

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARK and LORI FUEHRER,	:	
on behalf of themselves and all	:	
others similarly situated,	:	
	:	
Plaintiffs,	:	Case No. 5:20-cv-03910
	:	Honorable Edward G. Smith
v.	:	
	:	
NESTLÉ PURINA PETCARE	:	
COMPANY,	:	
	:	
	:	
Defendant.	:	

ORDER OF PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

AND NOW, on this 18th day of March, 2021, upon consideration of Plaintiffs’ Motion for Preliminary Approval of the Class Action Settlement filed with the Court on March 17, 2021, it is ORDERED that the Motion is GRANTED as follows:

1. The Court finds that the Settlement Agreement between the parties and attached to the Motion as Exhibit “A” appears, upon preliminary review, to be a settlement in good faith, fair, adequate, reasonable, and in the best interests of the Settlement Class, and is preliminarily approved by the Court.

- 2. For the purposes of the Motion, the Court:
 - a. Conditionally certifies the Settlement Class as the Named Plaintiffs and all persons who, at any time during the Settlement Class Period, either: (i) owned and occupied a residential property within the area enclosed by the geographic boundary consisting of the one and three-quarters of a mile radius from the property boundary of Defendant’s facilities located at 2050 Pope Road,

Allentown, Pennsylvania (the “Settlement Class Area”); or (ii) resided within a residential property located within the Settlement Class Area. Notwithstanding the foregoing, the following persons are excluded from the “Settlement Class”: (i) officers, directors, and members of the Boards of Defendant; (ii) the presiding judicial officer (Honorable Edward G. Smith) and his staff; and (iii) Class Counsel, counsel for Defendant, and their respective staffs.

- b. Conditionally designates Mark and Lori Fuehrer as the Class Representatives of the Settlement Class; and
 - c. Conditionally designates Kevin S. Riechelson, Esquire, Steven D. Liddle, Esquire, Laura L. Sheets, Esquire, and Matthew Z. Robb, Esquire as Class Counsel for the Settlement Class.
 - d. Establishes June 1, 2021 as the deadline for submitting Opt-Out Forms to Class Counsel;
 - e. Establishes June 1, 2021 as the deadline for Settlement Class Members to submit Proofs of Claim;
3. A fairness hearing shall be held on June 25, 2021 at 10:00 a.m. before the Honorable Edward G. Smith by telephone conference call by dialing 571-353-2300 and entering pin 363973916# to consider whether the Court should give final approval to the proposed settlement, including a determination of the Class Representatives’ award and award of attorneys’ fees and costs to Class Counsel;
 4. Objections to the settlement by Class Members will be considered by the Court only if such objections are submitted in writing to Class Counsel and are postmarked on or before June 1, 2021. In any such written objection, Class Members shall state with specificity

the basis for their objections and the evidence, if any, they want to submit in support of their objections. Class Counsel shall serve the Defendant and file with the Court copies of all such objections on or before June 8, 2021, together with a statement of reasons, if any, why the objections should be overruled;

5. At the fairness hearing, class members may, at the discretion of the Court, be heard orally in opposition to the settlement, provided that such persons serve on Class Counsel, on or before June 1, 2021, written notification of their desire to appear personally and that such persons have submitted to Class Counsel written objections in accordance with Paragraph 4 above. Upon receipt thereof, Class Counsel shall serve the Defendant with copies of all such requests to be heard;

6. Class Counsel and Defendant's counsel should be prepared at the hearing to respond to any written objections filed by the Class Members and to provide other information, as appropriate, bearing on whether the settlement should be approved; and,

7. The Court APPROVES the following:

- a. the Notice of Proposed Settlement of Class Action, in the form attached to the Settlement Agreement as Exhibit "4";
- b. the Summary Notice of Proposed Class Action Settlement, in the form attached to the Settlement Agreement as Exhibit "5"; and
- c. the Proof of Claim, in the form attached to the Settlement Agreement as Exhibit "6."

These are the only notices required to be given to the Class Members, and these notices satisfy the requirements of due process and of Federal Rules of Civil Procedure 23(e). Class Counsel are

directed to give notice of the hearing and proposed settlement to the Class Members in accordance with the terms of the Settlement Agreement.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.