



**FILED**

**KING COUNTY WASHINGTON**

**NOV 12 2004**

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SUPERIOR COURT OF WASHINGTON IN AND FOR KING COUNTY

JOY ANN GARDNER and ROBERT  
BLANGERES, individually and on behalf of a  
class of persons similarly situated,

Plaintiffs,

v.

STIMSON LUMBER COMPANY, an Oregon  
Corporation,

Defendant.

CLASS ACTION

No. 00-2-17633-3SEA

[PROPOSED] FINAL ORDER AND  
JUDGMENT

The Honorable Mary I. Yu  
Hearing Date: Nov. 12, 2004 at 9:00 a.m.

This matter came before the Court on November 12, 2004, on the motion of the plaintiff class for final approval of the proposed settlement set forth in the Settlement Agreement between the parties, attached hereto as Exhibit A ("Settlement Agreement"), pursuant to the Court's Preliminary Approval Order of June 18, 2004. Defendant Stimson Lumber Company ("Stimson" or "Defendant") does not oppose final approval of the settlement or the form of this Final Order and Judgment.

In compliance with the Court's order approving the notice program, a broad and extensive multimedia notice campaign commenced in early August 2004 to inform the class of: (1) the settlement; (2) the November 12, 2004 hearing; (3) class members' rights to object or comment on the settlement; (4) the plaintiffs' request for compensation for class representatives and other homeowners involved in the prosecution of this action to be paid by Stimson and (5) Class

[PROPOSED] FINAL ORDER AND JUDGMENT - 1

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1 Counsel's request for an award of attorney's fees and expenses to be paid by Stimson.  
2 Individual notice was mailed to over 1400 potential class members with known addresses. A  
3 summary notice was published in class area editions of consumer magazines and local  
4 newspapers. The notice provider, Hilsoft Notifications, estimates that the notice program  
5 "reached" at least 79.2% of potential class members through these placements in consumer  
6 magazines. Notice was also mailed to approximately 25,758 real estate inspectors, apartment  
7 complex operators, condominium associations and siding distributors in the seven class area  
8 states. In addition, the Notice, Settlement Agreement and other documents in English and  
9 Spanish were posted on the Internet on a neutral website and a toll-free "800" information line  
10 was established. Class Counsel responded to all written and telephone inquiries from class  
11 members.

12 The parties appeared at the hearing by their respective attorneys of record. An  
13 opportunity to be heard was given to all persons requesting to be heard in accordance with the  
14 Preliminary Approval Order, whether represented by counsel or not. The Court has exercised  
15 responsibility for this case since its filing and has extensive background knowledge of the claims  
16 and defenses asserted and the legal and factual underpinnings of this action. It has heard, read  
17 and considered presentations and evidence in support of the proposed settlement. The Court has  
18 also read and considered the written comments of class member Richard P. Sterling.

19 The entire matter of the proposed settlement having been duly noticed, heard and  
20 considered by the Court, and for all of the reasons stated by the Court at the proceedings on June  
21 18, 2004, and set forth below,

22 **IT IS HEREBY ORDERED ADJUDGED AND DECREED that:**

23 1. This Court has jurisdiction over the claims of class members asserted in this  
24 action and over all parties to the action. The settlement class is defined as:

25 All persons, including but not limited to individuals and legal or governmental  
26 entities, who have owned, own, or will own buildings on which Stimson Series

