

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

IN RE: SMITTY’S/CAM2 303 TRACTOR
HYDRAULIC FLUID MARKETING, SALES
PRACTICES, AND PRODUCTS LIABILITY
LITIGATION

MDL No. 2936

Master Case No. 4:20-MD-02936-SRB

This document relates to:
All Class Actions

**PLAINTIFFS’ STATUS REPORT REGARDING SETTLEMENT ADMINISTRATION
AND MOTION TO APPROVE PROPOSED DISTRIBUTION TO CLASS MEMBERS**

COME NOW Plaintiffs, by and through Class Counsel, and provide the Court the following Status Report Regarding Settlement Administration and Motion to Approve Proposed Distribution to Class Members.

I. Defendants’ Payments into Settlement Fund

Defendants and their insurers made all the required payments into the Settlement Fund by the June 23rd due date other than \$150,000.00 which is expected to be received later this week. Plaintiffs will report back to the Court if the remaining \$150,000.00 is not received.

II. Review and Evaluation of Claim Forms

Claimants submitted 6,636 Claim Forms in this Manufacturer Settlement as follows:

- a. 2,340 Claim Forms were submitted online which adopted the prior claims submitted and/or the purchase data from the Retailer Settlement;
- b. 1,313 Claim Forms were submitted in paper format which adopted the prior claims submitted and/or the purchase data from the Retailer Settlement;

- c. 483 Claim Forms were submitted online which added to the claims previously submitted in the Retailer Settlement;
- d. 420 Claim Forms were submitted in paper format which added to the claims previously submitted in the Retailer Settlement;
- e. 1,842 new Claim Forms were submitted online by claimants who had not previously submitted claims in the Retailer Settlement; and,
- f. 238 new Claim Forms were submitted in paper format by claimants who had not previously submitted claims in the Retailer Settlement.

(Ex. 1, RG/2 Declaration, ¶ 4). The above totals do not include more than 300,000 portal claims flagged by the Settlement Administrator as likely fraudulent based on IP address, repeated filings, and other factors. *Id.*

The 6,636 Claim Forms have been reviewed and evaluated for validity based on the objective factors set forth in the May 27, 2025 Status Report. After the initial evaluation and review, 1,395 Claim Forms were determined not to be valid and 354 Claim Forms were determined to be not valid in part. (Ex. 1, RG/2 Declaration, ¶ 5). The Settlement Administrator sent emails/letters to those Claimants whose Claim Forms were denied or partially denied. The communications set forth the basis of the Claim Form denial/partial denial and advised the Claimants that they had 21 days to contest the denial. 29 Claimants contested the complete denials of their Claim Forms, and 12 of those denials were switched to valid or partially valid based on those contests. 15 Claimants contested the partial denials of their Claim Forms, and 8 determinations were amended based on those contests. (Ex. 1, RG/2 Declaration, ¶ 6).

III. Final Valid Claim Totals

The 5,241 valid Claim Forms have been determined to be valid for the following specific purchase numbers of the various unit sizes:

2,297	Two-Gallon Jugs
132,164	Five-Gallon Buckets
156	55-Gallon Drums

(Ex. 1, RG/2 Declaration, ¶¶ 7 and 8).

In addition, 2,502 of the valid Claim Forms also submitted valid claims for repairs and/or total loss equipment damages, and those Claim Forms have been determined to be valid for \$38,842,542.45 in repairs/total losses. (Ex. 1, RG/2 Declaration, ¶ 9).

IV. Valid Claim Total and Pro Rata Distribution Percentage

The net settlement amount for distribution to Class Members from this settlement with the Manufacturer Defendants is \$16,664,479.47. (Ex. 1, RG/2 Declaration, ¶ 10). This amount constitutes the amount remaining after deduction for the Court-approved settlement administration costs, Class Representatives' incentive awards, and Class Counsel's fees and expenses.

Pursuant to the Plan of Allocation contained in paragraph 48 of the Manufacturer Class Settlement Agreement, Class Members are each to receive a pro rata share of their Total Claim Value which includes (1) the Damage Claim Value based on the amount of purchases of Defendants' 303 THF Products; and (2) the Repairs/Parts/Specific Equipment Damage Claim Value.

