

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

ANDREA KATZ on behalf of herself and
all persons similarly situated,

and

JOEL KATZ on behalf of himself and all
persons similarly situated,

Plaintiffs,

vs.

GARMIN, LTD, and GARMIN
INTERNATIONAL, INC.,

Defendants.

**ORDER PRELIMINARILY APPROVING
SETTLEMENT, CERTIFYING CLASS
FOR SETTLEMENT PURPOSES,
APPOINTING LEAD COUNSEL FOR
THE CLASS, DIRECTING THE
ISSUANCE OF CLASS NOTICE, AND
SCHEDULING A FAIRNESS HEARING
AND RELATED EVENTS**

Civil No. 2:14-cv-165-RJS

Judge: Hon. Robert J. Shelby

This matter comes before the court on Defendant's Agreed Motion for Preliminary Approval of Class Settlement Agreement ("Agreement") and Notice to Class between Plaintiffs Andrea Katz and Joel Katz ("Plaintiffs") and Garmin International, Inc. ("Defendant"). Based on the evidence presented, IT IS HEREBY ORDERED:

1. The court finds that the proposed settlement is within the applicable range of fairness and reasonableness, and grants preliminary approval for it.

2. The court conditionally certifies a Class and Subclasses, for settlement purposes only, defined as:

Class: All persons who purchased and/or owned the Garmin Forerunner 610 watch (the "Watch") between April 2011 and July 2014 in the United States.

Subclass 1: Class members who purchased a replacement watchband to address the alleged design defect regardless of where they purchased the replacement watchband.

Subclass 2: Class members who paid to repair the watchband or Watch regardless of where they had the watchband or Watch repaired due to the watchband or Watch being damaged as a result of the alleged design defect.

Excluded from the Settlement Class are: (i) individuals who are or were during the class period partners, associates, officers, directors, shareholders, or employees of Defendant; (ii) all judges or magistrates of the United States or any state and their spouses; (iii) all individuals who timely and properly request to be excluded from the class, *i.e.* opt out; (iv) all persons who have previously released Defendant from claims covered by this Settlement; and (v) all persons who have already received payment from Defendant or who have otherwise been compensated by Defendant by virtue of free repair or free replacement of the Watch or watchband for alleged violations with respect to an allegedly defective Watch or watchband.

There are approximately 136,728 members of the Class, and an unknown number of members of Subclass 1 and Subclass 2, according to Defendant's records. The court acknowledges that Defendant does not have records of every customer who purchased or owned the Garmin Forerunner 610 watch.

3. The court conditionally appoints the following as Class Counsel for the Class and Subclasses: Noel J. Nudelman of Heideman Nudelman Kalik, P.C., as lead class counsel.

4. A hearing on the fairness and reasonableness of the Agreement and whether final approval shall be given to it and the requests for fees and expenses by Class Counsel will be held before the court on November 3, 2016 at 1:30 p.m.

5. The court finds that mailing of the class notice and dissemination of notice by publication and the other measures specified below to locate and notify members of the Class and Subclasses are the only notices required, and that such notice satisfies the requirements of due process under Federal Rule of Civil Procedure 23.

6. The court approves the proposed form of mailed and e-mailed notice to the Class and Subclasses, to be directed to the last known address of each Class and Subclass member as

shown in Defendant's records. Defendant will mail or e-mail, or cause to be mailed or e-mailed, notice to Class members on or before July 15, 2016. Any mail returned with a forwarding address will be re-mailed. Defendant will have the notice sent or caused to be sent by any form of bulk mail that provides address forwarding mail to each address.

7. The court also approves the notices that would be disseminated by publication in one month's issue of *Runner's World* magazine, along with the same or substantially similar ad in the online copy of *Runner's World* magazine for the same period. Defendant will cause notices to be disseminated by publication in this manner on or before August 29, 2016.

8. Class and Subclass members who wish to claim any of the settlement benefits must complete and return the claim form which will be mailed with the class notice, and which will be available on the settlement administrator's website. The claim form must be postmarked by September 28, 2016.

9. Any Class and Subclass members who wish to exclude themselves from the action and the relief obtained in the Agreement must file a request for exclusion with the Clerk of the Court by October 14, 2016 and serve copies of the request upon Class Counsel and counsel for Defendant.

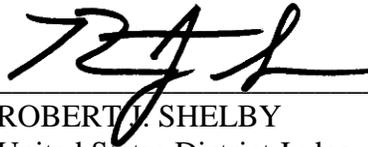
10. Any Class and Subclass members who wish to object to the settlement must submit the objection to the Clerk of the Court by October 14, 2016. Any objection must include the name and number of the case and a statement of the reasons why the objector believes that the court should find that the proposed settlement is not in the best interests of the Class and Subclasses. Objectors who have filed written objections to the settlement may also appear at the hearing and be heard on the fairness of the settlement.

11. Any Class and Subclass members who wish to intervene in this Action must mail or hand-deliver to the court a motion or application to do so, and contemporaneously mail or hand-deliver it to Class Counsel and Counsel for Defendant on or by October 14, 2016.

12. Plaintiffs and Defendant may file memoranda of law in support of the Agreement prior to the fairness hearing. Any submission must be filed no later than October 14, 2016. Defendant shall also file proof of compliance with the notice requirements of the Class Action Fairness Act of 2005, 28 U.S.C. § 1715(b), on or before the same date.

SO ORDERED this 31st day of May, 2016.

BY THE COURT:



Handwritten signature of Robert J. Shelby in black ink, consisting of stylized initials 'RJS' followed by a surname 'SHELBY'.

ROBERT J. SHELBY
United States District Judge