

If you purchased or acquired a KitchenAid-brand dishwasher manufactured by Whirlpool between October 1, 2010 and June 14, 2019, you may be entitled to benefits from a class action settlement.

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

Si usted desea obtener una copia de este documento en Español, visite el sitio www.DishWasherClassAction.com.

- A Settlement has been reached in a class action lawsuit against Whirlpool Corporation (“Whirlpool”), regarding KitchenAid-brand dishwashers manufactured by Whirlpool between October 1, 2010 and June 14, 2019.
- If you are included in the Settlement, you may qualify for benefits including a cash reimbursement of repair expenses, cash payments ranging from \$15 to \$90, free repairs, or rebates ranging from 10% to 30% on the purchase price of certain new KitchenAid-brand kitchen appliances.
- Your legal rights are affected whether you act or not. Read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
Submit a Claim Form Earliest Deadline: October 27, 2019	This is the only way to obtain benefits under the Settlement.
Exclude Yourself Deadline: July 29, 2019	This is the only option that allows you to ever be part of another lawsuit against Whirlpool about the legal claims resolved by this Settlement. If you exclude yourself from this Settlement, you will not be able to get benefits from it.
Object Deadline: July 29, 2019	This is the only way to tell the Court that you do not like something about the Settlement.
Attend the Hearing on October 15, 2019 at 1:30 p.m.	This is your opportunity to ask to speak in the Court about the fairness of the Settlement.
Do Nothing	If you do nothing, you will not receive benefits under the Settlement, and you will give up your right to ever be part of another lawsuit against Whirlpool about the legal claims resolved by this Settlement.

- These rights and options are explained in this Notice.
- The Court in charge of this case still has to decide whether to approve the Settlement. Benefits will be issued if the Court approves the Settlement and after any appeals are resolved. Please be patient.

Questions? Call 1-888-724-0245 or visit www.DishWasherClassAction.com

BASIC INFORMATION

1. Why was this notice issued?

A federal court authorized this notice because you have a right to know about the proposed Settlement of this class action lawsuit and about all of your options, before it decides whether to approve the Settlement. This notice explains the lawsuit, the Settlement, your legal rights, what benefits are available, and who may qualify for them.

Judge Paul L. Maloney of the United States District Court for the Western District of Michigan is overseeing this class action and the Settlement. The case is known as *Burch v. Whirlpool Corp.*, Case No. 1:17-CV-00018. The people who sued are called “the Plaintiffs” and the company they sued, Whirlpool, is called “the Defendant.”

2. Why did I receive this notice?

If you received a Postcard Notice in the mail or by email, Whirlpool’s records indicate that you may have purchased or acquired a particular model of KitchenAid-brand dishwasher manufactured by Whirlpool between October 1, 2010 and June 14, 2019. These specific dishwashers are referred to as the “Class Dishwashers” throughout this Notice.

3. What is the lawsuit about?

Plaintiffs claim that the Class Dishwashers are defective, in that the axles on the wheels of the upper dish rack adjusters break, and the upper dish rack may become unusable. Plaintiffs further claim that Whirlpool breached warranties in connection with the manufacture and sale of the Class Dishwashers.

Whirlpool denies these allegations and all claims in the lawsuit and maintains that the dishwashers were, at all relevant times, fit for the purpose for which they were made and not defective. Whirlpool also denies that it violated any law or engaged in any wrongdoing and asserts numerous defenses to Plaintiffs’ allegations.

The Settlement does not include personal injury or property damage claims other than damages made to the Class Dishwasher itself. The Settlement does not release any of these claims.

4. Why is this a class action?

In a class action, one or more people called “Class Representatives” (in this case, Warren Burch, James Bodley, Kyle Matson, and Ronald McCallum) sue for all people who have similar claims. Together, these people are called a “Settlement Class” or “Settlement Class Members.” One court resolves the legal issues for all Settlement Class Members, except for those who exclude themselves from the Settlement Class.

5. Why is there a Settlement?

The Court did not decide which side was right or whether the Class Dishwashers were defective. Instead, both sides agreed to a Settlement to avoid the costs and risks of further litigation and provide benefits to Settlement Class Members. The Settlement does not mean that a Court found that Whirlpool broke any laws or did anything wrong. The Class Representatives and the lawyers representing them (called “Class Counsel”) believe that the Settlement is in the best interests of all Settlement Class Members.

