

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

SHIRIN CHAHAL, ANDREA PERSSON and
JOHNATHAN ACEVEDO, each individually
and on behalf of all others similarly situated,

Plaintiffs,

v.

COZY EARTH HOLDINGS, INC.,

Defendant.

Case No. 26CV07895

**ORDER GRANTING PLAINTIFFS'
MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

Hon. Shelley D. Russell

1 Before the Court are Plaintiffs' Unopposed Motion for Final Approval of Class Action
2 Settlement and Unopposed Statement of Attorneys' Fees and Costs (collectively, the "Motions").
3 The Court held a Final Approval Hearing on August 3, 2026. The Court has reviewed all the
4 foregoing, the record in this case, and the relevant law. Being fully advised, the Court **GRANTS**
5 Plaintiffs' Motions. The Court **ORDERS** and makes the following findings and determinations:

6 1. The Court has personal jurisdiction over all the Parties to this Action, including
7 Defendant, the Class Representatives, and the Class Members. And the Court has subject matter
8 jurisdiction over this Action, and all matters related to the Settlement.

9 2. The Settlement Agreement is incorporated by reference into this Order and is
10 adopted by the Court.

11 Approval of Notice and Settlement Administration

12 3. Direct notice was distributed to Class Members as ordered in this Court's
13 Preliminary Approval Order.

14 4. The Court finds that Notice was disseminated in a manner that: (a) constituted the
15 best notice practicable under the circumstances; (b) was reasonably calculated to inform all Class
16 Members of this Action, of the terms and effect of this Settlement, of their right to opt out of or
17 object to this Settlement, of the Final Approval Hearing, of Class Counsel's fees and costs
18 request, and of the Class Representatives' request for incentive awards; (c) constituted adequate
19 and sufficient notice to Class Members; and (d) satisfied the requirements of the United States
20 Constitution and Oregon law. The Court notes that the notice program resulted in near-universal
21 notice to Class Members. This result shows that the notice plan was well-devised and executed.

22 5. The notices themselves provided all relevant information concerning the claims,
23 the Settlement's terms and impact, and Class Members' ability to opt out of or object to the

1 Settlement. Plus, in addition to direct notice, the Settlement Administrator established and ran a
2 Settlement Website that provided additional information to Class Members, including an FAQ
3 page, contact information, and relevant documents. In sum, the Court finds that thorough and
4 effective Notice was successfully administered.

5 Certification of the Settlement Class

6 6. Pursuant to ORCP 32, the Court finally certifies the following Class, for
7 settlement purposes only:

- 8 • All persons who, while in the state of Oregon, purchased one or more products using
9 a discount advertised on cozyearth.com, from June 24, 2023 to November 2, 2025
10 (“Oregon Settlement Subclass”); and
11 • All persons who, while in the state of California, purchased one or more products
12 using a discount advertised on cozyearth.com, from June 16, 2021 to October 30,
13 2025 (“California Settlement Subclass”).

14 7. This Class is the same as was conditionally certified in the Court’s Preliminary
15 Approval Order. The Court again finds that this Settlement Class satisfies the requirements of
16 ORCP 32.

17 8. First, the Settlement Class, which consists of nearly 78,000 members, is so
18 numerous that joinder of all Class Members in a single action is impracticable. Next, there are
19 numerous common questions of law and fact, and these common questions predominate over all
20 individual questions. In addition, the claims of the Class Representatives are typical of the
21 Settlement Class. And the Class Representatives, along with Class Counsel, have no conflicts
22 with Settlement Class Members and have fairly and adequately represented the Class’s interests.
23

1 Finally, because the claims are numerous and relatively low in value, a class action is a superior
2 mechanism for their resolution.

3 9. The Settlement was negotiated at arm's length with the aid of an experienced
4 mediator. It provides substantial direct relief to Class Members: the Settlement will provide
5 Class Members with a flexible \$35 Credit Voucher to use on Defendant's website. And, if Class
6 Members preferred not to receive their relief in credit, the Settlement allowed them to submit a
7 claim for a \$35 cash payment. This relief appears reasonable and adequate, especially given the
8 potential risks associated with continued litigation of this case. In short, the Settlement is fair,
9 reasonable, and adequate, and warrants approval under Oregon law.

10 10. The reaction of the Settlement Class also favors approval. Out of a class of nearly
11 78,000, not a single Class Member objected to, or requested exclusion from, the Settlement.

12 11. The Court has considered Class Counsel's request for attorneys' fees and costs,
13 and grants the requested award of \$634,734.96 in attorneys' fees and \$10,265.04 in litigation
14 costs. The requested fee award represents approximately 18.5% of the total benefits provided by
15 the Settlement, which is below what is typically awarded in similar circumstances. Thus, the
16 award is justified as a percentage of the total benefits. It is also justified based on Class
17 Counsel's diligent work and the hours expended on this Action, and is reasonable under ORCP
18 32 M and ORS 20.075. The Court also finds that the costs incurred by Counsel were reasonable.

