

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

IN RE: SMITTY’S/CAM2 303 TRACTOR
HYDRAULIC FLUID MARKETING, SALES
PRACTICES, AND PRODUCTS LIABILITY
LITIGATION

MDL No. 2936

Master Case No. 4:20-MD-02936-SRB

This document relates to:
All Class Actions

**303 RETAILER CLASS SETTLEMENT
STATUS REPORT REGARDING SETTLEMENT ADMINISTRATION**

COME NOW Plaintiffs, by and through Class Counsel, and provide the Court the following Status Report Regarding Settlement Administration.

I. Review and Evaluation of Class Membership Forms

More than 3,200 Class Membership Forms were submitted by Claimants. Those Class Membership Forms have been reviewed and evaluated for validity. Those reviews resulted in 764 Class Membership Forms determined to be valid and 2,470 Class Membership Forms determined to be invalid. The following objective factors were applied to determine the validity of Class Membership Claims:

1. Whether the THF Product listed by the Claimant was sold at the retailer listed.
2. Whether the THF Product listed by the Claimant was sold in the time period listed.
3. Whether the THF Product listed by the Claimant is one that is part of this Settlement.
4. Whether the THF Product purchase listed by the Claimant was prior to the Class Period.
5. Whether the THF Product purchase listed by the Claimant involved 55-Gallon Drum Purchases, which are not credible.

6. Whether the Claimant provided incomplete retailer information, product information, and/or purchase date information.
7. Whether the Claimant provided incomplete equipment information.
8. Whether there are other indicators that the Claim is not valid and/or fraudulent.
9. Whether the Claimant identified only 2020-2021 purchase dates that are not valid.
10. Whether the Retailer listed by Claimant is a part of the Settlement.
11. Whether the Claimant listed 1-gallon jug purchases which are not valid.

II. Denial of Invalid Class Membership Forms and Process for Claimants to Contest Denials

Pursuant to paragraph 80 of the Retailer Class Settlement Agreement, the Settlement Administrator has mailed letters to those Claimants whose Class Membership Forms were denied. The letters set forth the basis of the Class Membership Form denial and advised the Claimants that they had 21 days to contest the denial. Twenty-Eight (28) Claimants contested the denials of the Class Membership Forms, and seventeen (17) of those denials were switched to valid or partially valid based on those contests.

III. Review and Evaluation of Request for Correction Forms

Class Members whose purchase information was contained in one or more of the four Retailer Defendants' specific purchase data had the opportunity to submit a Request for Correction Form if the number of purchases in that purchase information (which was communicated to the Class Member via the Mailed Notice) did not accurately reflect the total 303 THF Products that Class Member had purchased during the Class Period. More than 650 Request for Correction Forms were submitted by Class Members. Those Request for Correction Forms have been reviewed and evaluated for validity. Those reviews resulted in 571 Request for Correction Forms determined to be valid and 199 determined to be invalid. The same objective factors set forth

above regarding Class Membership Forms were applied to determine the validity of Request for Correction Forms.

IV. Denial of Invalid Requests for Correction Form Claims and Process for Claimants to Contest Denial

The Settlement Administrator has mailed letters to those Class Members whose Request for Correction Forms were denied. The letters set forth the basis of the Request for Correction Form denial and advised the Class Members that they had 21 days to contest the denial. Three Class Members contested the denials of the Class Membership Forms, and each of those denials was switched to valid or partially valid based on those contests.

V. Review and Evaluation of Claims for Repairs/Parts/Specific Equipment Damage

A separate Repairs/Parts/Specific Equipment Damage Claim Form could be submitted by any valid Class Member who is listed on one of the four Retailer Defendants' specific purchase data or who submits a valid Class Membership Form. In excess of 2,000 claims were submitted, claiming more than \$21 Million in repair damages and more than \$7.5 Million in total loss equipment damages. The Repairs/Parts/Specific Equipment Damage Claim Forms have now been reviewed and evaluated for validity by Class Counsel and RG/2, and those reviews have been provided to Retailer Defendants' Counsel for their review and input. The following are some of the objective factors that were applied in evaluating those claims:

1. Whether the Claimant is or is not a Class Member; for example, whether the Claimant ever purchased the Manufacturer Defendants' 303 THF Products at all, and whether the purchase was made from one of the four Retailer Defendants.
2. Whether the repairs or damage claimed is the type caused by the Manufacturer Defendants' 303 THF Products as set forth in the notice and claim form.
3. Whether the repairs or damage occurred prior to the Class Period.

4. Whether the repairs or damage occurred prior to the Class Member's purchase of any of the Manufacturer Defendants' 303 THF Products.
5. Whether the Claimant submit a timely Class Membership Form or received direct Mailed Notice with specific purchase information.
6. Whether there are other factors that indicate the claim is not valid and/or fraudulent.
7. Whether the Claimant provided adequate information regarding the equipment repair and/or damage.

