

Verified Correct Copy of Original 6/14/2022.

FILED

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4TH JUDICIAL DIST.

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

BRIAN RESENDEZ, RODICA ALINA  
RESENDEZ, individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

PRECISION CASTPARTS CORP., an Oregon  
corporation, and PCC STRUCTURALS, INC.,

Defendants.

Case No. 16CV16164

ORDER GRANTING FINAL  
SETTLEMENT APPROVAL AND  
GENERAL JUDGMENT

DEBRA TAEVS; individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

PRECISION CASTPARTS CORP., an Oregon  
corporation, and PCC STRUCTURALS, INC.,

Defendants.

Case No. 16CV21495

The Plaintiffs in this pending Class Action litigation have filed with the Court a Motion  
for Final Approval of Class Action Settlement and Final Judgment.

This Court previously preliminarily approved the Settlement and certified a Settlement  
Class, after which Class Counsel and a Court-approved notice provider, A.B. Data, Ltd., directed  
notice to members of ("Class Members").

ORDER GRANTING FINAL SETTLEMENT APPROVAL AND  
GENERAL JUDGMENT  
(16CV16164) - 1

**KELLER ROHRBACK L.L.P.**

1201 Third Avenue, Suite 3200  
Seattle, WA 98101-3052  
TELEPHONE: (206) 623-1900  
FACSIMILE: (206) 623-3384

Response to the Settlement has been positive, reflected in the high claims rate, low rate of exclusion, and one objection.

On May 26, 2022, at 9:00 a.m., the Court held a final approval fairness hearing, to:

- (1) determine whether the proposed Settlement is fair, reasonable, and adequate and should be approved;
- (2) determine whether final judgment should be entered dismissing the action with prejudice;
- (3) consider the application of Class Counsel for an award of attorney fees and reimbursement of expenses; and
- (4) consider whether to provide the Class Representatives Case Contribution Awards for their efforts in this case that resulted in substantial benefits for the Class.

Plaintiffs requested as part of that approval an order or judgment finally approving the Settlement; awarding Case Contribution Awards to the Class Representatives; awarding Class Counsel reimbursement for their reasonable fees of \$4.125 million and costs in the amount of \$680,257.27; and addressing several other administrative issues in the Settlement.

After review and consideration of the record in the action, the Settlement and the papers filed in support thereof, including any objections thereto, and papers in support of Class Counsel's request for fees and costs, and after a full hearing on the merits of the Motion for Final Approval of Class Action Settlement and Final Judgment which included an opportunity for objectors and the public to present argument to the Court,

IT IS HEREBY ADJUDGED AS FOLLOWS:

1. The Court has jurisdiction over Plaintiffs, Defendants, and Class Members, and jurisdiction to finally approve the Settlement;

2. For this Final Settlement Approval and General Judgment, except as otherwise indicated, the Court adopts the defined terms in the Settlement, and incorporates terms of the Settlement Agreement in this Final Settlement Approval and General Judgment by reference;

3. The Court finally approves the Settlement as fair, reasonable, and adequate. The Settlement was arrived at through arms-length negotiations between the Parties, after a lengthy

1 period of adversarial litigation involving substantial discovery. The Court finds that the  
2 Settlement is fair, adequate, and reasonable under ORCP 32 and any other applicable rules. The  
3 Settlement provides substantial and certain relief to the Class and the public without the risks to  
4 the parties and the public <sup>OF 7R 6/14/22</sup> costs, or delays associated with continued litigation and trial, and the  
5 Settlement is large relative to similar settlements in Oregon and outside the state;

6 4. The Court certifies for purposes of the Settlement the following Class:

7 All owners or residents of a Class Property on the Relevant Date, but  
8 excluding (1) Defendants, any entity or division in which Defendants have a  
9 controlling interest, and their legal representatives, officers, directors, assigns and  
10 successors, (2) all persons who make a timely election to be excluded from the  
11 Class, and (3) the judge to whom this case is assigned and that judge's staff.

12 5. The Court approves the form, content, and method of the notice plan as adequate  
13 to provide notice to some or all members of the class under ORCP 32 F. The notice plan  
14 constituted the best notice practicable under the circumstances and satisfies the requirements of  
15 due process, the Oregon Rules of Civil Procedure, and any other applicable laws or rules;

16 6. The Court approves the Settlement's plan of allocation as fair, adequate, and  
17 reasonable;

18 7. The Court approves the releases set forth in the Settlement and permanently bars  
19 and enjoins Class Members from commencing, asserting, or continuing any of the Released  
20 Claims; except that Class Members who filed the valid Exclusion Request Forms attached to the  
21 Declaration of Matthew Preusch are excluded from the Class, the Settlement, its benefits, and its  
22 Release;

23 8. Class Counsel's request for \$4.125 million in fees and \$680,257.27 in  
24 reimbursement of costs is reasonable, taking into account the time and effort spent—and yet to  
25 be spent—by Class Counsel on the litigation, coupled with quality of service; results achieved  
26 and benefits conferred on the class; magnitude, complexity, and uniqueness of the litigation;  
contingent nature of success; and my evaluation that the fees sought are not excessive under

