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**FILED**  
Superior Court of California  
County of Los Angeles

**AUG 24 2020**

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By Alfredo Morales deputy  
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10  
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  
16 Plaintiff,  
17 vs.  
18 BIONAIRE, INC., a Florida corporation, and  
DOES 1 through 50,  
19 Defendants.

CASE NO. BC540110

**CLASS ACTION**

**~~PROPOSED~~ ORDER GRANTING  
FINAL APPROVAL OF CLASS ACTION  
SETTLEMENT**

Assigned to the Honorable Amy D. Hogue

[Complaint Filed: March 20, 2014]

Date: August 24, 2020  
Time: 11:00 a.m.  
Dept.: SSC 7

**RECEIVED**  
LOS ANGELES SUPERIOR COURT  
**MAY 08 2020**  
**S. DREW**

1 The Motion for Final Approval of Class Action Settlement came before this Court on  
2 August 24, 2020. The above-captioned action is a class action lawsuit brought by Plaintiff Tami  
3 Trepte ("Plaintiff") against Defendant Sunbeam Products, Inc. ("Defendant" or "Sunbeam")  
4 (collectively the "Parties"). Plaintiff alleges, *inter alia*, that the Bonaire BCH-9208 Ceramic  
5 Tower Heater ("Heater" or "Product") contains material design defects which render it prone to  
6 extremely dangerous overheating, resulting in the Heater melting, combusting, and emitting  
7 noxious gasses, including carbon monoxide. As a result of these defects, Plaintiff alleges that the  
8 Heaters are prone to failure. Defendant denies any and all alleged wrongdoing and denies any  
9 liability to the Plaintiff or the members of the putative class.

10 On November 5, 2019, this Court entered an Amended Order Granting Preliminary  
11 Approval of Class Action Settlement ("Preliminary Approval Order"), resulting in the certification  
12 of the following provisional Settlement Class:

13 All persons within the State of California who purchased a new  
14 Bonaire BCH9208 Ceramic Tower Heater for their own use and not  
15 for resale at any time since March 20, 2010. Excluded from the  
16 Class is (1) Sunbeam, Sunbeam's affiliates, subsidiaries, employees  
17 of Sunbeam, including its officers and directors, (2) the Court to  
18 which this case is assigned, and (3) any persons who have already  
19 returned and have been refunded for their heater.

20 That Preliminary Approval Order further directed the Parties to provide Notice to the  
21 Class, which informed absent class members of: (a) the proposed Settlement, and the Settlement's  
22 key terms; (b) the date, time and location of the Final Approval Hearing; (c) the right of any Class  
23 Member to object to the proposed Settlement, and an explanation of the procedures to exercise that  
24 right; (d) the right of any Class Member to exclude themselves from the proposed Settlement, and  
25 an explanation of the procedures to exercise that right; and (e) an explanation of the procedures for  
26 Class Members to participate in the proposed Settlement.

27 The Court, upon Notice having been given as required in the Preliminary Approval Order,  
28 and having considered the proposed Settlement Agreement, attached hereto as Exhibit "A," as  
well as all papers filed, hereby ORDERS AS FOLLOWS:

1           1.       This Court has jurisdiction over the subject matter of the action and over all Parties  
2 to the action, including all members of the Settlement Class.

3           2.       The Court finds that, for purposes of the Settlement, the Settlement Class is  
4 properly certified as a class, as it is ascertainable and that there is a sufficiently well-defined  
5 community of interest among the Class in questions of law and fact.

6           3.       The Notice provided to the Settlement Class conforms with the requirements of  
7 California Code of Civil Procedure section 382, California Civil Code section 1781, California  
8 Rules of Court 3.766 and 3.769, the California and United States Constitutions, and any other  
9 applicable law, and constitutes the best notice practicable under the circumstances, by providing  
10 individual notice to all Class Members who could be identified through reasonable effort, and by  
11 providing due and adequate notice of the proceedings and of the matters set forth therein to the  
12 other Class Members. The Notice fully satisfied the requirements of due process.

13          4.       The Court finds the Settlement was entered into in good faith, that the Settlement is  
14 fair, reasonable and adequate, and that the Settlement satisfies the standards and applicable  
15 requirements for final approval of this class action settlement under California law, including the  
16 provisions of California Code of Civil Procedure section 382 and California Rules of Court,  
17 Rule 3.769.

18          5.       The Court acknowledges that there were no objections to the Settlement.

19          6.       The below-listed Class Members have filed valid requests for exclusion to the  
20 Settlement and are therefore not subject to the Class Release contemplated in the Settlement  
21 Agreement:

- 22                   - Albert C. Ting; and
- 23                   - Carmen Magtibay.

24          7.       Upon entry of this Order, compensation to the participating members of the  
25 Settlement Class shall be effected pursuant to the terms of the Settlement Agreement.

26          8.       The Parties are Ordered to give notice to all Class Members in accordance with  
27 Rule 3.771(b) of the California Rules of Court.

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