

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN FRANCISCO

**If You Are a Resident of California and Bought One or More Honeywell Round Thermostats Any Time Between June 30, 1986 and December 5, 2013, For Your Own Use and Not for Resale**

**You Could Get Money from an \$8,150,000 Settlement**

*The Courts have authorized this notice. This is not a solicitation.*



- Please read this notice carefully. Your legal rights may be affected whether or not you act.
- A Settlement for \$8,150,000 in cash has been reached in a class action lawsuit in California involving the sale of circular thermostats (see illustration above) produced by Honeywell International Inc. (“Honeywell Round Thermostats” or “HRT”). The Settlement also includes a similar case in Vermont.
- The lawsuits claim that Honeywell used deception to obtain the trademark for its round thermostat, then used its dominant position in the market to overcharge customers. Honeywell denies that it did anything wrong.

File a claim now to request a payment from the Settlement (*see* Question 10).

- The Settlement will pay individuals and businesses up to \$18 for each Honeywell Round Thermostat purchased for their own use in their homes, offices, or other buildings. It does not include persons or businesses that purchased Honeywell Round Thermostats for resale.

**YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT**

<b>SUBMIT A CLAIM FORM</b>	This is the only way to receive a payment.
<b>EXCLUDE YOURSELF</b>	You will not receive a payment from the Settlement, but you will retain any rights you currently have to separately sue the Defendant for the conduct that is the subject of these lawsuits.
<b>OBJECT TO THE SETTLEMENT</b>	Write to the Court explaining why you do not like the Settlement.
<b>GO TO THE HEARING</b>	Ask to speak in Court about the Settlement.
<b>DO NOTHING</b>	If you do not submit a claim you will not receive a cash recovery from the Settlement and you will give up any rights you may have to separately sue the Defendant for the conduct that is the subject of the lawsuits.

These rights and options – **and the deadlines to exercise them** – are explained in this Notice.

QUESTIONS? CALL 1-855-287-1280 OR VISIT [WWW.ROUNDTHERMOSTATS.COM](http://WWW.ROUNDTHERMOSTATS.COM)

## BASIC INFORMATION

### 1. What is this Notice about?

This Notice is to inform you about settlement of a class action lawsuit (“Settlement”) that may affect your rights, before the Court decides whether to approve the Settlement.

The Superior Court of the State of California, County of San Francisco is presiding over a case called *Roos v. Honeywell International Inc.*, (Case No. CGC 04-0436205). The people that sued are called Plaintiffs in this notice, and the company they sued, Honeywell International Inc. may be called Honeywell or the Defendant. (*See* question 7).

### 2. What are the lawsuits about?

The lawsuits claim that Honeywell engaged in unlawful conduct that resulted in Honeywell Round Thermostats being sold to individuals and businesses at prices that were higher than otherwise would have been charged had the conduct not taken place, during the period from June 30, 1986 to December 5, 2013. The Defendant denies these claims. The Court has not decided who is right.

### 3. What is the Honeywell Round Thermostat?

The Settlement includes purchases of Honeywell thermostats that are round in shape, have a circular base, a round convex cover and round dial in the center of the cover. These include but are not limited to round thermostats described as the T87 model and the Q539 sub-base.

### 4. What types of purchases are included?

The Settlement covers only “indirect” purchases of Honeywell Round Thermostats for your own use and not for resale. As long as you did not buy “directly” from Honeywell, your purchase of the Honeywell Round Thermostat is an indirect purchase. Indirect purchasers of thermostats usually buy from an electrical supply store, heating and air conditioning supply store, or a home improvement store, or from online vendors. If you purchased a Honeywell Round Thermostat to resell to another person or business, this purchase is not included in the Settlement.

Your qualifying purchase cannot be for a building with a preinstalled HRT.

### 5. What is a class action?

In a class action, one or more persons or businesses (“Class Representatives”) sue on behalf of a group or “class” of others with similar claims. If the Court determines that a particular case should proceed as a class action, the entire group’s claims can be combined into a single proceeding, creating efficiencies for the parties and the courts.

