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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

SCOTT MEEKER and ERIN MEEKER,
KELLY GOODWIN, BRUCE ELY and
KRISTI HAUKE, ELIZABETH BORTE and
RINO PASINI, CHRISTIAN MINER, JUDY
SANSERI and HOWARD BANICH;
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

BULLSEYE GLASS CO., an Oregon
corporation,

Defendant.

CIVIL ACTION NO. 16CV07002

FINAL GENERAL JUDGMENT

The Plaintiffs in this pending Class Action litigation have filed with the Court a Motion for Final Approval of Class Action Settlement and Final Judgment.

This Court previously preliminarily approved the Settlement, after which Class Counsel and a Court-approved notice provider, A.B. Data, Ltd., directed notice to members of two certified sub-classes consisting of (i) all residents as of February 3, 2016 and (ii) all owners as of February 3, 2016, of the residential real properties within the Class Area depicted in the figure attached as Exhibit 1 to the Settlement Agreement ("Class Members").

Response to the Settlement has been positive, reflected in the high claims rate, low rate of exclusion, and only two objections.

1 On May 10, 2019, at 3:00 p.m., the Court held a final approval fairness hearing, to (1) determine
2 whether the proposed Settlement is fair, reasonable, and adequate and should be approved; (2) determine
3 whether final judgment should be entered dismissing the action with prejudice; (3) consider the
4 application of Class Counsel for an award of attorney fees and reimbursement of expenses; and (4)
5 consider whether to provide the Class Representatives Case Contribution Awards for their efforts in this
6 case that resulted in substantial benefits for the class.

7 Plaintiffs requested as part of that approval an order or judgment finally approving the
8 settlement; awarding Case Contribution Awards to the Class Representatives; awarding Class Counsel
9 reimbursement for their reasonable fees and costs in the amount of \$2.5 million; and addressing several
10 other administrative issues in the Settlement.

11 After review and consideration of the record in the action, the Settlement and the papers filed in
12 support thereof, including any objections thereto, and papers in support of Class Counsel's request for
13 fees and costs, and after a full hearing on the merits which included an opportunity for objectors to
14 present argument to the Court,

15 IT IS HEREBY ADJUDGED AS FOLLOWS:

16 1. The Court has jurisdiction over Plaintiffs, Defendant, and Class Members, and
17 jurisdiction to finally approve the Settlement.

18 2. For this Final General Judgment, the Court adopts the defined terms in the Settlement,
19 and incorporates them in this Final General Judgment by reference.

20 3. The Court finally approves the Settlement. The Settlement was arrived at through arms-
21 length negotiations between the Parties, after a lengthy period of adversarial litigation involving
22 substantial discovery. The Court finds that the Settlement is fair, adequate, and reasonable under ORCP
23 32 and any other applicable rules. The Settlement provides substantial and certain relief to the Class and
24 the public without the risk, cost, or delay associated with continued litigation and trial.

25 4. The Court approves the form, content, and method of the notice plan as adequate to
26 provide notice to some or all members of the class under ORCP 32 F. The notice plan constituted the
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1 best notice practicable under the circumstances and satisfies the requirements of due process, the Oregon
2 Rules of Civil Procedure, and any other applicable laws or rules.

3 5. The Court approves the Settlement’s plan of allocation as fair, adequate, and reasonable.

4 6. The Court approves the releases set forth in the Settlement and permanently bars and
5 enjoins Class Members from commencing, asserting, or continuing any of the Released Claims; except
6 that Class Members who filed the valid Exclusion Request Forms attached to the May 3, 2019
7 Declaration of Matthew Preusch are excluded from the Settlement, its benefits, and its Release.

8 7. Class Counsel’s request for \$2,085,984.16 in fees and \$414,015.84 in reimbursement of
9 costs is reasonable, taking into account the time and effort spent—and yet to be spent—by Class
10 Counsel on the litigation, coupled with quality of service; results achieved and benefits conferred on the
11 class; magnitude, complexity, and uniqueness of the litigation; contingent nature of success; and my
12 evaluation that the fees sought are not “excessive” under Oregon RPC 1.5. *See* ORCP 32 M. The Court
13 awards Class Counsel the amount requested for fees and costs.

