

If You Have a Flushmate III System in Your Toilet, You May Be Eligible for Cash Payments from Two Settlements

A Federal Court authorized this notice. This is not a solicitation from a lawyer.

- Please read this notice carefully, as it impacts your rights and provides you with information regarding how to file a claim. Your legal rights are affected whether or not you take action.
- The “UDC Settlement Class” includes anyone who owns or owned a toilet with a Series 503 Flushmate III Pressure-Assist Flushing System (“Flushmate System”) manufactured from October 14, 1997 through June 30, 2009. The UDC Settlement Class was part of an earlier settlement with various defendants, including Flushmate, which received final approval on August 25, 2014. If you submitted a claim by the September 24, 2016 deadline, you do not need to do anything. If you have not already submitted a claim, the deadline to submit a claim has been extended to September 18, 2018.
- The “Mergens Settlement Class” includes anyone who owns or owned a toilet with a Flushmate System manufactured from July 1, 2009 through April 30, 2011. The Mergens Settlement Class is part of a proposed settlement with Flushmate’s parent corporation, Sloan Valve Company.
- Flushmate Systems were installed in various toilet brands, including American Standard, Copperfit, Crane, Ecotech, Eljer, Gerber, Kohler, Lamosa, Mancesa, Mansfield, Orion, St. Thomas, Universal Rundle, Vitra, Vitromex, Vortens and Western Pottery (collectively, “Flushmate Toilets”), which were sold at Home Depot and Lowe’s stores and through distributors and plumbing contractors.
- After paying the full reasonable amount of all valid claims in the UDC action, the UDC settlement fund has approximately \$7 million remaining. This notice is to inform you of the modification of the UDC settlement to allow the claims period to be extended until September 18, 2018. The UDC settlement is also being modified to allow the Mergens Settlement Class to receive payment of their claims from the amount remaining in the UDC settlement fund. In short, claims submitted by the UDC Settlement Class and Mergens Settlement Class will be paid from the UDC settlement fund. If necessary, Sloan Valve Company will contribute additional funds to pay valid claims submitted by the Mergens Settlement Class during the Mergens claims period, which may end as early as September 18, 2018.
- To the extent not previously reimbursed, settlement class members can receive reimbursement of out-of-pocket installation expenses for having installed: (1) a Flushmate III repair kit, (2) a replacement pressure vessel, and/or (3) a replacement toilet.
- To the extent not previously reimbursed, settlement class members can also receive reimbursement for property damage caused by Flushmate Systems that leaked or burst.
- These cash payments are in addition to Flushmate’s voluntary Recall and Expanded Recall of Flushmate Systems. More information about the Recall and Expanded Recall is available at www.flushmate.com or www.flushmate.com/recall.

YOUR LEGAL RIGHTS AND OPTIONS	
SUBMIT A CLAIM	This is the only way to get Settlement benefits.
EXCLUDE YOURSELF FROM THE MERGENS ACTION	You will receive no benefits, but you will retain any rights you may have to individually sue the Defendant about the claims in the case.
COMMENTS/OBJECTIONS	Write to class counsel and defense counsel with any comments or objections to the Mergens Settlement or any provisions in the Mergens

QUESTIONS? CALL 1-877-412-5277 OR VISIT WWW.FLUSHMATECLAIMS.COM

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

	Settlement, or comment on the use of the UDC settlement fund to pay claims in the Mergens action.
GO TO A HEARING	Appear and speak to the Court directly about the Mergens Settlement and/or use of the UDC settlement fund to pay claims in the Mergens action.
DO NOTHING	<p>The UDC Settlement was approved by the Court on August 25, 2014. The claims period ended on September 24, 2016, and is being extended to September 18, 2018. If you have not already done so, you are urged to file a claim.</p> <p>If the Mergens Settlement is approved by the Court, you are urged to file a claim. However, if you do not file a claim, you will give up your right to sue the Defendant about the claims in the Mergens action.</p>

- Your rights and options, and the deadlines to exercise them, are explained in more detail in this Notice.

