

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
WINNEBAGO COUNTY

FILED

Date: 5.16.24

Michael A. Klein
Clerk of the Circuit Court
By *[Signature]* Deputy
Winnebago County, IL

**CHARLES K. GRASLEY, PAIGE
HOOPS, DIANE CONNELLY, AND ERIC
OSBERG**, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

CHEMTOOL INCORPORATED,

Defendant,

v.

**HOLIAN INSULATION COMPANY,
INC.,**

Third-Party Defendant.

CASE NO. 2021-L-0000162

**ORDER GRANTING JOINT MOTION FOR PRELIMINARY APPROVAL
OF CLASS ACTION PROPOSED SETTLEMENT, DIRECTING CLASS NOTICE,
AND SCHEDULING FINAL APPROVAL HEARING**

This matter comes before the Court on the Joint Motion of Plaintiffs Charles Grasley, Diane Connelly, Paige Hoops, and Eric Osberg (“Plaintiffs”) and Defendant Chemtool Incorporated (“Chemtool”) on behalf of itself and The Lubrizol Corporation (“Lubrizol”), (collectively “Settling Parties”) for an Order Granting Preliminary Approval of this Class Action Proposed Settlement, Directing Class Notice and Scheduling Final Approval Hearing (hereafter “Preliminary Approval Motion” or “Motion”). On May 16, 2024, the Court heard argument on the Motion.

Having reviewed the Motion, considered the argument of the Parties at the May 16, 2024 hearing, and considered the record in this case, it is hereby ORDERED that:

1. The Motion is Granted.
2. The Settlement Agreement attached as Exhibit A to the Motion is preliminarily approved.
3. The Court approves the form and contents of the Notice of Settlement and Claim Form attached as Exhibits 3 and 4 to the Settlement Agreement.
4. The Court approves the dissemination of notice to the Class in the manner and timing described in Sections V-VI of the Settlement Agreement. Accordingly, the Notice Date as defined in section 3.26 of the Settlement Agreement is thirty (30) calendar days after entry of this Order, *i.e.*, June 15, 2024.
5. The Court finds that the proposed Notice of Settlement: (a) constitutes the best practicable notice under the circumstances, (b) constitutes notice that is reasonably calculated, under the circumstances, to apprise the Class of their rights to object to the Settlement Agreement and to appear at the Final Approval Hearing described in Section VII of the Settlement Agreement, (c) is reasonable and constitutes due, adequate and sufficient notice to all Persons entitled to receive notice, and (d) fulfills the requirements of 735 ILCS 5/2-801, *et seq.*, due process, and the rules of the Court.
6. The Court approves Analytics Consulting LLC as the Settlement Administrator to carry out the responsibilities, duties, and functions described in the Settlement Agreement.
7. The Court approves the Plan of Distribution for Settlement Payments to Class Members who filed Approved Claims as described in Sections VIII of the Settlement Agreement.

8. Any Class Member who wishes to seek a Settlement Payment must submit a Claim Form no later than ninety (90) calendar days after the Notice Date described *supra* at paragraph 4, *i.e.*, September 13, 2024.
9. The Court finds that Class Members shall be afforded the opportunity to object to the final approval of the Settlement Agreement pursuant to the following procedure, also set forth in Section VI of the Settlement Agreement:
 - a. The objection must be in writing and must set forth the reasons thereof, and a statement whether the Class Member intends to appear at the Final Approval Hearing.
 - b. The objection must identify any witnesses intended to be called, the subject area of the witnesses' testimony, and all documents to be used or offered into evidence at the Final Approval Hearing.
 - c. Any Class Members serving an objection shall respond to discovery requests related to the objection within seven (7) calendar days of service of such requests and shall appear for deposition related to the objection within seven (7) calendar days of service of notice of deposition.
 - d. The objection must be signed by the objecting Class Member and by his/her/its counsel, if any; an objection signed by counsel alone shall not be sufficient.
 - e. The objection must contain the *Grasley* caption and include the name, mailing address, e-mail address (if any), and telephone number of the objecting Class Member.
 - f. The objection must be mailed to the following addresses and must be postmarked sixty (60) calendar days after the Notice Date described *supra* at paragraph 4 of this Order, *i.e.*, on or before August 14, 2024 ("Objection Deadline"):

Analytics Consulting LLC
Chemtool Class Action Settlement Administrator
P.O. Box 2009
Chanhassen, MN 55317-2009

Kelly A. Kosek
Senior Litigation Counsel
29400 Lakeland Blvd.

