

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

KARL EBERT and CAROL KRAUZE,

Individually and on behalf of
all persons similarly situated,

Plaintiffs,

-v-

Case No. 13-cv-3341 DFW/JJK

GENERAL MILLS, INC.,

Defendant.

PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

Plaintiffs, Karl Ebert and Carol Krauze, by their undersigned attorneys, pursuant to Rule 23 of the Federal Rules of Civil Procedure move this Court for the entry of an Order certifying this case as a class action. In support of this motion, Plaintiffs state as follows:

1. Plaintiffs' home in the Como neighborhood of Minneapolis, Minnesota has been impacted by toxic vapors released at a nearby manufacturing facility formerly owned and operated by Defendant General Mills, Inc. ("GMI"). The vapor contamination at issue in this case not only impacts Plaintiffs' home, but over 200 other properties in the area as well. Plaintiffs allege that GMI caused this contamination and is legally responsible both to clean it up and to compensate Plaintiffs and the other property owners whose homes are affected.

2. Individually and on behalf of a putative class, Plaintiffs in their Complaint (Doc. 1) have asserted a Federal CERCLA claim and several Minnesota state law claims (negligence, private nuisance, trespass, and willful and wanton misconduct) against GMI.

3. Plaintiffs seek certification of the following class: all persons and non-governmental entities that own residential property in the Class Area. The geographical boundaries of the Class Area are depicted on the figure attached hereto as Exhibit 1.

4. Plaintiffs refer this Court to the contemporaneously filed Memorandum in Support of Plaintiffs' Motion for Class Certification, in which Plaintiffs demonstrate that class certification is warranted because each of the elements of Federal Rule 23(a) are met, and the requirements of each of Rules 23(b)(1), (b)(2), and (b)(3) are met as well.

WHEREFORE, Plaintiffs respectfully request that this Court enter an Order certifying this case as a class action.

Dated: December 10, 2013

Respectfully submitted,

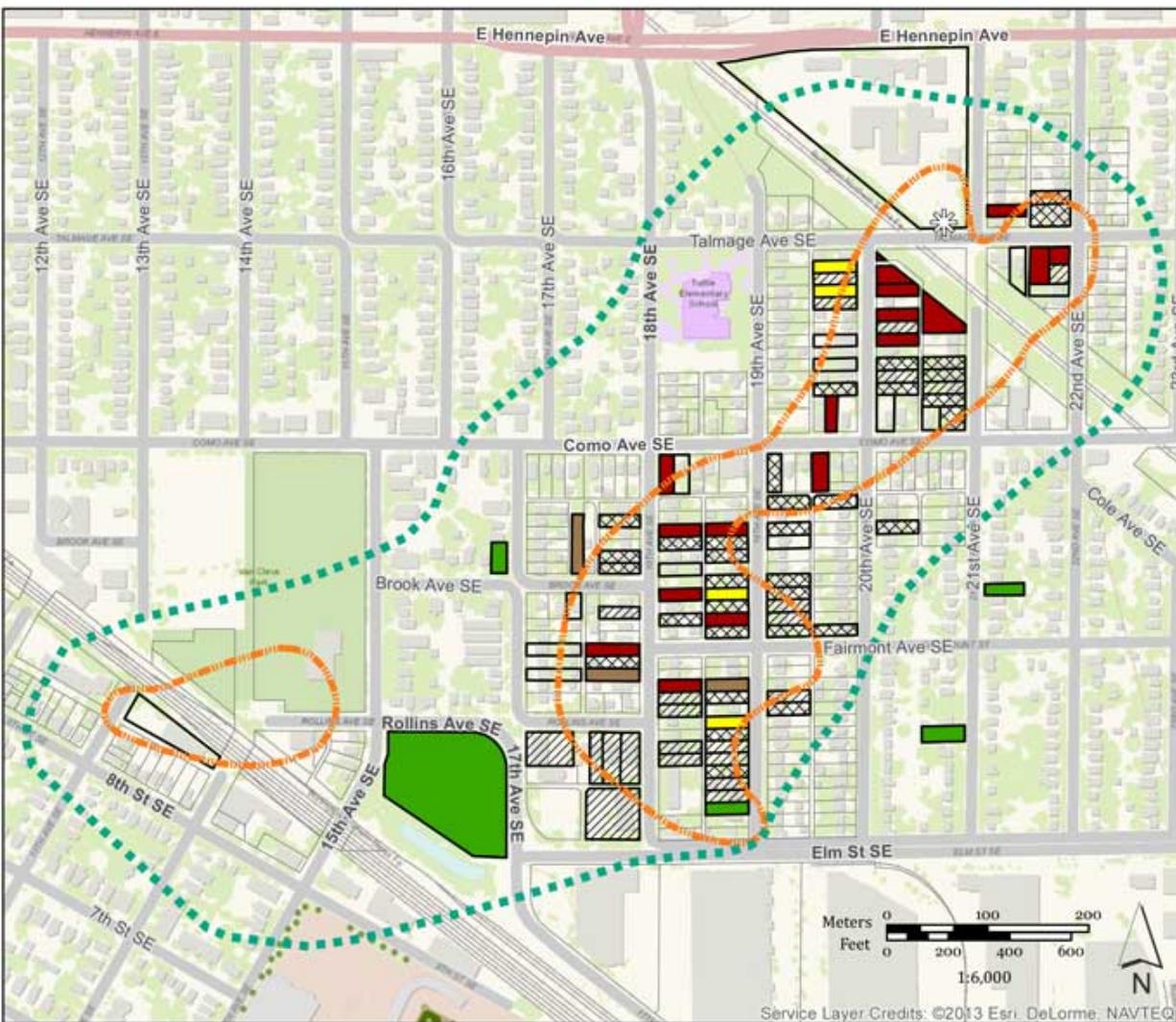
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General Mills/Henkel Corp. Superfund Site historic disposal area

Vapor Study Area

Approximate Groundwater TCE Plume

Sub-slab Vapor Sampling Status

- Sampling access agreement denied*
- Sampling access agreement signed but not scheduled*
- Sampling event scheduled*
- Sampling event complete Results not yet available*
- Sampling event complete Results less than 2 ug/m3*
- Sampling event complete Results 2 - 20 ug/m3*
- Sampling event complete Results greater than 20 ug/m3*
- Study Area Parcel

*Sampling status current as of Dec. 2, 2013, 10 AM.



CLASS AREA MAP

(properties within the boundaries designated as "Approximate Groundwater TCE Plume" are in the Class Area)