

EXHIBIT 3

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

ELLEN ALLICKS d/b/a ALLICKS)
EXCAVATING, et al.,)
on behalf of themselves)
and others similarly situated,)
)
Plaintiffs,)
)
v.)
)
OMNI SPECIALTY PACKAGING, LLC, et al.,)
)
Defendants.)

Case No. 4:19-cv-01038

THIRD AFFIDAVIT OF MATT PICKERING

1. I, Matt Pickering, am over eighteen years of age and am competent to testify as to the matters set forth herein.

2. I am employed by Ozark Services, Inc. as a Product Manager for O'Reilly's motor oil, transmission fluid, and grease and lube product lines, which include O'Reilly 303 Tractor Hydraulic Fluid. I have held that position since approximately January 2017. Through my work and experience in this position, and in my prior positions with the company, I have gained a general knowledge of the basic layout and operations of O'Reilly retail stores, including stores that sold O'Reilly 303 Tractor Hydraulic Fluid.

3. Beginning on January 4, 2021, and continuing thereafter for at least 90 days, through at least April 4, 2021, O'Reilly posted class-action-settlement notice in substantially the form attached hereto as Exhibit 1 in a select 2,819 O'Reilly stores throughout the country.

4. Those stores, together, accounted for 90 percent or more of both the total claim amount under the settlement and of O'Reilly 303 Tractor Hydraulic Fluid sales to members of the Settlement Class, and they included all of the O'Reilly stores where O'Reilly 303 Tractor Hydraulic Fluid was sold in the select seven states with higher volumes of O'Reilly 303 Tractor

Hydraulic Fluid sales to Class Members, comprising Alabama, Arkansas, California, Mississippi, Oklahoma, Tennessee, and Texas.

5. Notice was posted in those stores by placing an 8 1/2 x 11 inch copy of a class-action-settlement notice in substantially the form attached hereto as Exhibit 1 in the center of a wire display rack situated in a plainly visible location at the front of each store near the cash registers.

6. In those stores selected for in-store notice where O'Reilly was able to determine from its records that O'Reilly 303 Tractor Hydraulic Fluid was advertised in Spanish, the notice included a Spanish-language statement indicating that detailed information regarding the proposed settlement and how to submit a claim is available in Spanish online through the designated settlement website. A copy of that version of the notice is attached hereto as Exhibit 2

7. The matters set forth herein are true and correct to the best of my knowledge, information, and belief.

FURTHER AFFIANT SAYETH NOT

Matt Pickering
Matt Pickering

COUNTY OF Greene)
STATE OF MISSOURI)

SS.

Subscribed and sworn to before me, a Notary Public, this 7th day of July, 2021.

[Signature]
Notary Public
My Commission Expires: 5/28/23



Exhibit 1

LEGAL NOTICE

If you purchased O'Reilly 303 Tractor Hydraulic Fluid, you may benefit from a proposed class-action settlement.

A settlement has been reached in a class-action lawsuit asserting claims based on the purchase and use of O'Reilly 303 Tractor Hydraulic Fluid.

You may be a member of the settlement class if you purchased O'Reilly 303 Tractor Hydraulic Fluid in the United States, other than in Missouri, during the class period for the state of purchase.

If the settlement is approved, the award for each member of the settlement class is estimated to be between 30 and 41 percent of the purchase price paid for O'Reilly 303 Tractor Hydraulic Fluid during the class period for the state of purchase. You may need to submit a claim to receive an award.

The Court will decide whether to approve the settlement at a hearing on May 27, 2021, at 2:00 p.m. at the United States District Court for the Western District of Missouri, 400 E. 9th Street, Kansas City, Missouri, 64106. This date is subject to change.

If you are a member of the settlement class, you will be bound by the settlement unless you request to be excluded by May 3, 2021 (or later if you object). You may enter an appearance in this action through an attorney if desired.

For additional information about the settlement and instructions on how to submit a claim or request to be excluded, please visit www.nationwideoreilly303thfsettlement.com or call 1-866-742-4955.

Exhibit 2

LEGAL NOTICE

If you purchased O'Reilly 303 Tractor Hydraulic Fluid, you may benefit from a proposed class-action settlement.

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La información detallada sobre el acuerdo propuesto y cómo presentar una reclamación está disponible en español en línea en el www.nationwideoreilly303thfsettlement.com.