

VERDICTS & SETTLEMENTS

Tractor Supply Co. settles '303' fluid suit for \$1.7M

■ Jessica Shumaker

TRACTOR SUPPLY CO. and the maker of a tractor hydraulic fluid it sold agreed to pay \$1.7 million to settle a class-action lawsuit alleging they deceptively made and sold a product that damaged consumers' heavy equipment.



Clayton A. Jones

U.S. District Judge Nanette K. Laughrey gave final approval to the settlement on March 27.

In 2018, named plaintiffs Shawn Hornbeck, Monte Burgess, Dan Chevalier and Russ Mapes sued Tractor Supply Co. and Smitty's Supply Inc., maker of the Super S Supertrac 303 Tractor Hydraulic Fluid, in Cass County Circuit Court. The defendants removed the case to the U.S. District Court for the Western District of Missouri.

The plaintiffs alleged that Tractor Supply and Smitty's marketed the Super S Supertrac 303 Tractor Hydraulic Fluid as a multi-functional product that could be used

in a variety of equipment, while knowing their representations were false.

They also alleged the defendants knowingly sold a product that did not meet specifications for any manufacturers of farm, logging and construction equipment.

As part of the settlement, Laughrey also approved \$511,500 in attorneys' fees for the class counsel and \$5,000 for each class representative.

Dirk Hubbard of Horn Aylward & Bandy, an attorney for the plaintiffs, and Nikki Cannezzaro of Franke, Schultz & Mullen, an attorney for the defendants, didn't respond to messages seeking comment.

The settlement follows another suit against Walmart and manufacturer Warren Distribution Inc. Mapes was also a named plaintiff in that case. The parties agreed to settle the case for \$400,000.

In March, Hornbeck also secured preliminary approval of an \$18.25 million settlement in a third separate suit involving

MISSOURI MERCHANDISING PRACTICES ACT

VENUE: U.S. District Court for the Western District of Missouri

CASE NUMBER/DATE: 4:18-cv-00523/March 27, 2020

JUDGE: Nanette K. Laughrey

CAPTION: Shawn Hornbeck, Monte Burgess, Dan Chevalier and Russ Mapes v. Tractor Supply Company and Smitty's Supply Inc.

PLAINTIFFS' ATTORNEYS: Gene P. Graham Jr., William Carr, Bryan T. White, White, Graham, Buckley & Carr, Independence; Dirk Hubbard, Tom Bender, Horn Aylward & Bandy, Kansas City; Clayton A. Jones, Clayton Jones, Attorney At Law, Raymore

DEFENDANTS' ATTORNEYS:

Nikki Cannezzaro and Jacqueline Cook, Franke Schultz & Mullen, Kansas City

tractor hydraulic fluid. In that case, Hornbeck and others sued Orscheln Farm and Home, CITGO Petroleum Corp., and Family Center of Harrisonville. That settlement will go before Chief District Judge Beth Phillips in October for final approval.