

## LEGAL NOTICE

### IF YOU PURCHASED A CARDBOARD BOX OF MIKE AND IKE® AND/OR HOT TAMALES® CANDY BETWEEN FEBRUARY 3, 2013 AND JULY 23, 2020, THEN YOU COULD BE ENTITLED TO MONEY FROM A CLASS ACTION SETTLEMENT

*Mateski, et al. v. Just Born, Inc.*, Superior Court of CA County of San Bernardino, Case No. CIVDS1926742  
*Escobar v. Just Born, Inc.*, Central District of CA, Case No. 2:17-cv-01826-TJH-PJW

#### **WHAT IS THIS NOTICE ABOUT?**

Lawsuits pending in the Superior Court of California County of San Bernardino and Central District of California (“Litigation”) that may affect your rights. The Litigation claims Just Born, Inc. (“Defendant” or “Just Born”) deceptively packaged Mike and Ike® and/or Hot Tamales® candy products (“Settlement Class Products”) in oversized packaging with nonfunctional empty space. Just Born denies all claims made in the Litigation. The Court did not rule in favor of Plaintiff or Defendant. The parties instead agreed to settle.

#### **AM I A MEMBER OF THE CLASS?**

The class is defined as all persons residing in the United States who purchased one or more Settlement Class Products between February 3, 2013 and July 23, 2020

#### **WHAT DOES THE SETTLEMENT PROVIDE?**

With Court approval, the settlement provides cash payments or vouchers. Class Members with receipts may submit a claim to receive either (i) \$0.50 per box of Settlement Class Products purchased, capped at \$8.00 maximum, or (ii) a voucher for one free box of Settlement Class Products for every two boxes purchased, capped at eight (8) vouchers. Class Members who do not have a receipt may submit a claim to receive a voucher for one free box of Covered Product for every two boxes purchased, capped at eight (8) free boxes. No more than eight (8) vouchers may be redeemed at any one time.

Cash payouts will be adjusted pro rata up or down in the event of under- or over-subscription, respectively, of the Cash Claim Fund; voucher payouts will be adjusted pro rata up or down in the event of under- or over-subscription, respectively, of the Voucher Claim Fund. Pro rata upward adjustment of cash claims shall be capped at a multiple of 9-times, and voucher claims shall be capped at a multiple of 3-times, the claimed amounts. Any amounts remaining in the Cash Claim Fund or Voucher Claim Fund after checks and vouchers are issued and cashed or expired shall be disbursed *cy pres* to Blessings in a Backpack and Feed the Children, respectively. The Settlement also provides for modification of Defendant’s Product labeling in the form of either: (i) an actual size depiction of an individual piece of the Settlement Class Product’s candy accompanied by the term “actual size,” and/or (ii) a fill line.

#### **WHAT ARE MY RIGHTS?**

You have three options:

1. You Can Accept the Settlement. Class Members who wish to receive a Cash Payment or Voucher **must** submit a Claim Form on or before **November 10, 2020** either online at [www.JustBornCandySettlement.com](http://www.JustBornCandySettlement.com) or by mailing it to **Digital Settlement Group, LLC; PO Box 232, Valparaiso, IN 46384**. If you don’t submit a timely Claim Form and don’t exclude yourself from the settlement, you will be bound by the settlement and will not receive a Cash Payment or Voucher. If you stay in the Class, you will be bound by all orders and judgments of the Court, and you won’t be able to sue or continue to sue Just Born as part of any other lawsuit involving the same claims in the Litigation.
2. You Can Object to the Settlement. You can ask the Court to deny approval by objecting with the Court. You can’t ask the Court to order a larger settlement; the Court can only approve or deny the settlement as agreed to by the parties. If the Court

denies approval, no settlement payments will be sent out to anyone and the lawsuit may continue to be litigated on the merits. If that is what you want to happen, you must object. You may hire your own lawyer to appear in Court for you if you wish; however, you will be responsible for paying your lawyer. Objections will be considered by the Court only if filed in writing and mailed by **October 11, 2020** to the Office of the Clerk of Court; Superior Court of California County of San Bernardino, 247 West 3<sup>rd</sup> Street, San Bernardino, California, 92415 and also mailed to counsel for the parties. Objections must state your name, address, telephone number, name of this Litigation, factual and legal grounds for your objection, name, address and telephone number of any attorney representing you and any case in which you or your attorney has objected to a class action settlement previously and the result of that objection. The Court may only require substantial compliance with the requirements for submitting an objection. The Court may waive the requirement to submit a written objection if good cause is shown.

3. You Can “Opt Out” (i.e., exclude yourself) from the Settlement. If you exclude yourself from the Class – which is sometimes called “opting-out” of the Class – you won’t get a payment from the settlement but won’t be barred from asserting claims against Defendant in a separate lawsuit. Such notice shall include your name, address, telephone number, and signature and a statement that you want to be excluded from the Litigation, *Mateski, et al. v. Just Born, Inc.*, Superior Court of California County of San Bernardino, Case No. CIVDS1926742 and *Escobar v. Just Born, Inc.*, Central District of CA, Case No. 2:17-cv-01826-TJH-PJW.

4. Send written notice to **Digital Settlement Group, LLC; PO Box 232, Valparaiso, IN 46384 by October 11, 2020.**

#### **THE FAIRNESS HEARING**

On December 15, 2020, at 10:00 am, the Court will hold a hearing at the Superior Court of California County of San Bernardino to approve: (1) the proposed settlement as fair, reasonable, and adequate; and (2) the application for Plaintiff’s attorneys’ fees and reimbursement of litigation expenses up to \$1.2 million, and payment of up to \$15,000 in total to the Class Representatives. Class Members who support the proposed settlement do not need to appear at the hearing or take any other action to indicate their approval.

#### **HOW CAN I GET MORE INFORMATION?**

This is only a summary of the settlement. If you have questions or want to view the detailed notice or other documents about the Litigation, including the Settlement Agreement, you may visit [JustBornCandySettlement.com](http://JustBornCandySettlement.com) or contact Class Counsel at [info@clarksonlawfirm.com](mailto:info@clarksonlawfirm.com), or call the Settlement Administrator at **1-877-595-3914**.

**BY ORDER OF THE SUPERIOR COURT OF CALIFORNIA  
FOR THE COUNTY OF SAN BERNARDINO**