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5 Co-Lead Counsel for Plaintiffs
and the Certified Plaintiff Class

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SUPERIOR COURT FOR THE STATE OF CALIFORNIA

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COUNTY OF SAN FRANCISCO

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10 JOEL I. ROOS and TOM SANTOS, on
behalf of themselves and all others
11 similarly situated,

12 Plaintiffs,

13 v.

14 HONEYWELL INTERNATIONAL
15 INC. and DOES 1-100, inclusive,

16 Defendants.

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Case No. CGC 04-436205

**DECLARATION OF APRIL HYDUK IN
SUPPORT OF PLAINTIFFS' MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: May 2, 2014

Time: 9:00 am

Dept: 304

Judge: Hon. Curtis E. A. Karnow

CGC-04-436205

**DECLARATION OF APRIL HYDUK IN SUPPORT OF PLAINTIFFS'
MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

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I, April Hyduk, hereby declare as follows:

1. I am a Senior Project Administrator at Rust Consulting, Inc. (“Rust”). Rust was retained as the Settlement Administrator to assist in the process of providing notice to Class members in this action, *Roos v. Honeywell International Inc.* I submit this declaration in order to provide the Court with the information regarding the claims administration process in this case. I am over 21 years of age and am not a party to this Action. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently hereto.

2. As noted above, Rust was retained to assist in the process of providing notice to the Class, specifically to: (a) establish a post office box and website for the purpose of communicating with class members; (b) disseminate notice to the class; and (c) accept and maintain documents sent from Class members. The defendant in this case, Honeywell International, Inc. (“Honeywell”), also provided Rust with approximately 16,640 mailing addresses of potential Class members. Rust mailed Notices and Claim Forms (the “Notice Packet”) by U.S. Postal Service delivery to those Class members for whom Honeywell provided accurate addresses. An explanation of how Rust determined the accuracy of the addresses is discussed in Paragraph 3, below. A copy of the Notice Packet is attached hereto as Exhibit A.

3. On November 27, 2013, Rust received a list containing 16,640 names and address records of Class members provided by Honeywell to be used for mailing purposes. Rust uploaded the data into a segregated database and electronically scrubbed the data to ensure adequate formatting and to remove duplicative records. As a result, Rust created a database of 1,032 unique California Class Member names and addresses. Rust then mailed the Notice Packet to these 1,032 unique names and addresses on March 13, 2014.

4. Of the 1,032 Notice Packets sent, 312 were returned as undeliverable with no forwarding address and seven (7) were returned with forwarding addresses. Rust reviewed and processed these claims. To date, Rust has not researched for updated addresses or re-mailed to these undelivered pieces of mail.

1 5. In addition, Rust received approximately 156 requests from Class members to have a
2 Notice Packet mailed to them. Rust mailed the Notice Packets to all individuals who made such
3 a request.

4 6. Rust is the repository for Class member inquiries and communications received in this
5 Action. To that end, Rust established and continues to maintain a case-dedicated Post Office
6 Box (P.O. Box 3053, Faribault, MN 55021-2653) for the receipt of all written communications
7 necessary to the administration of the settlement.

8 7. Rust also established and maintains a case-dedicated website,
9 www.RoundThermostats.com, which went 'live' on February 25, 2014. Pursuant to ¶ 5 (b) of
10 the Order Granting Supplemental and Revised Motion for Preliminary Approval of Class Action
11 Settlement ("Order"), Rust included on the website the Settlement Agreement, Long Form
12 Notice, a downloadable PDF Claim Form, the Order Granting Preliminary Approval of the
13 Class Settlement, and an online claim filing page. A screen shot of the website homepage is
14 attached hereto as Exhibit B.

15 8. Rust also established and maintains a toll-free telephone number (1-855-287-1280)
16 ("hotline") to respond to potential claimants' inquiries. When calling the hotline, the caller is
17 able to listen to a pre-recorded message which provides information about the settlement and
18 how to file a claim. As of April 24, 2014, Rust has received 260 calls from callers inquiring
19 about the Honeywell Settlement for the state of California.

