

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

CAMERON YATES and DANIEL  
GUTIERREZ, each individually and on behalf  
of all others similarly situated,

*Plaintiffs,*

v.

GWD CONCEPT SP. Z O.O.,

*Defendant.*

Case No. 24CV59941

**ORDER GRANTING PLAINTIFFS'  
MOTION FOR PRELIMINARY  
APPROVAL OF CLASS ACTION  
SETTLEMENT AND NOTICE PLAN**

1 Before the Court is Plaintiffs' Motion for Preliminary Approval of Class Action  
2 Settlement and Notice Plan ("Motion for Preliminary Approval"). The Parties have informed the  
3 Court that they have mediated the case and reached a Settlement Agreement, which is filed as  
4 Exhibit 1 to Plaintiffs' Motion.

5 The Motion is also accompanied by declarations from proposed Class Counsel, the  
6 proposed Class Representatives, and the proposed Settlement Administrator. The Court has  
7 reviewed the Motion and its accompanying materials and finds the Settlement to be fair,  
8 reasonable, and adequate, and consistent with Oregon law and relevant precedent. Accordingly,  
9 after careful review of the record, the Court **GRANTS** Plaintiffs' Motion and **ORDERS** as  
10 follows:

11 1. **Fair, Reasonable, and Adequate:** The Court preliminarily approves the Settlement as fair,  
12 reasonable, and adequate, and consistent with Oregon law and precedent concerning class  
13 settlements. The Court finds that the Settlement resulted from arm's-length negotiations  
14 between the Parties and their well-informed and experienced counsel. These negotiations  
15 were assisted by an experienced and neutral mediator. The Settlement itself provides direct  
16 relief to each Class Member, and Class Members can choose whether to receive relief in the  
17 form of a website purchase credit, usable for any product on Defendant's website, or in cash.  
18 In short, the Settlement appears fair, reasonable, adequate, and within the range of possible  
19 final approval, and thus, notice to members of the Settlement Class should issue as directed  
20 below.

21 2. **Conditional Settlement Class:** Under ORCP 32, the Court conditionally certifies the  
22 following Settlement Class: All persons who, while in the states of California, Oregon, or  
23 Washington, purchased one or more products marked at a discounted or promotional rate on  
24

1 Defendant's website, Displate.com, from January 1, 2019 to the date of this Order. The Court  
2 finds that the Settlement Class meets all requirements to be certified for the purposes of  
3 settlement:

- 4 • ORCP 32 A(1): The Settlement Class consists of more than a hundred  
5 thousand Class Members, and so, joinder would be impracticable.
- 6 • ORCP 32 A(2): There are questions of law and fact common to the Settlement  
7 Class.
- 8 • ORCP 32 A(3): Plaintiffs' claims are typical of all Settlement Class Members.
- 9 • ORCP 32 A(4): Plaintiffs and Class Counsel have fairly and adequately  
10 represented the Settlement Class's interests.
- 11 • ORCP 32 A(5): Plaintiffs gave pre-litigation notice.
- 12 • ORCP 32 B: Common questions of law and fact appear to predominate over  
13 individual inquiries, and because of the nature of the claims alleged, a class  
14 action is a superior mechanism for adjudication.

15 3. **Class Counsel and Class Representatives**: The Court appoints Plaintiffs Cameron Yates  
16 and Daniel Gutierrez as representative parties ("Class Representatives") under ORCP 32. The  
17 Court finds that the Class Representatives have and will continue to adequately and fairly  
18 serve the interests of the Settlement Class. The Court appoints the attorneys of Dovel &  
19 Luner LLP as Class Counsel and finds them competent to serve the interests of the  
20 Settlement Class.

21 4. **Settlement Administrator**: Kroll Settlement Administration LLC ("Kroll") is appointed as  
22 the Settlement Administrator to implement the terms of the Settlement. Kroll is authorized to  
23 implement the Notice Plan as outlined in the Motion, including in the Declaration of Patrick  
24

1 M. Passarella on behalf of Kroll. The Court also authorizes the Settlement Administrator to  
2 carry out other such responsibilities as are provided for in the Settlement Agreement. The  
3 Settlement Administrator is directed to establish the Settlement Website and to issue notice  
4 pursuant to the Settlement Agreement.

5 5. **Class Notice**: The Court approves the form and content of the notice attached to the motion  
6 for preliminary approval. The Court finds that the proposed Notice Plan constitutes the best  
7 practicable notice under the circumstances and is reasonably calculated to apprise Settlement  
8 Class Members of this Action, the terms of the Settlement, and their rights to object to or opt-  
9 out of the Settlement. The Court additionally finds that the Notice Plan is reasonable, that it  
10 constitutes due, adequate, and sufficient notice, and that it meets the requirements of due  
11 process, ORCP 32, and any other applicable laws. The Settlement Administrator shall carry  
12 out the notice plan as laid out in the Settlement.

13 6. **Claims Period, Objections, and Requests for Exclusion**: The Court approves the content  
14 of the Claim Form and the claims procedures set forth in the Settlement. Class Members who  
15 do not submit a Claim Form will still receive relief in the form of a website purchase credit.  
16 The Court also approves the objection and exclusion procedures laid out in the Settlement  
17 Agreement. Class Members may object to or opt-out of the Settlement by the  
18 Objection/Exclusion Deadline by following the procedures laid out in the Settlement and the  
19 notice. Class Members who do not opt-out will receive relief under the Settlement and will  
20 release certain rights to sue Defendant (or any released party), as laid out in the Settlement  
21 Agreement.



