

## 15-18 In re Elk Cross Timbers:

**EXHIBIT 2**

Count	Count	Applicable State Law	Plaintiffs	MTD Decision
1	Negligence	Ohio	Burger	Not moved on except as alternative
		North Carolina	Robertie	Granted: Dismissed without prejudice
			Shepherd	Granted: Dismissed with prejudice
		Missouri	Ross	Granted: Dismissed without prejudice
		Iowa	Sheridan	Granted: Dismissed without prejudice
			Denton	
		Montana	Hoover & Cohen	Not moved on
		Michigan	McGovern	Granted: Dismissed without prejudice
			Narducci	
			Claxton	
		Nebraska	Warren	Granted: Dismissed without prejudice
		Illinois	Ernst	Granted: Dismissed without prejudice
		Colorado	Kaiser	Granted: Dismissed without prejudice
			Turcheck	
			Tuthill	
Megerle				
Barker				
California	Williams	Granted: Dismissed without prejudice		
Virginia	Wolcott	Granted: Dismissed without prejudice		
New Hampshire	Khanna	Granted: Dismissed without prejudice		
New York	Giovannetti	Granted: Dismissed without prejudice		
2	Indiana Consumer Protection Statute	Indiana	Stidham	Granted: Dismissed without prejudice
4	Michigan Consumer Protection Act	Michigan	McGovern	Not moved on
			Narducci	
			Claxton	
5	Missouri Merchandising Practices Act	Missouri	Ross	Granted: Dismissed without prejudice
6	Illinois Consumer Fraud and Deceptive Business Practices Act	Illinois	Ernst	Granted: Dismissed without prejudice
7	Virginia Consumer Protection Act	Virginia	Wolcott	Granted: Dismissed without prejudice
8	Montana Consumer Protection Act	Montana	Hoover & Cohen	Not moved on
9	Colorado Consumer Protection Act	Colorado	Kaiser	Granted: To the extent that Plaintiffs' class claims for monetary damages are dismissed with prejudice
			Turcheck	
			Barker	
			Megerle	
			Tuthill	

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Count	Count	Applicable State Law	Plaintiffs	MTD Decision
10	North Carolina Unfair and Deceptive Trade Practices Act	North Carolina	Robertie	Granted: Dismissed without prejudice
			Shepherd	Granted: Dismissed with prejudice
11	Ohio Product Liability Act	Ohio	Burger	Granted: Dismissed without prejudice
13	New Hampshire Consumer Protection Act	New Hampshire	Khanna	Not moved on
15	New York General Business Law § 349	New York	Giovannetti	Not moved on
16	California False Advertising Law	California	Williams	Not moved on
17	California Consumer Legal Remedies Act	California	Williams	Not moved on
18	Nebraska Unfair and Deceptive Practices	Nebraska	Warren	Granted: Dismissed without prejudice
19	Iowa Consumer Fraud Law	Iowa	Sheridan	Not moved on
			Denton	
20	Breach of Express Warranty	Ohio	Burger	Granted: Dismissed without prejudice
		Missouri	Ross	Granted: Dismissed without prejudice
		Iowa	Sheridan	Granted: Dismissed without prejudice
			Denton	
		Montana	Hoover & Cohen	Granted: Dismissed without prejudice
		Michigan	McGovern	Granted: Dismissed without prejudice
			Narducci	
			Claxton	
		Nebraska	Warren	Granted: Dismissed without prejudice
		Illinois	Ernst	Granted: Dismissed without prejudice
		Colorado	Kaiser	Granted: Dismissed without prejudice
			Turcheck	
			Tuthill	
			Barker	
		Megerle		
		Indiana	Stidham	Granted: Dismissed without prejudice
California	Williams	Granted: Dismissed without prejudice		
Virginia	Wolcott	Granted: Dismissed without prejudice		
New Hampshire	Khanna	Granted: Dismissed without prejudice		
New York	Giovannetti	Granted: Dismissed without prejudice		
North Carolina	Shepherd	Granted: Dismissed without prejudice		
Mississippi	Mapp	Granted: Dismissed without prejudice		