QUESTIONS? CALL 1-877-412-5277 OR VISIT WWW.FLUSHMATECLAIMS.COM

WHAT THIS NOTICE CONTAINS

BASIC INFORMATION.....	PAGE 4
1. Why was this Notice issued?	
2. What are the lawsuits about?	
3. What is a class action?	
4. Why is there a Settlement in the Mergens Action?	
5. What are the modifications to the Settlement in the UDC Action?	
WHO'S INCLUDED IN THE SETTLEMENTS?.....	PAGE 5
6. Who is part of the UDC Settlement Class?	
7. Who is part of the Mergens Settlement Class?	
8. How can I tell if I have a Flushmate III System?	
9. I'm still not sure if I'm included in the Settlements.	
THE SETTLEMENTS BENEFITS – WHAT YOU GET	PAGE 7
10. What do the Settlements provide?	
11. How much will my cash payment be if I have installation/replacement costs?	
12. How will the Settlement Fund be distributed?	
HOW TO GET BENEFITS – SUBMITTING A CLAIM FORM	PAGE 9
13. How can I get a payment from the Settlements?	
14. Why should I request a Repair Kit from Flushmate?	
15. When will I get my payment?	
REMAINING IN THE SETTLEMENT	PAGE 10
16. What am I giving up if I stay in the Mergens Settlement?	
17. What happens if I do nothing at all?	
EXCLUDING YOURSELF FROM THE SETTLEMENT	PAGE 10
18. How do I get out of the Mergens Settlement?	
19. If I exclude myself, can I get anything from the Mergens Settlement?	
20. If I don't exclude myself from the Mergens Settlement, can I sue later?	
THE LAWYERS REPRESENTING YOU	PAGE 11
21. Do I have a lawyer in this case?	
22. How will the lawyers be paid?	
OBJECTING TO THE SETTLEMENT AND/OR PROPOSED MODIFICATIONS	PAGE 12
23. How do I tell the Court if I don't like the Mergens Settlement and/or the Proposed Modifications to the UDC Settlement?	
24. What's the difference between objecting and excluding myself from the Mergens Settlement?	
THE COURT'S FAIRNESS HEARING	PAGE 14
25. When and where will the Court decide whether to approve the Mergens Settlement and modifications to the UDC Settlement?	
26. Do I have to come to the hearing?	
GETTING MORE INFORMATION.....	PAGE 14
27. How do I get more information about the Settlements?	

QUESTIONS? CALL 1-877-412-5277 OR VISIT WWW.FLUSHMATECLAIMS.COM

BASIC INFORMATION

1. Why was this Notice issued?

On August 25, 2014, the Honorable S. James Otero of the United States District Court for the Central District of California granted final approval of an \$18 million class action settlement (“UDC Settlement”) in *United Desert Charities, et. al. v. Sloan Valve Company, et. al.*, No. 12-CV-06878 (“UDC Action”) that concerned toilets equipped with Flushmate Systems manufactured from October 14, 1997 through June 30, 2009. The deadline to submit a claim for reimbursement of installation expenses and/or property damage in the UDC Action expired on September 24, 2016. After payment of all valid claims in the UDC Action, there remains a balance of approximately \$7 million in the UDC settlement fund.

On July 15, 2016, a related case was filed against Sloan Valve Company (“Sloan”) concerning toilets equipped with Flushmate Systems manufactured from July 1, 2009 through April 30, 2011, known as *Mergens v. Sloan Valve Company*, No. 16-CV-05255 (“Mergens Action”). The person who sued is called the Plaintiff, and the company she sued is called the Defendant. The Defendant in the Mergens Action is Sloan. Sloan was also a Defendant in the UDC Action.

Judge Otero is overseeing both cases. The only substantive difference between the UDC Action and the Mergens Action is that the Flushmate Systems in the Mergens Action were manufactured during a later time period.

