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U.S. DISTRICT COURT
N.D. OF ALABAMA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION

CYNTHIA PERRY, *individually and on behalf of those similarly situated*,
Plaintiff,

v.

ALATRADE FOODS, INC.,
Defendant.

Case No. 4:25-cv-521-CLM

ORDER GRANTING JOINT MOTION FOR APPROVAL TO CLASS ACTION SETTLEMENT AGREEMENT AND SUPPLEMENTAL NOTICE

The Court preliminarily approved the Class Action Settlement Agreement and Release (doc. 18-6) on April 7, 2026 (doc. 19), and notice was mailed to the 242 Settlement Class Members on June 18, 2026 (doc. 24-1 ¶ 6). At the October 2, 2026 Final Approval Hearing, the court raised concerns about the timing of Class Counsel's fee motion, the $1,500 general release payment to Plaintiff, the Allocation Plan, and the disposition of unclaimed funds. (Doc. 25.). The Parties filed supplemental briefs on October 16, 2026, (docs. 27, 28), and the Court held a telephone status conference on October 20, 2026, directing the Parties to amend the Settlement and provide supplemental notice.

The Parties executed the Amendment and now request that the court enter an order approving the amendment to the class action settlement agreement and release and the proposed supplemental notice. (Doc. 29). Because the parties have now amended the Settlement, the court **DENIES** Perry's initial motions for attorneys' fees and for final settlement approval, (docs. 22, 23), with leave for Perry to refile such motions before the final approval hearing on **December 21, 2026**.

Having reviewed the joint motion for settlement agreement and supplemental notice and corresponding materials, (doc. 29), the court grants the motion as follows:

1. The parties' motion for approval of the amendment to the class action settlement agreement and release is **GRANTED**, and the court **APPROVES** the amended class action settlement agreement and release. (Doc. 29). The Amendment adequately addresses the court's concerns discussed at the final settlement approval hearing. Specifically, the Amendment:

(a) strikes the Service Award and general release payment to Plaintiff;
(b) revises the Allocation Plan so that the Net Settlement Fund is divided pro rata among all participating Class Members based on each member's alleged damages under Paragraph 47 and is exhausted if all settlement checks are cashed;
(c) limits any return of funds to Defendant to amounts from uncashed settlement checks, used only to reimburse documented mediator's fees actually borne by Defendant, with any remaining balance subject to further order of the court; and
(d) provides for Supplemental Notice and a supplemental objection, exclusion, and claim period.

Each of these changes increases or protects the recovery of Class Members. Thus, the Amendment is within range of final approval, as it appears to be fair, reasonable, and adequate.

2. Next, the court **APPROVES** the parties' proposed supplemental notice. (Doc. 29). The Supplemental Notice describes in plain language each change made by the Amendment; directs Settlement Class Members to Class Counsel's motion for attorneys' fees, litigation costs, and Settlement Administrator's expenses; explains their right to object to the Amended Settlement and the fee motion, to request exclusion, and to submit a claim; and states the Supplemental Deadline.

The court is satisfied that this Supplemental Notice is the best notice practicable under the circumstances and will make the opt out and objection procedures fair and reasonable and provide sufficient due process to class members. It is written in plain language and Class Members can review the Settlement Website for answers to any questions that may arise.

3. The court **DIRECTS** the Settlement Administrator, CPT Group, Inc., to send the Supplemental Notice via First-Class Mail to every Class Member at the most recent address in CPT's records, including addresses updated through the National Change of Address database, forwarding information, skip tracing, and Claim Forms, on or before **November 13, 2026**.

4. Class members will then have until on or before **December 4, 2026,** to object, opt out, or make a claim. Objections and requests for exclusion must comply with the requirements in the original Notice and the Supplemental Notice and must be postmarked or submitted to CPT on or before **December 4, 2026**. Claim Forms must be postmarked or submitted online on or before **December 4, 2026**. Any Class Member who hasn't requested exclusion may object to any part of the Amended Settlement, including Class Counsel's request for attorney's fees, litigation costs, and Settlement Administrator's expenses. Any person that files an objection with the Settlement Administrator may appear in person at the final approval hearing.

5. All Claim Forms previously submitted and accepted by CPT remain valid, and Class Members who submitted them need not submit a new Claim Form. Any request for exclusion previously submitted remains effective unless the Class Member withdraws it in writing on or before **December 4, 2026.**

6. Additionally, the court **DIRECTS** CPT to post the Supplemental Notice, the Amendment, this Order, and Class Counsel's motion for attorneys' fees, litigation costs, and Settlement Administrator's expenses and supporting memorandum, (docs. 22, 22-1), on the settlement website, www.PerryWARNSettlement.com, on or before the date CPT

first mails the Supplemental Notice to Class Members. CPT **MUST** keep these documents posted on the settlement website until the court rules on final approval of the Settlement.

7. The court **ORDERS** the parties to file a declaration from CPT, on or before **December 11, 2026**, stating:

> (a) the dates and methods by which the Supplemental Notice was sent and posted;
>
> (b) the number of Supplemental Notices returned, remailed, and ultimately undeliverable;
>
> (c) the total number of valid Claim Forms, separately identifying those received during the supplemental period;
>
> (d) the number and identity of persons who requested exclusion, and copies of any objections; and
>
> (e) the Net Settlement Fund and the estimated average, highest, and lowest payment to Class Members under the amended Allocation Plan, calculated without deducting any Service Award or general release payment.

8. The Parties **SHALL** file any responses to objections and any supplemental submissions in support of final approval on or before **December 16, 2026**.

9. Defendant shall disclose any proposed *cy pres* recipient, the recipient's tax-exempt status, and its connection to the affected employees and community on or before **December 16, 2026**.

10. The Court **SETS** a final approval hearing on **December 21, 2026**, at 1:30 p.m. CST at the United States Courthouse in Anniston, Alabama at 1100 Gurnee Avenue, Anniston, Alabama 36201. In the hearing, the Court will decide whether to grant final approval to the Amended Settlement and will hear from any objectors.

11. If the Amended Settlement is not finally approved or doesn't become effective, the Amendment and this Order shall be of no further

force or effect, and the Parties shall be restored to their respective positions as provided in the Settlement Agreement.

12. Except as modified by the Amendment and this Order, the Settlement Agreement and the Preliminary Approval Order, (doc. 19), remain in full force and effect.

DONE and **ORDERED** on November 6, 2026.

COREY L. MAZE
UNITED STATES DISTRICT JUDGE

Public court record.

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Court: U.S. District Court for the Northern District of Alabama
Case number: 4:25-cv-00521-CLM
Filed: 2026-11-06

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