

NOTICE OF PROPOSED CLASS LITIGATION SETTLEMENT

Graves, et al. v. United Industries Corporation, Case No. 2:17-cv-06983-CAS-SK
United States District Court for the Central District of California

**THIS NOTICE CONCERNS YOUR LEGAL RIGHTS. PLEASE READ IT
CAREFULLY.**

*A federal court authorized this Notice. It is not a solicitation from a lawyer. YOU ARE NOT
BEING SUED.*

IF YOU ARE A UNITED STATES RESIDENT WHO on or after September 21, 2013 until November 1, 2019 (the "Class Period"), purchased in any state, for personal or household use and not for resale or distribution, any herbicide product sold under the "Spectracide®" tradename and in a "concentrate" product form (in other words, designed to be manually mixed by consumers with water prior to use on targeted vegetation) (the "Product"), **YOU MAY BE ENTITLED TO A CASH PAYMENT.**

This Settlement resolves a lawsuit against United Industries Corporation ("UIC") alleging that UIC labeled its Spectracide® Concentrate herbicide Products as making more solution than the Products were capable of making when mixed for certain weed control purposes.

UIC denies the allegations and any wrongdoing. Nonetheless, it has agreed to settle to avoid the cost and uncertainty of litigation. The parties have reached a settlement that would provide monetary recovery as detailed below in exchange for a waiver and release of your claims. By participating in the Settlement, you waive and release any claims against UIC concerning the marketing and labeling of the Products.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

<p>SUBMIT A CLAIM FORM BY JANUARY 20, 2020</p>	<p>The only way to get a monetary payment. Postmark or submit your Claim Form online.</p>
<p>EXCLUDE YOURSELF FROM THE SETTLEMENT CLASS BY JANUARY 20, 2020</p>	<p>If you ask to be excluded, you will not be bound by what the Court does in this case and will keep any right you might have to sue UIC separately about the legal claims in this lawsuit. If there is a recovery in this case, including under the proposed Settlement, you will not share in that recovery.</p>
<p>OBJECT OR COMMENT BY JANUARY 20, 2020</p>	<p>You may file a written Objection no later than January 20, 2020 and/or appear at the Final Approval Hearing to tell the Court why you believe the proposed Settlement is unfair, unreasonable, or inadequate. If you ask to be excluded from the Class (i.e., “opt out”), you may not file an Objection.</p>
<p>DO NOTHING</p>	<p>If you do nothing, you will receive no portion of the Settlement Fund and, if the Settlement is approved, you will also give up your right to sue UIC on your own regarding any claims that are part of the Settlement.</p>

- These rights and options, **and the deadlines to exercise them**, are further explained in this Notice.
- The Court is in charge of this Litigation and still has to decide whether to approve the Settlement. The settlement benefits will be made available if the Court approves the Settlement and after any appeals are resolved.
- The terms of the Settlement may be subject to change and persons that remain in the Settlement Class will be bound by those changes.
- If you have any questions, then please read on and visit www.MakesUpToSettlement.com.

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BASIC INFORMATION

1. Why did I receive this Notice?

If you are a United States resident who purchased the Products during the Class Period in any state, for personal or household use and not for resale or distribution, then you have a right to know about a proposed settlement in this class action lawsuit and your options.

You also may have received this Notice because you requested more information after reading the Summary Notice about the Settlement.

The Court ordered that you be given this Notice because you have a right to know about a proposed settlement of this class action lawsuit and your options in relation to that lawsuit before the Court decides whether to give its final approval to the settlement. If the Court approves the settlement, and after objections and appeals are resolved, an administrator approved by the Court will oversee the distribution of the Settlement Fund.

This Notice explains the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them.

2. What is this lawsuit About?

The Plaintiffs who filed the lawsuit allege that UIC labeled the Products as making more solution than the Products were capable of when mixed for certain weed control purposes.

UIC denies the allegations in the lawsuit, and the Court has not made any ruling on the merits of the lawsuit. To avoid the expense of further litigation, the parties have reached a settlement that is further described in this Notice.

