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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED DESERT CHARITIES, *et al.*,
Plaintiffs,
v.
SLOAN VALVE COMPANY, *et al.*,
Defendants.

KELLY MERGENS,
Plaintiff,
v.
SLOAN VALVE COMPANY.
Defendant.

Case Nos. 12-cv-06878 SJO (SHx)
and 16-cv-05255 SJO (SK)

~~[PROPOSED]~~ ^{use} ORDER
EXTENDING CLAIMS PERIODS

Consolidated Cases:

Berube v. Flushmate

2:13-cv-02372-SJO-SH

Brettler v. Flushmate

2:13-cv-02499-SJO-SH

Kubat, et. al. v. Flushmate

2:13-cv-02425-SJO-SH

Patel v. Flushmate

2:13-cv-02428-SJO-SH

Related Case:

Dimov, et. al., Sloan Valve Co.,

1:12-cv-09700 (N.D. Ill)

1 On August 25, 2014, the Court finally approved a nationwide class action
2 settlement that resolved *United Desert Charities, et al. v. Sloan Valve Company, et al.*
3 and all other class action cases (“UDC Action”) arising from the voluntary recall by
4 Defendant Sloan Valve Company (“Sloan”) in cooperation with the Consumer
5 Product Safety Commission (“CPSC”), of the Series 503 Flushmate III Pressure-
6 Assist Flushing System manufactured from October 14, 1997 through June 30, 2009
7 (the “Flushmate System”). The Flushmate Systems were installed in certain toilets
8 manufactured by various toilet manufacturers (“Flushmate Toilets”). Under the terms
9 of the settlement in the UDC Action, Defendants agreed to pay \$18,000,000 into a
10 common fund benefitting owners of the Flushmate Toilets. The Court appointed the
11 Honorable William J. Cahill (Ret.) as Special Master. (UDC ECF Docket No. 147.)

12 Because substantial unclaimed funds remained in the Settlement Fund Trust
13 Account following conclusion of the original UDC Claims Period on September 24,
14 2016, the Court approved settlement modifications (UDC ECF Docket No. 171) that,
15 among other things, increased distributions to Non-Property Damage claimants,
16 extended the Claims Period and permitted the Settlement Fund Trust Account to be
17 used to also resolve claims in *Mergens v. Sloan Valve Company*, a class action
18 involving Flushmate Systems manufactured between July 1, 2009 and April 30, 2011
19 (“Mergens Action”), the settlement of which the Court finally approved on September
20 18, 2017. (Mergens ECF Docket No. 55.)

21 The Claims Periods in both the UDC and Mergens Actions currently expire on
22 September 24, 2018. It is estimated that as of the close of those Claims Periods, the
23 Settlement Fund Trust Account will have a balance in excess of \$3,800,000.

24 The modified UDC settlement provides that if, following expiration of the
25 Claims Periods, funds remain in the Settlement Fund Trust Account, then such funds
26 shall be distributed in the following order:
27
28

- 1 (a) Mergens Settlement Class Members who submitted
2 timely claims for having installed a Repair Kit,
3 replacement pressure vessel or replacement toilet
4 themselves shall be eligible to receive \$25.00 per
5 Flushmate Toilet repaired or replaced at the same
6 Property address after the conclusion of the Mergens
7 Claims Period.
8
- 9 (b) If sufficient funds still remain in the Settlement Fund
10 Trust Account after (a) above has been satisfied, then
11 the Parties may agree to extend the Extended [UDC]
12 Claims Period and Mergens Claims Period for period(s)
13 to be agreed upon, subject to approval by the Special
14 Master.

9 (UDC ECF Docket No. 167-1, Ex. A, p. 5.)

10 It is estimated that, after satisfaction of claims falling within the scope of
11 paragraph (a) above are satisfied, in excess of \$3,793,000 will still remain in the
12 Settlement Fund Trust Account. As a result, and so that the benefits of the settlement
13 are available to as many settlement class members as possible, the Parties have agreed
14 to extend the Extended UDC Claims Period and the Mergens Claims Period until
15 September 24, 2020.

16 Pursuant to the agreement of the Parties, and good cause appearing therefore, IT
17 IS HEREBY ORDERED THAT the Extended UDC Claims Period and the Mergens
18 Claims Period are extended until September 24, 2020.

19 IT IS SO ORDERED.

20
21
22 Dated:

9/19/2018



23 HON. WILLIAM J. CAHILL (RET.)
24 SPECIAL MASTER

PROOF OF SERVICE BY EMAIL & U.S. MAIL

Re: United Desert Charities, et al vs. Sloan Valve Co. et al
Reference No. 1100072873

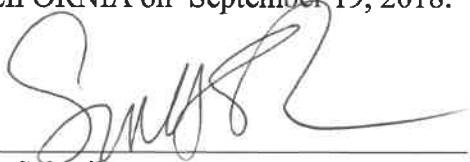
I, Scott Schreiber, not a party to the within action, hereby declare that on September 19, 2018, I served the attached Order Extending Claims Periods on the parties in the within action by Email and by depositing true copies thereof enclosed in sealed envelopes with postage thereon fully prepaid, in the United States Mail, at San Francisco, CALIFORNIA, addressed as follows:

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Sloan Valve

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Flushmate Claims
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csr@flushmateclaims.com
Parties Represented:

I declare under penalty of perjury the foregoing to be true and correct. Executed at San Francisco, CALIFORNIA on September 19, 2018.



Scott Schreiber
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