

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

In Re:

NIGERIA CHARTER FLIGHTS CONTRACT  
LITIGATION

MDL Docket No.: 04-1613

Case No: 04-CV-0304 (RJD/MDG)

THIS DOCUMENT RELATES ALL CASES

**PROPOSED ORDER**

The Court, having considered the Joint Motion for Preliminary Approval of Settlement of Class Action and Approval of the Form of Class Notice, all memoranda filed in support thereof, and the arguments of counsel at the hearing held on May 14, 2008 and the Court having found that:

1. The proposed settlement of this class action is the result of non-collusive arms-length negotiations between counsel for the class and counsel for World Airways, Inc. and Capitol Indemnity Corporation; and
2. The proposed settlement of this class action does not grant preferential treatment to the class representatives or any segment of the class; and
3. The proposed settlement of this class action does not have any obvious deficiencies, and falls within the range of possible final approval; and
4. On a preliminary basis, the proposed settlement of this class action does not seek excessive compensation for Plaintiffs' counsel, subject to Class Counsel separately moving for Court approval of such compensation and the right of class members to raise objections to such proposed compensation at the Fairness Hearing set below; and

5. On a preliminary basis, the proposed settlement of this class action is fair, reasonable and adequate, subject to the right of class members to raise objections at the Fairness Hearing set below,

THEREFORE IT IS HEREBY ORDERED:

1. That the Joint Motion for Preliminary Approval of Settlement of Class Action and Approval of the Form of Class Notice is GRANTED; and

2. The form of Class Notice attached as Exhibit A to the Joint Motion for Preliminary Approval of Settlement of Class Action and Approval of the Form of Class Notice, as amended by Plaintiffs' submission on April 10, 2008, is APPROVED; and

3. The Fairness Hearing shall take place on September 11, 2008 at 12:00 p.m.; and

4. Class Notice shall be mailed by first class mail to all Class Members who can be identified through reasonable efforts by May 28, 2008; and

5. Class Notice shall also be sent via email to all Class Members who can be identified through reasonable efforts by May 28, 2008; and

6. Class Notice shall be published as described in the Joint Motion for Preliminary Approval of Settlement of Class Action and Approval of the Form of Class Notice, specifically: (1) once in full page advertisements in ThisDay, Punch and African Abroad newspapers; once in half-page advertisements in ThisDay, Punch and African Abroad newspapers; and for one week on the internet site "nigeriaworld.com"; (2) once in a press release issued through PR Newswire; (3) by Class Counsel on its internet site, "waiclassaction.com"; and (4) on the official website for the District Court for the Eastern District of New York; and

7. All claims by Class Members shall be postmarked no later than 90 days after the last of: 1) the Court giving final approval of the settlement after a fairness hearing; 2) the

Complaints are dismissed with prejudice; and 3) any appeals of final approval are either denied or the time to appeal expires. After 90 days have passed from the last of the three events above, the Settlement Class Members shall no longer be able to apply for compensation from the Fund; and

8. Objections to the Settlement shall be received by the Court, Class Counsel and Counsel for World Airways and Capitol Indemnity Corporation no later than August 20, 2008. Objections shall include the objector's name, address, telephone number, signature and time and date of World Airways flight, as well as a brief statement detailing the nature of the objection. Objections received subsequent to the aforementioned date or without the requisite information shall be deemed invalid and not considered; and

9. Objectors who have failed to file and serve their objections as described in Paragraph 8 of this Order may not object at the Fairness Hearing; and

10. Demands to opt out of the Proposed Settlement shall be received by the Court, Class Counsel and Counsel for World Airways and Capitol Indemnity Corporation no later than August 20, 2008, and shall include the name, address, telephone number of the party opting out, as well as the time and date of their World Airways flight. Demands to opt out that are received subsequent to the aforementioned date or without the requisite information shall be deemed invalid.

IT IS SO ORDERED.

s/ Judge Raymond J. Dearie

  
\_\_\_\_\_  
Hon. Raymond J. Dearie  
Chief United States District Judge

5/20/08