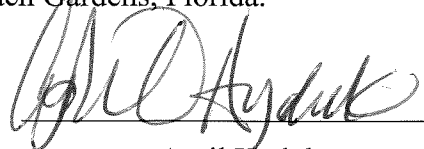
20 9. As of April 24, 2014, there have been approximately 15,390 unique California visits to
21 the Class website. A unique visitor represents the number of visits from the same computer or IP
22 address within a given time frame. If a person or multiple people from the same computer or IP
23 address return to the site again after that first time frame, a visit is counted, but a unique visit is
24 not. Approximately 3,806 California Class members have submitted claim forms. There have
25 been no requests to be excluded from the Settlement, and two (2) objections. It is Rust's
26 understanding that a third objection has been filed with the court; however, Rust has not
27 received this objection. A true and correct copy of the objections is attached hereto as Exhibit
28 C. All objections to the Settlement were postmarked by April 18, 2014.

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10. As with any case, there remains the possibility for potential claimants to unexpectedly fluctuate, based on our experience in handling class action claims, we do not anticipate the Class to be over-subscribed to require pro rata adjustments.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 25th day of April, 2014 in Palm Beach Gardens, Florida.



April Hyduk

EXHIBIT A

HONEYWELL ROUND THERMOSTAT SETTLEMENT
P.O. BOX 3053
FARIBAULT, MN 55021-2653

IMPORTANT LEGAL MATERIALS



<<NAME1>>
<<NAME2>>
<<ADDRESS1>>
<<ADDRESS2>>
<<CITY>> <<STATE>> <<ZIP>>
<<COUNTRY>>

FOR OFFICIAL USE ONLY
01

CLAIM FORM

In order to qualify for a payment, your Honeywell round thermostat purchase had to be made in California between June 30, 1986 and December 5, 2013. You must complete this Claim Form and submit it by **July 18, 2014**. If you are claiming more than two thermostat purchases, you must also provide proof of purchase information with your Claim Form by **July 18, 2014**.

Must be postmarked by July 18, 2014.

Name: _____

Address: _____

Email (optional): _____

Number of Honeywell Thermostats purchased? _____
(Proof of purchase is required if you are claiming 3 or more thermostats.)

Name of store where you purchased thermostat(s): _____

State where you purchased thermostat(s): _____

I certify under penalty of perjury under the laws of the State of California that the foregoing information is true and correct. I understand that the submission of false information may subject me to criminal prosecution. I submit to the jurisdiction of the Superior Court of California for the City and County of San Francisco.

Signature: _____ Date: ____ / ____ / ____

**Mail to: Honeywell Settlement, P.O. Box 3053, Faribault, MN 55021-2653
www.RoundThermostats.com 1-855-287-1280**



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

SUBMIT A CLAIM FORM	This is the only way to receive a payment.
EXCLUDE YOURSELF	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.
OBJECT TO THE SETTLEMENT	Write to the Court explaining why you do not like the Settlement.
GO TO THE HEARING	Ask to speak in Court about the Settlement.
DO NOTHING	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

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.

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 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.

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.

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
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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.

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 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, by calling 1-855-287-1280, or by writing to Honeywell Round Thermostat Settlement, P.O. Box 3053, Faribault, MN 55021-2653.

EXHIBIT B

*Honeywell Round
Thermostat
Settlement Site*

CLASS ACTION LAWSUIT
Last Updated: 2/25/2014

- HOME
- FREQUENTLY ASKED QUESTIONS
- COURT DOCUMENTS
- NOTICE
- IMPORTANT DATES
- PRINT A CLAIM FORM
- FILE A CLAIM

 **DOWNLOAD ADOBE READER**
Adobe Reader is free and is required to view and print documents on this site.

A A A

Welcome

**If You Are a Resident of California or Vermont
and Bought One or More Honeywell Round
Thermostats After June 30, 1986**

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

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. The Settlement does not include persons or businesses that purchased Honeywell Round Thermostats for resale or persons or businesses that purchased Honeywell Round Thermostats directly from Honeywell.

CALIFORNIA
File a Claim Now
CLICK HERE

VERMONT
File a Claim Now
CLICK HERE

To learn more about your right to receive payment, or to learn how to comment, object, or exclude yourself from the Settlement, read the [Detailed Notices](#).

DISCLAIMER

This site is not operated by the Court, Class Counsel, Defendant's Counsel, or Defendant. This class action settlement is supervised by the Court and is administered by a claims administration firm that handles all aspects of settlement administration.

