

**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 PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT AND NOTICE PLAN**

Hon. Shelley D. Russell

1 Before the Court is Plaintiffs’ Motion for Preliminary Approval of Class Action
2 Settlement and Notice Plan (“Motion for Preliminary Approval” or “Motion”). The Parties have
3 informed the Court that they have mediated the case and reached a Settlement Agreement, which
4 is filed as Exhibit 1 to Plaintiffs’ Motion.

5 The Motion is also accompanied by declarations from proposed Class Counsel, the
6 proposed Class Representatives, and the proposed Settlement Administrator. The Court has
7 reviewed the Motion and its accompanying materials and finds the Settlement to be fair,
8 reasonable, and adequate, and consistent with Oregon law and relevant precedent. Accordingly,
9 after careful review of the record, the Court **GRANTS** Plaintiffs’ Motion and **ORDERS** as
10 follows:

11 1. **Fair, Reasonable, and Adequate**: The Court preliminarily approves the
12 Settlement as fair, reasonable, and adequate, and consistent with Oregon law and precedent
13 concerning class settlements. The Court finds that the Settlement resulted from arm’s-length
14 negotiations between the Parties and their well-informed and experienced counsel. These
15 negotiations were assisted by an experienced and neutral mediator. The Settlement itself
16 provides meaningful direct relief to Class Members, and Class Members can choose whether to
17 receive relief in the form of an automatically issued voucher, usable for any merchandise on
18 Defendant’s website, or can elect a cash payment by filing a Claim Form. In short, the
19 Settlement appears fair, reasonable, adequate, and within the range of possible final approval,
20 and thus, notice to members of the Settlement Class should issue as directed below.

21 2. **Conditional Settlement Class**: Under ORCP 32, the Court conditionally certifies
22 the following Settlement Class:
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- All persons who, while in the state of Oregon, purchased one or more products using a discount advertised on cozyearth.com, from June 24, 2023 to November 2, 2025 (“Oregon Settlement Subclass”); and
- All persons who, while in the state of California, purchased one or more products using a discount advertised on cozyearth.com, from June 16, 2021 to October 30, 2025 (“California Settlement Subclass”).

The Court finds that the Settlement Class meets all requirements to be certified for the purposes of settlement:

- ORCP 32 A(1): The Settlement Class consists of at least tens of thousands of Class Members, and so, joinder would be impracticable.
- ORCP 32 A(2): There are questions of law and fact common to the Settlement Class.
- ORCP 32 A(3): Plaintiffs’ claims are typical of all Settlement Class Members.
- ORCP 32 A(4): Plaintiffs and Class Counsel have fairly and adequately represented the Settlement Class’s interests.
- ORCP 32 A(5): Plaintiffs gave pre-litigation notice.
- ORCP 32 B: Common questions of law and fact appear to predominate over individual inquires, and because of the nature of the claims alleged, a class action is a superior mechanism for adjudication.

3. **Class Counsel and Class Representatives**: The Court appoints Plaintiffs Andrea Persson, Jonathan Acevedo, and Shirin Chahal as representative parties (“Settlement Class Representatives”) under ORCP 32. The Court finds that the Settlement Class Representatives have and will continue to adequately and fairly serve the interests of the Settlement Class. The

1 Court appoints the attorneys of Dovel & Luner as Settlement Class Counsel for the purposes of
2 settlement and finds them competent to serve the interests of the Settlement Class.

3 4. **Settlement Administrator:** The Court appoints the Angeion Group (“Angeion”)
4 as the Settlement Administrator to implement the terms of the Settlement. Angeion is authorized
5 to implement the Notice Plan as outlined in the Motion, including in the Declaration of Michael
6 Lynch on behalf of Angeion. The Court also authorizes the Settlement Administrator to carry out
7 other such responsibilities as are provided for in the Settlement Agreement. The Settlement
8 Administrator is directed to establish the Settlement Website and to issue notice pursuant to the
9 Settlement Agreement.

