

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

CIVIL ACTION NO.: 21-cv-02057-RM-STV

JOEL W. MATZDORF;  
MIKAYLA MATZDORF;  
DUANGDOW C. HOYORD; and  
LUKE T. HOYORD; individually and on behalf of all others similarly situated,

Plaintiffs,

vs.

UPONOR, INC.;  
UPONOR NORTH AMERICA, INC.;  
DOES 1 through 100, inclusive, whose true names are unknown,

Defendants.

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**STIPULATION FOR DISMISSAL WITH PREJUDICE**

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Plaintiffs Joel W. Matzdorf, Mikayla Matzdorf, Duangdow C. Hoyord, and Luke T. Hoyord (together, “Plaintiffs”), and Defendants Uponor, Inc. and Uponor North America, Inc. (together, “Defendants”), by and through their undersigned counsel, hereby submit the following Stipulation for Dismissal with Prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), which provides that a plaintiff may voluntarily dismiss an action without a court order by filing a stipulation of dismissal signed by all parties who have appeared. Plaintiffs and Defendants are collectively referred to herein as the “Parties.”

WHEREAS, on July 29, 2021, Plaintiffs, as the alleged owners of single-family residences located in Colorado, filed a putative class action Complaint on behalf of themselves and all others similarly situated against Defendants;

WHEREAS, on September 22, 2021, Defendants, in response to the Complaint, filed a Motion to Compel Arbitration or, in the Alternative, to: (1) Dismiss Plaintiffs' Complaint and Class Allegations; and (2) Strike Class Allegations; and Brief in Support Thereof.

WHEREAS, on November 10, 2021, Plaintiffs filed a First Amended Complaint on behalf of themselves and all others similarly situated against Defendants;

WHEREAS, on November 17, 2021, Defendants, in response to the First Amended Complaint, filed a Motion to Dismiss, or in the Alternative, to Compel Arbitration and Strike Class Allegations, and Brief in Support Thereof (the "Motion");

WHEREAS, on August 24, 2022, the Court entered a Recommendation of United States Magistrate Judge recommending the Motion be denied (the "Recommendation");

WHEREAS, on September 22, 2022, Defendants, in response to the Recommendation, filed an Objection to Recommendation of United States Magistrate Judge;

WHEREAS, on March 20, 2024, the Court entered an Order providing in part: (i) overruling Defendants' Objection to the Recommendation; (ii) Adopting the Magistrate Judge's Recommendation; (iii) Denying Defendants' Motion to Dismiss Plaintiffs' Amended Complaint and Class Allegations, or, in the Alternative, to Compel Arbitration and Strike Class Allegations;

WHEREAS, the Parties have reached a settlement resolving this entire action and all of their related disputes;

WHEREAS, the Parties now agree, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), that Plaintiffs shall and hereby do dismiss with prejudice this entire action, the

First Amended Complaint, and all causes of action and damages alleged therein against Defendants, and that each Party is responsible for and shall bear its own respective fees and costs incurred in this action;

WHEREAS, the Parties further agree that while this dismissal is with prejudice as to Plaintiffs Joel W. Matzdorf, Mikayla Matzdorf, Duangdow C. Hoyord, and Luke T. Hoyord, the dismissal is without prejudice to the rights, if any, of any property owners other than Mr. and Mrs. Matzdorf and Mr. and Mrs. Hoyord who may have been included within the putative class definition set forth in the First Amended Complaint;

NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE THAT:

1. Plaintiffs dismiss with prejudice this entire action, the First Amended Complaint, and all causes of action alleged therein against Defendants, and each Party shall bear its own respective fees and costs incurred in this action.

IT IS SO STIPULATED.

DATED: October 10, 2024

BURG | SIMPSON | ELDREDGE | HERSH | JARDINE PC

By: s/ Michael C. Menghini

Michael C. Menghini, Esq.

Attorneys for Joel W. Matzdorf, Mikayla Matzdorf,

Duangdow C. Hoyord, and Luke T. Hoyord

DATED: October 10, 2024

TROUTMAN PEPPER HAMILTON SANDERS LLP

By: s/ Jeffrey M. Goldman

Jeffrey M. Goldman, Esq.

Attorney for Uponor, Inc. and Uponor North America, Inc.