

**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW JERSEY**

MARILYN DELAHOY, MARY
DUNAHOE, FRANK TASTINGER,
TERRY TIGHE, JOANNE
MICHANOWICZ, CORY
HIGHTOWER, and ERIC BOSCH, on
behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

SAMSUNG ELECTRONICS
AMERICA, INC. and SAMSUNG
ELECTRONICS CO., LTD.,

Defendants.

Case 2:22-cv-04132-CCC-CLW

JURY TRIAL DEMANDED

CLASS ACTION

**STIPULATION AND ORDER REGARDING CONSOLIDATION
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 42**

1. **WHEREAS**, on June 17, 2022, Marilyn Delahoy filed a class action complaint in the United States District Court for the District of New Jersey against Samsung Electronics, America, Inc. and Samsung Electronics Co., Ltd. seeking relief for the owners of ranges containing alleged defects in the design of their front-mounted burner control knobs that make the ranges susceptible to unintentional actuation. *See Delahoy, et al. v. Samsung Electronics America, Inc., et al.*, Case No. 2:22-cv-04132-CCC-CLW (D.N.J.) (Cecchi, J.). Delahoy, along with six additional

proposed class representatives, filed an Amended Class Action Complaint October 2, 2022. *Id.*

2. **WHEREAS**, on July 18, 2022, Robert A. Mason filed a class action complaint in the United States District Court for the Central District of California against Samsung Electronics, America, Inc. and Samsung Electronics Co., Ltd seeking relief for the owners of ranges containing alleged defects in the design of their front-mounted burner control knobs that make the ranges susceptible to unintentional actuation. *See Mason, et al. v. Samsung Electronics America, Inc., et al.*, Case No. 5:22-cv-01244 (C.D.Cal.). On October 18, 2022, the parties in the *Mason* action requested that the case be transferred to the United States District Court for the District of New Jersey due the existence of the *Delahoy* case. *Id.* The case has since been transferred and is now before Judge Cecchi. *Mason, et al. v. Samsung Electronics America, Inc., et al.*, Case No 2:22-CV-06186-CCC-CLW (D.N.J.) (Cecchi, J.).

3. **WHEREAS**, on October 28, 2022, Kayce Kleehamer filed a class action complaint in the United States District Court for the District of New Jersey against Samsung Electronics, America, Inc. and Samsung Electronics Co., Ltd. seeking relief for the owners of ranges alleging latent defects in the design of their front-mounted burner control knobs that make the ranges susceptible to

unintentional actuation. *See Kleehamer, et al. v. Samsung Electronics America, Inc., et al.*, Case No. 2:22-cv-06312-CCC-CLW (D.N.J.) (Cecchi, J.).

4. **WHEREAS**, Federal Rule of Civil Procedure 42(a) allows for consolidation of actions that share common questions of law and fact, *see* Fed. R. Civ. P. 42(a);

5. **WHEREAS**, the parties in all three actions listed stipulate and agree that, based on the allegations pleaded in the complaints, the actions share common questions of law or fact;

6. **IT IS** on this 14th day of November, 2022, **ORDERED** that, pursuant to Fed. R. Civ. P. 42(a) and Local Rule 42.1, *Delahoy, et al. v. Samsung Electronics America, Inc., et al.*, Case No. 2:22-cv-04132-CCC-CLW (D.N.J.) (Cecchi, J.), *Mason, et al. v. Samsung Electronics America, Inc., et al.*, Case No. 2:22-CV-06186-CCC-CLW (D.N.J.) (Cecchi, J.), and *Kleehamer, et al. v. Samsung Electronics America, Inc., et al.*, Case No. 2:22-cv-06312-CCC-CLW (D.N.J.) (Cecchi, J.) are consolidated as a single action under Case No. 2:22-cv-04132-CCC-CLW (the “Consolidated Action”) for all purposes; and it is further:

7. **ORDERED** that all papers filed in the Consolidated Action shall bear the following caption:

MARILYN DELAHOY, MARY
DUNAHOE, FRANK TASTINGER,
TERRY TIGHE, JOANNE
MICHANOWICZ, CORY
HIGHTOWER, and ERIC BOSCH, on
behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

SAMSUNG ELECTRONICS
AMERICA, et al.,

Defendants.

Case 2:22-cv-04132-CCC-CLW

ROBERT A. MASON, on behalf of
himself and all others similarly situated,

Plaintiffs,

v.

SAMSUNG ELECTRONICS
AMERICA, et al.,

Defendants.

Case 2:22-CV-06186-CCC-CLW

KAYCE KLEEHAMER, on behalf of
himself and all others similarly situated,

Plaintiffs,

v.