1 Oregon RPC 1.5. *See* ORCP 32 M. The Court awards Class Counsel the amount requested for  
2 fees and costs;

3 9. Class Representative Plaintiffs are hereby awarded Case Contribution Awards of  
4 \$7,500 for each Class Representative because such an award is fair and reasonable, to be paid  
5 from the Settlement funds, reflecting the burden they have borne on behalf of the Class in  
6 litigating this matter to a successful conclusion, likely increasing the amount Class Members will  
7 receive;

8 10. The Court has considered the objection of Brianna Tarnower. That objection,  
9 while well stated, does not merit disapproving of this Settlement. The settlement was the product  
10 of significant negotiations, and concern over release of possible future claims is too speculative  
11 to warrant denial of relief to all class members;

12 11. The Court approves the Parties chosen recipients of any *cy pres* funds under  
13 ORCP 32 O, apportioned equally to the Johnson Creek Watershed Council and Brentwood-  
14 Darlington Neighborhood Association, as appropriate;

15 12. The Court appoints A.B. Data, Ltd. as the settlement administrator. The Court  
16 approves the processing of late-filed claims and Exclusion Request Forms received by Class  
17 Counsel or A.B. Data, Ltd. up until May 16, 2022. The Court also approves of the disbursement  
18 of funds from the Qualified Settlement Fund to administer the Settlement;

19 13. For any Class Members that have submitted both claim forms and exclusion  
20 requests where A.B. Data, Ltd. and Class Counsel have not been able to confirm the Class  
21 Member's intent, the Court orders that they are part of the Class and bound by the Settlement if  
22 they accept any payment issued by the settlement administrator for a valid claim;

23 14. Except as provided for in the Settlement and this Final Settlement Approval and  
24 General Judgment, each side will bear their respective attorneys' fees and costs; and  
25  
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15. This action is dismissed with prejudice except that the Court shall retain jurisdiction to enforce the terms of the Settlement Agreement.

IT IS SO ORDERED.

6/14/2022

T- B

Submitted by:

KELLER ROHRBACK L.L.P.

By Matthew J. Preusch

Matthew J. Preusch (Bar No. 134610)

[mpreusch@kellerrohrback.com](mailto:mpreusch@kellerrohrback.com)

**KELLER ROHRBACK L.L.P.**

801 Garden Street, Suite 301

Santa Barbara, CA 93101

Telephone: (805) 456-1496

Facsimile: (805) 456-1497

Daniel Mensher (Bar No. 074636)

[dmensher@kellerrohrback.com](mailto:dmensher@kellerrohrback.com)

Amy Williams-Derry (Bar No. 196524)

[awilliams-derry@kellerrohrback.com](mailto:awilliams-derry@kellerrohrback.com)

**KELLER ROHRBACK L.L.P.**

1201 Third Ave., Suite 3200

Seattle, WA 98101

Telephone: (206) 623-1900

Facsimile: (206) 623-3384

Karl G. Anuta (Bar No. 861423)

[kga@integra.net](mailto:kga@integra.net)

**LAW OFFICE OF KARL G. ANUTA,**

**P.C.**

735 S.W. First Avenue

Strowbridge Bldg, Second Floor

Portland, Oregon 97204

Telephone: (503) 827-0320

Facsimile: (503) 228-6551

Claire E. Tonry (Bar No. 095696)  
*claire@smithandlowney.com*  
Knoll D. Lowney (WSBA No. 23457)  
*knoll@smithandlowney.com*  
**SMITH & LOWNEY, PLLC**  
2317 E. John Street  
Seattle, WA 98112  
Telephone: (206) 860-2883  
Facsimile: (206) 860-4187

Brian A. Knutsen (Bar No. 112266)  
*brian@kampmeierknutsen.com*  
**KAMPMEIER & KNUTSEN PLLC**  
1300 SE Stark Street, Suite 202  
Portland, Oregon 97214  
Telephone: (503) 841-6515

*Attorneys for Plaintiffs and the Proposed  
Class*

Verified Correct Copy of Original 6/14/2022

### CERTIFICATE OF READINESS

Pursuant to UTCR 5.100(2), I hereby certify that I have complied with UTCR 5.100 by serving a copy of the proposed form of Order on attorneys for Defendants., no less than 3 days prior to submission to the court.

This proposed order or judgment 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. I have filed a copy of the objections I received and indicated which objections remain unresolved.
- ☐ c. After conferring about objections, Defendants agreed to independently file any remaining objection.
- ☐ 4. Service is not required pursuant to subsection (3) of this rule, 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 as required by subsection (5) of this rule.
- ☐ 6. Other: \_\_\_\_\_

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**CERTIFICATE OF SERVICE**

I hereby certify that I served a true copy of the foregoing **ORDER GRANTING FINAL SETTLEMENT APPROVAL AND GENERAL JUDGMENT** by email address of a party who has consented to electronic service under UTCR 21.100(1) upon the following:

David H. Angeli  
Kristin L. Tranetzki  
Colin Hunter  
Angeli Law Group, LLC  
121 SW Morrison Street, Suite 400  
Portland, OR 97294  
david@angelilaw.com  
kristen@angelilaw.com  
colin@angelilaw.com  
*Attorneys for Defendants*

I hereby declare that the above is true to the best of my knowledge and belief. I understand that this document is made for use as evidence in court and is subject to penalty of perjury.

DATED: June 1, 2022.

Signed: s/ Matthew J. Preusch  
Matthew J. Preusch  
Attorney for Plaintiffs