This Notice is to inform you about: (1) the extension of the deadline to submit a claim for reimbursement of installation expenses and property damage in the UDC Action; (2) a proposed class action settlement in the Mergens Action (“Mergens Settlement”), and your options, before the Court decides whether to approve the Mergens Settlement; and (3) your ability to comment on the proposed modifications to the UDC Settlement that would extend the claims period and also allow for the payment of claims for reimbursement of installation expenses and property damage submitted in the Mergens Settlement.

This Notice explains the lawsuits, the UDC Settlement and the Mergens Settlement (collectively, the “Settlements”), your legal rights, what benefits are available, who is eligible for them, and how to get them.

2. What are the lawsuits about?

Flushmate and the U.S. Consumer Product Safety Commission (“CPSC”) jointly announced a voluntary recall in June 2012 and January 2014 of Flushmate Systems (“Recall”). As stated in the voluntary recall announcement, the Flushmate System can burst at or near the vessel weld seam releasing stored pressure. This pressure can lift the tank lid and shatter the tank, posing impact and laceration hazards to consumers and property damage. The UDC Action was filed following the June 2012 Recall announcement and claimed that the Flushmate System is defective and could cause the toilet to leak or burst resulting in injuries and/or property damage.

On July 14, 2016, Flushmate voluntarily expanded the recall in cooperation with the CPSC to include Flushmate Systems manufactured from July 1, 2009 through April 30, 2011 (“Expanded Recall”). The Mergens Action was filed following the Expanded Recall announcement.

These cases do not involve any claims for personal injuries or emotional distress arising out of the “defect” alleged by the Plaintiffs. Flushmate Systems were installed in the Flushmate Toilets, which were sold at Home Depot and Lowe’s stores and through distributors and plumbing contractors.

QUESTIONS? CALL 1-877-412-5277 OR VISIT WWW.FLUSHMATECLAIMS.COM

The Court has not determined who is right or whether either side “won.” Instead, the Plaintiffs and Defendants agreed to settle their respective cases to avoid the uncertainties, delays, and expenses of continuing the lawsuits.

3. What is a class action?

In a class action, one or more persons called “class representatives” sue on behalf of a group of people who have similar claims. All of these persons are called a “class” or “class members.” In a class action, the Court resolves the issues for all class members, except for those who exclude themselves from the class.

4. Why is there a Settlement in the Mergens Action?

The Court has not decided in favor of the Plaintiff or Defendant. By agreeing to settle, both Plaintiff and Defendant avoid the cost and risk of further litigation and a trial, and the people affected will get a chance to receive monetary compensation. The class representative and her attorneys think the Mergens Settlement is best for the Mergens Settlement Class and recommend the Mergens Settlement to the Mergens Settlement Class members. The Defendant denies any liability and that it did anything wrong.

5. What are the modifications to the Settlement in the UDC Action?

The UDC Settlement was granted final approval by the Court on August 25, 2014. The deadline to submit a claim was September 24, 2016. After paying the full reasonable amount of all valid claims in the UDC Action, there is approximately \$7 million remaining in the UDC settlement fund.

The deadline to submit a claim in the UDC Action is being extended to September 18, 2018 (“Extended UDC Claims Period”).

Additionally, a motion was filed requesting that Judge Otero allow the remaining balance in the UDC settlement fund to be used to pay valid claims submitted in the Mergens Action, in addition to paying valid claims submitted during the Extended UDC Claims Period.

WHO’S INCLUDED IN THE SETTLEMENTS?

6. Who is part of the UDC Settlement Class?

The UDC Settlement Class includes any person or entity in the United States who owns or owned a Flushmate System installed in the United States manufactured from October 14, 1997 through June 30, 2009.

