

United States District Court
Western District of Arkansas
Fayetteville Division

Garland D. Murphy, III, M.D., §
and Phyllis Murphy, §
individually and on behalf of §
all others similarly situated, §

Plaintiffs, §

v. §

Case no. **5:17-CV-5035 ELW**

Gospel for Asia, Inc., §
Gospel for Asia-International, §
K.P. Yohannan, Gisela Punnose, §
Daniel Punnose, David Carroll, §
and Pat Emerick, §

Defendants. §

**Order Preliminarily Approving Settlement
And Approving Form and Manner of Notice**

WHEREAS, the above-titled certified class action (the “Murphy Litigation”) is pending before the Court;

WHEREAS, Plaintiffs Garland D. Murphy, III, MD and Phyllis Murphy, on behalf of themselves and on behalf of the Settlement Class (“Plaintiffs”), and Defendants Gospel for Asia, Inc., K.P. Yohannan, Gisela Punnose, Daniel Punnose, David Carroll, and Pat Emerick (collectively, “Defendants”), have entered into a Settlement Agreement and Release (the “Agreement”), which is subject to review and approval under Rule 23 of the Federal Rules of Civil Procedure and which, together with the exhibits thereto, sets forth the terms and conditions for the proposed settlement of the Murphy Litigation (the “Settlement”) and the dismissal of the Murphy Litigation with prejudice;

WHEREAS, the Court has read and considered the Agreement and exhibits thereto, and the accompanying documents;

WHEREAS, the Counsel for Plaintiffs have submitted, and the Court has reviewed, a motion and accompanying memorandum of law supporting preliminary approval of the proposed Settlement; and

WHEREAS, the Parties to the Agreement have consented to the entry of this Order, the Court:

NOW, THEREFORE, HEREBY ORDERS, ADJUDGES AND DECREES THAT:

1. The Court adopts all defined terms as set forth in the Agreement for purposes of this Order.
2. For purposes of implementing and enforcing the terms of the Agreement, the Court has jurisdiction over the subject matter of the Murphy Litigation, the Plaintiffs, the Settlement Class members, and the Defendants.

3. Pursuant to Rule 23(a) and 23(b)(3) of the Federal Rules of Civil Procedure, the Murphy Litigation is properly certified as a class action for settlement purposes. The Settlement Class is defined as:

All persons in the United States who donated money to GFA-USA from January 1, 2009 through the date the Settlement Class is certified for Project Codes 1000-4900. Excluded from the class are unknown donors; Defendants, their subsidiaries, and affiliates; all persons who make a timely election to be excluded from the Class; the Special Discovery Master appointed in this case; and the Judge and Magistrate Judge to whom this case is assigned and their immediate families.

4. The Court hereby preliminarily appoints Plaintiffs Garland D. Murphy, III, MD and Phyllis Murphy as Settlement Class representatives.

5. The Court hereby preliminarily appoints the Stanley Law Group, the Bassett Law Firm, and Mills and Williams, LLP as Settlement Class Counsel. Marc R. Stanley, of the Stanley Law Group, is preliminarily appointed Plaintiffs' Lead Counsel.

6. The preliminary decisions in this Order are not final and are subject to further review at the Final Approval Hearing described below.

7. The Court preliminarily finds the prerequisites to a class action under Rule 23 have been satisfied. In particular, the Court preliminarily finds:

- (a) the members of the Settlement Class are so numerous that joinder of all members thereof is impracticable;
- (b) there are questions of law and fact common to the Settlement Class, which predominate over any individual questions;
- (c) Plaintiffs Garland D. Murphy, III, MD and Phyllis Murphy are adequate representatives of the Settlement Class;
- (d) the claims of Plaintiffs Garland D. Murphy, III, MD and Phyllis Murphy are typical of the other members of the Settlement Class;
- (e) the questions of law and fact common to the members of the Settlement Class predominate over any questions affecting only individual members the Settlement Class;
- (f) Plaintiffs and their counsel have fairly and adequately represented and protected the interests of the Settlement Class members; and
- (g) a class action is superior to other available methods for the fair and efficient adjudication of the controversy, considering
 - i. the interests of the Settlement Class members in individually controlling the prosecution of the separate actions,
 - ii. the extent and nature of any litigation concerning the controversy already commenced by Class members,
 - iii. the desirability or undesirability of continuing the litigation of these claims in this particular forum, and
 - iv. the difficulties likely to be encountered in the management of the class action.

8. The terms of the Agreement, and the Settlement of the Murphy Litigation as set forth therein, are preliminarily approved in all respects as fair, reasonable, and adequate.

9. The Court approves, in form and content, the forms of Class Notice annexed as Exhibits A, B, and C to the Agreement, and finds that the electronic dissemination, mailing, and Internet posting of the Class Notice as set forth in the Agreement meet the requirements of Rule 23 of the Federal Rules of Civil Procedure, due process, the Constitution of the United States, and any other applicable law, and is the best notice practicable under the circumstances and shall constitute due and sufficient notice to all persons entitled thereto.

10. Heffler Claims Group is hereby appointed Settlement Administrator to supervise and administer the notice process, as well as to oversee the administration of the Settlement, as more fully set forth in the Agreement.

11. By April 12, 2019, the Settlement Administrator shall have completed its sending of the Mail Notice and Email Notice to Settlement Class members in accordance with Section 6 of the Agreement. The Settlement Administrator shall also establish a Settlement no later than the posting of the Mail Notice, in accordance with Section 6 of the Agreement.

12. Any Settlement Class member may request exclusion from the Settlement by completing, personally signing, and sending a written Request for Exclusion to the Settlement Administrator. Requests for Exclusion must be received by the Settlement Administrator or postmarked by May 28, 2019.

13. Any Settlement Class member who has not submitted a Request for Exclusion may object to the proposed Settlement, or any aspect of the Agreement, or the amount of Attorneys' Fees and Expenses that Settlement Class Counsel have indicated they intend to seek. Any Settlement Class member that objects must file with the Clerk of Court a written objection on or before May 28, 2019. Any objection must comply with the requirements set forth in Section 12 of the Agreement and FED. R. CIV. P. 23.

14. All papers in support of the Settlement shall be filed with the Court and served on or before June 5, 2019.

15. Pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, a hearing (the "Final Approval Hearing") shall be held before the Court on June 13, 2019 at 10:00 a.m. in Courtroom 210 of the United States District Court for the Western District of Arkansas, John Paul Hammerschmidt Federal Building, 35 East Mountain Street, Fayetteville, Arkansas 72701, at which the Court will:

(a) determine whether the Settlement Class should be certified pursuant to Rule 23 of the Federal Rules of Civil Procedure for settlement purposes;

(b) determine whether the terms of the Agreement and the proposed Settlement provided for therein are fair, reasonable, adequate for purposes of Rule 23 of the Federal Rules of Civil Procedure, and in the best interests of the Settlement Class and should be approved by the Court;

(c) consider the applications for Attorneys' Fees and Expenses; and

(d) hear and rule upon such other matters as the Court may deem appropriate.

The Court reserves the right to approve the Settlement with such modification(s) as may be agreed to by the Parties and without further notice to the Settlement Class members. Upon agreement of the Parties, the Parties shall be permitted to make any non-substantive corrections or changes to the Class Notice and other Settlement documents without seeking further approval of the Court.

Dated this 22nd day of March, 2019

/s/ Erin L. Wiedemann
The Honorable Erin L. Wiedemann
Chief United States Magistrate Judge