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Superior Court of California
County of Los Angeles

04/22/2025

David W. Stryker, Executive Officer / Clerk of Court

By: T. Lewis Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

MANDY and MATTHEW CLIBURN, RANDI
GURKA, DANA SWOYER, LORI
CIMONETTI, KHUSHBU DIDWANIA,
PRATIKKUMAR PATEL, BENJAMIN
ADAMS, on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

ONE SOURCE TO MARKET, LLC d/b/a
HEXCLAD COOKWARE,

Defendant.

CASE NO.: 23STCV28390

**~~PROPOSED~~ ORDER GRANTING
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date Action Filed: November 17, 2023
FAC Filed: December 22, 2023
Department: 11
Trial Date: TBD

Continued Preliminary Approval Hearing
Date: March 26, 2025
Time: 9:00 AM
Courtroom: Dept. 11
Judge: Hon. David Cunningham, III

1 **[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL OF AMENDED CLASS**
2 **ACTION SETTLEMENT AND CERTIFYING SETTLEMENT CLASS**

3 The Motion for Preliminary Approval of a Settlement came before this Court, on September 30,
4 2024. The Court, having considered the proposed Settlement Agreement, attached to the Declaration of
5 Brian C. Gudmundson as Exhibit A and the Exhibits attached thereto (hereafter collectively, the
6 “Settlement Agreement”); having considered the Motion for Preliminary Approval of Class Action
7 Settlement filed by the parties; having considered the respective points and authorities and declarations
8 submitted by the parties in support thereof; and good cause appearing, HEREBY ORDERS THE
9 FOLLOWING:

10 The Court grants preliminary approval of the settlement as set forth in the Settlement Agreement
11 and finds the terms to be within the range of reasonableness of a settlement that ultimately could be
12 granted approval by the Court at the final Fairness Hearing. For purposes of the settlement, the Court
13 finds that the proposed settlement class is ascertainable and that there is a sufficiently well-defined
14 community of interest among the Class in questions of law and fact. Therefore, for settlement purposes
15 only, the Court grants conditional certification of the “Settlement Class” defined as follows:

16 All persons and entities in the United States, its territories, and/or its possessions who
17 purchased one or more of the Eligible Products as defined in the Settlement Agreement.
18 Excluded from the Settlement Class are: (a) all persons who are employees, directors,
19 officers, and agents of Defendant or its subsidiaries and affiliated companies; (b) persons
20 and entities that timely and properly exclude themselves from the Settlement Class as
21 provided in the Settlement Agreement; and (c) the Court, the Court’s immediate family,
22 and Court staff.

23 1. For purposes of the settlement, the Court further designates named Plaintiffs Khushbu
24 Didwania, Pratikkumar Patel, Benjamin Adams, Mandy Cliburn, Matthew Cliburn, Randi Gurka, Dana
25 Swoyer, and Lori Cimonetti as Class Representatives, and Brian C. Gudmundson of Zimmerman Reed
26 LLP, Christopher D. Jennings of Jennings PLLC, and David S. Almeida of Almeida Law Group as Class
27 Counsel.

28 2. The Court confirms Verita Global, LLC as the Claims Administrator, also referred to in
this Order and the Settlement Agreements as the Settlement Administrator.

3. A final Fairness Hearing on the question of whether the proposed settlement should be
finally approved as fair, reasonable and adequate as to the members of the Settlement Class is scheduled

1 in Department 11 of this Court, located at 312 North Spring Street, Los Angeles, CA 900012, on
2 September 15, 2025 [date], at 10:00 am [time].

3 4. At the Final Fairness Hearing, the Court will consider: (a) whether the settlement should
4 be approved as fair, reasonable, and adequate for the class; (b) whether a judgment granting approval of
5 the settlement should be entered; and (c) whether Plaintiff's application for an award of attorneys' fees
6 and reimbursement of litigation expenses, and class representative service awards should be granted.

7 5. Counsel for the parties shall file memoranda, declarations, or other statements and
8 materials in support of their request for final approval by no later than August 29, 2025 [date].

9 6. Class Counsel shall file a motion for an award of attorneys' fees, reimbursement of
10 litigation expenses and class representative awards or enhancement by no later than 30 calendar days
11 before the Opt-Out and Objection Deadline.

12 7. The Court approves, as to form and content, the Notice of Pendency of Class Action,
13 Proposed Class Action Settlement Long Form Notice, Proposed Class Action Settlement Short Form
14 Notice, and Settlement Claim Form, which are attached to Exhibit A (the Settlement Agreement) as
15 Exhibits "D," "F," and "C" respectively.

16 8. The Notice Date shall commence no later than 45 calendar days after the date of this
17 Order.

18 9. The class notice shall provide at least 60 calendar days from the Notice Date for a
19 proposed member of the Class to opt out of settlement or object to the settlement ("Opt-Out and
20 Objection Deadline"). Class Members that receive a re-mailed Class Notice shall thirty (30) days from
21 the postmark of the re-mailed Notice to opt out or object to the settlement.

22 10. The Court directs the sending of the Long Form Notice and Claim Form to the members
23 of the Settlement Class on the Notice Date, pursuant to the procedures described in the Settlement
24 Agreement, including the use of electronic mail, first-class mail, notice by publication, online
25 advertisements, and a settlement website.