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Count	Count	Applicable State Law	Plaintiffs	MTD Decision
21	Breach of Implied Warranties	Ohio	Burger	Granted: Dismissed without prejudice
		North Carolina	Robertie	Granted: Dismissed without prejudice
			Shepherd	
		Montana	Hoover & Cohen	Granted: Dismissed without prejudice
		Michigan	McGovern	Granted: Dismissed without prejudice
			Narducci	
			Claxton	
		Nebraska	Warren	Granted: Dismissed without prejudice
		Illinois	Ernst	Granted: Dismissed with prejudice
		Colorado	Kaiser	Granted: Dismissed without prejudice
			Turcheck	
Tuthill				
Barker				
Megerle				
Indiana	Stidham	Granted: Dismissed without prejudice		
Mississippi	Mapp	Granted: Dismissed without prejudice		
22	Negligent Misrepresentation	Ohio	Burger	Granted: Dismissed without prejudice
		North Carolina	Robertie	Granted: Dismissed without prejudice
			Shepherd	Granted: Dismissed with prejudice
		Missouri	Ross	Granted: Dismissed without prejudice
		Iowa	Sheridan	Granted: Dismissed without prejudice
			Denton	
		Montana	Hoover & Cohen	Not moved on
		Michigan	McGovern	Granted: Dismissed without prejudice
			Narducci	
			Claxton	
		Nebraska	Warren	Granted: Dismissed without prejudice
		Illinois	Ernst	Granted: Dismissed without prejudice
		Colorado	Kaiser	Not moved on
			Turcheck	
			Tuthill	
			Barker	
		Megerle		
Indiana	Stidham	Granted: Dismissed with prejudice		
California	Williams	Granted: Dismissed without prejudice		
Virginia	Wolcott	Granted: Dismissed without prejudice		
New Hampshire	Khanna	Granted: Dismissed without prejudice		
New York	Giovannetti	Granted: Dismissed without prejudice		
Mississippi	Mapp	Denied		

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**EXHIBIT 2**

Count	Count	Applicable State Law	Plaintiffs	MTD Decision
23	Fraudulent Misrepresentation	Ohio	Burger	Not moved on except as alternative
		North Carolina	Robertie	Granted: Dismissed without prejudice
			Shepherd	Granted: Dismissed with prejudice
		Missouri	Ross	Granted: Dismissed without prejudice
		Iowa	Sheridan	Not moved on
			Denton	
		Montana	Hoover & Cohen	Not moved on
		Michigan	McGovern	Not moved on
			Narducci	
			Claxton	
		Nebraska	Warren	Granted: Dismissed without prejudice
		Illinois	Ernst	Not moved on
		Colorado	Kaiser	Not moved on
			Turcheck	
			Tuthill	
			Barker	
Megerle				
California	Williams	Not moved on		
Virginia	Wolcott	Granted: Dismissed without prejudice		
New Hampshire	Khanna	Granted: Dismissed without prejudice		
New York	Giovannetti	Granted: Dismissed without prejudice		
Mississippi	Mapp	Denied		
24	Fraudulent Concealment/ Omission	Ohio	Burger	Granted: Dismissed without prejudice
		North Carolina	Robertie	Granted: Dismissed without prejudice
			Shepherd	Granted: Dismissed with prejudice
		Missouri	Ross	Granted: Dismissed without prejudice
		Iowa	Sheridan	Granted: Dismissed without prejudice
			Denton	
		Montana	Hoover & Cohen	Granted: Dismissed without prejudice
		Michigan	McGovern	Granted: Dismissed without prejudice
			Narducci	
			Claxton	
		Nebraska	Warren	Granted: Dismissed without prejudice
		Illinois	Ernst	Granted: Dismissed without prejudice
		Colorado	Kaiser	Not moved on
			Turcheck	
			Tuthill	
			Barker	
Megerle				
Indiana	Stidham	Granted: Dismissed with prejudice		
California	Williams	Granted: Dismissed without prejudice		
Virginia	Wolcott	Granted: Dismissed without prejudice		
New Hampshire	Khanna	Granted: Dismissed without prejudice		
New York	Giovannetti	Granted: Dismissed without prejudice		
Mississippi	Mapp	Granted: Dismissed without prejudice		