Not included in the Settlement are:

- Anyone who has already received a judgment against Defendants or already received payment from Defendants concerning the claims in this case;
- Anyone who received cash reimbursement from Flushmate for property damage resulting from a burst or leak in a Flushmate System;
- Anyone who had damages as a result of a leak or burst of a Flushmate System that occurred on or before August 9, 2008, but who have not brought any lawsuit relating to the claims in this case on or before August 9, 2012;

QUESTIONS? CALL 1-877-412-5277 OR VISIT WWW.FLUSHMATECLAIMS.COM

- Anyone who owns property that previously contained, but no longer contains, a Flushmate System or Flushmate Toilet, and has not experienced a leak or burst of a Flushmate System (except persons who replaced their Flushmate Toilets in response to the Recall);
- Anyone who formerly owned property that contained a Flushmate System and did not experience a leak or burst of a Flushmate System during that ownership;
- The Defendants and their legal representatives;
- Any entity in which the Defendants have a controlling interest (or which has a controlling interest in the Defendants);
- Retailers and wholesalers of the Flushmate System; and
- The Judges assigned to this case and their immediate family members.

7. Who is part of the Mergens Settlement Class?

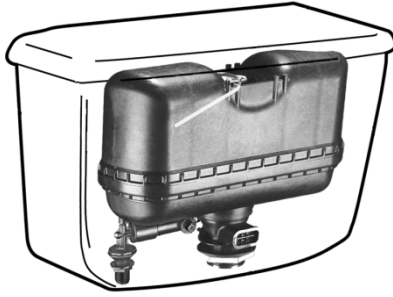
The Mergens Settlement Class includes any person or entity in the United States who owns or owned a Flushmate System in the United States manufactured from July 1, 2009 through April 30, 2011.

Not included in the Settlement are:

- Anyone who has already received a judgment against Defendant or already received payment from Defendant concerning the claims in this case;
- Anyone who received cash reimbursement from Flushmate for property damage resulting from a burst or leak in a Flushmate System or for installation of a repair kit, replacement vessel, or replacement toilet;
- Anyone who had damages as a result of a leak or burst of a Flushmate System that occurred on or before July 15, 2012, but who have not brought any lawsuit relating to the claims in this case on or before July 15, 2016;
- Anyone who owns property that previously contained, but no longer contains, a Flushmate System or Flushmate Toilet, and has not experienced a leak or burst of a Flushmate System (except persons who replaced their Flushmate Toilets in response to the Expanded Recall);
- Anyone who formerly owned property that contained a Flushmate System and did not experience a leak or burst of a Flushmate System during that ownership;
- The Defendant and its legal representatives;
- Any entity in which the Defendant has a controlling interest (or which has a controlling interest in the Defendant);
- Retailers and wholesalers of the Flushmate System; and
- The Judges assigned to this case and their immediate family members.

8. How can I tell if I have a Flushmate III System?

The Flushmate System includes a rectangular plastic polypropylene tank or “vessel” located in a toilet’s water storage tank. The Flushmate vessel stores water under pressure that is released when the toilet is flushed.



Unique Serial Number from *FLUSHMATE III* unit for recall verification.



The manufacturing date code/serial number is 16 characters long and is located on the label on the top of the Flushmate System's polypropylene vessel. The first six numerals of the serial number are the manufacturing date code. The manufacturing date codes for the affected Flushmate Systems begin with 101497 (October 14, 1997) and continue through 043011 (April 30, 2011).

9. I'm still not sure if I'm included in the Settlements.

If you are not sure whether you are included in one or both of the Settlements, you may call 1-877-412-5277 with questions or visit www.flushmateclaims.com. You may also mail questions to Flushmate Claims Administrator, P.O. Box 1272, Lancaster, CA 93584, or email info@flushmateclaims.com.

THE SETTLEMENTS BENEFITS – WHAT YOU GET

10. What do the Settlements provide?

To the extent not previously reimbursed, class members can receive reimbursement of out-of-pocket installation expenses incurred for having installed:

- (1) a repair kit,
- (2) a replacement pressure vessel, and/or
- (3) a replacement toilet.

AND

Reimbursement for any direct property damage caused by Flushmate Systems that leaked or burst.

This monetary settlement is in addition to Flushmate's voluntary Recall and Expanded Recall of Flushmate Systems. More information about the Recall and Expanded Recall is available at www.flushmate.com or www.flushmate.com/recall.

