# UNITED STATES DISTRICT COURT

## District of Minnesota

Lisa Rouse, Juston Rouse, Jenna Drouin, Nicholas Drouin, Kendra Graybeal, Nichole Edwards, Lucas Edwards, Robert Calamita, Gina Calamita, Nicole Robb, Dave Robb, Clay Whitenack, Andrea Lea Hill Whitenack, Brian Andree, Alexandra Andree, Kyle Witczak, Brittany Witczak, Mary Jane Gougar, Chris Lorbecki, Kristina De Broux,

Plaintiff(s),

v.

H.B. Fuller Company, H.B. Fuller Construction Products, Inc.,

Defendant(s).

**JUDGMENT IN A CIVIL CASE**

Case Number: 22=cv-2173 JMB/JFD

☐ **Jury Verdict**. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☒ **Decision by Court**. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED THAT:

1. Plaintiffs' Unopposed Motion for Final Approval of Class Action settlement and Certification of Settlement Classes (Doc. No. 666) is GRANTED.

a. The following Settlement Classes are certified for settlement purposes under Federal Rule of Civil Procedure 23(a) and 23(b)(3):

i. **Subclass One:** All homeowners in the United States who had TEC Power Grout manufactured on or before December 2, 2024, installed between December 1, 2016 and June 10, 2026 on residential property they own, or owned, and who replaced the Power Grout or paid to repair damage to their property allegedly caused by such Power Grout, and who are seeking recovery of these repair costs.

ii. **Subclass Two:** All homeowners in the United States who own a home in which Power Grout manufactured on or before December 2, 2024 was installed between December 1, 2016 and June 10, 2026, or who purchased Power Grout manufactured on or before December 2, 2024 during that period.

b. Excluded from the Settlement Classes are the persons an entities identified in Section 3.2 of the Settlement Agreement, including persons who have already received warranty payments from Defendants in excess of the settlement amount; Defendants and their affiliates; distributors of Power Grout; Class Counsel and their employees; judicial officers and their staff; and the immediate family members of the foregoing.

c. The Court finds that the prerequisites of Federal Rule of Civil Procedure 23(a) are satisfied.

d. The Court further finds that the requirements of Rule 23(b)(3) are satisfied for settlement purposes.

e. The Court confirms the appointment of Vorys, Sater, Seymour and Pease LLP and Lockridge Grindal Nauen P.L.L.P. as Settlement Class Counsel under Rule 23(g).

f. The Court confirms the appointment of Plaintiffs Lisa Rouse, Juston Rouse, Jenna Drouin, Nick Drouin, Kendra Graybeal, Nichole Edwards, Lucas Edwards, Robert Calamita, Gina Calamita, Nicole Robb, Dave Robb, Clay Whitenack, Andrea Whitenack, Brian Andree, Alexandra Andree, Kyle Witczak, Brittany Witczak, Kristina De Broux, Mary Jane Gougar, and Chris Lorbecki as Class Representatives.

g. The Court confirms the appointment of Eqiq Class Action & Claims Solutions, Inc. as Class Administrator.

h. The Court approved the Class Notice Plan on July 16, 2026 (Doc. No. 664) and amended that Order on July 24, 2026 (Doc. No. 665). The Class A implemented the Notice Plan as approved.

i. The Court finds that the notice given to the Settlement Classes constituted the best notice practicable under the circumstances, including individual notice to all members who could be identified through reasonable effort, and fully satisfied Federal Rule of Civil Procedure 23(c)(2)(B) and 23(e)(1) and the requirements of due process.

j. On April 10, 2026, the Class Administrator served fifty-seven Class Action Fairness Act Notice Packages on the Attorney General of the United States and the appropriate officials of all fifty states, the District of Columbia, and the United States Territories, in compliance with 28 U.S.C. § 1715(b). (Doc. No. 669 ¶ 6; Doc. No. 669-1; *see also* Doc. No. 650). More than ninety days have elapsed since that service, and no federal or state official has objected to or commented on the Settlement Agreement. The Court may therefore enter final judgment consistent with 28 U.S.C. § 1715(d).

k. Pursuant to Federal Rule of Civil Procedure 23(e)(2), the Court finds the Settlement Agreement fair, reasonable, and adequate.

l. The Class Administrator shall continue to administer the claims process under Sections 5 and 6 of the Settlement Agreement. Within ninety days after the final distribution of settlement funds, Class Counsel and the Class Administrator shall file a post-distribution accounting reporting.

m. Without affecting the finality of this Order and the Judgment, the Court retains jurisdiction over the Parties and the Settlement Classes for purposes of administering,

interpreting, enforcing, and effectuating the Settlement Agreement, including the Claims Procedure.

2. Plaintiffs' Unopposed Motion for Attorney Fees and Reimbursement of Expenses and Class Representative Service Awards (Doc. No. 673) is GRANTED.

a. Class Counsel is awarded $26,250,000.00 in attorneys' fees.

b. Class Counsel is awarded $1,845,015.68 for unreimbursed costs and expenses.

c. Each Class Representative household is awarded $20,000.00.

3. This action is DISMISSED WITH PREJUDICE.

Date: 10/29/2026 KATE M. FOGARTY, CLERK

# UNITED STATES DISTRICT COURT
# DISTRICT OF MINNESOTA

**Warren E. Burger Federal Building and U.S. Courthouse**
316 North Robert Street
Room 100
St. Paul, MN 55101

**Diana E. Murphy U.S. Courthouse**
300 South Fourth Street
Room 202
Minneapolis, MN 55415

**Gerald W. Heaney Federal Building and U.S. Courthouse and Customhouse**
515 West First Street
Duluth, MN 55802

**Edward J. Devitt U.S. Courthouse and Federal Building**
118 South Mill Street
Fergus Falls, MN 56537

## CIVIL NOTICE

**The appeal filing fee is $605.00. If you are indigent, you can apply for leave to proceed in forma pauperis, ("IFP").**

The purpose of this notice is to summarize the time limits for filing with the District Court Clerk's Office a Notice of Appeal to the Eighth Circuit Court of Appeals or the Federal Circuit Court of Appeals (when applicable) from a final decision of the District Court in a civil case.

***This is a summary only. For specific information on the time limits for filing a Notice of Appeal, review the applicable federal civil and appellate procedure rules and statutes.***

Rule 4(a) of the Federal Rules of Appellate Procedure (Fed. R. App. P.) requires that a Notice of Appeal be filed within:

1. Thirty days (60 days if the United States is a party) after the date of "entry of the judgment or order appealed from;" or
2. Thirty days (60 days if the United States is a party) after the date of entry of an order denying a timely motion for a new trial under Fed. R. Civ. P. 59; or
3. Thirty days (60 days if the United States is a party) after the date of entry of an order granting or denying a timely motion for judgment under Fed. R. Civ. P. 50(b), to amend or make additional findings of fact under Fed. R. Civ. P. 52(b), and/or to alter or amend the judgment under Fed. R. Civ. P. 59; or
4. Fourteen days after the date on which a previously timely Notice of Appeal was filed.

If a Notice of Appeal is not timely filed, a party in a civil case can move the District Court pursuant to Fed. R. App. P. 4(a)(5) to extend the time for filing a Notice of Appeal. This motion must be filed no later than 30 days after the period for filing a Notice of Appeal expires. If the motion is filed after the period for filing a Notice of Appeal expires, the party bringing the motion must give the opposing parties notice of it. The District Court may grant the motion, but only if excusable neglect or good cause is shown for failing to file a timely Notice of Appeal.