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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

MANDY and MATTHEW CLIBURN, RANDI
GURKA, DANA SWOYER, LORI
CIMONETTI, KHUSHBU DIDWANIA,
PRATIKKUMAR PATEL, BENJAMIN
ADAMS, on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

ONE SOURCE TO MARKET, LLC d/b/a
HEXCLAD COOKWARE,

Defendant.

CASE NO.: 23STCV28390

**[PROPOSED] ORDER GRANTING
MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

Date Action Filed: November 17, 2023
FAC Filed: December 22, 2023
Department: 11
Trial Date: TBD

Final Approval Hearing
Date: September 15, 2025
Time: 10:00 AM
Courtroom: Dept. 11
Judge: Hon. David Cunningham, III

1 **[PROPOSED] ORDER GRANTING FINAL APPROVAL OF AMENDED CLASS ACTION**
2 **SETTLEMENT AND CERTIFYING SETTLEMENT CLASS**

3 The Motion for Final Approval of Class Action Settlement came before this Court on September
4 15, 2025, at 10:00 a.m. in Department 11. The Court, having reviewed the moving papers, supporting
5 declarations, and all papers on file, and having considered the arguments of counsel and any objections
6 presented, hereby ORDERS as follows:

7 **I. FINAL CERTIFICATION OF THE SETTLEMENT CLASS**
8

9 1. The Court finally certifies the following Settlement Class for settlement purposes only:
10 “All persons and entities in the United States, its territories, and/or its possessions who purchased one
11 or more of the Eligible Products during the period from February 1, 2022 through March 31, 2024.”
12 Excluded from the Settlement Class are: (a) Defendant and its employees, principals, affiliated
13 entities, legal representatives, successors, and assigns; (b) federal, state, and local governments
14 (including all agencies and subdivisions thereof); (c) persons who purchased the Eligible Products for
15 resale; and (d) the Honorable David Cunningham, III, and any member of the Judge's immediate
16 family.

17 2. The Court finds that the Settlement Class satisfies all requirements for class
18 certification under California Code of Civil Procedure section 382 and California Rules of Court, Rule
19 3.769:

- 20 a. Numerosity: The Settlement Class consists of approximately 1.93 million members,
21 making joinder impracticable.
22 b. Ascertainability: The class is defined by objective criteria that allow members to
23 identify themselves as having a right to recover.
24 c. Community of Interest: Common questions of law and fact predominate, including
25 whether Defendant's labeling and marketing of products as “non-toxic,” “PFAS Free,”
26 and “PFOA Free” was misleading; the claims of the Class Representatives are typical
27 of the Settlement Class; and the Class Representatives and Class Counsel have
28 adequately represented the Settlement Class.

II. FINAL APPROVAL OF SETTLEMENT

3. The Court finds that the proposed Settlement is fair, reasonable, and adequate to the Settlement Class, satisfying all criteria established in *Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1794 and *Kullar v. Foot Locker Retail, Inc.* (2008) 168 Cal.App.4th 116, based upon the following:

- a. The Settlement resulted from extensive arm's-length negotiations, including mediation before the Hon. Dickran Tevrizian (Ret.);
- b. The parties conducted substantial discovery, including document production, interrogatories, and the deposition of Defendant's President and Chief Financial Officer;
- c. The \$2.5 million non-reversionary Settlement Fund provides meaningful compensation to Settlement Class Members, with estimated recovery of approximately 2% of purchase price.
- d. The injunctive relief permanently prohibiting Defendant from marketing PTFE-containing products as "PFAS free," "PFOA free," or "non-toxic" provides substantial prospective value;
- e. The Settlement Class response demonstrates overwhelming acceptance:
 - Current claims rate of 9.22% (209,712 claims filed as of August 28, 2025)
 - Minimal opt-outs: 92 (0.005% of the class)
 - Minimal objections: 2 (0.0001% of the class)

III. NOTICE TO THE SETTLEMENT CLASS

4. The Court finds that the notice program satisfied all constitutional due process requirements under *Mullane v. Central Hanover Bank & Trust Co.* (1950) 339 U.S. 306 and California Rules of Court, Rules 3.766 and 3.769:

- a. Direct notice was provided to 1,552,280 Settlement Class Members via mail and email;
- b. Amazon provided supplemental notice to 381,848 additional Settlement Class Members;

- 1 c. Publication notice appeared in the Los Angeles Daily News on June 6, 13, 20, and 27,
2 2025;
- 3 d. Digital media campaign delivered 11,011,521 impressions;
- 4 e. The settlement website received 976,292 unique users with 1,321,047 sessions;
- 5 f. The toll-free hotline received 19,636 calls;
- 6 g. Notice reach is estimated at 85.86% of the Settlement Class.

