

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Jennifer Miller,)	CASE NO: 5:20CV1743
)	
)	
Plaintiffs,)	JUDGE JOHN ADAMS
)	
v.)	<u>ORDER</u>
)	
Michael J. Anderson, et al.,)	
)	
)	
)	
)	
Defendants.)	
)	

This Court has previously given the parties notice that it contemplated the appointment of counsel in this matter. Specifically, the Court noted that the parties, to date, have never offered a legitimate rationale for seeking review of a settlement in a later-filed action. As recently as July 7, 2022, the parties filed a motion before the Southern District of Ohio seeking final approval of that settlement. In that filing, they again failed to offer any legal argument in support of evading review by this Court.

As the parties have made clear that they do not intend to prosecute the matter before this Court, the Court will appoint counsel. Consistent with the Court's authority to oversee this derivative action to its conclusion, the Court will appoint counsel that will be willing to diligently prosecute this matter and seek approval from this Court of any potential resolution, if one is reached, as required by rule.¹

¹ Contrary to vague representations made by the parties, this Court has never opined on the parties' currently proposed settlement. Rather, the Court has questioned the manner in which the resolution was reached and the parties' choice to evade this Court's review.

The Clerk of Court is instructed to file this order in the News & Announcements feature of the District's website that is maintained at www.ohnd.uscourts.gov. Any counsel interested in appointment to represent the interests of FirstEnergy in this derivative suit shall notify the Court via a written submission addressed to Judge John R. Adams, 2 South Main Street, Suite 510, Akron, OH 44308. Any such written interest must be received by the Court by no later than July 25, 2022.

The parties are instructed to meet and confer and provide notice and a copy of this order to the Attorney General of the State of Ohio and to all FirstEnergy shareholders for which there is a method of electronic communication. By no later than July 20, 2022, the parties shall file a notice describing how this notice was completed.

The Court will schedule an in-person hearing on this matter to include any interested counsel following the deadline set forth above.

IT IS SO ORDERED.

July 13, 2022
Date

/s/ Judge John R. Adams
JUDGE JOHN R. ADAMS
UNITED STATES DISTRICT COURT