

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

THE MATTERS DISCUSSED HEREIN MAY AFFECT SUBSTANTIAL LEGAL RIGHTS THAT YOU MAY HAVE.

READ THIS NOTICE CAREFULLY.

A federal court authorized this Notice. This is not a solicitation from a lawyer.

YOU ARE NOT BEING SUED. THIS IS NOT A LAWSUIT AGAINST YOU.

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 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 Notice is to inform you of a proposed class action settlement that could affect your legal rights.

A proposed settlement has been reached in a class action lawsuit pending in the United States District Court for the Central District of California 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. To avoid the expense and distraction of litigation, the parties have reached a settlement that will provide monetary recovery as detailed below.

Am I a Member of the Settlement Class?

You are a member of the Settlement Class if you are a resident of the United States 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 cannot be a member of the Settlement Class if you are (1) any judicial officer presiding over the action; (2) UIC or its subsidiaries, parent companies, successors, predecessors, and any entity in which UIC or its parent 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 files a timely request for exclusion.

What Benefits Could I Receive?

The proposed class action settlement will provide for \$2,500,000.00 to pay class member claims, notice, administration, plaintiffs' incentive awards, and legal expenses and attorneys' fees.

Claimants who submit a timely and valid claim **will receive \$6.25 in cash 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 cannot exceed \$25, except as described below).**

If the total amount of eligible claims exceeds the Settlement Fund, then each claimant's award will be proportionately reduced. If there is any remaining cash amount in the Settlement Fund after payment of all claims, costs, and fees, the settlement administrator will divide it equally among the authorized claimants and will pay each authorized claimant his or her proportionate share of the remaining cash amount.

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

What Are My Rights?

You have a choice of whether to stay in the Settlement Class or not, and you must decide this now. If you stay in the Settlement Class, you will be legally bound by all orders and judgments of the Court, and you will not be able to sue, or continue to sue, UIC as part of any other lawsuit involving the same claims that are in this lawsuit. This is true even if you do not submit a Claim Form.

1. You can accept the Settlement.

If you wish to receive a payment from the Settlement Fund, you MUST submit a Claim Form no later than January 20, 2020. You can obtain and/or submit a Claim Form:

(1) on the Internet at www.MakesUpToSettlement.com;

(2) by calling the Settlement Administrator at 1-888-978-8269; or

(3) by mailing a written request for a Claim Form including your name and mailing address by regular mail to: Spectracide® Class Litigation Settlement, c/o Classaura Class Action Administration, 1718 Peachtree St NW #1080, Atlanta, GA 30309.

If you fail to timely submit a Claim Form and do not timely exclude yourself from the settlement, then you will be bound by the settlement but will not receive any payment.

2. You can object to the Settlement.

If you believe the settlement is unsatisfactory, you may **file a written objection with the Clerk of the Court** for the United States District Court for the Central District of California Division **and send copies to the following Counsel** representing the Settlement Class and UIC:

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 UIC

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

If you choose to object to the settlement, then your written objection must be received by January 20, 2020.

3. You can “opt out” of the Settlement.

If you do not object to the settlement but simply do not want to participate, you must exclude yourself from the Settlement Class by completing and mailing a Request for Exclusion that includes the name of this lawsuit, your full name, current address, telephone number, a clear statement of your intent to exclude yourself such as “I wish to be excluded from the Settlement Class,” and your signature. You must deliver the Request for Exclusion to the settlement administrator at Spectracide® Class Litigation Settlement, c/o Classaura Class Action Administration, 1718 Peachtree St NW #1080, Atlanta, GA 30309. The request must be postmarked or submitted online no later than January 20, 2020. If you request exclusion from or “opt out” of the Settlement Class, you will not receive any payment from the Settlement Fund, and will be responsible for any attorneys’ fees and costs you incur if you choose to pursue your own lawsuit.

The Final Approval Hearing

On February 24, 2020, at 10 a.m., the Court will hold a hearing in the United States District Court for the Central District of California to determine: (1) whether the proposed settlement is fair, reasonable and adequate and should receive final approval; and (2) whether the Class Counsel’s application for an award of attorneys’ fees and expenses should be granted. Objections to the proposed settlement by members of the Settlement Class will be considered by the Court at such hearing, but only if such objections are timely filed in writing with the Court and sent to Plaintiffs’ and UIC’s counsel by no later than January 20, 2020.

If you support the proposed settlement, you do not need to appear at the hearing or take any other action to indicate your approval.

How Can I Get More Information?

If you have questions or would like a more detailed notice or other documents about the lawsuit and your rights, visit www.MakesUpToSettlement.com. You may also contact the settlement administrator by emailing 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, or by calling 1-888-978-8269. Please do not contact the Court or Clerk for information.

By order of the United States District Court for the Central District of California.