3. What Is a Class Action and Who Is Involved?

In a class action lawsuit, one or more people, called Class Representatives (in this case Michael Graves, Keith Gren, and Michael Whealen) represent the interests of similarly situated people who may have the same claims in common, but have not filed a lawsuit. All of these people are collectively referred to as a class. The people who file the lawsuit are called Plaintiffs. The company or persons they sue is called the Defendant. One court resolves the issues for everyone in the class – except for those people who choose to exclude themselves from the class.

4. Why Is There a Proposed Settlement?

The Court has not decided in favor of either side. UIC denies all allegations in the lawsuit. UIC is settling simply to avoid the expense, inconvenience, and inherent risk of litigation, as well as the related disruption to its business. The Class Representatives and their attorneys assert that the proposed Settlement is in the best interests of the Class because it provides an appropriate recovery now while avoiding the risk, expense, and delay of pursuing a lawsuit through trial and any appeals. There would be no guarantee of success for either side if the lawsuit were pursued through trial and any appeals.

WHO IS COVERED BY THE PROPOSED SETTLEMENT

To see if you are entitled to file a Claim for part of the Settlement Fund, you first have to determine if you are a member of the Settlement Class.

5. How Do I Know If I Am Part of the Proposed Settlement?

You are a part of the Settlement Class if you are a United States resident who purchased the Products during the Class Period. The Products may have been purchased in any state, but they must have been purchased for personal or household use and not for resale or distribution.

You are not a part of the Settlement Class if you are (1) any judicial officer presiding over the lawsuit; (2) UIC, its subsidiaries, parent companies, successors, predecessors, and any entity in which UIC or its parent company has a controlling interest, and each of their current or former officers, directors, and employees; (3) legal representatives, successors, or assigns of any excluded person; and (4) any person who properly executes and files a timely request for exclusion.

If you are still not sure whether you are included in the Settlement Class, you can go to www.MakesUpToSettlement.com, or you can call 1-888-978-8269, and ask for free help.

THE PROPOSED SETTLEMENT BENEFITS

6. What Does the Proposed Settlement Provide?

Settlement Fund

The proposed settlement will provide for \$2,500,000.00 to be paid into a Settlement Fund.

The Settlement Fund shall be applied to pay the following amounts in full and in the order listed: (1) any necessary taxes and tax expenses; (2) all costs associated with the Settlement Administration, including costs of providing notice to members of the Settlement Class and processing Claims and all costs relating to providing the necessary notices in accordance with the Class Action Fairness Act of 2005, 28 U.S.C. Section 1715; (3) any Fee and Expense Award made by the Court to Class Counsel; (4) any Incentive Award made by the Court to the Class Representatives; and (5) payments to Authorized Claimants and any others if approved by the

Court. The Settlement Fund represents the limit and extent of UIC's monetary obligations under the Settlement Agreement.

Payments to Settlement Class Members who Submit a Valid Claim Form

Settlement Class members who submit a timely and valid Claim will receive **\$6.25 from the Settlement Fund for each valid Claim submitted by a household, with a limit of four (4) claims per household (total payable per household in no event to exceed \$25, unless distribution is increased as described below).**

If the total amount of Claims made by Authorized Claimants exceeds the amount of money in the Settlement Fund, then each Authorized Claimant's award shall be proportionately reduced. In the event there is any remaining amount in the Settlement Fund after payment of all authorized fees, costs, and expenses, as well as the tallied amount of all Authorized Claims, the Settlement Administrator shall divide the remaining amount equally by the number of Authorized Claimants and shall pay each such Authorized Claimant his or her proportionate share of the remaining amount. If after all valid Claims (plus other authorized fees, costs, and expenses) are paid and money remains in the Settlement Fund after pro rata distribution to Authorized Claimants, any remaining Settlement Funds thereafter will be awarded *cy pres* to the National Advertising Division or another organization that the Parties and the Court accept as the *cy pres* recipient.

Non-Monetary Relief

For Products manufactured after June 1, 2020, the Product labels will only state that the Product "Makes Up To ___ Gallons" if they also include mixing directions which are acceptable to EPA-equivalent agencies of the states in which the Product is registered.

Incentive Awards to the Class Representatives

Subject to Court approval, Class Counsel is seeking Incentive Awards from the Settlement Fund to each of the Class Representatives as follows: \$5,000.00 to Plaintiff Keith Gren, \$3,000.00 to Plaintiff Michael Graves, and \$3,000.00 to Plaintiff Michael Whealen.