14 8. Class Representative Plaintiffs are hereby awarded Case Contribution Awards of \$7,500
15 for single plaintiffs or \$10,000 per couple, to be paid from the Settlement funds, reflecting the burden
16 they have borne on behalf of the Class in litigating this matter to a successful conclusion.

17 9. The Court has considered all valid objections, and they are overruled.

18 10. The Court approves the Parties’ chosen recipient of any *cy pres* funds under ORCP 32 O,
19 Friends of Trees. The Court appoints A.B. Data, Ltd. as the settlement administrator and approves the
20 processing of late-filed claims and Exclusion Request Forms received by Class Counsel or A.B. Data,
21 Ltd. up until May 2, 2019. The Court also approves of the disbursement of funds from the Qualified
22 Settlement Fund to administer the Settlement.

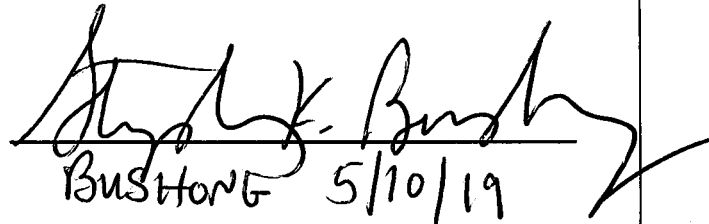
23 11. Except as provided for in the Settlement and this Final General Judgment, each side will
24 bear their respective attorneys’ fees and costs.

25 12. This action is dismissed with prejudice except that the Court shall retain jurisdiction to
26 enforce the terms of the Settlement Agreement, including:

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- a. Section 5.7, which allows Class Counsel to submit, upon or after the Effective Date, “a proposed Order to the Court authorizing the prompt transfer of funds from the QSF to an account designated by Class Counsel an amount equal to the sum of the Court-approved Case Contribution Awards, Attorneys’ Fees and Litigation Expenses, and costs of Settlement Notice and Administration”; and
- b. Section 4.4, which requires the Parties to report to the Court on their selection of the Independent Engineering Firm to administer the Settlement’s air monitoring program.

IT IS SO ORDERED.



BUSHONG 5/10/19

Submitted By:
Daniel Mensher
Of Attorneys for Plaintiffs

CERTIFICATE OF READINESS

Pursuant to UTCR 5.100(2), I hereby certify that I have complied with UTCR 5.100 by serving a copy of the proposed form of Order on attorneys for defendant Bullseye Glass Co., no less than 3 days prior to submission to the court.

This proposed order or judgment is ready for judicial signature because:

1. Each party affected by this order or judgment has stipulated to the order or judgment, as shown by each party's signature on the document being submitted.

2. Each party affected by this order or judgment has approved the order or judgment, as shown by each party's signature on the document being submitted or by written confirmation of approval sent to me.

3. I have served a copy of this order or judgment on each party entitled to service and:

a. No objection has been served on me.

b. I received objections that I could not resolve with a party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.

c. After conferring about objections, Bullseye Glass Co. agreed to independently file any remaining objection.

4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.

5. This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims' Assistance Section as required by subsection (5) of this rule.

6. Other: _____

CERTIFICATE OF SERVICE

I hereby certify that I served a true copy of the foregoing Proposed Final General Judgment by email to the email address of the following, who have consented to electronic service under UTCR 21.100(1).

Allan M. Garten (*allan@grmlawgroup.com*)
Carrie Menikoff (*carrie@grmlawgroup.com*)
Kent Robinson (*kent@grmlawgroup.com*)

I hereby declare that the above is true to the best of my knowledge and belief. I understand that this document is made for use as evidence in court and is subject to penalty of perjury.

Dated: May 10, 2019

s/ Daniel Mensher
Attorney for Plaintiff