## WHO IS INCLUDED?

### 6. How do I know if I am included in the Class Action?

You are included in the Class Action if you meet the following criteria:

- You are a person or business that purchased one or more Honeywell Round Thermostats;
- You are a resident of California;
- Your purchase was made in California;
- Your purchase was made anytime from June 30, 1986 to December 5, 2013;
- You did not re-sell the Honeywell Round Thermostat;
- Your purchase was not made directly from Honeywell; and
- Your purchase was not of a building with a preinstalled HRT.

The complete, specific certified class is defined as:

All persons residing in California who purchased one or more Honeywell Round Thermostats (“HRT”) indirectly from Defendant Honeywell International Inc., in California during the Class Period for their own use and not for resale.

Specifically excluded from the Plaintiff Class are persons who purchased a building with a HRT pre-installed and who have not otherwise acquired an HRT.

QUESTIONS? CALL 1-855-287-1280 OR VISIT WWW.ROUNDTHERMOSTATS.COM

Also specifically excluded are the Defendant herein; officers, directors, or employees of any Defendant; any entity in which any defendant has a controlling interest; the affiliates, legal representatives, attorneys, heirs or assigns of any defendant. Also excluded are any federal, state or local governmental entity, and any judge, justice, or judicial officer presiding over this matter and the members of their immediate families and judicial staffs.

The Class Period is defined as June 30, 1986 through and including December 5, 2013.

#### **7. Who is the Defendant?**

The Defendant is Honeywell International Inc., the manufacturer and marketer of the Honeywell Round Thermostat.

### **THE SETTLEMENT'S BENEFITS**

#### **8. What does the Settlement provide?**

The Settlement Amount is \$8.15 million in cash. The Settlement Amount will be divided based upon sales of Honeywell Round Thermostats in each state. California claimants will receive 91.8% of the Settlement Amount. Vermont claimants will receive 8.2% of the Settlement Amount. After deduction of attorneys' fees, the notice and claims administration costs, a service award to Class Plaintiffs, and litigation expenses, approximately \$4.25 million is estimated to be available for distribution to eligible class member claimants. More details about the distribution of the Settlement Funds are in the Settlement Agreement available at [www.RoundThermostats.com](http://www.RoundThermostats.com).

#### **9. How will the Settlement Funds be distributed?**

It is estimated that approximately \$4.25 million will be available to be paid to Class Members who file valid claims. The distribution plan provides for a payment of \$18 for each Honeywell Round Thermostat purchased by an eligible claimant.

It is possible that if the Settlement Fund is not depleted by the payment to eligible claimants, the remaining money will be distributed to public or non-profit organizations, primarily in California and Vermont. Any distributions will be approved by the Court and will further the purposes of the lawsuit or promote justice. If the total amount claimed from the Settlement exceeds the amount of the Settlement Fund, the distribution to each claimant would be reduced proportionately.

For additional information regarding the claim process and to fill out a Claim Form, visit [www.RoundThermostats.com](http://www.RoundThermostats.com) or call 1-855-287-1280 to obtain a paper Claim Form.

#### **10. How do I get benefits?**

If you are claiming one or two Honeywell Round Thermostats, simply complete and submit a Claim Form online or mail a paper Claim Form postmarked by **July 18, 2014**, to:

Honeywell Round Thermostat Claims  
P.O. Box 3053  
Faribault, MN 55021-2653

If you are claiming more than two Honeywell Round Thermostats, you must also submit proof of purchase information.

**For additional information regarding completing a Claim Form, visit [www.RoundThermostats.com](http://www.RoundThermostats.com).**

#### **11. When will I get benefits?**

Benefits will be distributed to Class Members after the Courts grant final approval to the Settlement and any appeals are resolved. Appeals can take a long time to resolve.

### **REMAIN IN THE CLASS**

#### **12. What am I giving up if I stay in the Class?**

Unless you exclude yourself, you will be bound by the judgment in this case, and give up your right to separately sue the Defendant for any claims you may have relating to this case. The Settlement Agreement describes the released claims in detail, so read it carefully. The Settlement Agreement is available at [www.RoundThermostats.com](http://www.RoundThermostats.com).

