

Bridgeport Fire Settlement Gets Final Approval

The Legal Intelligencer

By Amaris Elliott-Engel
July 11, 2008

A Montgomery County Court of Common Pleas judge has approved the \$35 million settlement in an intensely contested class action over a fire that destroyed a business complex.



In a July 8 order, Montgomery County Court of Common Pleas Judge Steven T. O'Neill ordered that the settlement was acceptable to him because it is "fair, reasonable and in the best interests of the class."

"We're delighted that the court has acted promptly and has overruled all of the objections and approved the settlement," said class counsel [Shanin Specter](#) of Kline & Specter. "The class members are looking forward to getting paid and having this chapter in their life closed."

Donald E. Haviland Jr. -- the former head of class counsel in Kline & Specter's class action group and now of the Haviland Law firm -- posed numerous objections to the settlement in re Bridgeport Fire Litigation. Haviland has been representing some of the class representatives as personal counsel.

Haviland said Friday that he had not yet spoken with his clients about the judge's orders so he could not comment yet. O'Neill expressed skepticism toward Haviland's objections during a settlement fairness hearing held June 23.

In three final orders, O'Neill enjoined class members "who have not validly excluded themselves" from continuing any claims or other lawsuits against the settling defendants. O'Neill ordered that all determinations by the claims administrator shall be final and non-appealable.

O'Neill agreed to the class plaintiffs' motion to appoint Gary S. Silow, a Jenkintown attorney with the Law Office of Gary S. Silow, as claims administrator.

O'Neill also ordered that no class member who hasn't had the opportunity to opt-out of the class settlement before now will be permitted to opt-out of the settlement.

“No additional opt-out period is necessary or required under the Pennsylvania Rules of Civil Procedure or the Constitutions of the Commonwealth of Pennsylvania and the United States,” O’Neill said in the order.

Haviland had argued against barring class members from opting out from the settlement, but Specter argued it is common procedure in other class actions to bar class members from opting out of the settlement. O’Neill ruled that in keeping with his prior orders that no settling defendant will be permitted to make a claim against the settlement fund as a class member.