1 7. **Final Approval Hearing:** The Court will conduct a Final Approval Hearing on:

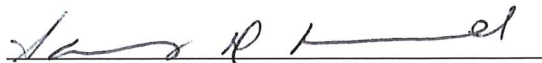
2 August 1, 2025 at 8:30am At this Hearing, the Court will consider whether to  
3 grant final approval to the Settlement, and consider any motion filed by Plaintiffs seeking  
4 attorneys' fees, costs, and incentive awards. The Court may postpone, adjourn, or continue  
5 the Hearing without further notice to the Settlement Class.

6 8. **Stay of Proceedings:** All proceedings in this Action are stayed pending Final Approval of  
7 the Settlement, except as may be necessary to effectuate the settlement or comply with its  
8 terms.

9 9. **Other Provisions:** Pending Final Approval of the Settlement, all Class Members are  
10 prohibited from commencing any action or other proceeding against Defendant (or any  
11 released party) that asserts the same claims regarding Defendant's sales and advertising  
12 practices as asserted in this action. If for any reason the Court does not execute and file an  
13 order of Final Approval, or if the Effective Date does not occur for any reason, the Parties  
14 will be restored to the status quo ante as set forth in the Settlement. All orders entered in  
15 connection with this Settlement, including this order conditionally certifying the Settlement  
16 Class, will become null and void. And the Settlement Agreement, and all proceedings related  
17 to it, will be deemed to be without prejudice to the rights of any Parties.

18 10. **Continued Jurisdiction:** The Court exerts exclusive and continuing jurisdiction over the  
19 claims and issues in this litigation and specifically over all aspects related to the proposed  
20 Settlement.

21 4/23/25

22 

23 Shelley D. Russell

1 Submitted by:

2  
3 DOVEL & LUNER, LLP

4 s/ Jonas Jacobson

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14 Counsel for Plaintiffs

15 \* *Pro Hac Vice* application forthcoming

**CERTIFICATION OF COMPLIANCE WITH UTCR 5.100**

Pursuant to UTCR 5.100, the undersigned certifies that:

1. The manner of compliance with any applicable service requirement under the rule is:

1. ☐ No service requirement applies because box 4 is checked below.
2. ☒ The order or judgment is accompanied by a stipulation by each counsel that no objection exists as to the order or judgment.
3. ☐ The order or judgment was served on each counsel not less than three days, and on each self-represented party not less than seven days (along with notice of the time period to object), prior to submission to the court.

2. The submission is ready for judicial signature because:

1. ☐ Each party affected by this order or judgment has stipulated to the order or judgment, as shown by each party's signature on the document being submitted.
2. ☒ Each party affected by this order or judgment has approved the order or judgment, as shown by each party's signature on the document being submitted or by written confirmation of approval sent to me.
3. ☐ I have served a copy of this order or judgment on each party entitled to service and:
  - a. ☐ No objection has been served on me.
  - b. ☐ I received objections that I could not resolve with a party despite reasonable efforts to do so. Defendants said they do not think the parties need to confer on objections and would not explain what their objections are, though I assume they rely on the arguments they made in their briefing and at the hearing.
  - c. ☐ After conferring about objections, all objecting parties agreed to independently file any remaining objections.
4. ☐ Service is not required pursuant to UTCR 5.100(3), or by statute, rule, or otherwise.
5. ☐ This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims' Assistance Section under UTCR 5.100(5).

DATED: March 4, 2025

s/ Cody Hoesly

Cody Hoesly

## CERTIFICATE OF SERVICE

I am over the age of 18 and am not a party to the within action. I am employed in Multnomah County, State of Oregon, and my business address is 121 SW Morrison St., Suite 600, Portland, Oregon 97204.

On March 4, 2025, I served the following document(s):

**ORDER GRANTING PLAINTIFFS' MOTION FOR PRELIMINARY  
APPROVAL OF CLASS ACTION SETTLEMENT AND NOTICE PLAN**

on the party or parties listed on the following page(s) in the following manner(s):

☐ **BY HAND DELIVERY:** For each party, I caused a copy of the document(s) to be placed in a sealed envelope and caused such envelope to be delivered by messenger to the street address(es) indicated on the attached service list.

☐ **BY FEDERAL EXPRESS:** For each party, I caused a copy of the document(s) to be placed in a sealed envelope and caused such envelope to be delivered by Federal Express to the street address(es) indicated on the attached service list.

☐ **BY FIRST-CLASS MAIL:** For each party, I caused a copy of the document(s) to be placed in a sealed envelope and caused such envelope to be deposited in the United States mail at Portland, Oregon, with first-class postage thereon fully prepaid and addressed to the street address(es) indicated on the attached service list.

☐ **BY FACSIMILE:** For each party, I caused a copy of the document(s) to be sent by facsimile to the facsimile number(s) indicated on the attached service list. If this action is pending in Oregon state court, then printed confirmation of receipt of the facsimile generated by the transmitting machine is attached hereto.

☒ **BY E-MAIL:** For each party, I caused a copy of the document(s) to be sent by electronic mail to the e-mail address(es) indicated on the attached service list.

☐ **BY E-FILING:** For each party, I caused a copy of the document(s) to be sent by electronic mail via Tyler Technologies Odyssey filing system to the e-mail address(es) on file with that system.

I declare under penalty of perjury under the laws of the State of Oregon that the foregoing is true and correct.

s/ Cody Hoesly  
Cody Hoesly



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Simon Franzini  
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