

From: info@HeaterSettlement.com
To:
Date:
Subject Line: Class Action Notice for Settlement Regarding Bionaire Heaters

Claimant ID: [NAME NUMBER]

Dear [NAME]:

If you purchased a Bionaire BCH9208 Ceramic Tower Heater in California, you could get compensation from a class action settlement.

Para una notificación en español, visite www.HeaterSettlement.com.

A state court authorized this Notice. It is not a solicitation from a lawyer.



A settlement of a class action lawsuit affects you if you purchased a new Bionaire BCH9208 Ceramic Tower Heater in California for your own use and not for resale at any time after March 20, 2010. The Settlement will pay people up to \$25 who can prove that they purchased a qualifying heater. If you qualify, you may submit a Claim Form to ask for payment, or you can exclude yourself from the Settlement or object to it.

The Superior Court of California, County of Los Angeles, authorized this Notice. The Court will have a hearing to consider whether to approve the Settlement so that benefits may be paid.

Who is included? The Court has decided that everyone who fits this description is a Class Member: All persons within the State of California who purchased a new Bionaire BCH9208 Ceramic Tower Heater for their own use and not for resale at any time since March 20, 2010. Excluded from the Class are Defendant; Defendant's affiliates, subsidiaries, or co-conspirators; employees of Defendant, including its officers and directors; the Court to which this case is assigned; and any persons who have already returned and have been refunded for their heater.

What is this about? The lawsuit claimed that the Product at issue is defective and that if Plaintiff had known of the defect, she would not have purchased the Product or would have paid less for the Product. Plaintiff alleged that normal, intended use of the Product—heating a space to a predetermined temperature within the normal operating range and maintaining that temperature—results in overheating. Defendant does not believe Plaintiff's claims have merit and has denied and continues to deny any and all claims, including but not limited to claims of defect and/or allegations concerning the safety of the Product.

How do you get benefits? To qualify for compensation, you must be a Class Member and you must submit a Claim Form on or before **March 4, 2020**. You may submit a claim online at www.HeaterSettlement.com, or you may download a Claim Form from the website that you may return to the Settlement Administrator by mail or email.

Class Members who submit timely claims have two benefit options. The first option provides a \$25 cash refund if the power cord from the heater is cut and returned along with a photograph of the heater from which the power cord was cut. The second option provides a \$12.50 cash refund

or \$17.50 purchase credit to be applied toward new purchases from www.holmesproducts.com and will be valid for one hundred eighty (180) days from the date of issuance; this option does not require the power cord to be cut. Proof of purchase is required for either option unless you are a verified purchaser of the heater from Costco.

What are your options? If you don't want compensation and you don't want to be legally bound by the Settlement, you must exclude yourself by **March 4, 2020**, or you won't be able to sue, or continue to sue, Defendant about the legal claims in this case. If you stay in the Class, you may object to the Settlement by **March 4, 2020**. The Detailed Notice and website FAQs describe how to exclude yourself or object.

The Court will hold a Final Approval Hearing in this case (*Trepte v. Bionaire, Inc.*, Case No. BC540110) on **June 3, 2020 at 11:00 a.m.** to consider whether to approve the Settlement and attorneys' fees up to \$339,472.17 and expenses up to \$138,027.83 and a payment to the Class Representative of up to \$7,500. You may appear at the hearing, but you don't have to. For more details, call toll-free 1-833-759-2977, visit www.HeaterSettlement.com, or write to Heater Settlement, c/o JND Legal Administration, PO Box 91048, Seattle, WA 98111-9148.

You may also contact one of the following attorneys appointed by the Court to serve as Class Counsel:

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Michael H. Pearson
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QUESTIONS? Call 1-833-759-2977 or visit www.HeaterSettlement.com