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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
 12 **COUNTY OF LOS ANGELES, SPRING STREET COURTHOUSE**

13 TAMI TREPTE, as an individual, on behalf of  
 14 herself and all others similarly situated,

15 Plaintiff,

16 vs.

17 BIONAIRE, INC., a Florida corporation, and  
 18 DOES 1 through 50,

19 Defendants.

CASE NO. BC540110

**CLASS ACTION**

**DECLARATION OF TAMI TREPTE IN  
 SUPPORT OF PLAINTIFF'S MOTION  
 FOR FINAL APPROVAL OF CLASS  
 ACTION SETTLEMENT AND MOTION  
 FOR ATTORNEYS' FEES, COSTS, AND  
 SERVICE AWARD**

Assigned to the Honorable Amy D. Hogue  
 (Dept. SSC 7)

[Complaint Filed: March 20, 2014]

**DECLARATION OF TAMI TREPTE IN SUPPORT OF  
PLAINTIFF’S MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT  
AND MOTION FOR ATTORNEYS’ FEES, COSTS, AND SERVICE AWARD**

I, Tami Trepte, declare:

1. I am an individual and Class Representative Plaintiff in the above-entitled action. I make this declaration in support of Plaintiff’s Motion for Final Approval of Class Action Settlement and Plaintiff’s Motion for Attorneys’ Fees, Costs, and Service Award. The facts set forth herein are true of my own personal knowledge and if called upon to testify thereto, I could and would completely do so under oath.

2. On November 13, 2011 I went to Costco in Downey, California to purchase a personal space heater, among other items. Prior to purchase, I reviewed the safety features on the outside of the Bonaire BCH9208 Ceramic Tower Heater (“Heater”) box. These safety features were a material factor in my decision to purchase the Heater. After my review, I purchased a Heater for \$39.99 plus tax.

3. Between the date of purchase and about March 20, 2012, I regularly used the Heater in my 2-year-old’s bedroom.

4. On March 20, 2012, I turned on the Heater as I had done since I purchased it. Upon entering the room the following morning, I discovered that my 2-year-old was non-responsive and the Heater was melted. It was later determined by the Downey Police and Fire officials that the Heater emitted a lethal amount of carbon monoxide when it malfunctioned, thereby causing a tragic death.

5. Had I known that the representations regarding the safety features were false or that the Heater was defective, I obviously would not have purchased or used it.

6. On March 20, 2014 I filed the instant class action lawsuit against Defendant. I pursued this class action lawsuit so that others would not have the same tragic experience as I did.

7. On August 24, 2017 the Court appointed me as the Class Representative and my chosen counsel – Pearson, Simon & Warshaw, LLP and Perona, Langer, Beck, Serbin and Harrison, LLP – as Class Counsel.

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1           8.       Since the outset of the litigation, I understood my obligation as fiduciary to the  
2 Class I represent and have taken my obligations seriously. I have never place my individual interest  
3 over those of the Class.

4           9.       I have kept in constant contact with my attorneys to monitor the litigation. I have  
5 reviewed the pleadings in this case provided feedback. I have reviewed and responded to a  
6 significant amount of discovery, including providing documents to support my allegations in this  
7 lawsuit. On October 25, 2016 I had my deposition taken and provided testimony under oath.

8           10.      I attended a mediation in 2015 with the Honorable Steven J. Stone (Ret.) and was ava  
9 available via telephone for the second mediation in 2017 with the Honorable Edward A. Infante  
10 (Ret.). I continued to communicate with my attorneys after the mediation s regarding the continued  
11 settlement discussions.

12           11.      It is my opinion that the Settlement is fair and in the best interests of the Class.

13           12.      I understand the scope and implications of the Civil Code § 1542 waiver that I am  
14 subject to as consideration for any service award the Court may Order.

15           13.      As a Class Representative in this action, I have been in regular communication  
16 with Class Counsel and believe their work to be exemplary. I support the request for attorneys' fee  
17 and costs.

18           I declare under penalty of perjury under the laws of the State of California that the foregoing  
19 is true and correct.

20           Executed May 5, 2020, at Downey, California.

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Tami Trepte