



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

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Case Number: CGC-04-436205

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ORDER

JOEL I. ROOS VS. HONEYWELL INTERNATIONAL, INC. et al

001C05419158

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MAY 31 2016

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO

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

Plaintiffs,

v.

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

Defendants.

Case No. CGC-04-436205

**ORDER GRANTING PLAINTIFFS’
MOTION FOR DISTRIBUTION OF
CLASS SETTLEMENT FUNDS**

On May 10, 2016, Plaintiffs’ Unopposed Motion for Distribution of the Settlement Funds was heard. At the court’s request further materials were submitted May 17, 2016. Plaintiffs seek to have the respective portions of the Settlement Funds disbursed to valid claimants, the Settlement Administrator, and the proposed *cy pres* recipients. Based on all the papers submitted in connection with the motion, the following orders are made.

1. All valid claims submitted by California Class Members by July 21, 2015, are eligible to receive distributions from the Settlement Fund.

2. California Class Members who submitted valid claims shall receive \$18 per Honeywell Round Thermostat (“HRT”), except as otherwise specified.

3. The remainder of the Settlement Funds, approximately \$3,947,641.91 after distributions to Class Counsel for fees, costs and interest and to the Claims Administrator for costs of Class Notice and administration to date, which were previously approved by the Court, shall be released by the

1 escrow agent to the Settlement Administrator, Rust Consulting, Inc., (“Rust”) for distribution to
2 Class Members.

3 4. Rust shall withhold approximately \$70,000 of the Settlement Funds to pay for future
4 claims administration expenses, but to the extent these sums are not expended for that
5 administration they must be expended as set forth below (i.e. as part of the cy pres distribution).

6 5. After holding back funds for future claims administration expenses, approximately
7 \$3,877,641.91 will remain in the Settlement Fund. Approximately 91.8% of the \$3,877,641.91, or
8 \$3,559,675.27, shall be allocated for distribution to California claimants.

9 6. The court approves the approximately 5,387 claims submitted by California claimants, for
10 11,970 HRT units (inclusive of the 91 California-specific late-filed claims and seven California
11 specific cured claims) identified by Rust as valid. Including the 91 claims filed after July 18, 2014,
12 but before July 21, 2015, comports with the Settlement Agreements’ objective of compensating as
13 many injured claimants as possible. Because the late-filed claims have already been processed and
14 audited, distributing Settlement Funds to these claimants will not increase administration costs, or
15 cause delay. The valid California claims submitted prior to July 18, 2014, are identified in
16 Schedule 1 attached to the Declaration of Jason M. Stinehart in Support of Plaintiffs’ Motion for
17 Distribution of Class Settlement Funds (“Rust Declaration”). The California claims submitted
18 between July 18, 2014 and July 21, 2015 that would otherwise be valid had they been timely
19 submitted are identified in Schedule 7 attached to the Rust Declaration. The seven claims that
20 were initially marked as invalid for lack of residency at the time of submission, but have since
21 cured this deficiency, are identified in Schedule 8 to the Rust Declaration. The California claims
22 identified in Schedules 1, 7 and 8 to the Rust declaration are valid, and Rust should pay these
23 claimants \$18 per HRT unit identified in each claim.

24 7. Schedule 2 to the Rust Declaration identifies 1,121 claims submitted by California
25 claimants, for 2,218 HRT units, that Rust determined to be duplicate claims and therefore
26 fraudulent. The court agrees with the disapproval of those claims.

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1 8. Schedule 3 to the Rust Declaration identifies the 27 claims submitted by California
2 claimants who purchased their HRT units directly through Honeywell. Because these persons are
3 not eligible, the court agrees with the disapproval of those claims.

4 9. Schedule 4 to the Rust Declaration identifies the 1,897 claimants who did not reside in
5 California at the time the claim was submitted. These persons are not eligible to receive payment.
6 The court disapproves the claims identified in Schedule 4 to the Rust Declaration.

7 10. Schedule 5 to the Rust Declaration identifies the six claimants who submitted blank claim
8 forms. These claimants provided insufficient information for Rust and the Court to determine
9 proper Class membership. The court disapproves the claims identified in Schedule 5 to the Rust
10 Declaration.

11 11. Schedule 6 to the Rust Declaration identifies the three (3) claims submitted with proof-of-
12 purchase that Rust has identified as fraudulent. Rust also determined that the additional proof of
13 purchase submitted by one of these claimants was fraudulent as well. The court disapproves these
14 claims.

15 12. Schedule 9 to the Rust declaration identifies six claimants marked for rejection due to lack
16 of California residency at the time their claim was submitted, and who attempted to cure this
17 deficiency but did not provide sufficient identification to do so. The court disapproves these
18 claims.