7 **IV. APPOINTMENT OF CLASS REPRESENTATIVES AND CLASS**
8 **COUNSEL**

- 9 5. The Court finally appoints the following as Class Representatives:

- 10 • Mandy Cliburn
11 • Matthew Cliburn
12 • Randi Gurka
13 • Dana Swoyer
14 • Lori Cimonetti
15 • Khushbu Didwania
16 • Pratikkumar Patel
17 • Benjamin Adams

- 18 6. The Court finally appoints the following as Class Counsel:

- 19 • Brian C. Gudmundson, ZIMMERMAN REED LLP
20 • John R. Parker, Jr., ALMEIDA LAW GROUP LLC
21 • David S. Almeida, ALMEIDA LAW GROUP LLC
22 • Christopher D. Jennings, JENNINGS PLLC

23 **V. RESPONSES TO OBJECTIONS**
24

- 25 7. The Court overrules the two objections submitted by Bret M. Martin and David W.
26 Kamps, finding that:

- 27 a. The objections do not identify fundamental flaws in the Settlement structure or legal
28 violations;

- 1 b. The Settlement provides fair compensation considering litigation risks and the strength
2 of Defendant's defenses;
- 3 c. The monetary relief appropriately compensates for the alleged economic harm while
4 avoiding administrative complications of product replacement;
- 5 d. The 99.999% acceptance rate by non-objecting Settlement Class Members
6 demonstrates the Settlement's fairness.

7
8 **VI. SETTLEMENT ADMINISTRATION**

9 8. The Court approves the claims administration conducted by Verita Global, LLC and
10 directs continuation of settlement administration pursuant to the Settlement Agreement, including:

- 11 a. Processing of all timely filed claims through the November 14, 2025 deadline;
- 12 b. Distribution of settlement payments on a pro rata basis to valid claimants;
- 13 c. Implementation of fraud detection procedures as described in the Edward Dattilo
14 Declaration;
- 15 d. Distribution of any residual funds pursuant to Settlement Agreement ¶ 45(e), with cy
16 pres distribution to California Fire Foundation.

17 **VII. RELEASES AND INJUNCTION**

18 9. The Court approves the release of claims as set forth in Settlement Agreement ¶¶ 55-
19 60, which releases claims arising from the labeling and marketing of the Eligible Products as “non-
20 toxic,” “free from PFAS,” or “free from PFOA.”

21 10. The Court permanently enjoins Defendant from marketing or advertising any product
22 containing PTFE or any chemical in the PFAS family as “PFAS free,” “PFOA free,” or “non-toxic”
23 pursuant to Settlement Agreement ¶ 46.

24 11. This action is dismissed with prejudice as to all Settlement Class Members who have
25 not timely opted out, with the Court retaining jurisdiction to enforce the Settlement Agreement.

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1 **VIII. ATTORNEY’S FEES, COSTS, AND SERVICE AWARDS**

2 12. The Court's ruling on Class Counsel's Motion for Attorneys' Fees, Costs, and Service
3 Awards is set forth in a separate order.

4
5 **IX. ADDITIONAL ORDERS**

6 13. The parties shall file a compliance status report 10 Court days before the compliance
7 hearing.

8 14. A compliance hearing is scheduled for [Date within January 13-17, 2026, to be set by
9 the Court].

10 15. The Court finds no just reason for delay in entering final judgment pursuant to this
11 Order.

12 **IT IS SO ORDERED.**

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15 Dated: _____

The Honorable David S. Cunningham, III
Superior Court Judge
Los Angeles Superior Court