

STATE OF VERMONT

SUPERIOR COURT
Orange County

CIVIL DIVISION
Docket No.: 201-11-04 Occv

ALFRED T. WRIGHT, on behalf of)
himself and all others similarly situated)

)
) DECLARATION OF APRIL HYDUK
)

v.)

)
)
HONEYWELL INTERNATIONAL
INC.

I, April Hyduk, hereby declare as follows:

1. I am a Senior Project Administrator at Rust Consulting, Inc. (“Rust”). I submit this declaration in order to provide the Court with the information regarding the claims administration process in this class action. 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. Rust was retained as the Settlement Administrator to assist in the process of providing notice to Class Members in this Action. Specifically, Rust was retained to assist in: (a) establishing a post office box and website for the purpose of communicating with class members; (b) disseminating notice to the class; and (c) accepting and maintaining documents sent from class members. Rust also mailed Notices and Claim Forms (the “Notice Packet”) by U.S. Postal Service delivery to those Class Members whose addresses were provided by Class Counsel. A copy of the Notice Packet is attached hereto as Exhibit A.

3. Rust's subsidiary, Kinsella Media, LLC, was utilized in assisting with the design and implementation of notice programs. To effectively reach Class Members, the Short Form Notice appeared in the following sources: *Burlington Free Press*, *The Valley News*, *Rutland Herald*, *Brattleboro Reformer*, *Bennington Banner*, *Time Argus*, *St. Albans Messenger*, *Newport Daily Express*, *Caledonia Record* in the daily insertions on February 26, 2014; *Brattleboro Reformer* (Saturday edition), *Times Argus* (Saturday edition) on March 1, 2014; *Burlington Free Press*, *The Valley News*, *Rutland Herald* in Sunday insertions on March 2, 2014. A true and correct copy of the Short Form Notice as it appeared in publication is attached as Exhibit B.

4. As an additional effort to bolster the media program and maximize notice to Class Members, a press release was disseminated on February 26, 2014.

5. On November 27, 2013, Rust received a list containing 16,640 names and address records of Class Members provided by Defendants 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 63 unique Vermont Class Member names and addresses.

6. Of the 63 Notice Packets sent, 21 were returned as undeliverable with no forwarding address.

7. In addition to the Notice Packets mailed, Rust has mailed eight (8) Notice Packets to individuals who requested a Notice Packet for the state of Vermont.

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

9. Rust established and maintains a case-dedicated website, www.roundthermostats.com, which went 'live' on February 25, 2014. Rust included in the website the Settlement Agreement,

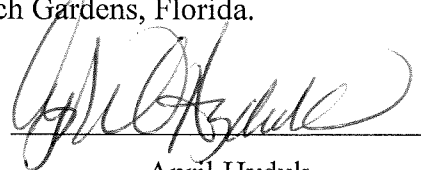
Long Form Notice, a downloadable PDF Claim Form and an online claim filing page. A screen shot of the website homepage is attached hereto as Exhibit C.

10. Rust also maintains a toll-free telephone number (1-855-287-1280) (“hotline”) to respond to potential claimants’ inquiries. When calling the hotline, the caller is able to listen to a pre-recorded message which provides information about the settlement and how to file a claim. As of April 20, 2014, Rust has received 54 calls from callers inquiring about the Honeywell Settlement for the state of Vermont.

11. Pursuant to ¶ 3 of the Supplemental Order Regarding Preliminary Approval, objections are to be filed or postmarked no later than April 18, 2014. Additionally, exclusions are to be filed or postmarked no later than April 18, 2014. As of April 20, 2014, Rust has received (0) exclusions and two (2) objections.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 23rd day of April, 2014 in Palm Beach Gardens, Florida.



April Hyduk

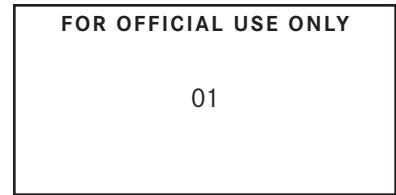
EXHIBIT A

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

IMPORTANT LEGAL MATERIALS



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



CLAIM FORM

In order to qualify for a payment, your Honeywell round thermostat purchase had to be made in Vermont between June 30, 1986 and October 31, 2011. 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 that the information above is true and correct and that the submission of false information may subject me to criminal prosecution. I submit to the jurisdiction of the Superior Court of Vermont, Orange County.

Signature: _____ Date: ____ / ____ / ____

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



VERMONT SUPERIOR COURT
ORANGE COUNTY

If You Are a Resident of Vermont and Bought One or More Honeywell Round Thermostats Any Time Between June 30, 1986 and October 31, 2011 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 Vermont 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 California.
- 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.
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.

