

United States District Court for the Central District of California

If you purchased a Portland, Chicago Electric, or One Stop Gardens 14” (SKUs 61592/67255) electric chainsaw from Harbor Freight, and have not previously participated in the recall of these items, you may be entitled to a payment of up to \$50, a gift card, or a replacement chainsaw from a class action settlement.

*A federal court authorized this notice. It is not a solicitation from a lawyer.
You are not being sued. Please do not contact the Court.
Your legal rights are affected whether you act or don't act.
Read this notice carefully.*

Overview

- Harbor Freight customers claimed in a class action lawsuit that Harbor Freight Tools USA, Inc. sold defective chainsaws that were subject to a recall conducted in cooperation with the Consumer Product Safety Commission. Harbor Freight denies that it did anything wrong. The customers and Harbor Freight have reached a proposed settlement to resolve the lawsuit on a class action basis, as described below.
- If you received a notice about this settlement by email or mail you are part of the settlement according to Harbor Freight's records, and you may be eligible for a replacement chainsaw or payment from the settlement.
- **IMPORTANT:** You may return the chainsaw to a Harbor Freight Tools retail store for a replacement chainsaw at any time or you must file a claim by November 24, 2021 to get a payment or gift card from the settlement. Click here to file a claim. (Read below or see Questions 6-7 for more details)
- Questions? Read below, or visit www.chainsawsettlement.com or call 1-844-979-7302 for more information.

QUESTIONS? VISIT WWW.CHAINSAWSETTLEMENT.COM, OR CALL 1-844-979-7302 TOLL FREE
Para una notificación en Español, por favor llame o visite nuestro website.

<u>Your Legal Rights and Options in this Lawsuit</u>	
Your legal rights are affected, and you have a choice to make. Your options are explained here.	
File a claim	File a claim by November 24, 2021 to request a payment or gift card. See Questions 6-7.
Do nothing	Receive no payment and give up the right to sue Harbor Freight for the issues in this lawsuit.
Opt out, receive no payment, and retain right to sue	To opt out, you must mail a signed, written request for exclusion by November 24, 2021 . See Question 11 for details.
Object or comment on the settlement	Object or comment on the settlement by November 24, 2021 . See Question 12 for details. If you object or comment, you can still file a claim and receive a payment.

Information about the Lawsuit and Class

1. What is this lawsuit about?

The lawsuit concerns Harbor Freight customers in the United States who purchased Portland, Chicago Electric, or One Stop Gardens 14" electric chainsaws (SKU Nos. 67255 or 61592) from Harbor Freight stores.

Plaintiffs alleged that Harbor Freight sold defective chainsaws, and thereby misled consumers. Will Kaupelis and Frank Ortega are the plaintiffs in the filed class action lawsuit against Harbor Freight. The operative complaint in this case is available at www.chainsawsettlement.com. Harbor Freight denies that it did anything wrong.

Plaintiffs and Harbor Freight have now agreed to a settlement to resolve this lawsuit, as described below. The Court has not decided whether Plaintiffs or Harbor Freight are correct. By agreeing to the settlement, neither Harbor Freight nor Plaintiffs make any admissions regarding the merits of the allegations, claims, or defenses in this case. The United States District Court for the Central District of California is overseeing

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this lawsuit. The lawsuit is known as *Kaupelis v. Harbor Freight Tools USA, Inc.*, Case No. 8:19-cv-01203-JVS-DFM.

2. What is a class action?

In a class action, one or more people sue on behalf of themselves and other people with similar claims. All of these people together make up the Settlement Class and are Settlement Class Members. One court resolves the issues for all Settlement Class Members, except for those who exclude themselves from the Settlement Class.

3. Who is in the Settlement Class?

The “Settlement Class” in this case is defined as:

All persons in the United States (including its states, districts or territories) who purchased a Portland, Chicago Electric, or One Stop Gardens 14” electric chainsaw (SKU Nos. 67255 and 61592) from Harbor Freight between March 11, 2011 and February 6, 2018 and who have not already participated in Defendant’s recall of these chainsaws conducted in cooperation with the Consumer Product Safety Commission (“CPSC”). The specific chainsaw products bear SKU Numbers 67255 and 61592. Excluded from the Settlement Class are any Judge presiding over this Action, any members of their families, and Harbor Freight and affiliated entities and their respective officers and directors.

If you received a notice of this settlement by mail or email, Harbor Freight’s records indicate that you are in the Settlement Class. However, you are a class member if you fit within the Settlement Class regardless of whether you received notice by mail and/or email.

People in the Settlement Class are called “Settlement Class Members.”

Information about the Settlement and About Filing a Claim for a Payment

4. What are the terms of the proposed settlement?

The complete terms of the proposed settlement are set forth in the Settlement Agreement, which is available at www.chainsawsettlement.com. This notice provides only a summary of the terms of the settlement. The settlement benefits and other terms are summarized below.

5. What are the benefits of the proposed settlement?

If the settlement is approved and becomes final, Harbor Freight will (1) make settlement payments to Settlement Class Members, as described at Questions 6-9 below; (2) pay the costs of distributing notice and settlement payment checks to Settlement Class Members and other costs of administering the settlement; and (3) pay court-awarded attorneys’ fees and expenses of the attorneys appointed by the Court to represent the Class (“Settlement Class Counsel”) and any incentive awards granted to the Plaintiffs.

