

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION**

**WILLIAM F. TURNER, on behalf of
himself and all others similarly situated,**

Plaintiff,

v.

GENERAL ELECTRIC COMPANY,

Defendant.

CASE NO.: 2:05-CV-186-FtM-33DNF

STIPULATION REGARDING SUPPLEMENTAL NOTICE

WHEREAS, Plaintiff and Defendant General Electric Company (“GE”) have entered into a Settlement Agreement (previously filed with the Court) which settles and resolves all of Plaintiff’s and Settlement Class Members’ claims against GE in this Action;

WHEREAS, on December 12, 2005, Plaintiff filed Plaintiff’s Motion for Preliminary Approval of Settlement, Conditional Certification of Settlement Class, Appointment of Settlement Class Counsel and Settlement Class Representative, Approval of Class Notice and Scheduling of Fairness Hearing;

WHEREAS, on December 22, 2005, the Court granted Preliminary Approval of the Settlement, conditionally certified the Settlement Class, appointed Settlement Class Counsel and Settlement Class Representative, approved the Notice Program enumerated therein and scheduled a Fairness Hearing;

WHEREAS, beginning on January 12, 2006, GE began a notice program which included the following:

- (a) Direct-Mail Notice: GE sent a Class Notice and a Claim Form by first-class mail to 445,464 potential Settlement Class Members for whom it had street addresses.

All addresses were run through the “National Change of Address Database” or other similar service prior to sending the direct-mail Class Notice;

(b) Publication Notice: GE placed ads containing the Summary Notice in the following newspaper supplements and consumer magazines:

(i) A two-fifths-page ad placed twice in *Parade*, with a circulation of 33,900,000. *Parade* is carried in the Sunday edition of 351 newspapers and is the highest circulating publication in the United States. Carrier newspapers serve major urban and suburban markets in the United States;

(ii) A two-fifths-page ad placed once in *USA Weekend*, with a circulation of 23,040,509. *USA Weekend* is carried in the weekend edition of 608 daily newspapers in major markets complementing the U.S. markets served by *Parade*;

(iii) A one-half-page ad placed once in *People* magazine, a weekly publication with a national circulation of 3,779,640;

(iv) A one-half-page ad placed once in *Better Homes & Gardens*, a monthly publication with a national circulation of 7,634,170;

(v) A full-page ad placed once in *Reader's Digest*, a monthly publication with a circulation of 10,128,943;

(c) Web Site Notice: GE created and promoted a web page located at www.geappliances.com/classaction to provide Class Members with information about the settlement, including the Settlement Agreement, the Class Notice, the Claim Form and relevant contact information, all of which may be downloaded.

WHEREAS, pursuant to the Order Preliminarily Approving the Settlement, the deadline to submit a Request for Exclusion from the Settlement (“Opt-Out Deadline”) or to object to the Settlement (“Objection Date”) was March 14, 2006;

WHEREAS, as of the Opt-Out Deadline and the Objection Date, only four persons submitted objections and only 192 persons submitted Requests for Exclusion. By contrast, more than 52,000 persons submitted Claim Forms for benefits under the Settlement.

WHEREAS, on April 27, 2006, the parties appeared before the Court to hear Plaintiff’s Motion for Final Approval of the Settlement that has been filed in this Action;

WHEREAS, at the April 27, 2006 hearing, Plaintiff, William Turner appeared and offered testimony in support of Final Approval of the Settlement and no objectors appeared to object to the Final Approval of the Settlement;

WHEREAS, at the hearing, the parties notified the Court that the Notice Plan that had been approved by the Court at the Preliminary Approval Hearing had been carried out and that more than 450,000 Settlement Class Members nationwide had been sent Notice of the Settlement via direct mail either as part of the original Notice Plan mailing or as a result of Settlement Class Members having contacted GE and requesting that Notice be mailed to them;

WHEREAS, at the hearing, GE advised the Court that an unknown number of potential Settlement Class Members might not have received direct-mail Notice, including persons who purchased an extended service contract from someone other than GE, but neither registered their Refrigerator with GE nor asked GE to repair the Refrigerator;

WHEREAS, after a thorough re-examination of its databases, GE has compiled a supplemental mailing list (the “Supplemental Mailing List”) that includes the potential Settlement Class Members described above. However, because GE has sought to be over-

inclusive (rather than under-inclusive), the Supplemental Mailing List may include many persons that are not Settlement Class Members or have already received a direct-mail Notice;

WHEREAS, the parties wish to ensure that the Notice program regarding the Settlement of this Action is as full and complete as is possible;

WHEREAS, the Court continued the Fairness Hearing to allow time for Notice to be sent to the Settlement Class Members on the Supplemental Mailing List.

