

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS**

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DEVIKA SEN, DANIEL TEPPER, JORDAN MENTER,
and RICK CHEN, individually and on behalf of all others
similarly situated,

Plaintiffs,

: Index No.: 510627/2026
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:
**ORDER GRANTING
PLAINTIFFS' MOTION
FOR PRELIMINARY
APPROVAL OF CLASS
ACTION SETTLEMENT**

v.

VESYNC (US) CORPORATION,

Defendant.
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: Motion Seq. 002

1. Based on the submissions by Plaintiffs, the Court finds that the proposed Settlement appears to be the product of arm's-length negotiations, has no obvious deficiencies, falls within the range of possible approval, and therefore preliminarily approves the Settlement reached between the parties as set forth in their Settlement Agreement and Release fully executed on April 22, 2026 (the "Settlement Agreement"), as fair, adequate, and reasonable to the Settlement Class.
2. The Court conditionally certifies, for settlement purposes only, the requested Settlement Class under Article 9 of the CLPR. The Settlement Class is defined as persons in the United States who purchased one or more Levoit Core or EverestAir air purifiers and/or replacement filters with "True HEPA," "HEPA," and/or "H13" language, beginning August 29, 2019, through August 4, 2023. Excluded from the Settlement Class are governmental entities; counsel of record (and their respective law firms) for the Parties;

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- Defendant Vesync (US) Corp. (“Defendant” or “Vesync”) and any of its parents, affiliates, subsidiaries, and all of its respective employees, officers, and directors; the presiding judge(s) and mediators in this Action and the Prior Litigation (the putative class action lawsuits styled *Chen v. Vesync Corp.*, No. 3:23-cv-04458 (N.D. Cal.); *Tepper v. Vesync Corp.*, No. 7:24-cv-08430-NSR (S.D.N.Y.); and *Menter v. Vesync Corp.*, No. 3:24-cv-12786-MGM (D. Mass.)), and all of their immediate families and judicial staff; persons who purchased the above-referenced products directly from Defendant’s website or mobile application and are accordingly bound by an arbitration agreement and class-action waiver; and Settlement Class Members who submit a valid request for exclusion prior to the expiration of the Objection/Exclusion Deadline. The class definition in the Complaint is deemed to conform to the definition of the Settlement Class herein.
3. For settlement purposes only, the Court finds that the requirements of CPLR §§ 901(a) and 902 are satisfied, including numerosity, commonality/predominance, typicality, adequacy, and superiority.
 4. The Court appoints Bursor & Fisher, P.A. and Sinderbrand Law Group P.C. as Lead Class Counsel for settlement purposes only.
 5. The Court appoints Apex Class Action LLC (“Apex”) as the Settlement Administrator and directs Apex to administer the settlement in accordance with the terms of the Settlement Agreement.
 6. The Court finds that the proposed Class Notice and Claim Form satisfy the requirements of due process and CPLR § 908 and preliminarily approves and directs its distribution to the Settlement Class consistent with the terms of the Settlement Agreement as the best notice practicable under the circumstances.

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7. The Court approves the proposed schedule set forth in the Settlement Agreement, including deadlines for dissemination of notice, submission of Claim Forms, objections, and requests for exclusion.
8. The Fairness Hearing shall be held via zoom on February 17, 2027, at 11:00 a.m. ET, at which time the Court will determine whether the proposed Settlement should be finally approved as fair, reasonable, and adequate, and Plaintiffs shall file their Motion for Final Approval of the Settlement Agreement no later than fourteen days before the Objection/Exclusion Deadline and notice it for the same date as the Fairness Hearing. The Court retains discretion to issue an Order on Plaintiffs' Motion for Final Approval of the Settlement Agreement based on the motion papers in the event no objections are filed.
9. Plaintiffs will submit a motion for an award of attorneys' fees and expenses to be paid to Class Counsel, and Class Counsel will submit a motion to the Court for service awards to each Class Representative, no later than fourteen days before the Objection/Exclusion Deadline and notice it for the same date as the Fairness Hearing.
10. Pending final determination of whether the Settlement should be approved, all persons in the Settlement Class are hereby barred—directly, on a representative basis or in any other capacity—from commencing or prosecuting against any of the Released Parties any action, arbitration, or proceeding in any court, arbitration forum or tribunal asserting any of the Released Claims, as defined by the Settlement Agreement, except that Settlement Class Members may timely request exclusion from the Settlement in accordance with the procedures set forth in the Settlement Agreement.
11. All further proceedings in this action are stayed, except those related to effectuation and approval of the Settlement.

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12. The Court retains jurisdiction over this Action and the Parties for all matters relating to the administration, consummation, enforcement, and interpretation of the Settlement Agreement and this Order.

It is so ORDERED this 17 day of August, 2026.

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Hon. Katherine Levine

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HON. KATHERINE A. LEVINE

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