6. How do I get a payment?

You can return the Chainsaw to any Harbor Freight store for a replacement at any time. Alternatively, instead of a replacement, you can return the Chainsaw to any Harbor Freight store by November 24, 2021 to receive a gift card valued at \$50 or receive a check/cash for \$50.

If you are unable to return the Chainsaw to a Harbor Freight store, you must file a claim by November 24, 2021 to receive a payment. Click [here](#) to file a claim.

7. How do I file a claim for a payment?

File Online: To file a claim online, click [here](#) or visit www.chainsawsettlement.com.

File By Mail: If you prefer, you can also print a paper claim form, available at www.chainsawsettlement.com, fill it out, and mail it to the address listed on the form.

The deadline to file a claim online or by mail is November 24, 2021. The Settlement Administrator will review all claims and determine eligibility.

8. How much will the payments be?

The settlement payment amounts will depend on claimants' choice of benefits, and whether claimants submit Proof of Purchase or Proof of Destruction. Class Members who submit valid Claim Forms on or before **November 24, 2021** may be entitled to receive a **\$10.00** cash payment or **\$25.00** gift card for each Class Product purchased within the Class Period, **without providing Proof of Purchase, limited to one claim per household and ISP address**. Class Members may receive **up to \$50.00** in cash or gift card form for each Class Product purchased if they submit **Proof of Purchase** or **Proof of Destruction** for each Class Product(s) purchased within the Class Period and attest that they have not participated in the recall and to the prior disposal of the chainsaw. If Class Members return the Chainsaw to a Harbor Freight store, Class Members may receive a replacement chainsaw or **up to \$50.00** in cash or gift card form.

For more information, read the Settlement Agreement, which is available at www.chainsawsettlement.com.

9. How and when will payments be sent?

Settlement payments will be issued to eligible Settlement Class Members by mailed check after the settlement is approved and becomes final.

For any settlement payment checks that are uncashed or deemed undeliverable by the Settlement Administrator, those amounts shall remain in the settlement fund pending further order of the Court. Class Counsel shall make an application to the Court to seek approval for a proposed disposition of the unpaid funds from uncleared checks.

Your other rights and options

10. What happens if I do nothing?

By doing nothing, you are staying in the Settlement Class but you will not receive any payment. You also will give up any right to sue Harbor Freight about the issues in this lawsuit. You will also be legally bound by all of the orders that the Court issues and judgments the Court makes in this class action.

11. How do I exclude myself (opt out) from the Settlement Class?

To exclude yourself from the Settlement Class, you must mail a written request for exclusion to:

Chainsaw Settlement
c/o RG/2 Claims Administration LLC
P.O. Box 59479
Philadelphia, PA 19102-9479
info@rg2claims.com

To be effective, your request for exclusion must be postmarked no later than **November 24, 2021**, and must include the following information:

- (a) your full name and current mailing address;
- (b) a clear statement that you wish to be excluded from the Settlement Class, do not wish to be a Class Member, and elect to be excluded from any judgement entered pursuant to the Settlement;
- (c) the name of this lawsuit: “*Kaupelis v. Harbor Freight Tools USA, Inc.*,” Case Number 8:19-cv-01203”; and
- (d) your signature or the signature of an individual authorized to act on your behalf.

Requests for exclusion must be specific to individual Settlement Class Members, and Settlement Class Members cannot request exclusion as a class or group.

12. How do I object or comment?

If you are a Settlement Class Member, and have not excluded yourself from the Settlement Class, you can comment on or object to the settlement, Settlement Class Counsel’s request for attorneys’ fees and litigation expenses, and/or the request for incentive awards for the Plaintiffs who brought this lawsuit. To object or comment, you must send a written objection/comment including the following:

- (a) your full name, mailing address, and telephone number;
- (b) a statement, sworn to under penalty of perjury, attesting to the fact that (i) you purchased one or more of the Class Products during the Class Period, (ii) describing the model Class Product (*i.e.*, Portland, Chicago Electric), and (iii) the date and location of purchase;
- (c) a written statement of all grounds for the objection accompanied by any legal support for such objection;
- (d) copies of any papers, briefs, or other documents upon which the objection is based and are pertinent to the objection
- (e) the name, address, telephone number of your attorney if you are represented by an attorney;

To be considered by the Court, your comment or objection must be mailed to the Court to the following address, no later than **November 24, 2021**:

Class Action Clerk
United States District Court for the Central District of California
411 West 4th Street
Room 1053
Santa Ana, CA 92701-4516

You must also provide a copy of the objection by U.S. mail or e-mail to the Settlement Administrator, Class Counsel, and Defense Counsel at the addresses set forth below, no later than **November 24, 2021**:

