

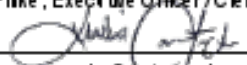
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Attorneys for Defendant
S. C. JOHNSON & SON, INC.

7 Attorneys for PLAINTIFFS
and the SETTLEMENT CLASS

FILED
Superior Court of California
County of Alameda
10/26/2022

Clerk of the Court
By:  Deputy
J. Castañeda

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

12 HOWARD CLARK, individually, on behalf
of all others similarly situated, and the
13 general public,

14 Plaintiff,

15 v.

16 S.C. JOHNSON & SON, INC. a Wisconsin
corporation; DOES 1-1000, inclusive,

17 Defendant.

Case No. RG 20067897

**STIPULATION AND ~~PROPOSED~~ ORDER
RE: CY PRES AWARDS AND RELEASE OF
ATTORNEYS' FEES**

19 MICHELLE MORAN, an individual on behalf
of herself and all others similarly situated,

20 Intervening Plaintiff,

21 v.

22 S.C. JOHNSON & SON, INC.

23 Defendant.

1 Plaintiff Howard Clark and Defendant S. C. Johnson submit this stipulation and
2 [proposed] order to permit the distribution of *cy pres* awards pursuant to the Amended Settlement
3 Agreement of Class Action Claims (the “Settlement Agreement”) and this Court’s Order Granting
4 Final Approval of Class Settlement, Certifying Settlement Class, and Apportioning Attorneys
5 Fees (the “Order”) and to permit the release of the holdback of attorneys’ fees pursuant to the
6 Order.

7 Accounting of Settlement Fund

8 1. Pursuant to the Order, the Settlement Agreement established a \$1,300,000
9 Settlement Fund to pay claims by class members, attorneys’ fees and expenses, and
10 administration costs. The Court awarded a total of \$429,000 in costs and fees, which included
11 attorneys’ fees of \$265,346.75 to Plaintiff’s counsel and \$121,737.80 to Intervenor’s counsel,
12 costs of \$17,470.88 to Plaintiff’s counsel and \$19,444.57 to Intervenor’s counsel, and service
13 awards of \$2,500 each to Plaintiff Clark and Intervenor Moran. The Court approved the payment
14 of up to \$360,388.65 from the Settlement Fund to the Settlement Administrator for administration
15 costs. The remaining balance of \$510,611.35 was available to pay claims by class members.

16 2. As of October 18, 2022, the Settlement Administrator has distributed payments
17 totaling \$506,603.32, of which (i) \$485,523.80 has cleared, (ii) \$21,077.20 has passed the check
18 void date and has been voided, and (iii) \$2.32 has a check void date of October 24, 2022 and has
19 not yet cleared. A total of \$4,008.03 was held in reserve for claim dispute resolution and not been
20 distributed, and \$0.23 was credited to the fund for electronic payments. (*See* October 18, 2022
21 Declaration of M. Neylon ¶¶ 6-7.)

22 Release of Holdback of Attorneys’ Fees

23 3. Pursuant to the Order, the Settlement Administrator has held 10% of the total fees
24 awarded to Plaintiff’s counsel and Intervenor’s counsel in the settlement trust fund pending the
25 completion of the distribution process and the Court’s approval of the final accounting. The
26 balance of attorneys’ fees held back by the Settlement Administrator includes \$26,534.68
27 reserved for Plaintiff’s counsel and \$12,173.78 reserved for Intervenor’s counsel.

28 4. Pursuant to the Settlement Agreement and the Order, the Settlement Administrator

1 has completed distribution of payments to Settlement Class Members, and the time to cash checks
2 has expired for all except one check in the amount of \$2.32. Plaintiff and the Settlement
3 Administrator have submitted a final accounting of the distribution of the funds.

4 Cy Pres Awards

5 5. Section 4.4 of the Settlement Agreement provides that “[i]f there are any funds
6 remaining in the Settlement Fund following the calculations pursuant to Sections 4.4(a) or
7 Section 4.4(b), including any checks that were not cashed or redeemed, then the Parties will
8 advise the Court and the Settlement Administrator shall distribute such remaining funds pursuant
9 to the Court’s direction.”

