

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA**

BRIAN FARNETH, on behalf of himself
and all others similarly situated,

Plaintiffs,

v.

WALMART STORES, INC., t/d/b/a
Walmart,

Defendant.

CIVIL ACTION – CLASS ACTION

No. G.D. 13-11472

ORDER OF COURT

AND NOW, this 18 day of September, 2018, upon consideration of the Plaintiffs' Consent Motion for (A) Preliminary Approval of Class Action Settlement, (B) Approval of Class Notice, and (C) Scheduling of Final Fairness Hearing, it is hereby **ORDERED, ADJUDGED** and **DECREED** as follows:

1. The Class Action Settlement is **PRELIMINARILY APPROVED**, subject to notice to the Class and final fairness hearing. The Court preliminarily finds that the Settlement, on the terms and conditions as set forth in the Class Action Settlement Agreement which is Exhibit 1 to the Consent Motion, is in all respects fundamentally fair, reasonable, adequate and in the best interest of the Class Members, especially in light of the benefits of the Settlement to the Class Members; the risk, complexity, expense, and probable duration of further litigation; the risk and delay inherent in possible appeals; the cost of administering any judgment that might be obtained; and the limited amount of any potential total recovery for the Class.

2. The Court **APPROVES** the form and substance of the Notice and Summary Notice as set forth in the Notice Plan attached to the Consent Motion as Exhibits 2 and 3. The proposed form and method for notifying Class Members of the Settlement and its terms and conditions meets the requirements of Pa. R.C.P. 1712(b) and 1714(c), the proposed form of notice is reasonably calculated to inform members of the Class of the Settlement, and is clearly designed to advise Class Members of their rights. The following deadlines apply, and shall be inserted into the Notice, as applicable:

(a) The date by which the Summary Notice is posted on receipts, at stores, and on the Walmart website as set forth in the Notice Plan: **On or about October 1, 2018.**

(b) The date by which the website and call center must be active and accessible, and be capable of accepting claim forms: **October 1, 2018.**

(c) End of Notice Period and deadline for receipt of written opt-out requests and written objections: **November 15, 2018.**

(d) Final Fairness Hearing: **November 19, 2018.** *at 8:30 a.m. in C.R. 815, C.C.B., GRANT ST, PH. PA 15219.*

(e) Deadline for submission of claim forms: **November 22, 2018.**

3. The Court **APPROVES** A.B. Data, Ltd. as the Claims Administrator to oversee the administration of the Settlement and the notification of Class Members in accordance with the terms of the Notice Plan, which Notice Plan is **APPROVED** in the form substantially set forth in Exhibit 4 to the Consent Motion. The cost of the administration shall be paid from the Class Settlement Amount as set forth in the Class Action Settlement Agreement. The Claims Administrator will be responsible for publishing and transmitting the approved Class Action Notices, maintaining the Settlement Website,

transmitting the Gift Cards to the Class Members (upon final approval), and other duties as set forth in the Class Action Settlement Agreement.

4. The Court **APPROVES** the creation of a Qualified Settlement Fund ("QSF") in accordance with the terms of the Class Action Settlement Agreement. Distribution into and from the QSF shall be made in accordance with the terms of the Class Action Settlement Agreement.

5. The Court **PRELIMINARILY APPROVES** the Attorneys' Fees and Expenses to be paid to Rothman Gordon, P.C. by Walmart in the amount of \$15,900,000 as part of the Class Settlement Amount. The Court preliminarily finds that, considering the criteria set forth in Pa. R.C.P. 1717, the Attorneys' Fees and Expenses are reasonable and fair, subject to further consideration of a Motion to Approve Attorneys' Fees and Expenses, which shall be filed at least ten days prior to the Final Fairness Hearing, and will be considered during that hearing.

6. Any objection(s) to the terms of the Class Action Settlement must be filed with the Court and served on counsel for the parties by the objecting party no later than the claim filing deadline set forth in the Class Notice. The objection(s) must be in writing and follow the Objection Process set forth in the Class Action Settlement Agreement, including but not limited the requirement that the objecting party indicate a willingness to post a bond, or in the alternative, provide evidence of an inability to post a bond, in which case the Court will schedule a hearing for the objecting party to show cause why a bond or security should not be posted as required by Pa. R.A.P. 1731 (or in such other amount as determined by the Court).

7. A Final Fairness Hearing on the Class Action Settlement and Motion to Approve Attorneys' Fees and Expenses is scheduled for the 19th day of November, 2018, at 8:30 a.m. in Courtroom No. 815.

BY THE COURT:


_____, J.