10 5. **Class Notice:** The Court approves the form and content of the notices attached to
11 the Motion for Preliminary Approval. The Court finds that the proposed Notice Plan constitutes
12 the best practicable notice under the circumstances and is reasonably calculated to apprise
13 Settlement Class Members of this Action, the terms of the Settlement, and their rights to object
14 to or opt-out of the Settlement. The Court additionally finds that the Notice Plan is reasonable,
15 that it constitutes due, adequate, and sufficient notice, and that it meets the requirements of due
16 process, ORCP 32, and any other applicable laws. The Settlement Administrator shall carry out
17 the notice plan as laid out in the Settlement by the Notice Deadline.

18 6. **Claims Period, Objections, and Requests for Exclusion:** The Court approves
19 the content of the Claim Form and the claims procedures set forth in the Settlement. Class
20 Members who do not submit a Claim Form will still receive relief in the form of a voucher. The
21 deadline for timely submissions of claims is 60 days after the Notice Deadline. The Court also
22 approves the objection and exclusion procedures laid out in the Settlement Agreement. Class
23 Members may object to or opt-out of the Settlement by the Objection/Exclusion Deadline by
24

1 following the procedures laid out in the Settlement and the notice. Class Members who do not
2 opt-out will receive relief under the Settlement and will release certain rights to sue Defendant
3 (or any released party), as laid out in the Settlement Agreement. After the Objection/Exclusion
4 Deadline, no one shall be allowed to object to the Settlement or exclude himself or herself from
5 the Settlement Class or seek to intervene.

6 7. **Final Approval Hearing**: The Court will conduct a Final Approval Hearing on:
7 August 3, 2026 at 8:30am. At this Hearing, the Court will consider whether to grant
8 final approval to the Settlement, and consider any motion filed by Plaintiffs seeking attorneys'
9 fees, costs, and incentive awards. Plaintiffs will file any motion seeking attorneys' fees, costs,
10 and incentive awards at least 14 days prior to the Objection/Exclusion Deadline. The Court may
11 postpone, adjourn, or continue the Hearing without further notice to the Settlement Class.

12 8. **Stay of Proceedings**: All proceedings in this Action are stayed pending Final
13 Approval of the Settlement, except as may be necessary to effectuate the Settlement or comply
14 with its terms.

15 9. **Other Provisions**: Pending Final Approval of the Settlement, all Class Members
16 are prohibited from commencing any action or other proceeding against Defendant (or any
17 released party) that asserts the same claims regarding Defendant's sales and advertising practices
18 as asserted in this action. If for any reason the Court does not execute and file an order of Final
19 Approval, or in the event that this Agreement becomes null and void pursuant to its terms, the
20 Parties will be restored to the status quo ante as set forth in the Settlement. All orders entered in
21 connection with this Settlement, including this order conditionally certifying the Settlement
22 Class, will become null and void. And the Settlement Agreement, and all proceedings related to
23 it, will be deemed to be without prejudice to the rights of any Parties.

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2 **CERTIFICATION OF COMPLIANCE WITH UTCR 5.100**

3 Pursuant to UTCR 5.100, the undersigned certifies that:

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

- 5 1. No service requirement applies because box 4 is checked below.
6 2. The order or judgment is accompanied by a stipulation by each counsel that no objection
7 exists as to the order or judgment.
8 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.

9 2. The submission is ready for judicial signature because:

- 10 1. Each party affected by this order or judgment has stipulated to the order or judgment, as
11 shown by each party's signature on the document being submitted.
12 2. Each party affected by this order or judgment has approved the order or judgment, as
13 shown by each party's signature on the document being submitted or by written
14 confirmation of approval sent to me.
15 3. I have served a copy of this order or judgment on each party entitled to service and:
16 a. No objection has been served on me.
17 b. I received objections that I could not resolve with a party despite reasonable efforts to
18 do so. I have filed a copy of the objections I received and indicated which objections
remain unresolved.
19 c. After conferring about objections, all objecting parties agreed to independently file any
remaining objections.
20 4. Service is not required pursuant to UTCR 5.100(3), or by statute, rule, or otherwise.
21 5. This is a proposed judgment that includes an award of punitive damages and notice has
22 been served on the Director of the Crime Victims' Assistance Section under UTCR
23 5.100(5).
24

DATED: April 14, 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 121 SW Morrison St., Suite 600, Portland, Oregon 97204.

On April 14 2026, I served the following document(s):

ORDER GRANTING PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT AND NOTICE PLAN

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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