- g. Failure to timely and fully comply with these procedures shall result in the invalidity and dismissal of any objection. No Class Member or his/her/its counsel shall be entitled to be heard at the Final Approval Hearing (whether individually or through the objector's counsel), or to object to the Settlement, and no written objections or briefs submitted by any Class Member shall be received or considered by the Court at the Final Approval Hearing, unless written notice of the Class Member's objection and supporting materials have been submitted according to the procedures above.
- h. Class Counsel must file all objections which conform to these requirements with the Court no later than twenty-one (21) calendar days prior to the Final Approval Hearing described *infra* at paragraph 13 of this Order.

Any Class Member who fails to serve timely written objections in accordance with this Section shall be deemed to have waived any objections and shall be foreclosed from making any objection (whether by appeal or otherwise) to the Settlement or its approval.

- 10. Class Counsel shall file an application for Fee Award no later than twenty-one (21) calendar days before the date of the Final Approval Hearing described *infra* at paragraph 13, *i.e.*, on or before September 6, 2024. Any response to the application shall be filed no later than fourteen (14) calendar days before the date of the Final Approval Hearing described *infra* at paragraph 13, *i.e.*, on or before September 13, 2024.
- 11. Class Counsel shall file an application for approval of Class Representative Incentive Awards no later than twenty-one (21) calendar days before the date of the Final Approval Hearing described *infra* at paragraph 13, *i.e.*, on or before September 6, 2024. Any response to the application shall be filed no later than

fourteen (14) calendar days before the date of the Final Approval Hearing described *infra* at paragraph 13, *i.e.*, on or before September 13, 2024.

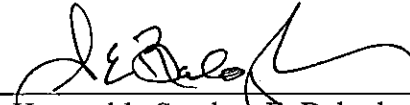
12. The Settling Parties shall file a joint motion for final approval of the Settlement Agreement no later than twenty-one (21) calendar days before the date of the Final Approval Hearing described *infra* at paragraph 13, *i.e.*, on or before September 6, 2024. Any response to the motion shall be filed no later than fourteen (14) calendar days before the date of the Final Approval Hearing described *infra* at paragraph 13, *i.e.*, on or before September 13, 2024.
13. The Court shall hold a Final Approval Hearing on September 27, 2024 at 1:30 pm in Courtroom 451 of the Winnebago County Courthouse at 400 West State Street, Rockford, IL 61101, to consider the following:
 - a. Objections (if any) to the Settlement Agreement;
 - b. The fairness, reasonableness, and adequacy of the Settlement Agreement;
 - c. Class Counsel's application for a Fee Award;
 - d. Class Counsel's application for Class Representative Incentive Awards;
 - e. The Settling Parties' joint motion for final approval of the Settlement Agreement; and
 - f. Whether to enter a Final Approval Order approving this Settlement Agreement and dismissing this case with prejudice.
14. Any Class Member may, but need not, appear at the Final Approval Hearing, either individually or through his/her/its counsel. Any Class Member who intends to appear at the Final Approval Hearing (individually or through his/her/its counsel) must file a written notice of intent to do so with the Court and mail it to the Settlement Administrator no later than fourteen (14) calendar days before the date

of the Final Approval Hearing described *supra* at paragraph 13, *i.e.*, September 13,
2024.

IT IS SO ORDERED.

DATED: May 16, 2024

BY:



Honorable Stephen E. Balogh