HOW TO GET A PAYMENT- SUBMITTING A CLAIM FORM

7. How Can I Obtain a Portion of The Settlement?

Settlement Class members who wish to receive a portion of the Settlement Fund must fully complete and submit a Claim Form, along with any supporting documentation, by January 20, 2020.

You can obtain a Claim Form on the Internet at www.MakesUpToSettlement.com

Read the instructions carefully, fully complete the form, and submit it online at www.MakesUpToSettlement.com on or before January 20, 2020.

Alternatively, you may submit your Claim Form by mailing it to the following address:

Spectracide Class Litigation Settlement
c/o Classaura Class Action Administration
1718 Peachtree St NW #1080
Atlanta, GA 30309

Claim Forms must be postmarked no later than January 20, 2020.

Settlement Class Members who have complied with the instructions, requirements, and deadline for submitting a Claim, and whose Claims have been reviewed and validated by the Settlement Administrator, will be paid from the Settlement Fund within thirty (30) days of the Effective Date of the Settlement.

**TO BE VALID, ALL CLAIM FORMS MUST BE POSTMARKED OR SUBMITTED
ONLINE BY NO LATER THAN JANUARY 20, 2020.**

8. How Can I Obtain a Claim Form?

You can obtain a Claim Form in one of three ways:

- i. Online: You can download the Claim Form at www.MakesUpToSettlement.com. You can also submit a Claim Form online through the same website.
- ii. By Phone: Call toll-free, 1-888-978-8269 to arrange for a Claim Form to be sent to you by either U.S. mail or e-mail.
- iii. By U.S. Mail: You may write to Spectracide® Class Litigation Settlement, c/o Classaura Class Action Administration, 1718 Peachtree St NW #1080, Atlanta, GA 30309. Be sure to include your name and mailing address.

YOUR RIGHTS AND CHOICES - EXCLUDING YOURSELF FROM THE PROPOSED SETTLEMENT

If you do not want to receive any of the benefits from the Settlement, and you want to preserve the right to sue UIC about the subject matter of this lawsuit, then you must take affirmative steps to opt out of the Settlement.

9. How Do I Exclude Myself From the Settlement?

To exclude yourself from the Settlement Class, you must either: (1) send a written request for exclusion that must be received no later than January 20, 2020, to: Spectracide Class Litigation Settlement, c/o Classaura Class Action Administration, 1718 Peachtree St NW #1080, Atlanta, GA 30309, or (2) submit a Request for Exclusion online through the Settlement Website no later than January 20, 2020.

Your Request for Exclusion must contain: (1) the name of the lawsuit, “*Graves et al. v. United Industries Corporation*, Case Number: 2:17-cv-06983-CAS-SK”; (2) your full name, current address, and telephone number; (3) a clear statement of intention to exclude yourself such as “I wish to be excluded from the Settlement Class”; and (4) your signature. You may also get an Exclusion Request Form at www.MakesUpToSettlement.com. You cannot exclude yourself by telephone or by e-mail.

Your Request for Exclusion must be on behalf of yourself. You may not include multiple persons on a single Request for Exclusion.

If you ask to be excluded, you will not get any payment from the Settlement Fund, and you cannot object to the Settlement. You will not be legally bound by anything that happens in the Settlement or this lawsuit. You may be able to sue (or continue to sue) UIC in the future.

10. If I Don’t Exclude Myself, Can I Sue UIC Later?

If you do not properly and timely submit a Request for Exclusion, you waive your right to opt out, you will be deemed to be a member of the Settlement Class, you give up the right to sue UIC for the claims the Settlement resolves, and you will be bound by the terms of the Settlement Agreement. If you have a pending lawsuit against UIC, other than this lawsuit, speak to your lawyer in that lawsuit immediately. You must exclude yourself from *this* Settlement Class to continue your own lawsuit. Remember, any Request for Exclusion must be signed, mailed, and postmarked or submitted online by no later than January 20, 2020.

11. If I Exclude Myself, Can I Get a Payment from the Settlement Fund?

No. If you exclude yourself, you are not eligible for any payment from the Settlement Fund.

YOUR RIGHTS AND CHOICES - OBJECTING TO THE PROPOSED SETTLEMENT

You can tell the Court that you object to the Settlement or any particular part of it.