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**EXHIBIT 2**

Count	Count	Applicable State Law	Plaintiffs	MTD Decision
25	Violation of Magnuson Moss Warranty Act	Ohio	Burger	Granted: Dismissed without prejudice
		North Carolina	Robertie	Granted: Dismissed without prejudice
			Shepherd	
		Missouri	Ross	Granted: Dismissed without prejudice
		Iowa	Sheridan	Granted: Dismissed without prejudice
			Denton	
		Montana	Hoover & Cohen	Granted: Dismissed without prejudice
		Michigan	McGovern	Granted: Dismissed without prejudice
			Narducci	
			Claxton	
		Nebraska	Warren	Granted: Dismissed without prejudice
		Illinois	Ernst	Granted: Dismissed without prejudice
		Colorado	Kaiser	Granted: Dismissed without prejudice
			Turcheck	
			Tuthill	
			Barker	
			Megerle	
Indiana	Stidham	Granted: Dismissed without prejudice		
California	Williams	Granted: Dismissed without prejudice		
Virginia	Wolcott	Granted: Dismissed without prejudice		
New Hampshire	Khanna	Granted: Dismissed without prejudice		
New York	Giovannetti	Granted: Dismissed without prejudice		
Mississippi	Mapp	Granted: Dismissed without prejudice		
26	Strict Products Liability: Defective Design & Manufacture	Missouri	Ross	Granted: Dismissed without prejudice
		Montana	Hoover & Cohen	Not moved on
		Nebraska	Warren	Granted: Dismissed without prejudice
		Illinois	Ernst	Granted: Dismissed without prejudice
		Colorado	Kaiser	Granted: Dismissed without prejudice
			Turcheck	
			Tuthill	
			Barker	
Megerle				
California	Williams	Granted: Dismissed without prejudice		
New Hampshire	Khanna	Granted: Dismissed without prejudice		

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**EXHIBIT 2**

Count	Count	Applicable State Law	Plaintiffs	MTD Decision
27	Unjust Enrichment (Pleading in the Alternative)	Ohio	Burger	Granted: Dismissed without prejudice
		North Carolina	Robertie	Granted: Dismissed without prejudice
			Shepherd	Granted: Dismissed with prejudice
		Missouri	Ross	Granted: Dismissed without prejudice
		Iowa	Sheridan	Not moved on
			Denton	
		Montana	Hoover & Cohen	Granted: Dismissed without prejudice
		Nebraska	Warren	Granted: Dismissed without prejudice
		Illinois	Ernst	Granted: Dismissed without prejudice
		Colorado	Kaiser	Not moved on
			Turcheck	
			Tuthill	
			Barker	
			Megerle	
		Indiana	Stidham	Granted: Dismissed without prejudice
California	Williams	Not moved on		
Virginia	Wolcott	Denied		
New Hampshire	Khanna	Not moved on		
New York	Giovanetti	Granted: Dismissed without prejudice		
Mississippi	Mapp	Granted: Dismissed without prejudice		
28	Declaratory Judgment	Ohio	Burger	Denied
		North Carolina	Robertie	
			Shepherd	
		Missouri	Ross	
		Iowa	Sheridan	
			Denton	
		Montana	Hoover & Cohen	
		Michigan	McGovern	
			Narducci	
			Claxton	
		Nebraska	Warren	
		Illinois	Ernst	
		Colorado	Kaiser	
			Turcheck	
			Tuthill	
Barker				
Megerle				
Indiana	Stidham			
California	Williams			
Virginia	Wolcott			
New Hampshire	Khanna			
New York	Giovanetti			
Mississippi	Mapp			