19 12. The Court grants the Class Representatives' request for \$5,000 each in incentive
20 awards, totaling \$15,000. These awards are justified given the Class Representatives' voluntary
21 participation in this Action and their service to the Settlement Class.

22 13. Upon entry of this Order, the claims asserted in this Action, and the Released
23 Claims of each Class Member, are fully, finally, and forever released and discharged by the

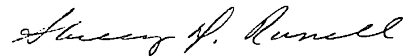
1 Class Representatives and Class Members pursuant to the terms of the Settlement Agreement.
2 Thus, Class Representatives and Class Members are permanently barred and enjoined from
3 asserting, commencing, prosecuting or continuing any of the Released Claims against the
4 Released Parties.

5 14. As a result of the Settlement's Final Approval, **Final Judgment** is entered based
6 on the Parties' Settlement Agreement. Accordingly, this action is **DISMISSED WITH**
7 **PREJUDICE**, with all Parties to bear their own costs and fees, except as set forth herein.

8 15. Notwithstanding the foregoing, and without affecting the finality of this Order in
9 any way, the Court shall retain jurisdiction to enforce the terms of the Settlement Agreement,
10 and guarantee that its terms and this Order are carried out.

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12 **IT IS SO ORDERED.**

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15 Circuit Court Judge Shelley D. Russell
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Submitted by:

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s/ Jonas Jacobson

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* *Pro Hac Vice* application forthcoming

CERTIFICATION OF COMPLIANCE WITH UTCR 5.100

Pursuant to UTCR 5.100, the undersigned certifies that:

1. The manner of compliance with any applicable service requirement under the rule is:

1. ☐ No service requirement applies because box 4 is checked below.
2. ☒ The order or judgment is accompanied by a stipulation by each counsel that no objection exists as to the order or judgment.
3. ☐ The order or judgment was served on each counsel not less than three days, and on each self-represented party not less than seven days (along with notice of the time period to object), prior to submission to the court.

2. The submission is ready for judicial signature because:

1. ☐ Each party affected by this order or judgment has stipulated to the order or judgment, as shown by each party's signature on the document being submitted.
2. ☒ Each party affected by this order or judgment has approved the order or judgment, as shown by each party's signature on the document being submitted or by written confirmation of approval sent to me.
3. ☐ I have served a copy of this order or judgment on each party entitled to service and:
 - a. ☐ No objection has been served on me.
 - b. ☐ I received objections that I could not resolve with a party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
 - c. ☐ After conferring about objections, all objecting parties agreed to independently file any remaining objections.
4. ☐ Service is not required pursuant to UTCR 5.100(3), or by statute, rule, or otherwise.
5. ☐ This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims' Assistance Section under UTCR 5.100(5).

DATED: August 3, 2026.

s/ Cody Hoesly
Cody Hoesly

CERTIFICATE OF SERVICE

I am over the age of 18 and am not a party to the within action. I am employed in Multnomah County, State of Oregon, and my business address is 1000 SW Broadway, Suite 900, Portland, Oregon 97205.

On August 3, 2026, I served the following document(s):

ORDER GRANTING PLAINTIFFS' MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT

on the party or parties listed on the following page(s) in the following manner(s):

☐ **BY HAND DELIVERY:** For each party, I caused a copy of the document(s) to be placed in a sealed envelope and caused such envelope to be delivered by messenger to the street address(es) indicated on the attached service list.

☐ **BY FEDERAL EXPRESS:** For each party, I caused a copy of the document(s) to be placed in a sealed envelope and caused such envelope to be delivered by Federal Express to the street address(es) indicated on the attached service list.

☐ **BY FIRST-CLASS MAIL:** For each party, I caused a copy of the document(s) to be placed in a sealed envelope and caused such envelope to be deposited in the United States mail at Portland, Oregon, with first-class postage thereon fully prepaid and addressed to the street address(es) indicated on the attached service list.

☐ **BY FACSIMILE:** For each party, I caused a copy of the document(s) to be sent by facsimile to the facsimile number(s) indicated on the attached service list. If this action is pending in Oregon state court, then printed confirmation of receipt of the facsimile generated by the transmitting machine is attached hereto.

☒ **BY E-MAIL:** For each party, I caused a copy of the document(s) to be sent by electronic mail to the e-mail address(es) indicated on the attached service list.

☐ **BY E-FILING:** For each party, I caused a copy of the document(s) to be sent by electronic mail via the court's e-filing system to the e-mail address(es) on file with that system.

I declare under penalty of perjury under the laws of the State of Oregon that the foregoing is true and correct.

s/ Cody Hoesly

Cody Hoesly

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