10 6. After subtracting the \$26,534.68 reserved for Plaintiff’s counsel and \$12,173.78
11 reserved for Intervenor’s counsel, \$25,087.78 remains in the Settlement Fund (which includes
12 \$4,008.03 that was not distributed, \$0.23 that was credited for electronic payments, \$21,077.20
13 that was distributed but voided after the void date, and \$2.32 that has not cleared).

14 7. The parties have conferred and agree that the remaining \$25,087.78 (or \$25,085.46
15 if the one remaining check clears) in the Settlement Fund should be divided into two equal *cy*
16 *pres* awards of \$12,543.89 (or \$12,542.73 if the one remaining check clears) each to be
17 distributed to the Foundation for the National Institutes for Health and the Natural Resources
18 Defense Council. Both recipients work to promote health and safety, which fulfills the purpose of
19 the underlying action regarding the labeling of certain Windex branded products as “Non-Toxic.”

20 8. The Foundation for the National Institutes of Health is a not-for-profit organization
21 that supports the mission of the National Institutes of Health by accelerating biomedical
22 discoveries that improve the quality of people’s lives. It organizes and administers research
23 programs, supports education and training of new researchers, organizes educational events and
24 symposia, and administers a series of funds supporting a wide range of health challenges.¹

25 9. The Natural Resources Defense Council is a not-for-profit organization that works
26 to safeguard people’s rights to clean air, clean water, and a healthy community. The NRDC’s
27

28 ¹ See <https://www.fnih.org/> (last visited October 18, 2022).

1 chemical safety program pushes Congress to reform chemical safety laws and pressures the U.S.
2 Environmental Protection Agency, U.S. Food and Drug Administration, and state governments to
3 act on the latest science and take the lead on restricting dangerous chemicals.²

4 IT IS HEREBY STIPULATED, subject to the Court's approval, that the Settlement
5 Administrator shall distribute the \$25,087.78 (or \$25,085.46 if the one remaining check clears)
6 remaining in the Settlement Fund in equal amounts of \$12,543.89 (or \$12,542.73 if the one
7 remaining check clears) to the Foundation for the National Institutes of Health and the Natural
8 Resources Defense Council pursuant to Section 4.4(a) of the Agreement.

9
10 Dated: October 18, 2022

LAW OFFICES OF RONALD A. MARRON

11
12 By: 

13 Michael T. Houchin

14 *Attorneys for Plaintiffs
and the Settlement Class*

15
16 Dated: October 18, 2022

MORRISON & FOERSTER LLP

17
18 By: /s/ Purvi G. Patel

19 Purvi G. Patel

20 *Attorneys for Defendant
S. C. Johnson & Son, Inc.*

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² See <https://www.nrdc.org/issues/toxic-chemicals> (last visited October 18, 2022).

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[PROPOSED] ORDER

Pursuant to the forgoing Stipulation, it is hereby ORDERED that the Settlement Administrator shall

1. Release the holdback of attorneys' fees in the amount of \$26,534.68 awarded to Plaintiff's counsel and \$12,173.78 awarded to Intervenor's counsel; and
2. Distribute the \$25,087.78 (or \$25,085.46 if the one remaining check clears) in equal amounts of \$12,543.89 (or \$12,542.73 if the one remaining check clears) each to the Foundation for the National Institutes of Health and the Natural Resources Defense Council pursuant to Section 4.4(a) of the Settlement Agreement.

IT IS SO ORDERED.

Dated: 10/26/2022


Hon. Michael M. Markman
Judge, Superior Court of California
Alameda County
Michael Markman / Judge

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12 *Attorneys for Plaintiff and The Proposed Class*

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

14 **FOR THE COUNTY OF ALAMEDA**

15 HOWARD CLARK, individually, on behalf
16 of all others similarly situated, and the
17 general public,

18 Plaintiff,

19 v.

20 S.C. JOHNSON & SON, INC., a Wisconsin
21 Corporation; DOES 1-1000, inclusive,

22 Defendants.

23 Case No. RG20067897

24 **PROOF OF SERVICE**

1 **PROOF OF SERVICE**

2 CCP §§ 1011 to 1013(a)

3 **STATE OF CALIFORNIA, COUNTY OF ALAMEDA**

4 I am employed in the County of San Diego, State of California. I am over the age of 18 and not
5 a party to the within action; my business address is: Law Offices of Ronald A. Marron, 651 Arroyo
6 Drive, San Diego, California, 92103.