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THE SETTLEMENT CLASS—WHO IS INCLUDED

6. Who is included in the Settlement?

The Settlement Class includes all persons in the United States or its territories who either: (a) purchased a new Class Dishwasher; (b) acquired a Class Dishwasher as part of the purchase of a home, residence, or structure; or (c) received as a gift, from a donor meeting the requirements of either subsection (a) or subsection (b), a new Class Dishwasher, not used by the donor or by anyone else after the donor purchased the Class Dishwasher and before the donor gifted the Class Dishwasher.

7. How do I know if I am a Settlement Class Member?

To determine if you are a Settlement Class Member, you need to verify that your Class Dishwasher model number is included in the Settlement. The model numbers included in the settlement are listed on the settlement website: www.DishWasherClassAction.com. The model number and serial number should be on the left edge of the dishwasher's door.

8. Who isn't included in the Settlement Class?

The following are not included in the Settlement Class: (1) officers, directors, and employees of Whirlpool or its parents, subsidiaries, or affiliates; (2) insurers of Settlement Class Members; and (3) subrogees (someone who has assumed the rights of another person) or all entities that claim to be subrogated to the rights of a Class Dishwasher purchaser, a Class Dishwasher owner, or a Settlement Class Member.

THE SETTLEMENT BENEFITS—WHAT YOU GET IF YOU QUALIFY

9. What benefits does the Settlement provide?

The Settlement provides Class Members with a variety of benefit options, including a cash reimbursement of repair expenses, cash payments ranging from \$15 to \$90, free repairs, or rebates ranging from 10% to 30% on the purchase price of certain new KitchenAid-brand kitchen appliances. The benefits you may claim depend on your experience with your Class Dishwasher, including whether you have had a repair of the upper rack adjuster, and if so what type of repair you received and whether you paid money for the repair or received it for free.

10. What benefits are available if I repaired my upper rack adjuster with another plastic upper rack adjuster?

Paid Repairs: In addition to the below relief options available in the future, all Settlement Class Members who paid money out-of-pocket to repair their upper rack adjuster with another plastic upper rack adjuster are eligible to receive 100% cash reimbursement of documented repair costs. Settlement Class Members who cannot adequately document repair costs may submit a signed declaration attesting to such repairs and payments and elect to receive either (a) a 25% rebate on the future purchase of new KitchenAid brand dishwasher, or (b) out-of-pocket repair costs not to exceed \$15. Claims for these benefits must be submitted by mail or online at www.DishWasherClassAction.com no later than **October 27, 2019**.

Future Relief: All Settlement Class Members who received a repair of their upper rack adjuster with another plastic upper rack adjuster are eligible to choose one, but not both, of the following benefits: Between June 14, 2019 and June 14, 2020, Settlement Class Members may obtain a free stainless steel replacement upper rack adjuster and service through Whirlpool's special project. To obtain this

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relief, Settlement Class Members must contact Whirlpool directly at 1-800-422-1230 within 90 days of experiencing a breakage of their plastic upper rack adjuster.

Alternatively, between June 15, 2020 and June 15, 2021, Settlement Class Members who still own their Class Dishwashers at that time may elect any one of the following benefits: (a) a free stainless steel replacement upper rack adjuster, (b) a 30% rebate on the future purchase of a KitchenAid brand stand mixer, (c) a 10% rebate on the future purchase of a KitchenAid brand blender, or (d) \$15.

11. What benefits are available if I repaired my upper rack adjuster with a stainless steel upper rack adjuster?

Paid Repairs: All Settlement Class Members who paid money out-of-pocket for a repair of their upper rack adjuster with a stainless steel upper rack adjuster are eligible to receive 100% cash reimbursement of documented repair costs. Settlement Class Members who cannot adequately document repair costs may submit a photograph showing the stainless steel upper rack adjuster in their Class Dishwasher together with their unique claim identification number assigned to them as part of this Settlement, and a signed declaration attesting to such repair and payment, and elect to receive either (a) a \$90 cash payment, or (b) a 15% rebate on the future purchase of a KitchenAid brand stand mixer. Claims for these benefits must be submitted by mail or online at www.DishWasherClassAction.com no later than **October 27, 2019**.

