

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

In re Polyurethane Foam Antitrust  
Litigation

Case No. 1:10 MD 2196

This document relates to:  
ALL CASES

ORDER PRELIMINARILY  
APPROVING DIRECT PURCHASER  
CLASS SETTLEMENTS  
AND RELATED MOTIONS

JUDGE JACK ZOUHARY

The Direct Purchaser Class's Motion for Preliminary Approval of Settlements with certain Defendants (Doc. 1699) is granted.

Because this Court will hold a final approval hearing to examine in more detail the terms of the six Settlements, including any objections or comments, this Court's review of the Settlements is more limited at this stage.

If the preliminary evaluation of the proposed settlement does not disclose grounds to doubt its fairness or other obvious deficiencies, such as unduly preferential treatment to class representatives or of segments of the class, or excessive compensation for attorneys, and appears to fall within the range of possible approval, the court should direct that notice under Rule 23(e) be given to the class members of a formal fairness hearing, at which arguments and evidence may be presented in support of and in opposition to the settlement.

*In re Inter-Op Hip Prosthesis Liab. Litig.*, 204 F.R.D. 330, 350 (N.D. Ohio 2001) (internal quotation marks omitted). Judged by this standard, the Settlements fall within "the range of possible approval" and lack any obvious signs of inadequacy. The Settlements total more than \$275 million, paid according to varying schedules. The Settlements represent significant recoveries by the Direct

Purchaser Class, in light of the many disputed issues that would have been contested at trial (*see, e.g.*, Doc. 1534 at 9; Doc. 1699-1 at 17–19).

This Court likewise approves the Direct Purchaser Class’s long- and short-form notices and notice plan (*see* Docs. 1699-8, 1699-9, 1699-11), which are substantively identical to notice forms and plans previously approved by this Court in connection with earlier Direct Purchaser Class settlements. The notices now include reference to a plan of allocation (*see* Doc. 1699-12), which will be posted on the settlement website. These notices comport with Federal Civil Rule 23(e) and due process (*see, e.g.*, Doc. 1406 at 1–3; Doc. 1411). And, this Court approves the Direct Purchaser Class’s claim form (*see* Doc. 1699-10), which is substantively identical to a claim form previously approved by this Court in connection with earlier Direct Purchaser Class settlements (*see* Doc. 1411). This Court approves the plan of allocation, which explains to class members an appropriate pro rata distribution framework (Doc. 1699-12).

| Action   | Date                                 |
|--|--------------------------------------|
| First Publication of Class Notice  | June 8, 2015                         |
| Mailing of Class Notice  | June 10, 2015                        |
| Motion for Fees and Reimbursement of Litigation Expenses (with supporting time logs for any lodestar “cross-check” quoted in the Motion)<br><br>Motion for Final Settlement Approval | July 17, 2015                        |
| Deadlines to Submit Claim Form, comment on, or object to Settlements or fee and expense application  | September 15, 2015                   |
| Fairness Hearing   | <b>October 9, 2015 at 10:00 a.m.</b> |

This Court will hold the Fairness Hearing in Courtroom 209 of the James M. Ashley and Thomas W. L. Ashley U.S. Courthouse, 1716 Spielbusch Avenue, Toledo, Ohio, 43606.

IT IS SO ORDERED.

s/ Jack Zouhary  
JACK ZOUHARY  
U. S. DISTRICT JUDGE

May 20, 2015