

United States Court of Appeals
For The Eighth Circuit
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street, Room 24.329
St. Louis, Missouri 63102

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Clerk of Court

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January 31, 2020

Mr. Shiyang Huang
2800 S.W. Engler Court
Topeka, KS 66614

RE: 19-2158 Valeska Schultz, et al v. Shiyang Huang

Dear Mr. Huang:

The court has issued an opinion in this case. Judgment has been entered in accordance with the opinion. The opinion will be released to the public at 10:00 a.m. today. Please hold the opinion in confidence until that time.

Please review [Federal Rules of Appellate Procedure](#) and the [Eighth Circuit Rules](#) on post-submission procedure to ensure that any contemplated filing is timely and in compliance with the rules. Note particularly that petitions for rehearing and petitions for rehearing en banc must be received in the clerk's office within 14 days of the date of the entry of judgment. Counsel-filed petitions must be filed electronically in CM/ECF. Paper copies are not required. No grace period for mailing is allowed, and the date of the postmark is irrelevant for pro-se-filed petitions. Any petition for rehearing or petition for rehearing en banc which is not received within the 14 day period for filing permitted by FRAP 40 may be denied as untimely.

Michael E. Gans
Clerk of Court

HAG
Enclosure(s)

cc: Mr. Jeffrey Russell Baron
Mr. James F. Bennett
Mr. Mark G. Boyko
Mr. Philip Allen Cantwell
Ms. Elizabeth C. Carver
Mr. James E. Crowe III
Mr. Mark K. Gyandoh
Mr. Thomas J. Kavalier
Mr. Gregory J. Linhares
Ms. Julie E. Siebert-Johnson
Mr. Jonathan D. Thier

District Court/Agency Case Number(s): 4:16-cv-01346-JAR

United States Court of Appeals
For the Eighth Circuit

No. 19-2158

Charlene F. McDonald, individually and on behalf of a class of all other persons
similarly situated, and on behalf of the Edward D. Jones & Co. Profit Sharing and
401(k) Plan; Windle Pompey

Plaintiffs

Valeska Schultz; Melanie Waugh; Rosalind Staley

Plaintiffs - Appellees

v.

Edward D. Jones & Co., L.P.

Defendant - Appellee

The Jones Financial Companies

Defendant

The Edward Jones Investment and Education Committee

Defendant - Appellee

John & Jane Does, 1-25

Defendant

Brett Bayston; Bonnie Caudle; Mark Vivian; Stina Wishman; Jan-Marie Kain;
Linda Banniester; Ann Echelmeier; Curtis Long; David Gibson; Ken Blanchard;
Jason Jonczak; Julie Rea; Asma Usmani; Glenn Kolod; Juli Johnson; Jess
Dechant; Peggy Robinson; Edward Jones Profit Sharing and 401(k)
Administrative Committee; John Does, 1-30

Defendants - Appellees

v.

Shiyang Huang

Objector - Appellant

Anna Mae Krause; Heath J. Petsche

Objectors

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: January 23, 2020
Filed: January 31, 2020
[Unpublished]

Before SHEPHERD, STRAS, and KOBES, Circuit Judges.

PER CURIAM.

In this Employee Retirement Income Security Act (ERISA) class action, objector Shiyang Huang appeals the district court's¹ judgment certifying a settlement class, approving the settlement agreement, and awarding attorneys' fees and case contribution awards. Initially, we find that plaintiffs had standing to bring the class action. See Campbell-Ewald Co. v. Gomez, 136 S. Ct. 663, 670-71 (2016) (without accepted settlement agreement, parties remained adverse); In re SuperValu, Inc., 870 F.3d 763, 768 (8th Cir. 2017) (putative class action can proceed as long as one named plaintiff has standing); Braden v. Wal-Mart Stores, Inc., 588 F.3d 585, 592-93 (8th Cir. 2009) (plan participant had standing to pursue ERISA breach of fiduciary claim on behalf of plan).

We also conclude that the district court did not abuse its discretion in certifying the class under Federal Rule of Civil Procedure 23(b)(1)(A), as the action was brought on behalf of the plan and requested plan-wide relief, raising the risk of inconsistent adjudications that would establish incompatible standards of conduct for defendants if individual actions were brought. See Rattray v. Woodbury Cty., 614 F.3d 831, 835 (8th Cir. 2010) (standard of review); Piazza v. Ebsco Indus., Inc., 273 F.3d 1341, 1352 (11th Cir. 2001) (because ERISA breach of fiduciary duty claims were brought on behalf of plan and relief would benefit plan as whole, individual actions raised risk of inconsistent adjudications, and Rule 23(b)(1)(A) certification was available). Further, the named plaintiffs' case contribution awards did not render their interests adverse to those of the class, and the court did not abuse its discretion in granting the awards and attorneys' fees. See Caligiuri v. Symantec Corp., 855 F.3d 860, 865, 867-68 (8th Cir. 2017) (standard of review; \$10,000 awards were not unfair to class, and are regularly granted by courts in this circuit); In re Online DVD-Rental Antitrust Litig., 779 F.3d 934, 943, 954 (9th Cir. 2015) (awards compensating representatives for work done on behalf of class and commensurate with awards in similar cases did not create impermissible conflict between class and representatives;

¹The Honorable John A. Ross, United States District Judge for the Eastern District of Missouri.

no abuse of discretion in awarding attorneys' fees where fee motion was filed by court's deadline, which was 15 days before deadline for members to object).

The judgment is affirmed. See 8th Cir. R. 47B.