QUESTIONS? CALL 1-877-412-5277 OR VISIT WWW.FLUSHMATECLAIMS.COM

11. How much will my cash payment be if I have installation/replacement costs?

UDC Settlement Class

If you submit a valid claim form before September 18, 2018, and the \$18 million settlement fund has not been exhausted, you will receive a distribution from the UDC settlement fund for all reasonable unreimbursed installation costs associated with having installed a repair kit, having installed a replacement vessel, or having installed a replacement toilet in place of a Flushmate Toilet, as set forth in the UDC Plan of Allocation, and attached amendments, available at www.flushmateclaims.com. You may also receive payment for unreimbursed Property Damage caused by a Flushmate System that leaked or burst as set forth in the UDC Plan of Allocation, and attached amendments, available at www.flushmateclaims.com.

Mergens Settlement Class

If you submit a valid claim form before September 18, 2018, you will receive a distribution from the UDC settlement fund for all reasonable unreimbursed installation costs associated with having installed a repair kit, having installed a replacement vessel, or having installed a replacement toilet in place of a Flushmate Toilet, as set forth in the Mergens Plan of Allocation available at www.flushmateclaims.com. You may also receive payment for unreimbursed Property Damage caused by a Flushmate System that leaked or burst as set forth in the Mergens Plan of Allocation available at www.flushmateclaims.com.

12. How will the Settlement Fund be distributed?

After paying all valid claims in the UDC Action during the initial claims period, approximately \$7 million remains in the UDC settlement fund. The remaining money will be used to pay all valid claims submitted during the Extended UDC Claims Period and the Mergens claims period. The remaining money will also be used to pay administration costs and the cost of providing notice to the two Classes.

If the remaining balance from the \$18 million settlement fund in the UDC Action is exhausted before the end of the Extended UDC Claims Period, the UDC Settlement will terminate. If the UDC settlement fund is exhausted before all valid claims are paid in the Mergens Action, Sloan will contribute additional money to pay all valid claims submitted in the Mergens Action.

If there is money still available in the UDC settlement fund after the Mergens claims period and the Extended UDC Claims Period end, Mergens Settlement Class members who submitted valid self-install claims for having installed a repair kit, replacement vessel, or replacement toilet will be eligible to receive \$25 per Flushmate Toilet repaired or replaced.

If there is money still available in the UDC settlement fund after all payments have been made, then the Mergens claims period and Extended UDC Claims Period may be extended or the lawyers for the UDC settlement fund will request the Court to allow the money to be donated to a charitable organization. This will be decided at a later date.

Further information about the anticipated payments to class members and other detail is available at www.flushmateclaims.com.

QUESTIONS? CALL 1-877-412-5277 OR VISIT WWW.FLUSHMATECLAIMS.COM

HOW TO GET BENEFITS – SUBMITTING A CLAIM FORM

13. How can I get a payment from the Settlements?

If you are a class member and want to participate in the Settlement(s), you must submit a claim form.

UDC Settlement Class: The current UDC claims period expired on September 24, 2016 and is extended for a period of one year from Court approval of modification of the UDC Settlement. The deadline to submit a claim is **September 18, 2018**.

Mergens Settlement Class: The deadline to submit a claim is one year following final Court approval. This could be as early as **September 18, 2018**.

Claim forms are available online at www.flushmateclaims.com or by calling 1-877-412-5277.

You may submit your claim form online, or by e-mail, U.S. Mail, or facsimile at the addresses listed below:

By Mail: Flushmate Claims Administrator
 P.O. Box 1272
 Lancaster, CA 93584

By Internet: www.flushmateclaims.com

By E-mail: CSR@flushmateclaims.com

By Facsimile: (661) 951-0978

14. Why should I request a Repair Kit from Flushmate?

Flushmate encourages you to request a free repair kit for your Flushmate System by contacting Flushmate directly. As stated in the voluntary recall announcement, announced jointly with the CPSC, the Flushmate System can burst at or near the vessel weld seam releasing stored pressure – which pressure can lift the tank lid and shatter the tank, posing impact and laceration hazards and property damage. For **all inquiries** related to the Recall or Expanded Recall, including requests for a Repair Kit, contact Flushmate toll-free at 1-800-303-5123 or visit the Flushmate website at www.flushmate.com or www.flushmate.com/recall.