Free Repairs: All Settlement Class Members who received a free repair of their upper rack adjuster with a stainless steel upper rack adjuster are eligible to receive a 15% rebate on the future purchase of a KitchenAid brand stand mixer. Claims for these benefits must be submitted by mail or online at www.DishWasherClassAction.com no later than **October 27, 2019**.

12. What benefits are available if I've never had to repair my upper rack adjuster?

All Settlement Class Members who have never had to repair the upper rack adjuster on their Class Dishwasher are eligible to choose one, but not both, of the following benefits: Between June 14, 2019 and June 14, 2020, Settlement Class Members may obtain a free stainless steel replacement upper rack adjuster and service through Whirlpool's special project. To obtain this relief, Settlement Class Members must contact Whirlpool directly at 1-800-422-1230 within 90 days of experiencing a breakage of their plastic upper rack adjuster. Alternatively, between June 15, 2020 and June 15, 2021, Settlement Class Members who still own their Class Dishwasher at that time may elect any one of the following benefits: (a) a free stainless steel replacement upper rack adjuster, (b) a 30% rebate on the future purchase of a KitchenAid brand stand mixer, (c) a 10% rebate on the future purchase of a KitchenAid brand blender, or (d) \$15.

13. Tell me more about the rebates.

As explained above, Settlement Class Members may also be entitled to certain forms of rebate relief. Depending on your experience with your Class Dishwasher and what rebate relief you elect, the following forms of rebate relief are available: a 25% rebate on the future purchase of new KitchenAid brand dishwasher, a 30% rebate on the future purchase of a KitchenAid brand stand mixer, or a 10% rebate on the future purchase of a KitchenAid brand blender. All rebates available to class members are valid for one (1) year and are transferrable and stackable.

To obtain a rebate form, Settlement Class Members must request a rebate form by mail or online at www.DishWasherClassAction.com no later than **October 27, 2019**. Settlement Class Members shall be required to mail or email to the Settlement Administrator their completed rebate form and proof of purchase no later than twelve (12) months after the Settlement Administrator mails or emails the rebate form to the Settlement Class Member.

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HOW TO GET BENEFITS—SUBMITTING A CLAIM FORM

14. How many benefits can I receive?

Most Settlement Class Members will be entitled to one benefit, not multiple benefits. Those Settlement Class Members who paid for a repair to their plastic upper rack adjuster with a new plastic upper rack adjuster may receive cash reimbursement and make a claim in the future for additional benefits if they still own their Class Dishwasher at that time. A Settlement Class Member who owns multiple Class Dishwashers may make a claim for each Class Dishwasher.

15. How do I get a benefit to which I may be entitled?

You must complete and submit a Claim Form by **October 27, 2019** either on-line or via U.S. Mail. Claim Forms are available for download and submission at www.DishWasherClassAction.com. They also are available by contacting the Settlement Administrator at 1-888-724-0245 or info@DishWasherClassAction.com or by writing a letter to Dishwasher Settlement Claims Administrator, PO Box 4655, Portland, OR 97208-4655.

16. What rights am I giving up by getting benefits and staying in the Settlement Class?

Unless you exclude yourself, you are staying in the Settlement Class. If the Settlement is approved and becomes final, all of the Court's orders will apply to you and legally bind you. Generally, that means that you won't be able to sue, continue to sue, or be part of any other lawsuit against Whirlpool or other released parties ("Releasees") for the legal issues and claims resolved by this Settlement. **Personal injury claims or claims for damage to property other than to the Class Dishwasher itself are not affected or released by this Settlement.** The specific rights you are giving up are called Released Claims (*see* Question 17).

17. What are the Released Claims?

The claims that you are releasing, the "Released Claims," are all claims for economic loss relating to the use and performance of the Class Dishwashers, including all claims for diminution-in-value, benefit-of-the-bargain, cost-of-repair, cost-of-replacement, or premium-price damages, arising out of the Class Members' purchases or uses of the Class Dishwashers and relating to the upper rack adjusters. The released parties, also called "the Releasees," are Whirlpool, together with its respective predecessors and successors in interest, parents, subsidiaries, affiliates, and assigns; (b) each of its respective past, present, and future officers, directors, agents, representatives, servants, employees, attorneys, and insurers; and (c) all distributors, retailers, and other entities who were or are in the chain of design, testing, manufacture, assembly, distribution, marketing, sale, installation, or servicing of the Class Dishwashers. The Settlement is expressly intended to cover and include all such claims, actions, and causes of action for economic losses or damages (including, but not limited to, claims for diminution-in-value, benefit-of-the-bargain, cost-of-repair, cost-of-replacement, or premium-price damages), dealing whatsoever with the upper rack adjusters of the Class Dishwashers. **However, the Released Claims do not include any claims for property damage or personal injury.**

