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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)  
*WJ Colwell*  
[PROPOSED] SECOND 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 In September 2018, Class Counsel and Defense Counsel approached the Special  
22 Master pursuant to Section V.C.b. in the modified UDC settlement which provided for  
23 the extension of the Extended [UDC] Claims Period and the Mergens Claims Period  
24 (collectively, the “Claims Periods”) for period(s) to be agreed upon, subject to  
25 approval by the Special Master. (UDC ECF Docket No. 167-1, Ex. A, p. 5.) Upon  
26 request, the Special Master issued an Order Extending Claims Periods to September  
27 24, 2020.

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It is estimated that as of the close of the Claims Periods on September 24, 2020, the Settlement Fund Trust Account will still have a balance of almost \$2,000,000. As a result, and so that the benefits of the settlement are available to as many settlement class members as possible, it is requested that the Special Master again extend the Claims Periods until December 31, 2020.

Pursuant to good cause appearing therefore, IT IS HEREBY ORDERED THAT the Claims Periods are extended for a second time, until December 31, 2020.

IT IS SO ORDERED.

Dated: 9/14/2020



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

**PROOF OF SERVICE BY E-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 14, 2020, I served the attached Second Order Extending Claims Periods on the parties in the within action by electronic mail at San Francisco, CALIFORNIA, addressed as follows:

David M. Birka-White Esq.  
Ms. Mindy Wong  
Birka-White Law Offices  
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United Desert Charities

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Parties Represented:  
Sloan Valve

Mr. Arnold A. Rodio  
Flushmate Claims  
P.O. Box 1272  
Lancaster, CA 93535  
Phone: 877-412-5277  
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 14, 2020.

//s// Scott Schreiber

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Scott Schreiber  
JAMS  
sschreiber@jamsadr.com