any of the Parties to assert any right or position that could have been asserted if the Settlement Agreements had never been reached or proposed to the Court.

11. The Court reserves the right to adjourn the date of the Final Approval Hearing without further notice to the Settlement Class Members and retains jurisdiction to consider all further requests or matters arising out of or connected with the proposed Settlements. The Court may approve the Settlements, with such modification as may be agreed to by the Parties or as ordered by the Court, without further notice to the Settlement Class.

12. The Court hereby approves EAG Gulf Coast, LLC d/b/a EisnerAmper as the Court Approved Disbursing Agent and Claims Administrator (CADA) and CADA and to establish a Class Settlement Fund Account.

Gretna, Louisiana, this 01 day of October 2025

  
JUDGE  
Judge Donald L. "Chick" Foret