

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE**

MICHAEL TAYLOR, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 1616-CV11531
)	
DYNAMIC PET PRODUCTS, LLC, et al.,)	
)	
Defendants.)	

PLAINTIFFS’ MOTION FOR FINAL APPROVAL OF CLASS SETTLEMENT

Plaintiffs Michael Taylor, Dawn Fortner, and Catherine Gemkow (“Plaintiffs”), by and through their attorneys, on their own behalf and on behalf of the class of all others similarly situated, hereby move the Court, pursuant to Missouri Rule of Civil Procedure 52.08(e), for final approval of the proposed Settlement in this case. Plaintiffs ask the Court to make the following findings and conclusions and to order the following, consistent with the proposed Final Order and Judgment of Final Settlement Approval and Dismissal with Prejudice submitted by Plaintiffs contemporaneously with this Motion:

A. Certification of Settlement Class

1. That the following “Settlement Class” be finally certified pursuant to Rule 52.08 for the purpose of class action settlement:

All persons who have purchased a Real Ham Bone For Dogs product in the United States other than for purposes of resale from January 1, 2011 to the first date notice is sent to the class or who suffered pet injury/property damage from use of the Real Ham Bone For Dogs from January 1, 2011 to the first date notice is sent to the class. Excluded from the Class are (1) Defendants, subsidiaries and affiliates of Defendants, members, directors or officers of Defendants, and members of their immediate families; (2) federal, state, and local governmental entities; and (3) any judicial officers presiding over this action, their judicial staff, and members of their immediate families.

2. That the Settlement Class satisfies the requirements of Rule 52.08(a) and 52.08(b)(3) because

- a. The above described Class is so numerous that the joinder of all members is impracticable;
- b. There are questions of law or fact common to the Class;
- c. The claims of the Representative Plaintiffs are typical of the claims of the Class;
- d. The Representative Plaintiffs and their counsel have fairly and adequately protected the interests of the Class.

And further, that:

- e. The questions of law or fact common to the members of the Class, and which are relevant for settlement purposes, predominate over the questions affecting only individual members; and
- f. That certification of the Class is superior to other available methods for the fair and efficient adjudication of this controversy.

3. That Plaintiffs Michael Taylor, Dawn Fortner and Catherine Gemkow should be appointed as representatives for the Settlement Class.

4. That the following lawyers should be appointed as counsel for the Settlement Class:

Christopher S. Shank, MO #28760
David L. Heinemann, MO #37622
Stephen J. Moore, MO #59080
SHANK & MOORE, LLC
1968 Shawnee Mission Parkway, Suite 100
Mission Woods, Kansas 66205

B. Notice of the Settlement to Class Members

5. That notice complying with Rule 52.08(c)(2) and (e) was sent to the Settlement Class and that this notice was the “best notice practicable under the circumstances” and satisfied the requirements of due process and Mo. R. Civ. P. 52.08.

6. That all Settlement Class members who have not opted out of the Settlement shall be bound by the Settlement Agreement, including the Releases and covenants not to sue in the Settlement Agreement.

C. Final Approval of the Settlement

7. That the Settlement, as embodied in the Settlement Agreement dated April 18, 2017 and filed with the Court on April 18, 2017 as Exhibit 1 to the Supplemental Suggestions in Support of Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement, is fair, reasonable and adequate.

8. That Defendants shall fund the Settlement in accordance with the Settlement Agreement, to be distributed by the Claims Administrator, Dahl Administration, to the Settlement Class members filing valid and timely claims.

9. That all other requirements of statute, rule and constitutional principles necessary to effectuate the Settlement have been met and satisfied, and that the Court shall grant final approval to the class action settlement.

In support of this Motion, Plaintiffs incorporate by reference their Suggestions in Support of Unopposed Motion for Final Approval of Class Action Settlement, filed contemporaneously with this Motion, including all affidavits and exhibits attached thereto.

WHEREFORE, Plaintiffs respectfully request that the Court grant their Motion for Final Approval of Class Action Settlement, including all requested relief with respect to the proposed

Settlement of this class action, and also grant such other and further relief as the Court deems appropriate.

A proposed Final Order and Judgment of Final Approval and Dismissal with Prejudice is submitted with this Motion.

Respectfully submitted,

SHANK & MOORE, LLC

By: /s/ Christopher S. Shank

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Attorneys for Plaintiffs Michael Taylor, Dawn Fortner and Catherine Gemkow

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that the foregoing document was eFiled with the Court on this 27th day of July, 2017, which shall send a notice of electronic filing to the following counsel of record:

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The undersigned further certifies that on July 27, 2017, the foregoing document was served on the following by email:

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The undersigned further certifies that on July 27, 2017, the foregoing document was served on the following by FedEx for next-day delivery:

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/s/ Christopher S. Shank

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