15. When will I get my payment?

UDC Settlement Class

Payments will be made to UDC Settlement Class members who submit valid claim forms during the Extended UDC Claims Period so long as funds remain from the \$18 million settlement fund.

Mergens Settlement Class

Payments will be mailed to Mergens Settlement Class members who submit valid claim forms after the Court grants “Final Approval” of the Mergens Settlement and approval of the modification to the UDC Settlement, and after any appeals are resolved. The Court will hold a hearing on **September 18, 2017** to decide whether to approve the Mergens Settlement. If the Court approves the Mergens Settlement, there

QUESTIONS? CALL 1-877-412-5277 OR VISIT WWW.FLUSHMATECLAIMS.COM

may be appeals. Resolving these appeals can take time.

REMAINING IN THE SETTLEMENT

16. What am I giving up if I stay in the Mergens Settlement?

If the Mergens Settlement becomes final and you did not exclude yourself from that settlement, you will give up your right to sue the Defendant for the claims being resolved by the Mergens Settlement. The specific claims you are giving up against the Defendant are described in Section VI.A of the Mergens Settlement. You will be “releasing” the Defendant and all related parties as described in this section. Unless you exclude yourself (*see* Question 19), you are “releasing” the claims, regardless of whether you submit a claim or not. The Mergens Settlement is available online at www.flushmateclaims.com.

The Mergens Settlement describes the released claims with specific descriptions, so read them carefully. If you have any questions, you can talk to the lawyers listed in Question 21 for free, or you can, of course, talk to your own lawyer if you have questions about what this means.

The Settlements do not release any claims for personal injury and/or emotional distress caused by Flushmate Systems or Flushmate Toilets that have leaked or burst. They also do not release any claims for property damage occurring after the claims deadline of one year after Court approval.

The deadline has passed for UDC Settlement Class members to exclude themselves from the UDC Settlement.

17. What happens if I do nothing at all?

If you are in the Mergens Settlement Class and do nothing, you won't get any benefits from the Mergens Settlement. But, unless you exclude yourself, you won't be able to start a lawsuit or be part of any other lawsuit against the Defendant for the claims being resolved by the Mergens Settlement. **If you are part of the UDC Settlement Class and you do not submit a claim, you will not receive any settlement benefits.**

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you don't want benefits from the Mergens Settlement and you want to keep the right to sue the Defendant about the claims in this case, then you must take steps to remove yourself from the Mergens Settlement Class. This is called excluding yourself or "opting-out" from the class.

The deadline has passed for UDC Settlement Class members to exclude themselves.

18. How do I get out of the Mergens Settlement?

To exclude yourself from the Mergens Settlement, you must mail or otherwise deliver a letter (or "Request for Exclusion") stating that you want to be excluded. Your letter or Request for Exclusion must also include:

- Your full name, current address, property address (if different), telephone number, and your signature;
- The approximate date you purchased, installed, or were given your Flushmate Toilet or Flushmate System;

QUESTIONS? CALL 1-877-412-5277 OR VISIT WWW.FLUSHMATECLAIMS.COM

- The serial number(s) of your Flushmate System(s); and
- A statement that you want to be excluded from the settlement, substantially to the effect of: “I/We hereby request that I/we be excluded from the proposed class in *Mergens v. Sloan Valve Company*, No. 16-CV-05255, and receive none of the benefits of the settlement.”

You must mail your letter postmarked by **August 21, 2017** to:

Flushmate Claims Administrator
P.O. Box 1272
Lancaster, CA 93584

19. If I exclude myself, can I get anything from the Mergens Settlement?

No. If you exclude yourself, you will not get anything from the Mergens Settlement. If you ask to be excluded, you will not get any money, and you cannot object to the settlement.

