

## VERDICTS & SETTLEMENTS

### Judge OKs \$7.2M settlement in tractor-fluid class action

■ Scott Lauck

A FEDERAL JUDGE in Kansas City gave final approval to a \$7.2 million class-action settlement on claims that a brand of tractor hydraulic fluid was deceptively and misleadingly labeled.

The settlement finalized in January with several retailers is part of a series of so-called “303” tractor hydraulic fluid, or THF, cases that have yielded more than \$45 million in recoveries over the last three years.

THF is used as a lubricant for farming, construction and logging equipment. The series of cases involves manufacturers that produced and retailers that sold THF labeled as 303 in stores across the country. According to the lawsuits, the “303” designation was discontinued in the

1970s after the use of sperm whale oil – a main ingredient in the original 303 formulation – was outlawed.

The suits allege that the fluids, often sold in bright

yellow buckets, contain inappropriate materials and can cause increased wear and damage to equipment. The defendants in the cases have denied those claims.

The January settlement resolved a portion of the claims in multidistrict litigation based in the U.S. Dis-

trict Court for the Western District of Missouri. Tractor Supply Company, Orscheln Farm and Home LLC, Rural King and Atwood, who sold the allegedly faulty fluids manufactured by Smitty’s Supply Inc. and CAM2 International LLP. The claims against those manufacturers remain pending.

The suit alleged that the retailers who sold those fluids had violated state consumer laws and common-law protections, though in a motion seeking approval of the settlement, attorneys for the plaintiffs said they “acknowledge that the primarily responsible parties, the Manufacturer Defendants, did not appear to provide accurate or truthful information to the Retailer Defendants about the 303 THF Products.” The defendants denied any wrongdoing but agreed to the settlement to avoid further litigation.

The settlement follows a \$19 million settlement reached in 2020 with CITGO and Orscheln Farm and Home based on its Missouri sales, as well as an \$8.5 million settlement with O’Reilly Auto Parts finalized in 2021.

In addition, a federal judge gave preliminary approval on July 26 to a \$10.875 million settlement with Warren Oil Company and Genuine Parts Company, better known as NAPA. That settlement has a final hearing date of Feb. 9, 2023.

#### **\$7.2 million settlement** **CONSUMER LAW**

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

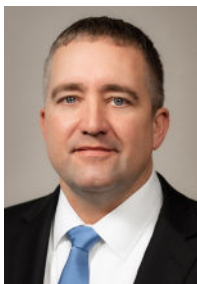
**CASE NUMBER/DATE:** 4:20-md-02936/Jan. 6, 2022

**JUDGE:** Stephen Bough

**CAPTION:** In re: Smitty’s/Cam2 303 Tractor Hydraulic Fluid Marketing, Sales Practices and Products Liability Litigation (with defendants Tractor Supply Company, Orscheln Farm and Home LLC, Rural King and Atwood)

**PLAINTIFFS’ ATTORNEYS:** Tom Bender and Dirk Hubbard, Horn, Aylward & Bandy, Kansas City; Bryan White, Gene Graham and William Carr, White, Graham, Buckley & Carr, Independence; Clayton Jones, Raymore; Tricia Campbell, Langdon & Emison, Lexington; Athena Dickson, Siro Smith Dickson, Kansas City; Jon D. Robinson and Zachary T. Anderson, Bolen Robinson & Ellis, Decatur, Illinois; John G. Emerson, Emerson Firm, Houston, Texas; Mark P. Bryant, Bryant Law Center, Paducah, Kentucky; Christopher D. Jennings, Johnson Firm, Little Rock, Arkansas; Stephen R. Basser, Barrack, Rodos & Bacine, San Diego, California; Paul D. Lundberg, Lundberg Law Firm, Sioux City, Iowa; Travis A. Griffith, Griffith Law Center, Charleston, West Virginia; James E. Malters, Malters, Shepher & Von Holtum, Worthington, Minnesota

**DEFENDANTS’ ATTORNEYS:** Nikki Cannezzaro, Franke, Schultz & Mullen, Kansas City; Joseph R. Swift, Baker, Sterchi, Cowden & Rice, St. Louis



Clayton A. Jones