12. How Do I Tell the Court That I Object to the Proposed Settlement?

If you are a member of the Settlement Class, you may object to the Settlement. In doing so, you must give reasons why you think the Court should not approve it, and the Court will consider your views.

To object, you must send a letter that contains the following:

- (i) a reference, in its first sentence, to this lawsuit, *Graves et al. v. United Industries Corporation*, Case No. 2:17-cv-06983-CAS-SK;
- (ii) Your full, legal name, residential address, telephone number, and email address (and your lawyer's name, business address, telephone number and email address if you are objecting through counsel);
- (iii) a statement describing your membership in the Settlement Class, including a verification under oath as to the date, name of the Products purchased, and the location and name of the retailer from whom you purchased the Products, and/or a receipt reflecting such purchases, and all other information required by the Claim Form;
- (iv) a written statement of all grounds for the Objection, accompanied by any legal support for such Objection;
- (v) copies of any papers, briefs, or other documents upon which the Objection is based;
- (vi) a list of all persons who will be called to testify in support of the Objection;
- (vii) a statement of whether you intend to appear at the Final Approval Hearing, and if you are objecting through counsel, you must also state the identity of all attorneys who will appear at the Final Approval Hearing on your behalf;
- (viii) a list of the exhibits you will offer during the Final Approval Hearing, along with copies of such exhibits; and
- (ix) your signature.

In addition, if applicable, you must include with your Objection (i) the identity of all counsel who represent you, including former or current counsel who may be entitled to compensation for any reason related to the Objection; (ii) a detailed list of any other objections you or your counsel have submitted to any other class actions submitted in any court, whether state or federal, in the United States, in the previous five (5) years.

If you choose to object through a lawyer, you must pay for the lawyer yourself.

Your Objection must be signed and mailed to the Court, along with any supporting documents, so that it is received no later than January 20, 2020 by the Court at:

Clerk of Court
U.S. District Court
Central District of California
350 W. First Street
Los Angeles, CA 90012

A copy of your Objection ***must*** also be signed and mailed, along with any supporting documents to the Settlement Administrator and each of the following two addresses, so ***that is received by each of them no later than*** January 20, 2020:

Counsel for Plaintiffs and the Settlement Class

Ronald A. Marron
LAW OFFICES OF RONALD A. MARRON
651 Arroyo Drive
San Diego, CA 92103
Email: ron@consumersadvocates.com

Counsel for United Industries Corporation

Ronie M. Schmelz
TUCKER ELLIS LLP
515 South Flower Street, 42nd Floor
Los Angeles, CA 90071
Email: ronie.schmelz@tuckerellis.com

13. What's the Difference Between Objecting and Excluding?

Objecting is explaining to the Court why you do not believe it should approve the Settlement. You can object only if you stay in the Settlement Class.

Excluding yourself from the Settlement is telling the Court that you do not want to be part of the Settlement Class. If you exclude yourself, you will not be eligible to file an Objection or to appear at the Final Approval Hearing.

YOUR RIGHTS AND CHOICES - APPEARING IN THIS LAWSUIT

14. Can I Appear or Speak in the lawsuit About the Proposed Settlement?

As long as you do not exclude yourself, you can (*but do not have to*) participate and speak for yourself in the lawsuit about the proposed Settlement. This is called making an appearance. You can also have your own lawyer appear in court and speak for you, but you must pay for the lawyer yourself.

15. How Can I Appear in this lawsuit?

If you want yourself or your own lawyer (*instead of Class Counsel*) to participate or speak for you in this lawsuit, you must file a "Notice of Appearance" with the Court. The Notice of Appearance

must contain the title of this lawsuit, a statement that you wish to appear at the Final Approval Hearing, and the signature of you or your lawyer.

Your Notice of Appearance can also state that you or your lawyer would like to speak at the Court's Final Approval Hearing on the proposed Settlement. If you submit an Objection (*see Question 12 above*) and would like to speak about the Objection at the Court's Final Approval Hearing, both your Notice of Appearance and your Objection should include that information.

Your Notice of Appearance must be signed, mailed, and postmarked by January 20, 2020, to the Court at:

Clerk of Court
U.S. District Court
Central District of California
350 W. First Street
Los Angeles, CA 90012

Copies of your Notice of Appearance **must also be mailed to** each of the individuals at the same two addresses appearing in Question 12.

