

1 David M. Birka-White (State Bar No. 85721)
dbw@birka-white.com
2 Mindy M. Wong (State Bar No. 267820)
mwong@birka-white.com
3 BIRKA-WHITE LAW OFFICES
65 Oak Court
4 Danville, CA 94526
Telephone: (925) 362-9999
5 Facsimile: (925) 362-9970

6 Attorneys for Plaintiff
KELLY MERGENS
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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

10
11 KELLY MERGENS, on behalf of
herself and all others similarly situated,

12 Plaintiff,

13 vs.

14 SLOAN VALVE COMPANY, and
15 DOES 1-10, inclusive,

16 Defendants.

Case No. 2:16-cv-05255-SJO-SK

**SUPPLEMENTAL DECLARATION
OF ARNOLD RODIO IN SUPPORT
OF PLAINTIFF'S MOTION FOR
FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

The Honorable S. James Otero

Date: September 18, 2017

Time: 10:00 a.m.

Dept.: Courtroom 10C

Action Filed: July 15, 2016

Related Case:

United Desert Charities, et al. v.

Sloan Valve Company, et al.

Case No. 2:12-cv-06878-SJO-SH

1 I, Arnold Rodio, declare as follows:

2 1. I am the owner of Class Litigation Administration Support Services
3 (“C.L.A.S.S.”), which has served as the Court-appointed Claims Administrator¹ in
4 this case, performing all tasks required by the Settlement Agreement, Plan of
5 Allocation, and Orders of the Court. I submit this supplemental declaration in
6 support of Plaintiff’s Motion for Final Approval of Class Action Settlement
7 Agreement and Plan of Allocation (“Motion for Final Approval”). I have personal
8 knowledge of all facts set forth herein, and, if called as a witness, I can and would
9 testify competently thereto under oath.

10 2. The Motion for Final Approval, and all supporting exhibits, were
11 posted on the settlement website, www.flushmateclaims.com. Further, notice was
12 disseminated by direct mail to approximately 105,793 plumbing and general
13 contractors nationwide.

14 3. Pursuant to the Notice Program and the Court's April 10, 2017
15 Preliminary Approval Order (ECF No. 44), Settlement Class Members were given
16 the opportunity to request exclusion from the proposed Settlement, postmarked no
17 later than August 21, 2017. As of September 1, 2017, I have not received any opt-
18 outs from any Settlement Class Member.

19 4. On January 27, 2017, in the UDC Action, the Special Master issued an
20 Order amending the Plan of Allocation to allow for supplemental payments to UDC
21 settlement class members to fully reimburse them for reasonable unreimbursed out-
22 of-pocket installation costs incurred for installing a repair kit, replacement pressure
23 vessel, or replacement toilet (“January 27, 2017 Order”).

24 5. The supplemental distributions to UDC class members who submitted
25 non-property damage claims during the claims period, including claimants who

26 _____
27 ¹ Initial capitalized terms utilized herein have the same definitions as set forth in
28 the Class Action Settlement Agreement and Release filed March 1, 2017 (ECF
No. 33-1, Exhibit A) unless otherwise indicated.

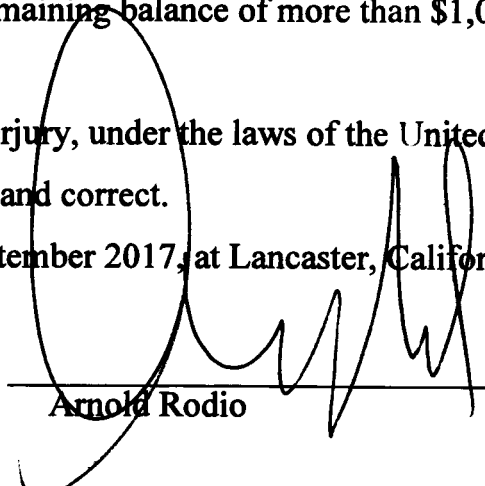
1 expended their own labor to install a repair kit, replacement pressure vessel or
2 replacement toilet, will be completed in accordance with the January 27, 2017
3 Order prior to the Fairness Hearing.

4 6. After payment of all initial and supplemental distributions to UDC
5 settlement class members, payment of class counsel's attorneys' fees and expenses
6 and payment of notice and administrative costs, the remaining balance in the UDC
7 Settlement Fund is approximately \$6 million. It continues to be my opinion that the
8 remaining balance in the UDC Settlement Fund will be sufficient to pay additional
9 claims filed by UDC settlement class members during the extended claims period
10 and to pay claims filed by Settlement Class Members in the Mergens Action during
11 the Claims Period.

12 7. In fact, after the estimated distribution of settlement benefits to UDC
13 settlement class members during the UDC extended claims period and to
14 Settlement Class Members in the Mergens Action during the Claims Period, I
15 estimate that there will still be a remaining balance of more than \$1,000,000 in the
16 UDC Settlement Fund.

17 I declare under penalty of perjury, under the laws of the United States of
18 America, that the foregoing is true and correct.

19 Executed this 1st day of September 2017, at Lancaster, California.

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21 
22 _____
23 Arnold Rodio
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