20. If I don't exclude myself from the Mergens Settlement, can I sue later?

No. Unless you exclude yourself, you give up any right to sue the Defendant for the claims being resolved by the Mergens Settlement. The settlement does not include claims for personal injury or emotional distress. The Mergens Settlement does not release claims for property damage occurring after the claims deadline of **September 18, 2018**.

THE LAWYERS REPRESENTING YOU

21. Do I have a lawyer in the case?

Mergens Settlement Class

Yes. The Court appointed Birka-White Law Offices as “Class Counsel” in the Mergens Action to represent the interests of Mergens Settlement Class Members. Their contact information is below:

Birka-White Law Offices
65 Oak Court
Danville, CA 94526
Telephone: (925) 362-9999
Facsimile: (925) 362-9970

If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense.

UDC Settlement Class

Yes. The Court appointed several law firms as “Class Counsel” in the UDC Action to represent the interests of UDC Settlement Class Members. These law firms are:

QUESTIONS? CALL 1-877-412-5277 OR VISIT WWW.FLUSHMATECLAIMS.COM

Birka-White Law Offices 65 Oak Court Danville, CA 94526 Telephone: (925) 362-9999 Facsimile: (925) 362-9970	Lieff Cabraser Heimann & Bernstein, LLP 275 Battery Street, 29 th Floor San Francisco, CA 94111 Telephone: (415) 956-1000 Facsimile: (415) 956-1008
Audet & Partners, LLP 221 Main Street, Suite 1460 San Francisco CA 94105 Telephone: (415) 982-1776 Facsimile: (415) 576-1776	Wexler Wallace LLP 55 West Monroe Street, Suite 3300 Chicago, IL 60603 Telephone: (312) 346-2222 Facsimile: (312) 346-0022
Levin, Fishbein, Sedran & Berman 510 Walnut Street, Suite 500 Philadelphia, PA 19106 Telephone: (215) 592-1500 Facsimile: (215) 592-4663	Holland Groves Schneller & Stolze, LLC 300 North Tucker Boulevard, Suite 801 St. Louis, MO 63101 Telephone: (314) 241-8111 Facsimile: (314) 241-5554
Parker Waichman LLP 3301 Bonita Beach Road Suite 101 Bonita Springs, FL 34134 Telephone: (239) 390-1000 Facsimile: (239) 390-0055	Geragos and Geragos PC 644 South Figueroa Street Los Angeles, CA 90017-3480 Telephone: (213) 625-3900 Facsimile: (213) 625-1600

If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense.

22. How will the lawyers be paid?

Class Counsel for the Mergens Settlement Class will seek Court approval of attorneys' fees and costs up to \$600,000, plus a \$5,000 incentive award to the class representative for her services in the case. These costs will be paid directly by Sloan and will not be deducted from the settlement fund. Class Counsel's request for an award of attorneys' fees in the Mergens Settlement will be posted on the settlement website, www.flushmateclaims.com, after July 3, 2017 (briefing deadline).

Class Counsel for the UDC Settlement Class have already received their attorneys' fees and costs. The UDC Settlement class representatives also received an incentive award of \$1,000 each for their services in the UDC Settlement. As part of the proposed modification to the UDC Settlement, the incentive awards will be increased to \$5,000 each.

OBJECTING TO THE SETTLEMENT AND/OR PROPOSED MODIFICATIONS

You can tell the Court if you don't agree with the Mergens Settlement or some part of it. You can also comment on the proposed modification to the UDC Settlement.

23. How do I tell the Court if I don't like the Mergens Settlement and/or Proposed Modifications to the UDC Settlement?

If you are a Mergens Settlement class member, you can object to the settlement if you don't like any part of it. You can give reasons why you think the Court should not approve it. To object, send a letter saying that you object to the settlement in *Mergens v. Sloan Valve Company*, No. 16-CV-05255 to the addresses below.

