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17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA
 19 SAN JOSE DIVISION

20 IN RE HAIER FREEZER CONSUMER
 21 LITIGATION

Case No. C11-02911 EJD

**[PROPOSED] FINAL JUDGMENT AND
 ORDER GRANTING
 PLAINTIFFS' MOTION FOR FINAL
 APPROVAL OF CLASS ACTION
 SETTLEMENT AND FOR AWARD OF
 ATTORNEYS' FEES, COSTS AND
 INCENTIVE AWARDS**

Date: October 25, 2013
 Time: 9:00 a.m.
 Courtroom: 4 - 5th Floor

22 [PROPOSED] FINAL JUDGMENT AND ORDER GRANTING PLAINTIFFS' MOTION FOR FINAL APPROVAL
 23 OF CLASS ACTION SETTLEMENT, AND FOR AWARD OF FEES, COSTS AND INCENTIVE AWARDS
 24 C11-02911 EJD

Filed

OCT 25 2013

RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE

1 Pending before the Court is Plaintiffs' Motion for Final Approval of Class Action
2 Settlement, and Certification of Nationwide Settlement Class, and Plaintiffs' Motion For Award Of
3 Attorneys' Fees, Costs and Incentive Awards.

4 The Court, having reviewed the papers filed in support of the Motions, heard argument of
5 counsel, and good cause appearing therein, Plaintiffs' Motions are hereby GRANTED and it is
6 hereby ORDERED, ADJUDGED and DECREED as follows:

7 1. The parties have agreed to settle this consolidated Action and related actions upon
8 the terms and conditions set forth in the Stipulation of Settlement (the "Stipulation of Settlement"
9 or "Settlement Agreement"), which has been filed with the Court.

10 2. The Court has carefully reviewed the Stipulation of Settlement, as well as the files,
11 records, and proceedings to date in this matter. The definitions in the Stipulation of Settlement are
12 hereby incorporated as though fully set forth in this Order, and capitalized terms shall have the
13 meanings attributed to them in the Stipulation of Settlement.

14 3. This Court has jurisdiction over the subject matter of this action and over all Parties
15 to the Action, including all Settlement Class Members.

16 4. On May 21, 2013, this Court granted Preliminary Approval of the Settlement
17 Agreement and preliminarily certified a Settlement Class of: all end-user persons in the United
18 States who purchased one or more of the Haier model HNCM070E, 7.0 cubic foot compact chest
19 freezers ("Freezers") manufactured on or after June 1, 2009. The class encompasses all end-user
20 purchasers of the Freezers, not just those persons who purchased one of the approximately 15% of
21 units affected by the potential defect ("Affected Units"). Excluded from the Settlement Class are
22 all persons who are employees, directors, officers, and agents of HAT or its subsidiaries and
23 affiliated companies, as well as the undersigned and his staff.

24 5. The Court now affirms certification of the Settlement Class and gives final approval
25 to the settlement and finds that the Stipulation of Settlement is fair, reasonable, adequate, and in the
26 best interests of the Settlement Class.

1 6. The complex legal and factual posture of this case, and the fact that the Settlement
2 Agreement is the result of arm's length negotiations support the finding that the settlement is fair,
3 adequate and reasonable.

4 7. The Class Representatives and Class Counsel adequately represented the Settlement
5 Class for purposes of entering into and implementing the Stipulation of Settlement.

6 8. Accordingly, the Stipulation of Settlement is hereby finally approved in all respects,
7 and the Parties are hereby directed to perform its terms.

8 9. The Court-approved Notice Program to the Settlement Class, as set forth in the
9 Preliminary Approval Order of May 21, 2013, was the best notice practicable under the
10 circumstances and included direct mail and email notice; publication in two nationwide
11 publications, U.S.A. Today and Good Housekeeping; and website publication. The Notice
12 Program has been successfully implemented and satisfies the requirements of Fed. R. Civ. P. 23
13 and due process.

14 10. The Court finds that, in accordance with the Class Action Fairness Act of 2005
15 ("CAFA"), 28 U.S.C. § 1715, Notice of the Settlement was sent to the United States Attorney
16 General, the United States Department of Energy and the 56 State and Territorial Attorney
17 Generals in which potential Class Members reside. The Court has reviewed the substance of the
18 Notice of Settlement sent pursuant to CAFA, and finds that the parties have complied with all
19 applicable requirements of CAFA.

20 11. Subject to the terms and conditions of the Settlement Agreement, this Court hereby
21 dismisses the action on the merits and with prejudice.

22 12. Upon the Effective Date of this settlement, Plaintiffs and each and every Settlement
23 Class Member, fully, finally, completely and forever, release, acquit and discharge each Released
24 Person from any and all Released Claims.

25 13. Upon the Effective Date, the above release of claims and the Settlement Agreement
26 will be binding on, and have *res judicata* and preclusive effect in all pending and future lawsuits or
27 other proceedings maintained by or on behalf of all Plaintiffs and all other Settlement Class
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1 Members, Releasing Parties, and their predecessors, successors, assigns, heirs or executors. All
2 Settlement Class Members who have not been properly excluded from the Settlement Class are
3 hereby permanently barred and enjoined from filing, commencing, prosecuting, intervening in, or
4 participating (as class members or otherwise) in any lawsuit or other action in any jurisdiction
5 based on or arising out of the Released Claims.

6 14. The Court awards to Settlement Class Counsel \$922,000.00 as attorney's fees and
7 costs.

8 15. The Court awards to the Class Representatives \$6,000.00 as an Incentive Award for
9 their roles in this case.

10 16. Defendant shall pay the Fee Award and Incentive Awards pursuant to an in the
11 manner provided by the terms of the Settlement Agreement.

12 17. This Court hereby directs entry of this Final Judgment based upon the Court's
13 finding that there is no just reason for delay of enforcement or appeal of this Final Judgment
14 notwithstanding the Court's retention of jurisdiction to oversee the implementation and
15 enforcement of the Settlement Agreement.

16 18. This Final Judgment and order of dismissal with prejudice, the Settlement
17 Agreement, the settlement that it reflects, and any and all acts, documents, or proceedings relating
18 to the Settlement Agreement are not, and shall not be construed as, or used as an admission or
19 concession by or against the Parties with respect to any fault, wrongdoing, or liability or of the
20 validity of any claim or defense, or of the existence of amount of damages, or that the
21 consideration to be given under the Settlement Agreement represents an amount equal to, less than
22 or greater than the amount that could have or would have been recovered after trial.

23 19. The Parties, without further approval from the Court, are hereby permitted to agree
24 and to adopt such amendments, modifications, and expansions of the Settlement Agreement and its
25 implementing documents (including all exhibits to the Settlement Agreement) so long as they are
26 consistent in all material respects with the Final Judgment and do not limit the rights of the
27 Settlement Class Members.
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