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IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MULTNOMAH

BRIAN RESENDEZ, RODICA ALINA  
RESENDEZ, individually and on behalf of  
all others similarly situated,

Plaintiffs,

v.

PRECISION CASTPARTS CORP., an  
Oregon corporation, and PCC  
STRUCTURALS, INC.,

Defendants;

Case No. 16cv16164

**ORDER RE: PLAINTIFFS' MOTION FOR  
PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT**

DEBRA TAEVS; individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

PRECISION CASTPARTS CORP., an Oregon  
corporation, and PCC STRUCTURALS, INC.,

Defendants;

Case No. 16CV21495

Having reviewed the briefing on Plaintiffs' Motion for Preliminary Approval of Class  
Action Settlement, the Court orders as follows.

1 Plaintiffs have proposed a classwide settlement (“Settlement”) to resolve this litigation,  
2 which began in March 2016. The Court finds that the proposed Settlement meets the standards  
3 for preliminary approval, such that notice should issue to Class Members, after which the Court  
4 will hold a Fairness Hearing to determine whether the Settlement is sufficiently fair, reasonable,  
5 and adequate to merit final approval. *See* Manual for Complex Litigation § 21.632 (4th ed 2013)  
6 (court’s role at this stage is to “make a preliminary determination on the fairness, reasonableness,  
7 and adequacy of the settlement”); *see also Froeber v. Liberty Mut. Ins. Co.*, 222 Or App 266,  
8 275, 193 P3d 999, 1005 (2008) (noting that “federal courts evaluating proposed class action  
9 settlements under ORCP 32 D’s federal counterpart, FRCP 23(e) \* \* \* have noted that the  
10 ‘universally applied standard is whether the settlement is fundamentally fair, adequate and  
11 reasonable.’”).

12 The Court finds that the proposed plan of notice complies with ORCP 32, the  
13 requirements of due process, and all applicable rules, and approves the plan of notice and  
14 proposed notice materials in Plaintiffs’ Motion and appended to the Settlement Agreement.

15 The deadline for implementing notice in accordance with the notice plan, including  
16 mailing the Long Form Notice and Claim Form, providing notice by publication, and publishing  
17 the notice website, is 14 days from the date of this Order. (the “Notice Date”).

18 The Court will hold a Fairness Hearing on Friday, May 6, 2022, at 9:00 a.m. at the  
19 Multnomah County Courthouse, 1200 SW First Avenue, Courtroom 17A. The Fairness Hearing  
20 can be attended via remote means, using a link that will be on the court’s website named “Court  
21 Calendars and Live Stream Proceedings.”

22 (<https://www.courts.oregon.gov/courts/multnomah/go/Pages/calendars.aspx> )

23 Class Members who object to the Settlement must follow the instructions for doing so set  
24 forth in the Long Form Notice, and mail their objection to the Court at Multnomah County  
25 Circuit Court; Attention: Civil Department; 1200 SW First Avenue, Portland, OR 97204, to  
26 Class Counsel, and to Defense Counsel, postmarked by 45 days after the Notice Date.

1 Class Members who wish to appear in person to speak at the Fairness Hearing must  
2 follow the pertinent instructions in the Long Form Notice and must file with the Court a notice of  
3 intent to appear no later than 14 days before the date set for the Fairness Hearing.

4 Class Members who wish to exclude themselves from the Settlement must mail their  
5 Exclusion Request Form, postmarked by 45 days after the Notice Date, to the address indicated  
6 on the Exclusion Request Form.

7 Class Members who wish to submit a Claim Form must follow the pertinent instructions  
8 in the Long Form Notice and on the Claim Form and mail their Claim Form with all supporting  
9 materials, postmarked by 45 days after the Notice Date.

10 Plaintiffs shall file a Motion for Final Approval of Class Action Settlement as well as a  
11 Motion for Attorneys' Fees and Litigation Expenses and Case Contribution Awards, no later than  
12 7 days before the date set for the Fairness Hearing.

13 Plaintiffs' Motion is GRANTED.

14 IT IS SO ORDERED.

15 2/3/2022 8:58:34 AM

16 

17 Circuit Court Judge Tom Ryan

18 Submitted By:

19 Matthew J. Preusch (Bar No. 134610)  
20 Attorney for Plaintiffs  
4893-2149-1467, v. 2