IF YOU DO NOTHING

16. What Happens If I Do Nothing At All?

If you do nothing, you will get no payment from the Settlement Fund. But unless you timely excluded yourself, you also will not be able to start a new lawsuit, continue with a lawsuit, or be part of any other lawsuit against UIC about the subject matter of this lawsuit ever again.

THE LAWYERS REPRESENTING YOU

17. Do I Have a Lawyer in this Case?

The Court has appointed the Law Offices of Ronald A. Marron, APLC as legal counsel for the Settlement Class. This law firm is called Class Counsel. You will not be charged for these lawyers.

18. How Will The Lawyers Be Paid?

Class Counsel has not yet received any payment for prosecuting this lawsuit, nor have they been reimbursed for any out-of-pocket expenses they have incurred. When they ask the Court to approve the Settlement, Class Counsel will also make a motion to the Court to approve and award attorneys' fees and a reimbursement of expenses to Class Counsel, in a total amount of up to 33.33% of the \$2,500,000.00 Settlement Fund. No matter what the Court decides with regard to the requested attorneys' fees, members of the Settlement Class will never have to pay anything toward the fees or expenses of Class Counsel. Class Counsel will seek final approval of the Settlement on behalf of all members of the Settlement Class. You may hire your own lawyer to represent you in this lawsuit if you wish, but it will be at your own expense.

THE COURT'S FINAL APPROVAL HEARING

The Court will hold a hearing to decide whether to approve the Settlement. Unless you have excluded yourself from the Class, you may have the right to attend or speak at the hearing, but do not have to do so.

19. When and Where Will the Court Decide Whether to Approve the Settlement?

The Court overseeing this case will hold a Final Approval Hearing at the Federal Courthouse located at the U.S. District Court for the Central District of California, 350 W. First Street, Los Angeles, CA 90012 on February 24, 2020 at 10:00 a.m. to decide whether the Settlement is fair, reasonable, and adequate, as well as to determine the amount of attorneys' fees and costs and incentive fees to award. If there are objections, the Court will consider them at the Final Approval Hearing. After the Final Approval Hearing, the Court will decide whether to approve the Settlement and whether to grant Class Counsel's request for attorneys' fees and expenses. We do not know how long it will take the Court to make these decisions.

20. Do I Have to Come to the Hearing?

You are not required to attend the hearing, but you are welcome to attend at your own expense. If you send an Objection, you do not have to appear in Court to present it. As long as you mailed your written Objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

FINAL SETTLEMENT APPROVAL

21. What Is The Effect of Final Settlement Approval?

If the Court grants final approval of the Settlement, all members of the Settlement Class will generally release, forever discharge, and covenant not to sue the Released Parties (as defined in the Settlement Agreement), including UIC, from any and all claims asserted or which could have been asserted in this lawsuit. The release also includes a release of unknown claims pursuant to Civil Code Section 1542 and similar statutes from other states.

If the Court does not approve the Settlement, this lawsuit will proceed as if no settlement had been attempted.

If the Settlement is not approved and litigation resumes, there is no guarantee of payment to the Settlement Class.

GETTING MORE INFORMATION

22. Are There More Details About the Settlement?

This Notice is only intended to provide a summary of the proposed Settlement. You may obtain the complete text of the Settlement Agreement at www.MakesUpToSettlement.com; by writing to the Settlement Administrator (at the address listed above); or, from the court file, which is available for your inspection during regular business hours at the Office of the Clerk of the United States District Court for the Central District of California, U.S. District Court for the Central District of California, 350 W. First Street, Los Angeles, CA 90012, under the Civil Action Number 2:17-cv-06983-CAS-SK.

By visiting the website located at www.MakesUpToSettlement.com, you will find the Plaintiffs' operative Fourth Amended Complaint, a Claim Form, and a Request for Exclusion Form.

You may also contact the Settlement Administrator by email at: Contact@MakesUpToSettlement.com, or by writing to Spectracide® Class Litigation Settlement, c/o Classaura Class Action Administration, 1718 Peachtree St NW #1080, Atlanta, GA 30309.

PLEASE DO NOT CALL OR DIRECT ANY INQUIRIES TO THE COURT.

This Notice is given with the approval and at the direction of the Court.