

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) [PROPOSED] ORDER GRANTING
) PLAINTIFFS' MOTION FOR
v.) DISTRIBUTION OF CLASS
) SETTLEMENT FUNDS
HONEYWELL INTERNATIONAL, INC.)

WHEREAS, this matter came before the Court for hearing on Plaintiffs' Unopposed Motion for Distribution of the Settlement Funds;

WHEREAS, final approval of the \$8.15 million Settlement between Plaintiffs and Defendant Honeywell International, Inc. ("Honeywell") was granted on June 27, 2014;

WHEREAS, Plaintiffs, through their attorneys, now seek to have the respective portions of the Settlement Funds disbursed to valid claimants, the Class Rep, the Settlement Administrator, and the proposed *cy pres* recipients;

WHEREAS, after distributions to Class Counsel for previously-approved fees and costs, as well as to the Claims Administrator for costs of notice and administration, approximately 8.2% of the remaining Settlement Funds are allocated to Vermont claimants;

NOW, THEREFORE, the Court, having considered Plaintiffs' motion, the supporting declarations, and all accompanying documents filed therewith, and the parties having consented to the entry of this order, AND FOR GOOD CAUSE SHOWN,

IT IS HEREBY ORDERED:

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

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VERMONT SUPERIOR COURT

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2. Vermont 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 \$3,847,641.91 after distributions to Class Counsel for fees and costs and to the Claims Administrator for costs of issuing and administering notice to the Class, shall be released by the escrow agent to the Settlement Administrator, Rust Consulting, Inc., (“Rust”) for distribution to Class Members.

4. Rust shall withhold approximately \$100,000 of the Settlement Funds to pay for future claims administration expenses.

5. After holding back funds for future claims administration expenses, approximately \$3,847,641.91 will remain in the Settlement Fund. Approximately 8.2% of the \$3,847,641.91, or \$315,506.63 shall be allocated for distribution to Vermont claimants.

6. The Court finds that Rust dually audited all claims submitted in this case and properly determined that approximately 774 claims submitted by Vermont claimants, for 1641 HRT units (inclusive of the 4 Vermont-specific late-filed claims) are valid. The Court agrees that including the 4 claims filed after July 18, 2014, but before July 21, 2015, in the distribution process would comport with the Settlement Agreements’ objective of compensating as many injured claimants as possible. Because the late-filed claims have already been processed and audited, distribution Settlement Funds to these claimants will not increase administration costs, cause delay, or otherwise be prejudicial. Accordingly, the Court finds that the 4 late-filed claims that do not contain any other deficiencies are in fact valid claims. The valid 4 claims submitted prior to July 18, 2014, are identified in Exhibit B attached to the Declaration of Jason M. Stinehart in Support of Plaintiffs’ Motion for Distribution of Class Settlement Funds (“Rust

Declaration”). The Court hereby determines that the above claims are valid, and orders Rust to pay these claimants \$18 per HRT unit identified in each claim.

7. The Court further finds that Rust properly audited and deemed the following claims as deficient:

- 798 potential duplicate claims submitted by Vermont claimants, by either the same person at the same or slightly different address, or different persons residing at identical or near-identical address;
- 1 claim submitted by Vermont claimant for HRT units purchased directly from Honeywell;
- 521 claims submitted by Vermont claimants who did not reside in the State at the time of submission; and
- 6 claim forms submitted by Vermont claimants with no information contained therein (e.g. “blank” claim forms).

8. Rust shall also distribute from the Vermont-allocated Settlement Funds to Counsel for Plaintiff, Alfred Wright, his respective \$2,500 incentive award for his participation as named Plaintiff in this case.

9. The Court has evaluated all of the proposed *cy pres* recipients identified in Exhibit A attached hereto. The Court finds that the proposed *cy pres* recipients further the objectives of Vermont Law regarding *cy pres*. Accordingly, the remaining Settlement Funds shall be distributed to the *cy pres* recipients identified in Exhibit A attached hereto in the amounts specified therein. Any Settlement Funds remaining after the Settlement Administrator has completed the distribution process will also be allocated to the legal aid entities and child advocacy programs based on the percentages identified in Exhibit A.

IT IS SO ORDERED.

Date:

5/4/16



Honorable *Timothy B. Tomasi*
Judge of the Superior Court of the State of
Vermont, County of Orange

RECIPIENT	ADDRESS	DESCRIPTION	%
Vermont Legal Aid	7 Court Street, Montpelier VT 05601, 802 223 1671 and 264 North Winoski Av, Burlington, VT 05402, 802 863 5620	Vermont Legal Aid is a non-profit 501 (c) 3 law firm established in 1968 which provides civil legal services, including services relative to consumer protection, for those living in poverty, with a disability, or over age 60 . Vermont Legal Aid provides a variety of legal services to individuals and families who face civil legal problem that threatens their rights, shelter, job, health or well-being.	30%
Vermont Public Interest Research Group (VPIRG)	141 Main Street #6, Montpelier, VT 05602 802-223-5221	Founded in 1972, VPIRG is the largest nonprofit consumer and environmental advocacy organization in Vermont, with over 30,000 members and supporters. In 1975, the Vermont Public Interest Research and Education Fund (VPIREF) was established as VPIRG's 501(c)3 outreach and education arm. For over 40 years, VPIRG has brought the voice of average Vermont citizens to public policy debates concerning the environment, health care, consumer protection and democracy.	30%
Vermont Natural Resources Council	9 Bailey Avenue, Montpelier, VT 05602, 802 223 2328 http://vmrc.org/programs/energy-climate-action/	For over forty years, VNRC has been Vermont's leader in protecting and restoring Vermont's natural resources and communities. VNRC builds g coalitions and works to offer common sense solutions to environmental protection issues. Some of the important issues VNRC focuses on include: water, sustainable communities, forests and wildlife and energy and climate.	30%
Thermostat Recycling Corporation	1765 Duke Street, Alexandria, VA 22314 http://www.thermostat-recycle.org	The Thermostat Recycling Corporation (TRC) is a non-profit stewardship organization that facilitates and manages the collection and property disposal of mercury-containing thermostats. Originally founded in 1998 by Honeywell, White-Rodgers and General Electric as a voluntary venture, which established its mission to promote the safe collection and proper disposal of mercury-containing thermostats. The goal of the organization is to keep mercury out of the waste stream in order to protect the environment.	10%