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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]~~ THIRD ORDER
EXTENDING CLAIMS PERIODS

WJ Colwell

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.

1 In September 2020, Class Counsel and Defense Counsel again approached the
2 Special Master pursuant to Section V.C.b. in the modified UDC settlement which
3 provided for the extension of the Extended [UDC] Claims Period and the Mergens
4 Claims Period (collectively, the “Claims Periods”) for period(s) to be agreed upon,
5 subject to approval by the Special Master. (UDC ECF Docket No. 167-1, Ex. A, p. 5.)
6 Upon request, the Special Master issued an Order Extending Claims Periods to
7 December 31, 2020.

8 After the close of the claims period on December 31, 2020,
9 the Settlement Fund Trust Account still has a balance of approximately \$1,400,000.
10 As a result, and so that the benefits of the settlement are available to as many
11 settlement class members as possible, it is requested that the Special Master again
12 extend the Claims Periods until March 1, 2022. The parties may then revisit the
13 amounts remaining in the fund and agree to extend the Claims Period in three month
14 increments, until the funds are depleted.

15 Pursuant to good cause appearing therefore, IT IS HEREBY ORDERED THAT
16 the Claims Periods are extended for a third time, until March 1, 2022.

17 IT IS SO ORDERED.

18
19
20 Dated:

2/23/2021



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 December 23, 2021, I served the attached Third Order Extending Claims Period on the parties in the within action by electronic mail at San Francisco, CALIFORNIA, addressed as follows:

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Parties Represented:

I declare under penalty of perjury the foregoing to be true and correct. Executed at San Francisco, CALIFORNIA on December 23, 2021.

//s// Scott Schreiber

Scott Schreiber
JAMS
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