Paragraph 48(b) assigns a value to this Damage Claim Value at an estimated 50% of the average price during the Class Period, with the following specific values applying to the various unit sizes:

- 2-Gallon Jug = \$6
- 5-Gallon Bucket = \$12
- 55-Gallon Drum = \$90

Applying these values to the total number of valid purchases from Claim Forms, the total number of units and settlement values are as follows:

<u>Unit Size</u>	<u>Total Number</u>	<u>Total Value</u>
2-Gallon Jug	2,297	\$13,782
5-Gallon Bucket	132,164	\$1,585,968
55-Gallon Drum	156	\$14,040

(Ex. 1, RG/2 Declaration, ¶ 11). Thus, the total of all Class Members' paragraph 48(b) Damage Claim Value related to fluid purchases is \$1,613,790. *Id.*

Pursuant to paragraph 48(c) of the Manufacturer Class Settlement Agreement, the total of all valid specific claims for repairs, parts and/or damage to equipment is the Repairs/Parts/Specific Damage Value. As noted above in section II, the total of all such valid claims submitted by Class Members for specific repairs, parts, and/or damage to equipment is \$38,842,542.45. (Ex. 1, RG/2 Declaration, ¶ 9).

Adding the total Damage Claim Value related to purchases of \$1,613,790 and the Repairs/Parts/Specific Damage Value of \$38,842,542.45, the Total Claim Value for all Settlement Class Members is \$40,456,332.45. (Ex. 1, RG/2 Declaration, ¶ 12).

Paragraph 48(d) of the Plan of Allocation portion of the Manufacturer Class Settlement provides that each Qualified Settlement Class Member will receive a pro rata share of the portion remaining in the Settlement Class Fund, which amount is \$16,664,479.47. (Ex. 1, RG/2 Declaration, ¶ 10).

Each Class Member can be paid a pro rata share of 40% of the Members' valid/approved claim, leaving a contingency amount of \$481,946.49 to address any claim amount corrections,

additional repairs, late claims, and/or other issues that may arise after issuance of payments to the Class Members. (Ex. 1, RG/2 Declaration, ¶ 13).

V. Anticipated Timetable for Distributions

Class Counsel anticipates that distributions to Class Members can begin in July and be completed in early August.

WHEREFORE, as set forth above, Class Counsel submits this Status Report to the Court and requests the Court's approval for the proposed distributions as set forth herein.

Date: July 3, 2025

Respectfully submitted,

HORN AYLWARD & BANDY, LLC

BY: /s/ Thomas V. Bender
Thomas V. Bender MO 28099, KS 22860
Dirk Hubbard MO 37936, KS 15130
2600 Grand Boulevard, Ste. 1100
Kansas City, MO 64108
(816) 421-0700
(816) 421-0899 (Fax)
tbender@hab-law.com
dhubbard@hab-law.com

WHITE, GRAHAM, BUCKLEY,
& CARR, L.L.C
Bryan T. White MO 58805, KS 23255
William Carr
Gene Graham
19049 East Valley View Parkway
Independence, Missouri 64055
(816) 373-9080 Fax: (816) 373-9319
bwhite@wagblaw.com

CLAYTON JONES, ATTORNEY AT LAW
Clayton Jones MO 51802
P.O. Box 257
405 W. 58 Hwy.
Raymore, MO 64083
Office: (816) 318-4266
Fax: (816) 318-4267
clayton@claytonjoneslaw.com

GRAY RITTER GRAHAM

Don M. Downing MO 30405

Gretchen Garrison MO 66963

701 Markey Street, Suite 800

St. Louis, MO 63101

Ph: (314) 241-5620

Fax: (314) 241-4140

dldowning@grgpc.com

ggarrison@grgpc.com

**LEAD CLASS COUNSEL FOR PLAINTIFFS
AND CLASS MEMBERS**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document was filed electronically with the United States District Court for the Western District of Missouri, with notice of case activity to be generated and sent electronically by the Clerk of the Court to all designated persons this 3rd day of July 2025.

/s/ Dirk Hubbard
