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**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

BROWN & SZALLER CO., L.P.A., ET AL.
Plaintiff

Case No: CV-16-859588

Judge: DANIEL GAUL

FILED
AUG 10 2020
Clerk of Courts
Cuyahoga County, Ohio

WASTE MANAGEMENT OF OHIO, INC.
Defendant

JOURNAL ENTRY


96 DISP.OTHER - FINAL

HEARING HELD 08/06/2020. ALL PARTIES AND COUNSEL PRESENT. UPON CONSIDERTION, PLAINTIFFS' MOTION FOR FINAL APPROVAL, FILED 07/23/2020, AND PLAINTIFFS' MOTION FOR ATTORNEYS' FEES, COSTS, AND INCENTIVE AWARDS, FILED 06/18/2020, ARE UNOPPOSED AND GRANTED. ORDER SIGNED AND ATTACHED. OSJ. FINAL.

ALL OTHER PENDING MOTIONS ARE DENIED AS MOOT.

COURT COST ASSESSED AS DIRECTED.

PURSUANT TO CIV.R. 58(B), THE CLERK OF COURTS IS DIRECTED TO SERVE THIS JUDGMENT IN A MANNER PRESCRIBED BY CIV.R. 5(B). THE CLERK MUST INDICATE ON THE DOCKET THE NAMES AND ADDRESSES OF ALL PARTIES, THE METHOD OF SERVICE, AND THE COSTS ASSOCIATED WITH THIS SERVICE.



Judge Signature

Date

**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO
GENERAL DIVISION**

BROWN & SZALLER CO., L.P.A., et al.,)	CASE NO. CV-16-859588
)	
Plaintiffs,)	JUDGE DANIEL GAUL
v.)	
)	
WASTE MANAGEMENT OF OHIO, INC.)	
)	
Defendant.)	

Order Granting Plaintiffs’ Unopposed Motion for Final Approval of Class Action Settlement and Motion for Attorneys’ Fees, Costs, and Incentive Awards

On August 6, 2020, the Court held a hearing to consider Plaintiffs’ Unopposed Motion for Final Approval of the Class Action Settlement in this case, and their Unopposed Motion for Attorneys’ Fees, Costs, and Incentive Awards. After considering the motions, the supporting briefs and materials, and information presented at the hearing, the Court hereby grants Plaintiffs’ Unopposed Motion for Final Approval and approves the class action settlement and all its terms pursuant to Rule 23 of the Ohio Rules of Civil Procedure, and grants the Unopposed Motion for Attorneys’ Fees, Costs, and Incentive Awards, based upon the following findings and conclusions:

1. Plaintiffs and Defendant Waste Management of Ohio, Inc. (“WMO”) entered into a Settlement Agreement dated January 22, 2020 (“Settlement Agreement”), which set forth the terms and conditions for a proposed class action settlement and dismissal of this case.
2. The Court preliminarily approved the Settlement Agreement on January 31, 2020. Capitalized terms in this Order not otherwise defined have the same meaning as in the Settlement Agreement.
3. The preliminary approval order specified the form and manner by which the

Plaintiffs and Defendant were to provide Class Members with notice of the settlement, the fairness hearing, and related matters. The notice program included emailing and mailing notices to potential class members and the creation of a settlement website which contained additional information, including a long-form notice, the Settlement Agreement, this Court's preliminary approval order, and deadlines to opt out of or object to the Settlement Agreement.

4. The Settlement Administrator has verified that notice was provided in accordance with the preliminary approval order. The Court finds that the notice program fully complied with Rule 23 of the Ohio Rules of Civil Procedure and the requirements of due process and provided to the Class the best notice practicable under the circumstances. Further, the Administrator has stated that it received no objections to the Settlement or the application for Attorneys' Fees, Costs, and Incentive Awards, and the Court notes that none were filed with the Clerk.

5. The Court hereby grants final approval of the Settlement on the basis that the settlement is fair, reasonable, and adequate to the Settlement Class. *See* Civ.R. 23(E).

6. The Court finds that the \$30.5 million Settlement provides substantial and meaningful monetary relief to the Class.

7. The Court is also satisfied that the Settlement was fairly and honestly negotiated and was the result of vigorous arms-length negotiations undertaken in good faith by capable and experienced counsel, with the assistance of skilled mediators.