SAMSUNG ELECTRONICS
AMERICA, et al.,

Defendants.

Case 2:22-cv-06312-CCC-CLW

8. **ORDERED** that, on a going forward basis, all papers shall be filed in the consolidated action with the consolidated civil action number (2:22-cv-04132-CCC-CLW). If a paper relates to less than all the above actions, the caption shall indicate to which action(s) the paper relates.

9. **ORDERED** that attorneys for Plaintiffs shall submit applications for interim class counsel 7 days after the Court enters the instant Stipulation.

10. **ORDERED** that all deadlines in the *Delahoy*, *Mason*, and *Kleehamer* cases are hereby vacated. Plaintiffs shall have 14 days after the Court rules on the attorneys' applications to serve as interim class counsel to file a Consolidated Amended Complaint. Defendants shall have 45 days to respond to the Consolidated Amended Complaint. Plaintiffs shall have 30 days to respond to any Motion to Dismiss that Defendants file. Defendants shall have 14 days to reply to Plaintiffs' Opposition to their Motion to Dismiss.

IT IS SO ORDERED:

s/ Cathy L. Waldor

CATHY L. WALDOR, U.S.M.J.

Dated: November 10, 2022

Respectfully submitted,

/s/ Zac Arbitman

Alan M. Feldman
Edward S. Goldis
Zachary Arbitman
FELDMAN SHEPHERD WOHLGELERENTER
TANNER WEINSTOCK & DODIG, LLP
1845 Walnut Street, 21st Floor
Philadelphia, PA 19103
Telephone No.: (215) 567-8300
Facsimile: (215) 567-8333
afeldman@feldmanshepherd.com
egoldis@feldmanshepherd.com
zarbitman@feldmanshepherd.com

Michael F. Ram
Marie N. Appel
MORGAN & MORGAN
711 Van Ness Ave, Suite 500
San Francisco, CA 94102
mram@forthepeople.com
mappel@forthepeople.com

*Attorneys for Plaintiffs Marilyn Delahoy,
Mary Dunahoe, Frank Tastinger, Terry
Tighe, Joanne Michanowicz, Eric Bosch,
and Cory Hightower and the Class*

/s/ Trenton R. Kashima

Trenton R. Kashima (SBN 291405)
MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN PLLC
401 West C St., Suite 1760
San Diego, CA 92101
Telephone No.: (714) 651-8845
tkashima@milberg.com

Alex R. Straus (SBN 321366)
MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN, PLLC
280 S. Beverly Drive
Beverly Hills, CA 90212
Telephone No.: 865-247-0080
astraus@milberg.com

Gary Klinger*
MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN PLLC
227 W. Monroe Street, Suite 2100
Chicago, IL 60606
Telephone No.: (866) 252-0878
gklinger@milberg.com

**Pro Hac Vice Application Forthcoming
Attorneys for Plaintiffs Robert A. Mason
and the Class*

/s/ Robert W. Smith
Robert W. Smith, Esq.
SMITH EIBELER, LLC
101 Crawfords Corner Road, Suite 1-126
Holmdel, NJ 07733
Telephone No.: (732) 935-7246
Facsimile: (732) 444-1096
rsmith@smitheibeler.com

Bryan L. Bleichner*
Philip J. Krzeski*
CHESTNUT CAMBRONNE PA
100 Washington Avenue South, Suite
1700
Minneapolis, MN 55401
Telephone No.: (612) 339-7300
Facsimile: (612) 336-2940

bbleichner@chestnutcambronne.com
pkrzeski@chestnutcambronne.com
* *Pro Hac Vice* Application Forthcoming
*Attorneys for Plaintiffs Kayce Kleehamer
and the Class*

s/ Justin T. Quinn

Justin T. Quinn, Esq.
ROBINSON MILLER LLC
Ironsides Newark
110 Edison Place, Suite 302
Newark, New Jersey 07102
Telephone: (973) 690-5400
Facsimile: (973) 466-2761
jquinn@rwmlegal.com

Michael J. Mueller, Esq. *pro hac vice*
Samuel J. Thomas, Esq. *pro hac vice*
HUNTON ANDREWS KURTH LLP
2200 Pennsylvania Avenue, N.W.
Washington, D.C. 20037
Telephone: (202) 955-1500
Facsimile: (202) 778-2201
mmueller@HuntonAK.com
stthomas@HuntonAK.com

Thomas R. Waskom, Esq. *pro hac vice*
HUNTON ANDREWS KURTH LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219
Telephone: (804) 788-8200
Facsimile: (804) 788-8219
twaskom@HuntonAK.com

*Attorneys for Defendants
Samsung Electronics America, Inc. and
Samsung Electronics Co., Ltd.*