

Exhibit A – Preliminary Approval Order

Exhibit B – Final Approval Order and Judgment

Exhibit C – Claim Form and Instructions

Exhibit D – Mailed Class Notice with Purchase Data

Exhibit E – Long Form Class Notice

Exhibit F – Summary Class Notice

Exhibit G – Request for Correction Form

Exhibit H – Repairs/Parts/Specific Equipment Damage Claims Review Process

(See Settlement Agreement and Release, Exhibit 1).

2. Pursuant to that Settlement Agreement, Plaintiffs now respectfully request that the Court enter an Order, in substantially the form of the proposed Preliminary Approval Order attached hereto as Exhibit 1-A, ruling, in summary, as follows:

(a) Preliminarily approving the terms and conditions set forth in the Settlement Agreement, including all exhibits thereto, as fair, reasonable, and adequate.

(b) Conditionally certifying, for settlement purposes only, the following settlement class:

All persons and other entities who purchased Martin 303 Tractor Hydraulic Fluid from any retailer in Missouri at any point in time from April 5, 2014 to the present, excluding purchases made for resale;

-and-

All persons and other entities who purchased Orscheln Premium 303 Tractor Hydraulic Fluid manufactured by Martin Lubricants from Orscheln locations in Missouri during the time period May 25, 2013 through and including September 2, 2014, excluding purchases made for resale.

Also excluded from the Class are Defendant, including any parent, subsidiary, affiliate or controlled person of Defendant; Defendant's officers, directors, agents, employees and their immediate family members, as well as the judicial officers assigned to this litigation and members of their staffs and immediate families.

- (c) Conditionally finding, for settlement purposes only and conditioned upon entry of the Final Approval Order, and the occurrence of the Effective Date (as defined in the attached Settlement Agreement), that the prerequisites for a class action under Rules 52.08(a) and (b)(3) of the Missouri Rules of Civil Procedure have been satisfied in that: (a) the number of members of the Settlement Class is so numerous that joinder of all members thereof is impracticable; (b) there are questions of law and fact common to the Settlement Class; (c) the claims of the Plaintiffs are typical of the claims of the Settlement Class for purposes of settlement; (d) Plaintiffs have fairly and adequately represented the interests of the Settlement Class and will continue to do so, and Plaintiffs have retained experienced counsel to represent them; (e) the questions of law and fact common to the members of the Settlement Class predominate over any questions affecting any individual members of the Settlement Class; and (f) a class action is superior to the other available methods for the fair and efficient adjudication of the controversy.
- (d) Appointing Tom Bender and Dirk Hubbard from the law firm Horn Aylward & Bandy, LLC; Gene Graham, William Carr, and Bryan White from the law firm of White, Graham, Buckley & Carr, LLC; and, Clayton Jones of the Clayton Jones Law Firm, as counsel for the Settlement Class.

- (e) Designating named Plaintiffs Monte Burgess, Dan Chevalier, Robert Caviness, Raymond Bieri, and James Kircher as representatives of the Settlement Class.
- (f) Appointing RG/2 Claims Administration LLC to serve as the Settlement Administrator.
- (g) Setting a Final Fairness Hearing (as defined in the attached Settlement Agreement) to be held before this Court to determine whether the terms and conditions forth in the Settlement Agreement are fair, reasonable, and adequate and should receive final approval.
- (h) Staying, pending the Final Fairness Hearing, all proceedings in this action, other than proceedings necessary to carry out or enforce the terms and conditions of the Settlement Agreement.
- (i) Approving the Mailed Class Notice with Purchase Data (attached hereto as Exhibit 1-D), Long Form Class Notice (attached as Exhibit 1-E), Summary Class Notice (attached hereto as Exhibit 1-F), Claim Form and Instructions (attached hereto as Exhibit 1-C), Request for Correction Form (attached hereto as Exhibit 1-G), Repair/Parts/Specific Equipment Damage Claims Review Process (attached hereto as Exhibit 1-H), and the Notice and Settlement Administration process set forth in Settlement Agreement and exhibits thereto as well as further set forth in Exhibit 2 attached to this Motion, finding that it is the best practicable notice under the circumstances, it provides individual notice to all Settlement Class Members who can be identified through a reasonable effort, and it is reasonably calculated, under

all the circumstances, to apprise the members of the Settlement Class of the pendency of this action, the terms of the settlement, and their right to object to the settlement or exclude themselves from the Settlement Class.

(j) Approving the timetable and process for exclusion from the Settlement Class or objection to the Settlement by any Settlement Class Member.

(k) Approving the timetable and process for Class Counsel to file their application for expenses and attorneys' fees.

3. In further support of the adequacy and appropriateness of the Parties' Notice Plan, the Declaration of a representative of proposed Settlement Administrator RG/2 Claims Administration LLC is attached hereto as Exhibit 3.

4. In further support of this Motion, Plaintiffs file concurrently herewith their Suggestions in Support of Unopposed Motion for Preliminary Approval of Proposed Class Action Settlement.

5. Defendant's counsel has indicated that Defendant does not oppose Plaintiffs' Motion for Preliminary Approval, and such Motion is in accord with the terms of the Settlement Agreement.

WHEREFORE, Plaintiffs respectfully request the Court enter the proposed Preliminary Approval Order attached hereto as Exhibit 1-A and for such other and further relief as is just and proper.

Date: July 23, 2020

Respectfully Submitted,

HORN AYLWARD & BANDY, LLC

BY: /s/ Thomas V. Bender

Thomas V. Bender MO 28099

Dirk Hubbard MO 37936

2600 Grand Boulevard, Ste. 1100

Kansas City, MO 64108

(816) 421-0700

(816) 421-0899 (Fax)

tbender@hab-law.com

dhubbard@hab-law.com