The complete Settlement Agreement describes the Released Claims in necessary legal terminology. Please read it carefully. A copy of the Settlement Agreement is available at www.DishWasherClassAction.com. You can talk to one of the lawyers listed below for free or you can, of course, talk to your own lawyer at your own expense if you have questions about the Released Claims or what they mean.

Questions? Call 1-888-724-0245 or visit www.DishWasherClassAction.com

THE LAWYERS REPRESENTING YOU AND THE SETTLEMENT CLASS

18. Do I have a lawyer in this case?

Yes. The Court appointed R. Brent Irby of McCallum, Hoagland & Irby LLP; Edward Wallace of Wexler Wallace LLP as Lead Class Counsel; and Nathan Carpenter and Rebecca Bell-Stanton of Carpenter & Schumacher, P.C., as Class Counsel, to represent you and other Settlement Class Members. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

19. How will these lawyers be paid?

Lead Class Counsel R. Brent Irby and Edward Wallace will ask the Court to award them up to \$715,000 for attorney fees and up to \$28,000 for reimbursement of the litigation expenses and costs they incurred. Class Counsel Nathan Carpenter and Rebecca Bell-Stanton will separately ask the Court to award them up to \$400,000 for attorney fees reimbursement of the litigation expenses and costs they incurred. Class Counsel will also ask for a service award of \$2,500 to be paid to each Class Representative. If approved, Whirlpool will *separately* pay these fees, costs, expenses, and service awards. These amounts will *not* reduce the amount of benefits available to Settlement Class Members. In addition, Whirlpool also has agreed to pay the Settlement Administrator's expenses, including the costs of mailing the Settlement Notices and distributing any payments owed to Settlement Class Members as part of the Settlement.

EXCLUDING YOURSELF FROM THE SETTLEMENT CLASS

If you want to keep the right to sue or continue to sue Whirlpool about the legal claims in this lawsuit, and you don't want to receive benefits from this Settlement, you must take steps to exclude yourself from the Settlement. This is sometimes called "opting out" of the Settlement Class.

20. How do I get out of the Settlement?

To exclude yourself from the Settlement, you must complete and send to the Settlement Administrator an Opt-Out Form available at www.DishWasherClassAction.com or a letter stating: "I want to be excluded from the Settlement Class in *Burch v. Whirlpool Corp.*, Case No. 1:17-CV-00018." Your Opt-Out Form or letter must include your full name, current address, your signature, and the date you signed it. To be valid, your Opt-Out Form or request for exclusion must be sent to the Settlement Administrator at the address below with a postmark no later than **July 29, 2019**.

Settlement Administrator
P.O. Box 4655
Portland, OR 97208-4655

21. If I exclude myself, can I still get benefits from this Settlement?

No. If you exclude yourself, you are telling the Court that you don't want to be part of the Settlement Class in this Settlement. You can only get Settlement benefits if you stay in the Settlement Class and submit a valid Claim Form for benefits as described above.

22. If I don't exclude myself, can I sue Whirlpool for the same claims later?

No. Unless you exclude yourself, you are giving up the right to sue Whirlpool for the claims that this Settlement resolves and releases (see Question 17). You must exclude yourself from *this* Settlement Class to start or continue with your own lawsuit or be part of any other lawsuit.

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OBJECTING TO THE SETTLEMENT

You can tell the Court if you don't agree with the Settlement or any part of it.

23. How do I tell the Court if I don't like the Settlement?

If you do not exclude yourself from the Settlement, you may object to it. You can give reasons why you think the Court should not approve it. The Court will consider your views before making a decision. To do so, you or your attorney must file with the Court a written objection and supporting papers. Your objection must contain: (1) the name of this lawsuit (*Burch v. Whirlpool Corp.*, Case No. 1:17-CV-00018); (2) your full name and current address; (3) whether, on the date of your written objection, you bought or currently own a Class Dishwasher; (4) the serial number and model number of your Class Dishwasher; (5) the specific reasons for your objection; (6) any evidence and supporting papers (including, but not limited to, all briefs, written evidence, and declarations) that you want the Court to consider in support of your objection; (6) your signature; (7) the date of your signature; and (8) if you plan to appear and speak at the Fairness Hearing, on your own or through your own lawyer, a statement indicating that it is your "Notice of Intent to Appear" at the Fairness Hearing.