QUESTIONS? CALL 1-877-412-5277 OR VISIT WWW.FLUSHMATECLAIMS.COM

If you're a UDC Settlement Class member, you can comment on the proposed modifications to the UDC Settlement that would extend the claims period and also permit the payment of claims submitted in the Mergens Action from the UDC settlement fund. To comment, send a letter about the proposed modifications in *United Desert Charities v. Sloan Valve Company*, No. CV12-06878 to the addresses below.

Be sure to include the following whether you are objecting and/or commenting:

- Your full name, current address, property address (if different), telephone number, and your signature;
- The serial number(s) of your Flushmate System(s);
- The reasons why you are objecting to the Mergens Settlement; and/or
- The reasons why you are commenting on the proposed modifications to the UDC Settlement;
- Copies of any documents you want the Court to consider (including all briefs, written evidence, and declarations);
- If represented by an attorney, the signature of the attorney representing you; and
- Whether you or your attorney will appear at the fairness hearing (*see* the “Court’s Fairness Hearing” section below).

If you want to appear or speak at the fairness hearing to object to the Mergens Settlement (or comment on the proposed modifications to the UDC Settlement), with or without a lawyer, you must say so in your objection letter by stating in the letter that it is your “Notice of Intent to Appear in *Mergens v. Sloan Valve Company*, No. 16-CV-05255 (and/or) *United Desert Charities v. Sloan Valve Company*, No. CV12-06878.” However, the Court retains its discretion in determining who will be allowed to speak at the fairness hearing. Mail the comment and/or objection to **both** of the addresses below. Comments must be postmarked by **August 21, 2017**. Objections must be received no later than **August 21, 2017**.

CLASS COUNSEL	DEFENSE COUNSEL
Birka-White Law Offices 65 Oak Court Danville, CA 94526 Attn: David M. Birka-White	Dentons US LLP 1999 Harrison St., Suite 1300 Oakland, CA 94612 Attn: Steven Frankel

24. What’s the difference between objecting and excluding myself from the Mergens Settlement?

Objecting is telling the Court what you think about the Mergens Settlement. You can object only if you stay in the class. Excluding yourself is telling the Court that you don’t want to be part of the Mergens Settlement Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

THE COURT'S FAIRNESS HEARING

25. When and where will the Court decide whether to approve the Mergens Settlement and modifications to the UDC Settlement?

The Court will hold a fairness hearing on **September 18, 2017 at 10:00 a.m.** in Courtroom 10C, at the United States District Court for the Central District of California, 350 W. 1st Street, Los Angeles, CA 90012. At this hearing, the Court will consider whether the Mergens Settlement is fair, reasonable, and adequate. It will also consider Class Counsel's request for attorneys' fees and expenses as well as the incentive award for the class representative. At the hearing, the Court will consider objections and arguments concerning the fairness of the settlement. The Court will only listen to people who have asked to speak at the hearing (*see* Question 23 above). After the hearing, the Court will decide whether to approve the Mergens Settlement. At this hearing, the Court will also consider approval of the modifications of the UDC Settlement. We do not know how long these decisions will take.

26. Do I have to come to the hearing?

No. Class Counsel will answer any questions the Court may have. But, you are welcome to come at your own expense. If you send an objection, you don't have to come to Court to talk about it. As long as you mail your written objection on time, the Court will consider it. You may also pay another lawyer to attend, but it's not required.

GETTING MORE INFORMATION

27. How do I get more information about the Settlements?

This Notice summarizes the Settlements. You can get a copy of the detailed Settlements and other important information about the cases at www.flushmateclaims.com. You may also contact the Claims Administrator directly if you have any questions. Before doing so, however, please read this Notice carefully.

Flushmate Claims Administrator
P.O. Box 1272, Lancaster, CA 93584
1-877-412-5277
info@flushmateclaims.com

QUESTIONS? CALL 1-877-412-5277 OR VISIT WWW.FLUSHMATECLAIMS.COM