NOW THEREFORE, the parties stipulate as follows:

1. Beginning on June 6, 2006, GE shall send a Class Notice and Claim Form by first-class mail to all persons on the Supplemental Mailing List. This additional mailing of Notice shall be referred to as the "Supplemental Notice Program," and the Notice disseminated pursuant to the Supplemental Notice Program shall be referred to as the "Supplemental Notice."

2. Pursuant to the Court's previous Order (finding that the Notice meets the Requirements of Rule 23 and of due process, is the best notice practicable under the circumstances, constitutes due and sufficient notice to all persons entitled thereto, and complies fully with the requirements of the Constitution of the United States, and any other applicable law), the Supplemental Notice shall advise Settlement Class Members of their rights, including the right to opt-out and/or object to the Settlement or its terms. Further, the Supplemental Notice shall provide that any objection to the Settlement, and any papers submitted in support of said objection, shall be considered by the Court at the Fairness Hearing, only if, on or before the Supplemental Objection Date, the Person making objection shall file with the Clerk of the Court notice of his or her intention to object. Any objection to the Settlement must include:

- (1) Sufficient proof to determine membership in the Settlement Class;
- (2) A statement of each objection asserted;

- (3) A detailed description of the facts underlying each objection;
- (4) A detailed description of the legal authorities supporting each objection;
- (5) A statement of whether the objector intends to appear and argue at the Fairness Hearing and, if so, how long the objector anticipates needing to present the objection;
- (6) A list of the exhibits which the objector may offer during the Fairness Hearing, along with copies of such exhibits.

3. Any Settlement Class Member on the Supplemental Mailing List who does not make and serve their written objection in the manner prescribed in the Supplemental Notice will be deemed to have waived any objections. A copy of any objection must also be mailed to Scott Wm. Weinstein, Weinstein, Bavly & Moon, P.A., 2400 First Street, Suite 303, Ft. Myers, FL 33901 and Edward M. Waller, Jr. and Charles Wachter, Fowler White Boggs Banker P.A., 501 East Kennedy Boulevard, Suite 1700, Tampa, FL 33602, postmarked by midnight on the Supplemental Objection Date.

4. Pursuant to the Supplemental Notice Program, those Settlement Class Members on the Supplemental Mailing List shall be subject to the following dates and deadlines:

“Supplemental Notice Date” (date by which dissemination of Supplemental Notice Program must have begun)	=	June 6, 2006
“Supplemental Opt-Out Deadline” (deadline for post-marking and serving Request for Exclusion pursuant to Supplemental Notice Program)	=	60 days from Supplemental Notice Date: August 5, 2006
“Supplemental Objection Date” (deadline for post-marking, filing and serving written objections pursuant to Supplemental Notice Program)	=	60 days from Supplemental Notice Date: August 5, 2006
“Supplemental Claim Deadline for Additional Warranty Protection” (deadline for post-marking and mailing Claims for Additional Warranty Protection pursuant to Supplemental Notice Program)	=	90 days from Supplemental Notice Date: September 4, 2006

“Supplemental Claim Deadline for Refrigerator Exchange” (deadline for post-marking and mailing Claims for Refrigerator Exchange pursuant to Supplemental Notice Program)	=	January 12, 2007 (1 year from original Notice Date) (NOTE: persons with an existing service contract who have timely made a valid Claim for Additional Warranty Protection, have one year from the service contract’s expiration date)
“Supplemental Claim Deadline for Reimbursement” (deadline for post-marking and mailing Claims for Reimbursement pursuant to Supplemental Notice Program)	=	90 days from Supplemental Notice Date: September 4, 2006
Fairness Hearing	=	August 21, 2006, 1:30 p.m.

5. Pursuant to the terms of the Settlement and the Supplemental Notice, any Settlement Class Member who is listed on the Supplemental Mailing List who does not timely and validly request exclusion from the Settlement Class shall be included in such Settlement Class and shall be bound by all the terms of the Settlement, if it is finally approved, whether or not such person has objected to the Settlement or has made a Claim.