[View the Privacy Policy](#)

EXHIBIT C



4065-ADMIN-000005

4065 - Honeywell ADMIN Cover Sheet

Matter: 4065 - Honeywell
PO Box: 3053

Note:



PAGEBREAK

Chuck Congdon
13681 Newport Ave. No. 8-211
Tustin, Ca. 92780

April 17, 2014

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

Objections To Settlement in Roos v. Honeywell International Inc., (Case No. CGC 04-0436205).

Dear Court, Counsel, and Settlement Administrator:

I am a member of the settlement class in this action and I object to the proposed settlement as follows:

full name: chuck congdon
mailing address: 13681 Newport Ave. No. 8-211
Tustin, Ca. 92780
telephone number: 714-473-1176

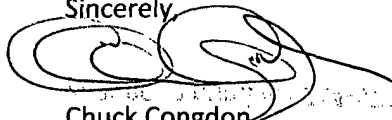
I.

The notice states that the lawyers plan to ask for attorneys' fees in the amount of 37.5% of the settlement fund. However, there is no explanation, much less a credible explanation why the lawyers should recover such a high percentage. Even worse, the lawyers are not filing their motion for fees until after the deadline for objections to the proposed settlement.

The notice also fails to state the total amount of potential damages. How can the class members or the Court evaluate the settlement if we do not know how much the class members would recover if they were successful at trial. While a settlement certainly does not need to match this amount, the comparison must be made to determine fairness.

I hereby state under oath that I purchased one or more products covered by the settlement. I object to the settlement on these grounds set forth herein. I do not intend to appear at the hearing. If you have any questions, please direct them to my attorney, Matthew Kurilich.

Sincerely,

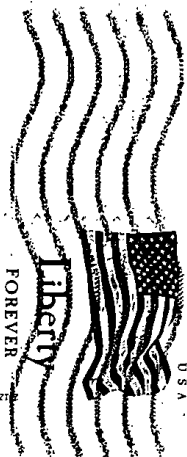


Chuck Congdon

Mr. Chuck Congdon
13681 Newport Ave # 8-211
Tustin, CA 92780

SANTA ANA CA 926

15 APR 2014 PM 10 L

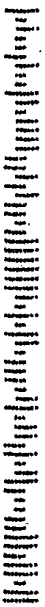


Honeywell Objections

P.O. Box 3053

Fairbault, MN 55021-2653

55021 265353





4065-ADMIN-000007

4065 - Honeywell ADMIN Cover Sheet

Matter: 4065 - Honeywell

PO Box: 3053

Note:



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Amanda Waldenville
885 Sea Gull Lane #B311
Newport Beach, California 92663

4-16-14

TO:

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

RE:

**JOEL I. ROOS and TOM SANTOS, et. al. v. HONEYWELL INTERNATIONAL INC., Case
NUMBER CGC 04-0436205, San Francisco Superior Court**

Dear Court, Attorneys, and Settlement Administrator:

As a member of this class action settlement I object to the settlement for the several reasons below:

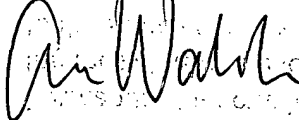
I, Amanda Waldenville, state under oath that I purchased one Honeywell round thermostat as referenced in the notice. Although I will not attend the hearing, I do object to the settlement as stated in this letter.

It seems what Honeywell has done for so many years to the consumers warrants more than \$18 per class representative especially relative to legal fees of over \$3,000,000, which seems like an outrageous amount almost 40%.

Name: Amanda Waldenville
Address: 885 Sea Gull Lane #B31, Newport Beach, California 92663
Telephone: 714-454-3751

Regards

Amanda Waldenville

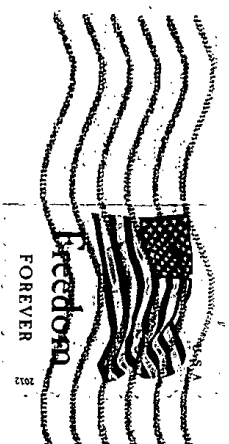


Amanda Walderville
13651 Newport Ave #8
Tushu CA 92780

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SANTA ANA CA 926
17 APR 2014 PM 3 L



Honeywell Objections

P.O. Box 3053

Faigibault, MN 55021-2653

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