26 11. Commencing on the Notice Date, the Short Form Notice shall be published as an
27 approximate eighth-page ad unit once a week for four consecutive weeks in the Los Angeles Daily News.
28

1 12. On or before the Notice Date, the Short Form Notice, the Long Form Notice, and Claim
2 Form shall be made available on an internet settlement website.

3 13. On or before the Notice Date, the parties shall also set up a toll-free telephone number
4 that Settlement Class members may call to obtain a copy of the Long Form Notice and Claim Form.

5 14. The Court finds that the forms of notice to the Settlement Class regarding the pendency
6 of the action and of this settlement, and the methods of giving notice to members of the Settlement
7 Class, constitute the best notice practicable under the circumstances and constitute valid, due, and
8 sufficient notice to all members of the Settlement Class. They comply fully with the requirements of
9 California Code of Civil Procedure section 382, California Civil Code section 1781, California Rules of
10 Court 3.766 and 3.769, the California and United States Constitutions, and other applicable law.

11 15. The Court further approves the procedures for Class Members to participate in, opt out
12 of, or object to the Settlement, as set forth in the Settlement Agreement and Long Form Notice.

13 16. To object to the Settlement Agreement, an objecting settlement class member should
14 submit the objection to the Settlement Administrator by the Opt Out and Objection Deadline and include
15 the following in the objection: (a) the case name and number; (b) the objector's full name; (c) the address
16 of the objecting Settlement Class Member; (d) the full name of the objector's counsel(if the objector is
17 represented by counsel); (e) a detailed explanation stating the basis for the objection; and (f) a personal
18 signature from the objector in ink. Any attorney hired by a Settlement Class Member (at the Class
19 Member's expense) for the purpose of objecting to any term or aspect of the Settlement Agreement or
20 for purpose of intervening in this action is should provide to the Class Administrator (who shall forward
21 it to Class Counsel and Defendant's counsel) and to file with the Court a notice of appearance.

22 17. The procedures and requirements for filing objections in connection with the Fairness
23 Hearing are intended to ensure the efficient administration of justice and the orderly presentation of any
24 Class Member's objection to the Settlement Agreement, in accordance with the due process rights of all
25 Class Members.

26 18. Pending the Final Fairness Hearing, all proceedings in this action, other than proceedings
27 necessary to carry out or enforce the terms and conditions of the Settlement Agreement and this Order,
28 are stayed.

1 19. Counsel for the parties are hereby authorized to utilize all reasonable procedures in
2 connection with the administration of the settlement that are not materially inconsistent with either this
3 Order or the terms of the Settlement Agreement.

4 20. To facilitate administration of the Settlement pending final approval, the Court hereby
5 enjoins all Class Members from filing or prosecuting any claims, suits or administrative proceedings
6 regarding claims released by the Settlement unless and until such Class Members have filed valid
7 requests for exclusion or opt-outs with the Claims Administrator and the time for filing claims with the
8 Claims Administrator has elapsed.

9 21. The Court orders the following Implementation Schedule for further proceedings:

Event	Timing
Last day by which Defendant shall fund the Gross Settlement Fund (as defined in the Settlement Agreement), and by which Defendant shall compile a list with the names, email addresses, mailing or street addresses for Settlement Class Members as detailed in the Settlement Agreement	____[date] (20 calendar days after the date of entry of Preliminary Approval.)
Notice Date: The first date on which the Settlement Administrator sends out the Class Notice	____[date] (45 calendar days from the date of entry of Preliminary Approval.)
Last day for class counsel to file motion for award of attorneys' fees, reimbursement of litigation expenses and class representative enhancement.	____[date] (30 calendar days after the Notice Date.)
Opt-Out and Objection Deadline: (i) last day for class members to submit opt-outs; (ii) last day for class members to submit objections	____[date] (60 calendar days after the Notice Date.) (or for re-mailed Class Notice, no later than thirty (30) days from the postmark of the re-mailed Notice)
Last day for claims administrator and Defendant to provide declarations that they have complied with all provisions of the Notice plan ordered by the Court	____[date] (30 calendar days before the Fairness Hearing.)
Last day for parties to file motion and supporting documents for final approval of class action settlement.	____[date]
Final Fairness Hearing on final approval of class action settlement.	____[date]

Event	Timing
Bar Date: Date by which a Claim Form must be received by the Settlement Administrator for a Class Member to be entitled to any of the settlement consideration	____[date] (60 calendar days after entry of Final Approval order).
Last day for Settlement Administrator to determine validity or invalidity of claims	____[date] (30 calendar days after the Claims Period, as that term is defined in the Settlement Agreement)
First day for Class Counsel to notify the Court of intent to distribute excess settlement funds to a cy pres recipient	____[date] (120 calendar days after the Effective Date, as that term is defined in the Settlement Agreement)

22. The Final Fairness Hearing and related prior deadlines set forth above may, from time to time and without further notice to the Settlement Class (except those who have filed timely and valid objections), be continued or adjourned by Order of the Court.

IT IS SO ORDERED.

Dated: 04/22/2025



The Honorable David S. Cunningham, III
Superior Court Judge
Los Angeles Superior Court