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JUDICIAL DIST.

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

**ORDER RE: PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL**

Having reviewed the briefing on Plaintiffs' Motion for Preliminary Approval of Class Action Settlement and heard oral argument, the Court orders as follows.

Plaintiffs have proposed a classwide settlement ("Settlement") to resolve this litigation, which began in March 2016. The Court finds that the proposed Settlement meets the standards for preliminary approval, such that notice should issue to Class Members, after which the Court will hold a Fairness Hearing to determine whether the Settlement is sufficiently fair, reasonable, and adequate to merit final approval. *See* Manual for Complex Litigation § 21.632 (4th ed 2013) (court's role at this stage is to "make a preliminary determination on the fairness, reasonableness, and adequacy of the settlement"); *see also Froeber v. Liberty Mut. Ins. Co.*, 222 Or App 266, 275, 193 P3d 999, 1005 (2008) (noting that "federal courts evaluating proposed class action settlements under ORCP 32 D's federal counterpart,

1 FRCP 23(e) * * * have noted that the ‘universally applied standard is whether the settlement is
2 fundamentally fair, adequate and reasonable.’”).

3 The Court finds that the proposed plan of notice complies with ORCP 32, the requirements of
4 due process, and all applicable rules, and approves the plan of notice and proposed notice materials in
5 Plaintiffs’ Motion and appended to the Settlement Agreement.

6 The deadline for providing notice in accordance with the notice plan, including mailing the Long
7 Form Notice and Claim Form, providing notice by publication, and publishing the notice website, is
8 February 20, 2019 (28 days from the date of this Order) (the “Notice Date”).

9 The Court will hold a Fairness Hearing on May 10 at 3:00 PM at the Multnomah
10 County Courthouse, Room 208.

11 Class Members who object to the Settlement must follow the instructions for doing so set forth
12 in the Long Form Notice, and mail their objection to the Court, Class Counsel, and to Defense Counsel,
13 postmarked by April 6, 2019 (45 days after the Notice Date).

14 Class Members who wish to appear in person to speak at the Fairness Hearing must follow the
15 pertinent instructions in the Long Form Notice and must file with the Court a notice of intent to appear
16 no later than 14 days before the date set for the Fairness Hearing.

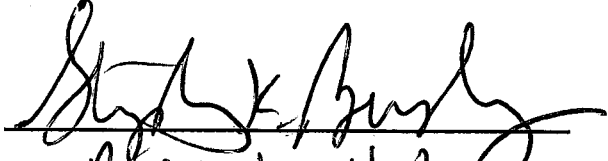
17 Class Members who wish to exclude themselves from the Settlement must mail their Exclusion
18 Request Form, postmarked by April 6, 2019 (45 days after the Notice Date), to the address indicated on
19 the Exclusion Request Form.

20 Class Members who wish to submit a Claim Form must follow the pertinent instructions in the
21 Long Form Notice and on the Claim Form and mail their Claim Form with all supporting materials,
22 postmarked by April 6, 2019 (45 days after the Notice Date).

23 Plaintiffs shall file a Motion for Final Approval of Class Action Settlement as well as a Motion
24 for Attorneys’ Fees and Litigation Expenses and Case Contribution Awards, no later than 7 days before
25 the date set for the Fairness Hearing.

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Plaintiffs' Motion is GRANTED.
IT IS SO ORDERED.


BUSHONG 1/23/19

Verified Correct Copy of Original 1/24/2019.

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 Order Regarding Plaintiffs' Motion for Preliminary Approval by email and electronic transmission of a notice of filing by the electronic filing system provided by Oregon Judicial Department for the electronic filing and the electronic service of a document via the Internet 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: January 22, 2019

/s/ Daniel Mensher
Attorney for Plaintiff
4817-5671-4106, v. 7