

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

IN RE: LUMBER LIQUIDATORS)
CHINESE-MANUFACTURED FLOORING)
PRODUCTS MARKETING, SALES) MDL No. 1:15-md-2627 (AJT/TRJ)
PRACTICES AND PRODUCTS LIABILITY)
LITIGATION)
_____)

This Document Relates to ALL Cases

IN RE: LUMBER LIQUIDATORS)
CHINESE-MANUFACTURED FLOORING)
DURABILITY MARKETING AND SALES) MDL No. 1:16-md-2743 (AJT/TRJ)
PRACTICE LITIGATION)
_____)

This Document Relates to ALL Cases

ORDER

Scheduling Preliminary Settlement Approval Hearing

Pending before the Court is the Plaintiffs’ Motion for Preliminary Approval of Settlement Agreement, Approval of Form of Notice, and Scheduling of Final Approval Hearing [‘2627 Doc. No. 1339; ‘2743 Doc. No. 118] (the “Motion”). Attached to the Motion is the Parties’ proposed Settlement Agreement [‘2627 Doc. No. 1339-2; ‘2743 Doc. No. 118-2]. Under the proposed Settlement Agreement, the following two settlement classes would be certified pursuant to Federal Rule of Civil Procedure 23(a):

- CARB1 Settlement Class: all purchasers of Chinese-made laminate flooring from Lumber Liquidators between January 1, 2009 and December 31, 2010.
- CARB2/Durability Settlement Class: all purchasers of Chinese-made laminate flooring from Lumber Liquidators between January 1, 2011 and May 31, 2015.

Both classes exclude, *inter alia*, all individuals who have already entered a Release and Settlement Agreement with Defendant and all individuals bringing personal injury claims, either in this MDL or in state court, as of the deadline for filing an objection or opt out of the settlement.

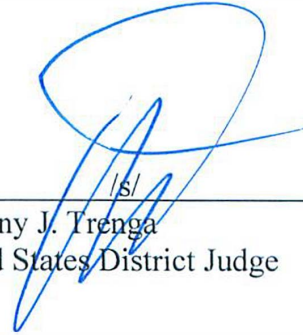
Before this settlement can proceed, the Court must conditionally certify the proposed settlement classes and preliminarily approve the terms of the proposed Settlement Agreement. Federal Rule of Civil Procedure 23(e) requires that any settlement, voluntary dismissal, or compromise of any claim, issue, or defense of a certified class be approved by the Court. To carry out Rule 23(e)'s mandate, the Court will proceed in two steps. First, the Court will hold a preliminary approval hearing prior to notice being given to the class to determine “whether the compensation for loss and damage provided by the settlement is within the range of reason,” and “whether the claims process under the settlement is likely to be fair and equitable in its operation.” Annotated Manual for Complex Litigation (Fourth), § 22.923 (2009) (quoting *In re Prudential Ins. Co. Am. Sales Practices. Litig.*, 148 F.3d 283, 324 n.73 (3d Cir. 1998)). If the Court conditionally certifies the settlement classes and preliminarily approves the proposed Settlement Agreement, the Parties will notify the members of the class of the settlement by means of a notification plan approved by the Court. The Court will then hold a Rule 23(e) final settlement approval hearing, at which any objections by class members to the Settlement Agreement will be considered.

Accordingly, it is hereby

ORDERED that a hearing be, and the same hereby is, SCHEDULED for Wednesday, June 13, 2018 at 2:00 p.m. EST to determine (1) whether to conditionally certify the proposed

settlement classes described in the proposed Settlement Agreement; and (2) whether to preliminarily approve the proposed Settlement Agreement.

The Clerk is directed to forward copies of this Order to all counsel of record.

A handwritten signature in blue ink, consisting of a large, stylized loop at the top and several vertical strokes below, positioned above a horizontal line.

Anthony J. Trenga
United States District Judge

Alexandria, Virginia
April 12, 2018