

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

KENNETH CHAPMAN, et al.,

Plaintiffs,

TRISTAR PRODUCTS, INC.,

Defendant.

Case No. 1:16-cv-1114

Judge James S. Gwin

PRELIMINARY APPROVAL ORDER

This matter is before the Court on Plaintiffs' Motion for Preliminary Approval of the Settlement Agreement that Plaintiffs have reached with Defendant Tristar Products, Inc. ("Tristar"). Having reviewed the Motion, the Settlement Agreement, and all exhibits attached thereto, and papers submitted in support therewith, as well as all of the pleadings and the record in this Action, the Court hereby ORDERS as follows:

1. The definitions in § I of the Settlement Agreement are hereby incorporated as if fully set forth in this Order, and unless otherwise specified herein capitalized terms shall have the meanings attributed to them in the Settlement Agreement.

2. The Court finds that the terms of the Settlement Agreement should be preliminarily approved, subject to final determination by the Court following notice to the proposed Settlement Class, consideration of additional submissions of the Parties and of members of the Settlement Class, and a Final Approval Hearing, as provided for below. The Court preliminarily finds that the proposed Settlement: (a) appears to be fair, adequate, and reasonable; (b) is the product of serious, informed, arm's-length non-collusive negotiations; (c) has no obvious deficiencies; (d) does not improperly grant preferential treatment to the Class Representatives; (e) falls sufficiently within

the range of possible approval; and (f) does not disclose grounds to doubt its fairness. Therefore, notice of the proposed Settlement should be disseminated in accordance with the provisions of this Order.

3. For purposes of this proposed Settlement only, and pending final approval of the Settlement Agreement after a Final Approval Hearing, the Court preliminarily finds that the prerequisites for a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure have been met, and therefore the Court provisionally certifies a nationwide Settlement Class consisting of:

All persons who, between March 1, 2013 and the date of the entry of the Preliminary Approval Order, purchased for personal use and not for resale, the following models of pressure cookers manufactured, supplied, marketed, sold and/or distributed by Defendant (hereinafter individually and collectively referred to as the “Product(s)” or “Pressure Cooker(s)” for settlement purposes only.

MODEL NUMBER ON BACK OF UNIT	NAME ON FACE PLATE
PPC770	Power Pressure Cooker XL
PPC770-1	Power Pressure Cooker XL
PPC780	Power Pressure Cooker XL
PPC780P	Power Pressure Cooker XL
PPC790	Power Pressure Cooker XL
PCXL/PRO8	Power Pressure Cooker XL Pro
PC-PRO8	Power Pressure Cooker XL Pro
YBD60-100	Power Cooker Express
PC-WAL1	Power Cooker
PC-TRI6	Power Cooker
PCXL/PRO6	Power Pressure Cooker XL Pro
PCXL/PRO6 (Date Code 1442)	Power Pressure Cooker XL
PPC771	Power Pressure Cooker XL
PPC772	Power Pressure Cooker XL
PPC772P	Power Cooker Plus
PPC773	Power Pressure Cooker XL
PC-WAL2	Power Cooker
PC-WAL3	Power Cooker
PC-WAL4	Power Cooker

Excluded from the Settlement Class are: (a) all Persons who purchased or acquired the Products for resale; (b) Tristar and its employees, principals, affiliated entities, legal representatives, successors and assigns; (c) any Person who files a valid, timely Opt Out; (d) federal, state, and local governments and all agencies and subdivisions thereof; and (e) the Judges to whom the Litigation is or has been assigned and any member of their immediate family.

4. The Court preliminarily finds that certification of the proposed Settlement Class is warranted for purposes of this proposed Settlement because: (a) the members of the proposed Settlement Class are so numerous that joinder is impracticable; (b) there are questions of law and fact common to the proposed Settlement Class; (c) Plaintiffs' claims present issues that are typical of the proposed Settlement Class; and (d) the Plaintiffs and Class Counsel will fairly and adequately represent and protect the interests of the proposed Settlement Class. The Court further preliminarily finds that for purposes of this proposed Settlement, issues of law and fact common to the proposed Settlement Class predominate over any issues affecting only individual members of the proposed Settlement Class and that settlement of this action as a class action is superior to other means available for fairly and efficiently adjudicating the controversy. For purposes of these settlement approval proceedings, the Court finds that proposed Class Counsel are competent and capable of exercising their responsibilities, and that proposed Class Counsel and the proposed Class Representatives have fairly and adequately represented the interests of the Settlement Class. The Court appoints Gregory F. Coleman, Adam Edwards, Mark E. Silvey and Lisa A. White of Law Office of Greg Coleman; Arthur M. Stock and Shanon J. Carson of Berger & Montague; Jack Landskroner and Drew T. Legando of Landskroner Grieco Merriman; and Edward A. Wallace and Tyler J. Story of Wexler Wallace; and Todd M. Friedman and Meghan George, and of the Law Offices of Todd M. Friedman, as Class Counsel for the proposed Settlement Class. Plaintiffs

Kenneth Chapman, Jessica Vennel, Jason Jackson, and Edwina Pinon are appointed as the Class Representatives for the proposed Settlement Class.

5. The Court approves the proposed notices that have been submitted with the Motion for Preliminary Approval as **Attachments B** and **C**. The Court finds that the manner of mailing, publication and dissemination of the Notices and related Settlement information constitutes the best practicable notice under the circumstances as well as valid, due and sufficient notice to all persons entitled thereto, and that the Notice Plan complies with the requirements of Fed. R. Civ. P. 23 and provides Settlement Class Members due process under the United States Constitution. The Short Form Notice, Long Form Notice, and Claim Form are subject to further modification as determined appropriate by the Claims Administrator.

6. The Court appoints Heffler Claims Group as the Notice Administrator, with the fees and costs of the Notice Administrator to be borne by Tristar. The Notice Administrator shall implement the Parties' Notice Plan which is set forth in Section V of the Settlement Agreement. The payment of fees and costs to the Notice Administrator shall not be contingent upon any further action of the Court, including, without limitation, any decision on a Motion for Final Approval of the Settlement Agreement.

7. The Court will hold a Final Approval Hearing on April 26, 2018 at 9:00 a.m. at the United States District Court for the Northern District of Ohio, 801 West Superior Avenue, Cleveland, Ohio 44113, to determine the fairness, reasonableness, and adequacy of the proposed Settlement Agreement with Tristar and to determine whether the proposed Settlement should be finally approved and final judgment entered thereon. At the Final Approval Hearing, the Court will also consider Class Counsel's Motion for Approval of Attorneys' Fees, Expenses, and Service Awards, which shall be filed no later than fifteen days prior to the Objection Deadline. Any

Settlement Class Member who follows the procedures set forth in the Settlement Agreement may appear and be heard at the Final Approval Hearing. The Final Approval Hearing may be continued without further notice to the proposed Settlement Class, except that Class Counsel shall cause any newly established date and time for the Final Approval Hearing to be announced on the Settlement Website.

8. All objections and requests for exclusion from the proposed Settlement Class, as more fully explained in the Notices, shall be postmarked no later than sixty days after the Notice Date, and shall otherwise comply with the requirements set forth in the Notices.

9. Class Counsel shall file with the Court their Motion for Final Approval of Settlement Agreement thirty days before the Final Approval Hearing.

IT IS SO ORDERED.

Dated: January 19, 2018

s/ James S. Gwin
James S. Gwin, Judge
United States District Court
Northern District of Ohio