<i>Upon the Settlement Administrator at:</i>	<i>Upon Class Counsel at:</i>	<i>Upon Defense Counsel at:</i>
Chainsaw Settlement c/o RG/2 Claims Administration LLC P.O. Box 59479 Philadelphia, PA 19102-9479 info@rg2claims.com	L. Timothy Fisher Joel D. Smith BURSOR & FISHER P.A. 1990 North California Blvd., Suite 940 Walnut Creek, California 94596 ltfisher@bursor.com jsmith@bursor.com	Daniel J. Herling Mintz Levin Cohn Ferris Glovsky and Popeo, P.C. 44 Montgomery St., 36th Floor San Francisco, California 94104 djherling@mitnz.com

Note that you can ask the Court to deny approval of the settlement by filing an objection, but you can't ask the Court to order a different settlement; the Court can only approve or reject the settlement. If the Court denies approval, no settlement payments will be sent out and the lawsuit will continue. If that is what you want to happen, you must object. You have the right to consult with your own attorney, at your own expense, before deciding how best to proceed.

13. What claims will be released by this Settlement?

If you are in the Settlement Class definition and do not exclude yourself from the Settlement Class, and the settlement is approved and becomes final, the settlement will be legally binding on you and you will be bound by all judgments entered in the case. In exchange for the settlement benefits, you will release all claims against Harbor Freight and its affiliates listed in the Settlement Agreement about the issues in this lawsuit. The Settlement Agreement, available at www.chainsawsettlement.com, describes the claims you are releasing (giving up) by staying in the Settlement Class.

14. Do I have a lawyer in this class action?

Yes. The Court has appointed the following attorneys and law firms to represent the Settlement Class Members. Together, these lawyers are called "Settlement Class Counsel":

L. Timothy Fisher
Joel D. Smith
Bursor & Fisher, P.A.
Walnut Creek, CA 94596
Tel: (925) 300-4455

Alec M. Leslie
Bursor & Fisher, P.A.
888 Seventh Avenue
New York, NY 10019
Tel: (646) 837-7150

You do not have to pay Settlement Class Counsel for their time or expenses incurred in this case out of your pocket. Instead, Settlement Class Counsel will petition the Court for an award of their fees and expenses; any amount awarded will be paid by Harbor Freight.

The Court has also appointed Plaintiffs Will Kaupelis and Frank Ortega as class representatives to represent the Settlement Class.

15. How will the lawyers be paid?

Settlement Class Counsel (see Question 14) will file a motion on or before October 25, 2021 asking the Court to award them attorneys' fees and reimbursement of litigation expenses up to \$665,000. The attorneys' fees and expenses awarded by the Court will be the only payment to Settlement Class Counsel for their efforts in achieving the settlement and for their risk in undertaking this representation on a wholly contingent basis. In addition, Settlement Class Counsel will ask the Court on or before October 25, 2021 to award each of the Plaintiffs representing the Settlement Class a service award of \$3,000 to compensate them for their efforts and commitment on behalf of the Settlement Class in this lawsuit.

The Court will determine the amount of attorneys' fees, expenses, and incentive awards to award. Settlement Class Counsel's application for attorneys' fees, expenses, and incentive awards will be available at www.chainsawsettlement.com when it is filed.

16. Should I hire my own lawyer for this case?

You do not need to hire your own lawyer because Settlement Class Counsel represents you and the other members of the Settlement Class already. However, you have the right to hire your own lawyer. If you want your own lawyer separate from Settlement Class Counsel, you will have to pay that lawyer.

The Court's Final Approval Hearing

17. When and where will the Court decide whether to approve the settlement?

The Court will hold a final approval hearing at 1:30 p.m. on January 10, 2022, in the United States District Court for the Central District of California, San Jose Courthouse, Courtroom 10C, 411 West Fourth Street, Santa Ana, CA 92701-4516. The hearing may be moved to a different date or time without additional notice and/or may be held remotely or telephonically. Please check www.chainsawsettlement.com for updates or changes.

At the final approval hearing, the Court will consider whether the settlement should be approved as fair, reasonable and adequate. The Court will also consider Settlement Class Counsel's application for attorneys' fees, expenses, and service awards. If there are objections, the Court will consider them. After the hearing, the Court will decide whether to approve the settlement. We do not know how long these decisions will take.

18. Do I have to come to the hearing?

No. Settlement Class Counsel will answer questions the Court may have. But, you are welcome to come at your own expense. If you submit an objection, you do not have to come to the Court to talk about it. So long as you submitted your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

19. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing. You cannot speak at the hearing if you exclude yourself from the Settlement Class.

Getting more information

20. Where can I get more information?

More information can be found at www.chainsawsettlement.com. That website includes important case deadlines, links to case documents including the full Settlement Agreement and the complaint in this lawsuit, and other information about the lawsuit and the settlement. You can also get more information by calling 1-844-979-7302, or by contacting Settlement Class Counsel at info@bursor.com.

You can also get additional information by accessing the Court docket in this case, for a fee, through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the Central District of California, Santa Ana Courthouse, 411 West Fourth Street, Santa Ana, CA 92701-4516, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays. Please note, however, that physical

access to the office of the Clerk of the Court may be limited or prohibited at times as a result of the COVID-19 pandemic. Please check the Court's website, <https://www.cand.uscourts.gov>, for updates.

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