19 13. Rust shall distribute from the California-allocated Settlement Funds to Counsel for
20 Plaintiffs Joel I. Roos and Tom Santos their respective \$2,500 incentive awards for their
21 participation as named plaintiffs in this case. These awards are justified by the amount of time
22 these persons have been engaged in the case and the benefits to the class they have helped achieve.

23 14. The court has evaluated a series of proposed *cy pres* recipients, and sought to determine
24 which recipients truly further the objectives of C.C.P. § 384, as “nonprofit organizations or
25 foundations [that] support projects that will benefit the class or similarly situated persons, or that
26 promote the law consistent with the objectives and purposes of the underlying cause of action,
27 [are] child advocacy programs, or [are] nonprofit organizations providing civil legal services to the
28 indigent.” Among other factors, I considered the arguments of counsel, the supplemental materials

1 provided after the hearing, the fact that some of the proposed organizations have affiliations with
2 the parties or attorneys, the rough proportion of money to be sent to the various regions of the state
3 (the proposed allocations favored the southern part of the state in excess of its relative population),
4 and in particular the extent to which the mission of the recipient appears congruent with the
5 interests of the class or serves child advocacy or the indigent.

6 15. The following are the only *cy pres* recipients approved here, and they shall receive the
7 sums as stated below. The cash sums shall be first paid, and then (treating the sums remaining for
8 *cy pres* distribution in California as 100%), the percentage sums shall be paid.

- 9
- 10 a. The Utility Reform Network, 785 Market Street, Suite 1400 San Francisco, CA
94103: \$375,000
 - 11 b. Utility Consumer's Action Network, 3405 Kenyon St., Suite 401, San Diego, CA
92110: \$130,000
 - 12 c. Legal Services for Children, 1254 Market St., 3rd Floor, San Francisco, CA
94102: 4%
 - 13 d. Justice & Diversity Center of the Bar Association of San Francisco ("JDC"), 301
14 Battery Street, Third Floor, San Francisco, CA 94111: 7%
 - 15 e. East Bay Community Law Center, 2921 Adeline Street, Berkeley, CA 94703: 6%
 - 16 f. Legal Services of Northern California, 517 12th Street, Sacramento, CA 95814:
10%
 - 17 g. California Rural Legal Assistance, 1430 Franklin Street, Suite 103 Oakland, CA
94612: 6%
 - 18 h. Greater Bakersfield Legal Assistance, Inc., 615 California Avenue, Bakersfield,
CA 93304: 5%
 - 19 i. Central California Legal Services, 2115 Kern Street, Suite 1, Fresno, CA 93721:
5%
 - 20 j. Legal Aid Foundation of Los Angeles, 1102 Crenshaw Blvd., Los Angeles, CA
90019: 15%
 - 21 k. Neighborhood Legal Services of Los Angeles County, 1104 East Chevy Chase
22 Drive, Glendale, CA 92105: 18%
 - 23 l. Legal Aid Society of Orange County, 2101 N. Tustin Ave., Santa Ana, CA 92705:
8%
 - 24 m. Legal Aid Society of San Diego, Office of the Public Attorney, 110 South Euclid
Ave., San Diego, CA 92114: 16%


25 16. Any Settlement Funds remaining after the Settlement Administrator has completed the
26 distribution process such as, for illustration only, from returned or uncashed checks will, up to a
27 total amount of \$2000, be distributed to Legal Services for Children, without further order from the
28 court.

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17. The Escrow Agent, Huntington National Bank, is hereby authorized to release the distributions as previously awarded to Class Counsel for fees and interest.

18. Plaintiffs' counsel must file a final report setting forth the distributions of all sums contemplated in this or any earlier order not later than 120 days from the date of this order, and if such a final accounting is not possible, must in the alternative file a report stating the reasons why and indicating a date by when the final report will be filed.

Dated: May 31, 2016



Curtis E. A. Karnow
Judge of the Superior Court

CERTIFICATE OF ELECTRONIC SERVICE
(CCP 1010.6(6) & CRC 2.260(g))

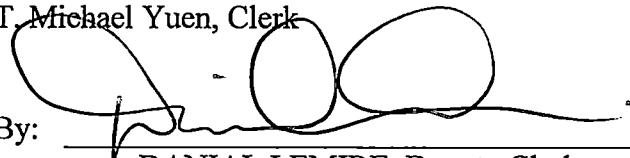
I, DANIAL LEMIRE, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On JUN 1 2016, I electronically served THE ATTACHED DOCUMENT via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated: JUN 1 2016

T. Michael Yuen, Clerk

By:

A handwritten signature in black ink, appearing to read 'Danial Lemire', is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke at the end.

DANIAL LEMIRE, Deputy Clerk