

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROBERT F. COCKERILL et al., <i>Plaintiffs,</i> v. CORTEVA, INC. et al., <i>Defendants.</i>	CIVIL ACTION NO. 21-3966
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ORDER RE: DISPUTE OVER REMEDIES

AND NOW, this 27th day of May, 2025, upon considerations of the filings by all parties, it is hereby **ORDERED** as follows:

The Court has identified several “legal issues” which have arisen between the parties in connection with the effectuation of the final judgment in favor of Plaintiffs and against Defendants. The Court will rule on these disputes as follows. The Court generally agrees with the arguments in Plaintiffs’ reply brief in support of proposed judgment, ECF 401, and orders as follows:

- I. Individuals whose Early Retirement Benefits became equal to their Optional Retirement Benefit during the pendency of the litigation are encompassed within the Optional Retirement Class definition. Thus, Plaintiffs’ Motion for Clarification on the Definition of the Optional Retirement Class, ECF 337 is **GRANTED**. The Court disagrees with Defendants’ contention that this would be an improper expansion of the scope of the Optional Retirement Class.
- II. As the Court has previously held, see, e.g. ECF 318, 373, individuals who signed purported waivers or releases are encompassed within the definition of the Optional Retirement Class.

- III. Individuals who had at least 15 years of service but were not yet age 50 prior to their break in service, and who were rehired after January 1, 2017, are not excluded from the Optional Retirement or the Early Retirement Classes.
- IV. The proposed remedies are proper with respect to all Defendants who are named for Counts II and IV. The Court disagrees with Defendants' argument that judgment against the non-plan and non-fiduciary defendants is improper under Counts II, IV, and VI.
- V. The Court shall defer to the Plan Administrator on any Plan amendment or other issue regarding the effectuation of this Court's final judgment. Plaintiffs may communicate with Alight regarding the claims processing and benefits administration. Special Master Richard Bazelon will, as detailed below, be available to the parties on this issue.
- VI. Early Retirement Class Members who wish to commence the benefit due to them because of the final judgment in this case must cease employment with their current employer to commence such a benefit. Plaintiffs only argument against this was that some employees of Defendants were permitted to "double dip," but this was not intended by Defendants and, rather, was due to a lack of disclosure of relevant facts. The plain English meaning of "retirement" is to stop working for an employer. Future "double dipping" is not necessary or appropriate.
- VII. Furthermore, the Court will designate Special Master Richard Bazelon to review the Orders in this case underlying the final judgment entered on behalf of Plaintiffs and against Defendants, and to undertake, with the administration of the settlement by the Defendants' Benefit Plans Administrative Committee, and the Plan, and to

meet and confer as frequently as necessary and as promptly as possible, with counsel for both parties to review any disputes about the administration of the award. Special Master Bazelon may require the parties to submit periodic written reports to him as to their efforts to effectuate the awards as promptly as reasonably possible, and to communicate with any third party acting on behalf of Defendants in this case, and if efforts at arriving at an agreement are delayed or elusive, to then file a Report and Recommendation pursuant to Rule 53. Special Master Bazelon may consult with technical advisor Susan Katz Hoffman as necessary, and Ms. Hoffman shall include her time spent in such consultations in a subsequent invoice which Mr. Bazelon will submit to defense counsel.

BY THE COURT:

/s/ Michael M. Baylson
MICHAEL M. BAYLSON
United States District Court Judge

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