

WDZ

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United States District Court for the District of New Jersey

If You Purchased A Maytag Centennial Clothes Washer Bearing Model Numbers MVWC6ESWW0, MVWC6ESWW1, Or MVWC7ESWW0, A Class Action Lawsuit May Affect Your Legal Rights

A federal court authorized this notice. This is not a solicitation from a lawyer.

- Purchasers of certain Maytag Centennial clothes washers have sued Whirlpool Corporation (“Whirlpool”), Sears Holdings Corporation, Home Depot U.S.A., Inc., Fry’s Electronics, Inc., and Lowe’s Home Centers, LLC (collectively “Defendants”), alleging that they misrepresented the clothes washers’ energy efficiency by labeling them with the Energy Star logo when, in fact, they did not meet the Energy Star program’s standards for energy efficiency.
- The Court has allowed the lawsuit to be a class action against Whirlpool only and on behalf of all persons in New Jersey, California, Florida, Texas, Ohio, Virginia, and Indiana who purchased a Maytag Centennial clothes washer bearing model numbers MVWC6ESWW0, MVWC6ESWW1, or MVWC7ESWW0. These products are collectively referred to as the “Centennial Clothes Washers.”
- The Court has not decided whether Defendants did anything wrong. There are no benefits available now, and no guarantee there will be. However, your legal rights are affected, and you have a choice to make now:

YOUR LEGAL RIGHTS AND OPTIONS	
WHAT IS THIS?	The Court has certified this lawsuit as a class action against Whirlpool. The lawsuit alleges that Defendants made false and misleading representations about the energy efficiency of the Centennial Clothes Washers.
DO NOTHING	Stay in the lawsuit. Await the outcome. Give up certain rights. By doing nothing, you keep the possibility of getting money or benefits that may come from a trial or a settlement. But, you will give up any rights to sue Whirlpool separately about the same legal claims in this lawsuit.
EXCLUDE YOURSELF	Get out of this lawsuit. Get no benefits from this lawsuit. Keep rights. If you ask to be excluded and money or benefits are later awarded, you won’t share in those. But, you keep any rights to sue Whirlpool separately about the same legal claims in this lawsuit.

- Your options – and the deadlines to exercise them – are explained in this notice. To ask to be excluded, you must act before October 13, 2018.
- Lawyers must prove the claims against Whirlpool at a trial. If money or benefits are obtained from Whirlpool, you will be notified about how to ask for a share.

BASIC INFORMATION

1) Why did I get this notice?

This notice explains that the Court has allowed, or “certified,” a class action lawsuit that may affect you. You have legal rights and options that you may exercise before the Court holds a trial. The trial is to decide whether the claims being made against Whirlpool, on your behalf, are correct. Judge Kevin McNulty of the United States Court for the District of New Jersey is overseeing this class action. The lawsuit is known as *Dzielak, et al. v. Whirlpool Corporation, et al.*, Case No. 2:12-cv-89 (KM)(JBC).

2) What is this lawsuit about?

The lawsuit is about whether Defendants allegedly misrepresented the energy efficiency of the Centennial Clothes Washers by labeling them with the Energy Star logo when, in fact, they did not meet the Energy Star program’s standards for energy efficiency.

3) What is a class action and who is involved?

In a class action lawsuit, one or more people called “Class Representatives” (in this case, Plaintiffs Charlene Dzielak, Shelley Baker, Francis Angelone, Brian Maxwell, Jeffrey Reid, Kari Parsons, Charles Beyer, Jonathan Cohen, Jennifer Schramm, and Aspasia Christy) sue on behalf of other people who have similar claims. The people together are a “Class” or “Class Members.” The named plaintiffs who sued – and all the Class Members like them – are called the “Plaintiffs.” The companies they sued (in this case, Whirlpool, Sears Holdings Corporation, Home Depot U.S.A., Inc., Fry’s Electronics, Inc., and Lowe’s Home Centers, LLC) are called the Defendants. One court resolves the issues for everyone in the Class – except for those people who choose to exclude themselves from the Class.

4) Am I part of this Class?

The Court certified seven Classes against Whirlpool, including: all persons in New Jersey, California, Florida, Texas, Ohio, Virginia, and Indiana who purchased a Maytag Centennial Clothes Washer bearing model numbers MVWC6ESWW0, MVWC6ESWW1, or MVWC7ESWW0 (collectively the “Centennial Clothes Washers”). If you purchased a Centennial Clothes Washer in either New Jersey, California, Florida, Texas, Ohio, Virginia, or Indiana, you are a Class Member.

5) Why is this lawsuit a class action?

The Court decided that this lawsuit can be a class action against Whirlpool and move towards a trial because it meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts.

More information about why the Court is allowing this lawsuit to be a class action is in the [Court’s Order Certifying the Class](#), which is available at www.ClothesWasherLawsuit.com.

THE CLAIMS IN THE LAWSUIT

6) What does the lawsuit complain about?

Plaintiffs allege that the Defendants misrepresented the Centennial Clothes Washers’ energy efficiency by labeling them with the Energy Star logo when, in fact, they did not meet the Energy Star program’s standards for energy efficiency. You can read [Plaintiffs’ Second Amended Complaint](#) at www.ClothesWasherLawsuit.com.

7) How do Defendants respond?

Defendants deny that they misrepresented the Centennial Clothes Washers’ energy efficiency, deny any wrongdoing, and deny the Plaintiffs’ allegations. You can read Whirlpool’s [Answer to the Second Amended Complaint](#) at www.ClothesWasherLawsuit.com.

