

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

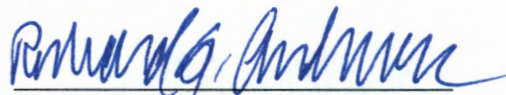
SCOTT J. SWAIN, et al., :  
 :  
 Plaintiffs, :  
 :  
 v. : Civil Action No. 17-71-RGA  
 :  
 WILMINGTON TRUST N.A., :  
 :  
 Defendant. :

**MEMORANDUM ORDER**

I have separately entered an order of preliminary approval of the proposed settlement.

Before doing so, I obtained a supplement to the original motion. (D.I. 103). The supplement is helpful. I understand from it that, just on the question of damages, there are at least three areas of disagreement between the experts. The three areas sound relatively independent of each other, meaning that I could find liability and yet still award substantially less damages than Plaintiffs' best day of \$35.1 million. And, of course, there are other possible issues with Plaintiffs' case. At this point, I am satisfied that Plaintiffs have shown that I should give preliminary approval. I note that Plaintiffs' attorneys have recently tried at least one of these sorts of cases, and that gives them a certain amount of credibility in evaluating the settlement value of this case.

IT IS SO ORDERED this 21 day of January 2020.

  
United States District Judge