7 On October 18, 2022, I served the following documents:

- 8 • **STIPULATION AND [PROPOSED] ORDER RE: CY PRES AWARDS AND RELEASE**
- 9 **OF ATTORNEYS’ FEES DECLARATION OF JAMES PRUTSMAN;**
- 10 • **SUPPLEMENTAL DECLARATION OF MATTHEW NEYLON RE: POST-**
- 11 **DISTRIBUTION ACCOUNTING;**
- 12 • **PROOF OF SERVICE**

13 On the following:

<p>14 MORRISON & FOERSTER,</p> <p>15 LLP</p> <p>16 Matt Wyatt</p> <p>17 <i>MWyatt@mofo.com</i></p> <p>18 Purvi G. Patel</p> <p>19 <i>PPatel@mofo.com</i></p> <p>20 707 Wilshire Boulevard, Suite 6000</p> <p>21 Los Angeles, California 90017</p> <p>22 Tel: 213-892-5200</p> <p>23 Fax: 213-892-5454</p>	<p><i>Attorneys for Defendant S.C. Johnson & Sons, Inc.</i></p>
<p>24 CLARKSON LAW FIRM,</p> <p>25 P.C.</p> <p>26 Ryan J. Clarkson (SBN 257074)</p> <p>27 <i>rclarkson@clarksonlawfirm.com</i></p> <p>28 Shireen M. Clarkson (SBN 237882)</p> <p><i>sclarkson@clarksonlawfirm.com</i></p> <p>Katherine A. Bruce (SBN 288694)</p> <p><i>kbruce@clarksonlawfirm.com</i></p> <p>Lauren Anderson (SBN 329173)</p> <p><i>landerson@clarksonlawfirm.com</i></p> <p>9255 Sunset Blvd., Suite 804</p>	<p><i>Attorneys for Intervenor Michelle Moran</i></p>

1 Los Angeles, CA 90069 2 Tel: (213) 788-4050 3 Fax: (213) 788-4070	
4 MOON LAW APC 5 Christopher D. Moon (SBN 6 246622) 7 <i>chris@moonlawapc.com</i> 8 Kevin O. Moon (SBN 246792) 9 <i>kevin@moonlawapc.com</i> 10 228 Hamilton Ave., 3 rd Fl Palo Alto, California 94301 Tel: (619) 915-9432 Fax: (650) 618-0478	<i>Attorneys for Intervenor Michelle Moran</i>

11 In the following manner of service (check appropriate):

12 **By Overnight Delivery** I deposited in a box or other facility regularly maintained by the
 13 express service carrier, or delivered to an authorized courier or driver
 14 authorized by the express service carrier to receive documents, in an
 15 envelope or package designated by the express service carrier with delivery
 16 fees paid or provided for, addressed to the person on whom it is to be served,
 at the office address as last given by that person on any document filed in the
 cause and served on the party making service.

17 **By Express Mail** I deposited in a post office, mailbox, subpost office, substation, or mail
 18 chute, or other like facility regularly maintained by the United States Postal
 19 Service for receipt of Express Mail, in a sealed envelope, with Express Mail
 20 postage paid, addressed to the person on whom it is to be served, at the
 21 office address as last given by that person on any document filed in the cause
 and served on the party making service by Express Mail; otherwise at that
 party's place of residence

22 **By Mail** I deposited in a post office, mailbox, subpost office, substation, or mail
 23 chute, or other like facility regularly maintained by the United States Postal
 24 Service, in 2044a sealed envelope, with postage paid, addressed to the
 25 person on whom it is to be served, at the office address as last given by that
 person on any document filed in the cause and served on the party making
 service by mail; otherwise at that party's place of residence

26 **By Email** I caused such document(s) to be emailed and .pdf attachment through the
 27 office e-mail service for Law Offices of Ronald A. Marron.

28 **By Fax** I caused such document(s) to be telecopied to the Offices of the addressees
 where indicated.

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_____ **By Person** I caused a true and correct copy of such document(s) to be personally delivered on the person of the addressee(s).

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

Executed on the 18th day of October, 2022 in San Diego, California.



Michael T. Houchin