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

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 Vermont Superior Court, Orange County, is presiding over a case called *Wright v. Honeywell International, Inc.* (Case No. 201-11-04). 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 illegal 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 October 31, 2011. 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 Vermont;
- Your purchase was made in Vermont;
- Your purchase was made anytime from June 30, 1986 to October 31, 2011; and
- Your purchase was not made directly from Honeywell.

The complete, specific certified class is defined as:

All Vermont consumers (as defined in 9 V.S.A. 2451a (a)) residing in the State of Vermont who indirectly purchased a Round Thermostats from Honeywell, for their own use and not for resale, during the period between June 30, 1986 and October 31, 2011. The class includes consumers who purchased a new home directly from the builder so long as they are still the owner of the home. Excluded from the class are governmental entities, Defendant and subsidiaries and affiliates of Defendant.

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. Vermont claimants will receive 8.2% of the Settlement Amount. California claimants will receive 91.8% of the Settlement Amount. After deduction of attorneys' fees, notice and claims administration costs, a service award to Class Plaintiffs, and litigation expenses, approximately \$325,000 is estimated to be available for distribution to eligible class member claimants in Vermont. 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 \$325,000 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 Vermont and California. 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

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 excluded yourself previously in response to the prior notice of class certification you do not have rights 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.

13. If I didn't exclude myself, can I sue for the same thing later?

No. Unless you excluded yourself previously in response to the prior notice of class certification you are a member of the Class and cannot separately sue Defendant for the claims made in these class actions.

OBJECT TO OR COMMENT ON THE SETTLEMENT

14. 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 no later than **April 18, 2014**, and mailed to:

Court	Notice Administrator
Lisa Eastman, Clerk Vermont Superior Court Civil Division, Orange County 5 Court Street Chelsea, VT 05038	Honeywell Thermostat Objections P.O. Box 3053 Faribault, MN 55021-2653

Counsel for Class Members	Counsel for the Defendant
Christine M. Craig, Esq. Shaheen & Gordon P.O. Box 977 Dover, NH 03821	Michael F. Tubach, Esq. O'Melveny & Myers LLP Two Embarcadero Center, 28th Floor San Francisco, CA 94111

OBJECT TO OR COMMENT ON THE SETTLEMENT

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

If you previously excluded yourself from the Class you told the Court that you didn't 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 don't 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

16. 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:

Shaheen & Gordon, P.A. P.O. Box 977 Dover, NH 03821	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.

17. 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

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

The Vermont Court will hold a Fairness Hearing at 9 a.m. on May 16, 2014, at the Orange County Courthouse, 5 Court St., Chelsea, VT. 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 Vermont 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 to the Settlement. Both courts in Vermont and California must approve the Settlement for it to become final.

19. 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.

20. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing in the Vermont Court. To do so, send a letter indicating your intention to appear, styled, for Vermont residents, "Notice of Intent to Appear in *Wright v. Honeywell Int'l, Inc.*, Case No. 201-11-04". 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 addresses listed in Question 14. You cannot speak at the hearing if you excluded yourself from the Class.

GET MORE INFORMATION

21. 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

If you Bought a Honeywell Round Thermostat in Vermont

You Could Get \$18 or More from a Settlement

There is an \$8.15 million Settlement with Honeywell International Inc. involving its circular thermostats.

The lawsuit claims 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.



Who is included in the Settlement?

Individuals and businesses that:

- Purchased Honeywell round thermostats ("HRT") in Vermont from June 30, 1986 until October 31, 2011,
- For their own use and not for resale.

Vermont consumers who purchased a new home with a pre-installed HRT directly from the builder are included if they still own the home. Purchases made directly from Honeywell are not included.

What does the Settlement provide?

The \$8.15 million Settlement Fund will be divided based upon sales of Honeywell Round Thermostats in Vermont and California. Vermont claimants will receive 8.2% of the Settlement after fees and costs.

Individuals and businesses that file valid claims can get \$18 per thermostat.

How can I get a payment?

File a claim online at www.RoundThermostats.com or fill out the Claim Form below and return it postmarked by **July 18, 2014** to the address on the form. If you are claiming more than two thermostat purchases, you must also provide proof of purchase information. Call **1-855-287-1280** if you have questions.

What are my rights?

Even if you do nothing you will be bound by the Court's decisions. You may object or comment on the Settlement by **April 18, 2014**. More information on how to object to the Settlement is included in a detailed notice available at www.RoundThermostats.com.

The Court will hold a hearing on **May 16, 2014** to consider whether to approve the Settlement and a request for attorneys' fees of up to 37.5% of the Settlement Fund, plus reimbursement of costs and expenses. Your own lawyer may appear and speak at the hearing at your own expense.

Claim Form

Must be postmarked no later than 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 that the information above is true and correct and that the submission of false information may subject me to criminal prosecution. I submit to the jurisdiction of the Superior Court of Vermont, Orange County.

Signature: _____ Date: _____


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

EXHIBIT C

*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](#)