8) Has the Court decided who is right?

The Court hasn't decided whether the Defendants or the Plaintiffs are correct. By establishing the Class and issuing this notice, the Court is not suggesting that the Plaintiffs will win or lose this case. The Plaintiffs must prove their claims in the litigation, including at a trial, if necessary.

9) What are the Plaintiffs asking for?

The Plaintiffs are generally asking Whirlpool to provide a monetary recovery to the Class for damages resulting from the alleged mislabeling of the Centennial Clothes Washers with the Energy Star logo. Plaintiffs also seek to obtain all such other relief to which they may be entitled pursuant to New Jersey, California, Florida, Texas, Ohio, Virginia, and Indiana law, including, without limitation, actual and punitive damages.

No money or benefits are available now because the Court has not yet made a decision whether Defendants did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits ever will be obtained. If they are, you will be notified about how to ask for a share.

YOUR RIGHTS AND OPTIONS

You have to decide now whether to stay in the Class or ask to be excluded before the trial.

10) What happens if I do nothing at all?

You don't have to do anything now if you want to keep the possibility of getting money or benefits from this lawsuit. By doing nothing, you are staying in the Class. If you stay in and the Class is awarded money or benefits, either as a result of the trial or a settlement, you will be notified about how to apply for a share (or how to ask to be excluded from any settlement).

Keep in mind that if you do nothing now, regardless of whether the Class Representatives win or lose the trial, you will not be able to separately sue, or continue to sue, Whirlpool – as part of any other lawsuit – for the same legal claims that are the subject of this lawsuit. You will also be legally bound by all of the Orders the Court issues and judgments the Court makes in this class action.

11) Why would I ask to be excluded?

If you exclude yourself from the Class – which is sometimes called “opting-out” of the Class – you won't get any money or benefits from this lawsuit even if the Plaintiffs obtain them as a result of the trial or from any settlement (that may or may not be reached) between Whirlpool and Plaintiffs. However, you may then be able to separately sue or continue to sue Whirlpool for the legal claims that are the subject of this lawsuit. If you exclude yourself, you will not be legally bound by the Court's judgments in this class action.

If you bring your own lawsuit against Whirlpool after you exclude yourself, you will have to hire and pay your own lawyer for that lawsuit, and you will have to prove your claims. If you do exclude yourself so you can start or continue your own lawsuit against Whirlpool, you should talk to your own lawyer soon, because your claims may be subject to a statute of limitations.

12) How do I exclude myself from the Class?

To exclude yourself from the Class, you must send a written request for exclusion *that is received no later than October 13, 2018*, to:

Maytag Energy Star Litigation
c/o KCC Class Action Services
P.O. Box 404002
Louisville, KY 40233-4002

Your request for exclusion *must* contain: (1) the name of this lawsuit, *Dzielak, et al. v. Whirlpool Corporation, et al.*, Case No. 2:12-cv-89 (KM)(JBC); (2) your full name and current address; (3) a clear statement of intention to exclude yourself such as “I wish to be excluded from the Class”; and (4) your signature. You may also get an [Exclusion Request form](#) at www.ClothesWasherLawsuit.com.

THE LAWYERS REPRESENTING YOU

13) Do I have a lawyer in this case?

The Court appointed Bursor & Fisher, P.A., Carella, Byrne, Cecchi, Olsein, Brody & Agnello, P.C., and Vozzolo LLC to represent the Plaintiffs and all Class Members as “Class Counsel.” More information about these law firms, their practices, and their lawyers’ experience is available at www.bursor.com and www.carellabyrne.com.

14) Should I get my own lawyer?

If you choose to remain in the Class, you do not need to hire your own lawyer because Class Counsel are working on your behalf. But, if you want your own lawyer, you will be responsible for paying that lawyer. For example, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

15) How will the lawyers be paid?

If Class Counsel get money or benefits for the Class, they may ask the Court for fees and expenses. You will not have to pay these fees and expenses. If the Court grants Class Counsel’s request, the fees and expenses would be either deducted from any money obtained for the Class or paid separately by Whirlpool.

THE TRIAL

16) How and when will the Court decide who is right?

As long as the case isn’t resolved by a settlement or otherwise, Class Counsel will have to prove the Plaintiffs’ claims in this litigation, including at a trial if necessary. There is no guarantee that the Plaintiffs will win, or that they will get any money for the Class. The trial date has not yet been determined.

17) Do I have to come to the trial?

You do not need to attend the trial. Class Counsel will present the case for the Class Members, and Whirlpool will present the defenses. You are welcome to come at your own expense. If you wish to participate in the trial, you should contact Class Counsel.

18) Will I get money after the trial?

If the Class obtains money or benefits as a result of the trial or a settlement, you will be notified about how to participate. We do not know how long this will take.

GETTING MORE INFORMATION

19) Are more details available?

Visit the website, at www.ClothesWasherLawsuit.com, where you will find the [Court’s Order Certifying the Class](#), the [Plaintiffs’ Second Amended Complaint](#), [Whirlpool’s Answer](#), and an [Exclusion Request Form](#).

You may also contact Class Counsel by email at info@bursor.com, or by writing to Maytag Energy Star Litigation, c/o KCC Class Action Services, P.O. Box 404002, Louisville, KY 40233-4002.

PLEASE DO NOT CALL OR WRITE TO THE COURT FOR INFORMATION OR ADVICE.

DATED: August 29, 2018

**BY ORDER OF THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF NEW JERSEY**