6. Settlement Class Members on the Supplemental Mailing List who timely and validly elect to opt-out shall be excluded from the Settlement and from the Settlement Class, even if the Settlement is finally approved and the Settlement Class is confirmed as a certified class.

7. Settlement Class Members on the Supplemental Mailing List who request to be excluded from the Settlement Class and to opt-out are required to submit to the Claims Administrator a signed Request for Exclusion that states: (1) the Settlement Class Member’s name, address, and telephone number; (2) the model number and serial number of the Refrigerator which the Settlement Class Member purchased, owns and/or owned; and (3) a

statement that the Settlement Class Member wishes to be excluded from the Settlement Class. Further, Settlement Class Members on the Supplemental Mailing List who elect to opt-out must exercise the opt-out right by mailing the written and signed Request for Exclusion to the Claims Administrator by the Supplemental Opt-Out Deadline.

8. Any Settlement Class Member on the Supplemental Mailing List who does not timely submit a properly completed Request for Exclusion by the Supplemental Opt-Out Deadline shall be a Settlement Class Member and shall be bound by the terms of the Settlement and the terms of the Final Order and Judgment (if this Court finally approves same), provided that, in order to obtain the Benefits of the Settlement, a Settlement Class Member on the Supplemental Mailing List must timely submit a Claim Form pursuant to the deadlines set forth above and in the Court Order Approving and Ratifying Stipulation Regarding Supplemental Notice.

9. GE, GE's Counsel and Settlement Class Counsel shall preserve all Claim Forms and any and all related documents and/or written communications from Settlement Class Members on the Supplemental Mailing List until June 1, 2007, or pursuant to further order of the Court. All such materials shall be available at all reasonable times for inspection and copying by Settlement Class Counsel and GE's Counsel.

10. Any Settlement Class Member on the Supplemental Mailing List may enter an appearance in the Action, at the Settlement Class Member's own expense, individually or through counsel of the Settlement Class Member's choice. Any such appearance shall be served on or prior to the date of its filing, on Settlement Class Counsel. Any Settlement Class Member who does not enter an appearance will be represented by Settlement Class Counsel.

11. The Fairness Hearing will be held on August 21, 2006 at 1:30 p.m. to determine whether to finally approve the Settlement. Settlement Class Members on the Supplemental Mailing List who have timely filed an objection may then and there appear and show cause why the Settlement should not be approved as fair, reasonable, and adequate; or why the proposed Final Order and Judgment should or should not be entered thereon; or why attorneys' fees and expenses should or should not be awarded to Settlement Class Counsel; or why incentive awards should or should not be paid to the Plaintiff; provided, however, no Settlement Class Member on the Supplemental Mailing List shall be entitled to contest or object to the Court's decision on any of the foregoing matters unless that Person has (a) no later than the Supplemental Objection Date filed written objections and any supporting documentation, papers and briefs with the Clerk of the United States District Court for the Middle District of Florida, Ft. Myers Division and (b) mailed or delivered copies of such objections, documentation, papers, and briefs no later than the Supplemental Objection Date to Settlement Class Counsel and GE counsel. In order to be considered for hearing, all objections must have been filed with the Court by the Supplemental Objection Date and postmarked to Settlement Class Counsel and GE Counsel no later than midnight on the Supplemental Objection Date. Unless otherwise ordered by the Court, any Settlement Class Member on the Supplemental Mailing List who does not make his, her or its objection in the manner provided in the Supplemental Notice shall be deemed to have waived such objection and shall forever be foreclosed from making any objection to the Settlement, to the award of attorneys' fees and expenses to Settlement Class Counsel, and to any payment of incentive awards to the Plaintiff.

12. At the Fairness Hearing, the Court shall determine whether any application for attorneys' fees or reimbursement of expenses, or any application for incentive awards to the Plaintiff shall be approved.

13. All costs incurred in connection with publishing the Supplemental Notice to the members of the Settlement Class on the Supplemental Mailing List and all reasonable and necessary expenses incurred in administering the claims of such Settlement Class Members shall be paid by GE, as provided by the terms of the Settlement Agreement. In the event the Settlement is not approved by the Court, or otherwise fails to become effective, neither the Plaintiff nor his counsel shall have any obligation to pay any such costs incurred but unpaid, or to repay any amounts actually and properly disbursed.

Dated: May 23, 2006

GENERAL ELECTRIC COMPANY

/ s / Hal N. Bogard
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Dated: May 23, 2006

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Dated: May 23, 2006

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