

UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS

**IN RE: HILL’S PET NUTRITION, INC.
DOG FOOD PRODUCTS LIABILITY
LITIGATION**

MDL No. 2887

Case No. 2:19-md-02887-JAR-TJJ

**This Document Relates to All Cases,
Except:**

*Diana Anja Eichorn-Burkhard v. Hill’s
Pet Nutrition, Inc. et al.*, Case No. 19-CV-
02672- JAR-TJJ;

and

*Bone, et al. v. Hill’s Pet Nutrition, Inc., et
al.*, Case No. 19-CV-02284-JAR-TJJ (cat
food-related claims only. This complaint
DOES apply to all dog food-related
claims in the *Bone* complaint).

**PLAINTIFFS’ UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF
SETTLEMENT, PROVISIONAL CERTIFICATION OF SETTLEMENT CLASS,
APPOINTMENT OF SETTLEMENT CLASS COUNSEL AND CLASS
REPRESENTATIVES, APPROVAL TO DISSEMINATE CLASS NOTICE,
APPOINTMENT OF THE SETTLEMENT ADMINISTRATOR, AND ADOPTION OF A
SCHEDULE FOR THE FINAL APPROVAL PROCESS**

On December 15, 2020, Plaintiffs¹ and Defendants entered into a Settlement Agreement. For the reasons given in the memorandum in support of this motion (the “Memorandum”) and its accompanying papers, Plaintiffs move for the following relief:

1. Provisional certification pursuant to Federal Rule of Civil Procedure 23(a) and (b)(3) of the following Settlement Class for settlement purposes only:

All persons and entities that purchased Hill’s Products in the United States from

¹ Unless otherwise indicated, capitalized terms shall have the meaning that the Class Settlement Agreement ascribes to them. *See generally* Class Settlement Agreement (filed concurrently herewith as Exhibit A).

September 1, 2018 to May 31, 2019. Excluded from this Settlement Class are: all persons and entities that have been provided compensation from any Defendant and have executed a release for the claims described herein; Defendants, any entity in which Defendants have a controlling interest, and their legal representatives, officers, directors, employees, assigns and successors; persons and entities that purchased Hill's Products for resale or resold Hill's Products, but persons or entities that purchased Hill's Products for direct use are not excluded; the Judges to whom this case is assigned and any member of the Judges' staff or immediate family; Settlement Class Counsel; and putative Settlement Class Members who submit a valid Request for Exclusion prior to the Opt-Out Deadline.

2. Provisional certification pursuant to Federal Rule of Civil Procedure 23(a) and (b)(3) of the State Subclasses set forth in the Consolidated Class Action Complaint for settlement purposes only. *See* Consolidated Compl. ¶¶ 128-74.

3. Appointment of the following Plaintiffs as Class Representatives: Michelle Black, Toni Blanchard, Jack Blaser, Jeremiah Will Brigham, Stacey Caskey, Kathy Capron, Megan Carter, Kristina Centers, Linda Cole, Jennifer Cromwell, Kristin DeCroce, Molly McDowell Dunston, Sarah Ecton, Sandra Walker Evans, Jamie Fain, Beatrice Friedman, Maritza Galindo, Lafonda Guyton, Sally Hall, Marc Haughaboo, Leiann Hawley, Keith Heck, Janis Henderson, Melinda Hengel, Jessie Hollister, Sharon Hopkins, Claudia Hoyos, Janet Imfeld, Mary Ippisch, Brandy Jeter, Cara Kaufmann, Allison Kay, Kevin Kelly, Marla King, Kathy Klaassen, TJ Knowland, Lisette Kra, Teresa Krage, Rosemary Lanctot, Janet Laurin, Tammy Lechner, Stephanie Lett, Sandra Lindquist, David Lovell, Dan Marcus, Michael Markiewicz, Marnie McCown, Cheryl McMurray, Melissa Mendoza, Jeffrey Morris, Jennifer Naeve, Robert Neve, Kay Okahashi, Mary Ponce, Robin Prebe, Susan Pyper, Vanessa Roberts, Karen Rohman, Taakena Ross, Cheri Rusinack, Michael Russell, Crystal Russell, Chuck Silveira, Harmony Stidham, Kristal Summers, Catherine Teegarden, Andrew Tilles, Demetrios Tsiptsis, Luann Tyborski, Angela Wickham, and June Yoshinaga.

4. Appointment of Scott A. Kamber of KamberLaw LLC, Gary E. Mason of Mason

Lietz & Klinger LLP, Michael R. Reese of Reese LLP, and Rachel E. Schwartz of Stueve Siegel Hanson LLP as Settlement Class Counsel.

5. Preliminary approval of the Settlement, approval of the claims process and Notice Plan, the notice and claim documents including the Long and Short Form Notices, and permission to disseminate Notice in accordance with the requirements of Rule 23 and due process pursuant to the terms of the Notice Plan.

6. Appointment of Heffler Claims Group as Settlement Administrator.

7. The setting of deadlines as set forth in the Memorandum and the scheduling of a Final Approval Hearing, at which the Court will hear argument on the fairness, adequacy, and reasonableness of the Settlement, the award of attorneys' fees and litigation costs and expenses to Settlement Class Counsel, and the award of Service Award Payments for the Class Representatives, and will hear any objections to the Settlement.

8. All other relief requested in the Memorandum and Proposed Order.

Date: December 15, 2020

Respectfully submitted,

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