You must mail your written objection to, or file it with, the Court at the following address:

Clerk of the Court
107 Federal Building
410 W. Michigan Ave.
Kalamazoo, MI 49007

Your written objection must be mailed to Lead Counsel for the Class and Whirlpool's counsel at the following addresses:

<p><u>Lead Class Counsel:</u> R. Brent Irby, Esq. McCallum Hoaglund & Irby LLP 905 Montgomery Highway, Suite 201 Vestavia Hills, Alabama, 35216</p>	<p><u>Whirlpool Counsel:</u> Galen Bellamy, Esq. Wheeler, Trigg, O'Donnell, LLP 370 Seventeenth Street, Suite 4500 Denver, Colorado, 80202</p>
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Your written objection must be mailed with a postmark no later than **July 29, 2019** or filed with the Court on or before **July 29, 2019**.

24. What is the difference between objecting and asking to be excluded from the Settlement?

Objecting is simply telling the Court that you don't like something about the Settlement. You can object only if you stay in the Settlement Class (that is, you do not exclude yourself). Excluding yourself is telling the Court that you don't want to be part of the Settlement Class. If you exclude yourself, you cannot object because the Settlement no longer affects you.

THE COURT'S FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the Settlement. You may attend and you may ask to speak at the hearing, but you don't have to.

25. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Fairness Hearing on **October 15, 2019, at 1:30 p.m.**, at the U.S. District Court for the Western District of Michigan, located at 174 Federal Building, 410 W. Michigan Avenue,

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Kalamazoo, Michigan to consider whether the Settlement is fair, adequate, and reasonable, and whether it should be finally approved. If there are objections, the Court will consider them. The Court will listen to people who have asked to speak at the hearing (see Question 23). The Court may also decide the amount of fees, costs and expenses to award Class Counsel and the payment amount to the Class Representatives. This hearing may be continued or rescheduled by the Court without further notice to the Settlement Class.

26. Do I have to come to the hearing?

No. Class Counsel is working on your behalf and will answer any questions the Court may have about the Settlement. But you are welcome to come at your own expense. If you file an objection to the Settlement, you don't have to come to Court to talk about it. As long as you filed your written objection on time, signed it and provided all of the required information (*see* Question 23) the Court will consider it. You may also pay your own lawyer to attend, but it's not necessary.

27. May I speak at the hearing?

Yes. You may ask the Court to speak at the Fairness Hearing. To do so, you must file a written request with the Court saying that it is your "Notice of Intent to Appear at the Fairness Hearing in *Burch v. Whirlpool Corp.*, Case No. 1:17-CV-00018" You must include your name, address, telephone number, and signature. If you plan to have your own attorney speak for you at the hearing, you must also include the name, address and telephone number of the attorney who will appear. Your written request must be filed with the Court and served on Lead Class Counsel and Whirlpool's counsel by **July 29, 2019**.

IF YOU DO NOTHING

28. What happens if I don't do anything?

If you do nothing, you won't get any benefits from this Settlement. If the Court approves the Settlement, you will be bound by its terms, and you will give up your right to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Whirlpool and the other Releasees about the legal issues or claims resolved and released by this Settlement.

GETTING MORE INFORMATION

29. What if I feel like I need more information about what I should or should not do?

This Notice summarizes the Settlement. More details are in the Settlement Agreement, available at www.DishWasherClassAction.com. If you have questions, you may contact the Settlement Administrator at PO Box 4655, Portland, OR 97208-4655, info@DishWasherClassAction.com, or 1-888-724-0245, or visit Class Counsel's websites. If you wish to communicate directly with Class Counsel, you may contact them at the address or phone number listed on their website.

**DO NOT WRITE OR CALL THE COURT, WHIRLPOOL, OR ANY APPLIANCE
RETAILER, DEALER, OR AGENT FOR INFORMATION ABOUT THE
SETTLEMENT OR THIS LAWSUIT.**

Questions? Call 1-888-724-0245 or visit www.DishWasherClassAction.com