8. The Court concludes that the prerequisites for the Settlement Class to be certified under Ohio Rules of Civil Procedure 23(A) and (B)(3) have been satisfied in that: (a) the number of Settlement Class Members is so numerous that joinder of all class members is impracticable; (b) there are questions of law and fact common to each member of the Settlement Class; (c) Representative Plaintiffs' claims are typical of the claims of the Settlement Class they seek to

represent; (d) the Representative Plaintiffs have fairly and adequately represented the interests of the Settlement Class; (e) common questions of law and fact predominate over any individualized questions; and (f) all other factors bearing on class actions support certification as the superior method of adjudicating this controversy.

9. The Court hereby approves the Settlement and certifies the following Class under Civil Rules 23(A) and (B)(3):

All Commercial Customers that were parties to a WMO Contract at any time on or after February 26, 2001 to the present, excluding only: (1) those commercial customers who signed a WMO Contract that contained an arbitration clause with a class action waiver; and (2) any commercial customer whose only WMO Contract contained a class action waiver without an arbitration clause.

10. Pursuant to Civil Rule 23, the Representative Plaintiffs were and continue to be certified as the class representatives on behalf of the Class; and Kushner & Hamed Co., LPA and Meyer Wilson Co., LPA were and continue to be appointed as Class Counsel for the Class.

11. The persons identified on Exhibit 1 requested exclusion from the Settlement Class and are therefore excluded from this Settlement. These persons identified on Exhibit 1 are not included in or bound by this Order and may individually pursue claims (if any) against Defendant. Those persons are not entitled to any recovery from the Settlement proceeds obtained through this Settlement.

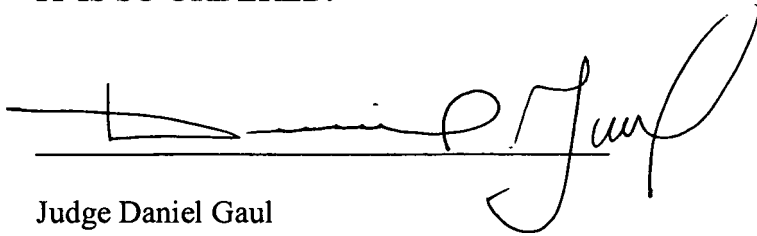
12. Class Counsel's application for Attorneys' Fees and Costs and for Representative Plaintiff Incentive Awards is hereby granted. In light of Class Counsel's work on this matter and the results achieved, the Court finds that the fee request is reasonable. Similarly, the expenses incurred are reasonable under the circumstances and should be reimbursed. Finally, the incentive awards to the Class Representatives are modest and well-supported by their contributions to this litigation.

13. From the Settlement Fund, Class Counsel are awarded attorneys' fees in the amount of \$10,166,667, plus reimbursement of expenses in the amount of \$169,253.21, and the two Class Representatives are awarded \$10,000 each. The expenses of Settlement Administration shall also be paid out of the Settlement Fund.

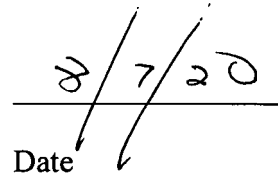
14. The claims of all Class Members, other than those who requested exclusion per Exhibit 1, are hereby settled and released in accordance with the terms of the Settlement Agreement, and this case is hereby dismissed with prejudice.

Without affecting the finality of this Order, the Court retains exclusive jurisdiction over the action to consider all further matters arising out of, or connected with, the Settlement or the administration of this order.

IT IS SO ORDERED.



Judge Daniel Gaul



Date

Exhibit 1

(Exclusions from Class)

TIMELY AND PROPER REQUESTS FOR EXCLUSION

Settlement Class Member Business Name	Requestor First Name	Requestor Last Name	Requestor Title
World Class Plastics Inc.	Julianne	Simpson	Controller
Alloy Fabricators Inc.	Daniel	Dietrich	Chief Operating Officer
Country Bedding Mfg. LLC	Atlee	Miller	President
Farrington Woods	Bruce	Landes	Sole Proprietor
Marblehead Fish Cleaning	Robert	Boytim	Owner