Class Counsel now anticipate that the review process and initial determinations of Repairs/Parts/Specific Equipment Damage Claim Forms will be completed by June 30th.

VI. Denial of Invalid Claims for Repairs/Parts/Specific Equipment Damage

The Settlement Administrator will mail letters to those Claimants whose Claims for Repairs/Parts/Specific Equipment Damage are denied or partially denied. The letters will set forth the basis of the denial/partial denial. The Class Members will have 21 days to contest the denial/partial denial.

VII. Anticipated Timetable for Completion of Review Process and Distributions

Class Counsel anticipate that determinations on all Claims for Repairs/Parts/Specific Equipment Damage will be completed by July 30th. At that point, the Settlement Administrator will have all information necessary to calculate the pro rata share determinations can be made as to what pro rata percentage each Class Member will receive on their valid claim amount. Class Counsel will provide a Status Update to the Court at that time and prior to the distribution to Class Members which is anticipated to occur prior to August 30th.

WHEREFORE, as set forth above, Class Counsel submits this Status Report to the Court.

Date: July 1, 2022

Respectfully Submitted,

HORN AYLWARD & BANDY, LLC

BY: /s/ Thomas V. Bender

Thomas V. Bender MO 28099, KS 22860
Dirk Hubbard MO 37936, KS 15130
2600 Grand Boulevard, Ste. 1100
Kansas City, MO 64108
(816) 421-0700
(816) 421-0899 (Fax)
tbender@hab-law.com
dhubbard@hab-law.com

WHITE, GRAHAM, BUCKLEY,
& CARR, L.L.C

Bryan T. White MO 58805, KS 23255
19049 East Valley View Parkway
Independence, Missouri 64055
(816) 373-9080 Fax: (816) 373-9319
bwhite@wagblaw.com

CLAYTON JONES, ATTORNEY AT LAW

Clayton Jones MO 51802
P.O. Box 257
405 W. 58 Hwy.
Raymore, MO 64083
Office: (816) 318-4266
Fax: (816) 318-4267
clayton@claytonjoneslaw.com

EMERSON FIRM, PLLC

John G. Emerson, TX Bar No. 06602600
830 Apollo St.
Houston, TX 77058
T: (800) 551-8649
F: (501) 286-4659
E: jemerson@emersonfirm.com

BRYANT LAW CENTER, P.S.C.

Mark. P. Bryant KY 08755
P.O. Box 1876
Paducah, KY 42002-1876
Phone: (270) 442-1422
Fax: (270) 443-8788
Mark.bryant@bryantpsc.com

LANGDON & EMISON

Tricia Campbell MO 60917
911 Main St., P.O. Box 220
Lexington, MO 64067
Phone: (660) 259-6175
Fax: (660) 259-4571
tricia@lelaw.com

SIRO SMITH DICKSON LAW FIRM

Athena Dickson MO 55104, KS 21533
1621 Baltimore Ave.
Kansas City, MO 64108
Phone: (816) 471-4881
Fax: (816) 471-4883
adickson@sirosmithdickson.com

JOHNSON FIRM

Christopher D. Jennings AR 2006306
610 President Clinton Avenue, Suite 300
Little Rock, Arkansas 72201
T: (501) 372-1300
F: (888) 505-0909
chris@yourattorney.com

BARRACK, RODOS & BACINE

Stephen R. Bassler CA-121590
One America Plaza
600 West Broadway, Suite 900
San Diego, CA 92101
Telephone: (619) 230-0800
Facsimile: (619) 230-1874
sbasser@barrack.com
sward@barrack.com

LUNDBERG LAW FIRM, P.L.C.

Paul D. Lundberg IA W00003339
600 Fourth St., Suite 906
Sioux City, Iowa 51101
Tel: 712-234-3030
paul@lundberglawfirm.com

GRIFFITH LAW CENTER, PLLC

Travis A. Griffith, WVSB No. 9343
One Bridge Place
10 Hale Street, Suite 203
Charleston, WV 25301
T: (304) 345-8999
F: (304) 345-7638
E: travis@protectingwv.com

BOLEN ROBINSON & ELLIS, LLP

Jon D. Robinson – ARDC No. 2356678
Zachary T. Anderson – ARDC No. 6329384
202 S. Franklin St., 2nd Floor
Decatur, IL 62523
T: 217-429-4296
E: jrobinson@brelaw.com
zanderson@brelaw.com

MALTERS, SHEPHER & VON HOLTUM

James E. Malters
727 Oxford Street
P.O. Box 517
Worthington, MN 56187
T: (507) 376-4166
F: (507) 376-6359
jmalters@msslawoffice.com

**ATTORNEYS FOR PLAINTIFFS
AND CLASS MEMBERS**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document was filed electronically with the United States District Court for the Western District of Missouri, with notice of case activity to be generated and sent electronically by the Clerk of the Court to all designated persons this 1st day of July, 2022.

/s/ Dirk Hubbard