## EXCLUDE YOURSELF FROM THE CLASS

### 13. How do I get out of the Class?

To exclude yourself from the Class, you must send a letter stating that you want to be excluded from *Roos v. Honeywell Int'l Inc.*, (Case No. CGC 04-0436205) ("Request for Exclusion"). Your Request for Exclusion must include your name, address, telephone number, and signature, and it must be postmarked by **April 18, 2014**, to:

Honeywell Round Thermostat Exclusions  
P.O. Box 3053  
Faribault, MN 55021-2653

### 14. If I don't exclude myself, can I sue for the same thing later?

No. Unless you exclude yourself, you will remain in the Class and give up any right to separately sue the Defendant for the claims made in these class actions.

## OBJECT TO OR COMMENT ON THE SETTLEMENT

### 15. How do I object to or comment on the Settlement?

If you have not excluded yourself and if you have comments about, or disagree with, any aspect of the Settlement, you may express your views to the Court by writing to the address below. Include your name, address, telephone number, the case name and number, proof of purchase, a brief explanation of your comment or objection, and your signature. Any response must be postmarked by **April 18, 2014**, and mailed to:

Honeywell Objections  
P.O. Box 3053  
Faribault, MN 55021-2653

### 16. What is the difference between excluding myself from the Class and objecting to the Settlement?

If you exclude yourself from the Class, you are telling the Court that you do not want to participate in the Settlement. Therefore, you will not be eligible to receive any benefits from the Settlement and you will not be able to object to the Settlement. Objecting to the Settlement simply means telling the Court that you do not like something about the Settlement. Objecting does not disqualify you from making a claim nor does it make you ineligible to receive a payment.

## THE LAWYERS REPRESENTING YOU

### 17. Do I have a lawyer representing me?

The Court has appointed the following law firms as Class Counsel to represent you and all other members of the class:

The Mogin Law Firm, P.C. 707 Broadway, Suite 1000 San Diego, CA 92101	Abbey Spanier, LLP. 212 East 39th St. New York, NY 10016
---	--

If you have any question about the Settlement, you can talk to Class Counsel, or you can retain your own lawyer at your own expense.

### 18. How will the lawyers be paid?

You do not need to separately pay the Plaintiffs' lawyers. Class Counsel, who have advanced significant sums over many years in litigating these cases, will ask the Court for attorneys' fees of up to 37.5% of the total Settlement Funds, plus reimbursement of their costs and expenses. Any award of fees, expenses, and costs comes out of the Settlement Fund and is subject to Court approval.

The attorneys' motion for fees, costs, and expenses (including payments to the Plaintiff Class Representatives) will be available when filed on or about April 25, 2014, at [www.RoundThermostats.com](http://www.RoundThermostats.com).

## THE FAIRNESS HEARING

### 19. When and where will the Courts decide whether to approve the Settlement?

The California Court will hold a Fairness Hearing at 9:00 a.m. on May 2, 2014, at the Superior Court of the State of California, County of San Francisco. The hearings may be moved to a different date or time without additional notice, so check [www.RoundThermostats.com](http://www.RoundThermostats.com) for current information. At the Fairness Hearings, the California Court will consider whether the Settlement is fair, reasonable and adequate. Certain issues, such as the award of attorneys' fees, litigation costs and awards to the Class Plaintiffs, will be determined by the Court. If there are objections or comments by Class Members, the courts will consider them at that time of their respective hearings. After the hearing, the Court will decide whether to grant final approval of the Settlement. Both courts in California and Vermont must approve the Settlement for it to become final.

### 20. Do I have to come to the hearing?

No. Class Counsel will answer any questions the Court may have. But you are welcome to come at your own expense. You may also retain a lawyer to appear on your behalf at your own expense.

### 21. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing in the California or Vermont Court, depending on your residency. To do so, send a letter indicating your intention to appear, styled, for California residents, "Notice of Intent to Appear in *Roos v. Honeywell Int'l Inc.*, Case No. 04-0436205". Be sure to include your name, address, telephone number and your signature. Your Notice of Intent to Appear must be postmarked by **April 18, 2014**, and must be sent to the address listed in Question 15. You cannot speak at the hearing if you exclude yourself from the Class.

## GET MORE INFORMATION

### 22. Where can I get more information?

The Notice summarizes the Settlement. You can get more information about the Settlement at [www.RoundThermostats.com](http://www.RoundThermostats.com), by calling 1-855-287-1280, or by writing to Honeywell Round Thermostat Settlement, P.O. Box 3053, Faribault, MN 55021-2653.