

If you bought 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.

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

- A settlement has been reached between Just Born, Inc. (“Defendant”) and Mary Mateski, Alisa Clawson, and Stephanie Escobar (“Class Representatives” or “Plaintiffs”), individually and on behalf of the Settlement Class. The settlement resolves class action lawsuits alleging Defendant packages its boxed candy products in oversized packaging with nonfunctional empty space. Defendant denies the allegations. The Court did not rule in favor of either side. The parties agreed to the settlement to avoid the expense and risks of continuing the lawsuit.
- You are a class member if you are a resident of the United States who purchased one or more cardboard boxes of Mike and Ike® and/or Hot Tamales® candy (“Settlement Class Product(s)” or “Covered Product(s)”), between February 3, 2013 and July 23, 2020.
- Class Members who previously purchased a Covered Product and have a receipt may submit a claim to receive either (i) \$0.50 per box of Covered Product purchased, or (ii) a voucher equal to one free box for every two boxes purchased, capped at eight (8) free boxes.
- Class Members who previously purchased a Covered Product but who cannot produce a receipt may submit a claim to receive a voucher for one free box of Covered Product for two boxes purchased, capped at eight (8) free boxes. No more than eight (8) boxes may be redeemed at any one time, assuming there is a pro rata upward adjustment as set forth herein. Each Class Member may submit a claim either electronically through a settlement website or by mail. All vouchers will expire 180 days from the date they issue, and will be redeemable at a national retailer with multiple sales locations.
- 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 and voucher claims shall be capped at a multiple of 9-times and 3-times, respectively, 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*.

Please read this Notice carefully and in its entirety. Your rights may be affected by the settlement of this Lawsuit, and you have a choice to make now about how to act:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:	
SUBMIT A VALID CLAIM BY NOVEMBER 10, 2020	The only way to get a cash payment or voucher, if you qualify.
EXCLUDE YOURSELF FROM THE CLASS BY OCTOBER 11, 2020	You will not get any benefits under this settlement. This is the only option that allows you to be part of any other lawsuit against Defendant about the legal claims in this case.

QUESTIONS? CALL 1-877-595-9314 OR VISIT www.JustBornCandySettlement.com PARA UNA NOTIFICACIÓN EN ESPAÑOL, VISITE NUESTRO SITIO DE INTERNET.

OBJECT TO THE SETTLEMENT BY OCTOBER 11, 2020	Tell the Court about why you don't like the settlement.
GO TO A HEARING ON DECEMBER 15, 2020	Ask to speak in Court about the settlement.
DO NOTHING	Get no benefits. Give up rights to be part of any other lawsuit against Defendant about the legal claims in this case.

- These rights and options—and the deadlines to exercise them—are explained in this notice.
- The Court in charge of this case still has to decide whether to approve the settlement. Cash payments or vouchers for valid claims will be issued only if the Court approves the settlement and after the time for appeals has ended and any appeals are resolved. Please be patient.

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BASIC INFORMATION

1. Why was this notice issued?

A Court authorized this notice because you have a right to know about the proposed settlement in this class action lawsuit, and about all of your options, before the Court decides whether to give “final approval” to the settlement. This notice explains the lawsuit, the settlement, and your legal rights.

The cases are known as *Mateski, et al. v. Just Born, Inc.*, Superior Court of California for the County of San Bernardino, Case No. CIVDS1926742 and *Escobar v. Just Born, Inc.*, United States District Court for the Central District of California, Case No. 2:17-cv-01826-TJH-PJW (the “Actions”). The people who sued are called the Plaintiffs. The company they are suing, Just Born, Inc., is called the Defendant.

2. What is the lawsuit about?

On February 3, 2017, Plaintiff Stephanie Escobar, and on September 6, 2019, Plaintiffs Mary Mateski and Alisa Clawson, filed a legal action on behalf of themselves and all others similarly situated alleging that they relied on allegedly oversized packaging of the Settlement Class products, and that such packaging violates state and federal packaging laws and state consumer protections laws (including California’s False Advertising Law (“FAL”), Cal. Bus. & Prof. Code § 17500, *et seq.*, California’s Unfair Competition Law (“UCL”), Cal. Bus. & Prof. Code § 17200, *et seq.*, and California’s Consumers Legal Remedies Act (“CLRA”), Civil Code § 1750, *et seq.*), and that as a direct result of such violations Plaintiffs have been economically injured.

Defendant denies any wrongdoing or liability arising out of any of the facts or conduct alleged in the Action and believes that it has valid defenses to the allegations. The Court has not decided that Defendant did anything wrong, and the settlement does not mean Defendant broke the law. Both the Plaintiffs and Defendant believe that the settlement is fair, adequate, and reasonable and that it is in the best interests of the Settlement Class.

3. Why is this a class action?

In a class action one or more people called “Class Representatives” (in this case, Mary Mateski, Alisa Clawson, and Stephanie Escobar) sue on behalf of people who have similar claims. All of these people or entities are a “Class” or “Class Members.” One court resolves the issues for all Class Members, except for those who exclude themselves from the Class.

4. Why is there a settlement?

Both sides agreed to the settlement to avoid the cost and risk of further litigation and trial. The settlement does *not* mean that any law was broken. Defendant denies all of the legal claims in this case. The Class Representatives and the lawyers representing them think the settlement is best for all Class Members.

QUESTIONS? CALL 1-877-595-9314 OR VISIT www.JustBornCandySettlement.com
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WHO IS IN THE SETTLEMENT?

To see if you are affected or if you can get benefits, you first have to determine whether you are a Settlement Class member.

5. How do I know if I am part of the settlement?

You are a member of the Settlement Class if you purchased for personal consumption, and not for resale, one or more cardboard boxes of Mike and Ike® and/or Hot Tamales® candy in the United States between February 3, 2013 and July 23, 2020. This time period is referred to as the “Class Period”. Excluded from the Settlement Class are any officers, directors, or employees of Defendant, and the immediate family member of any such person. Also excluded is any judge presiding over this case.

6. I’m still not sure if I’m included in the settlement.

If you are not sure whether you are included in the Class, call 1-877-595-9314 or go to www.JustBornCandySettlement.com.

THE SETTLEMENT BENEFITS—WHAT YOU GET

7. What does the settlement provide?

The parties have agreed to make available a total Settlement Fund of three million three hundred thousand dollars (\$3,300,000) between the Cash and Vouchers (“Total Settlement Amount”). Class Members who submit a Valid Claim may receive a benefit from the Claim. Class Members who previously purchased a Covered Product and have a receipt may submit a claim to receive either (i) \$0.50 per unit of Covered Product purchased, or (ii) a voucher for one free box for every two boxes purchased, capped at eight (8) free boxes.

Class Members who previously purchased a Covered Product but who cannot produce a receipt may submit a claim to receive a voucher for one free box for every two boxes purchased, capped at eight (8) free boxes. No more than eight (8) boxes may be redeemed at any one time, assuming there is a pro rata upward adjustment as set forth herein. Each Class Member may submit a claim either electronically through a settlement website or by mail. All vouchers will expire 180 days from the date they issue, and will be redeemable at a national retailer with multiple sales locations.

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 and voucher claims shall be capped at a multiple of 9-times and 3-times, respectively, 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. Instructions for submitting a Claim are included in Section 9 below.

Additionally, Defendant has agreed to either add on the Covered Products front packaging: (i) an actual size depiction of an individual piece of the Covered Product’s candy accompanied by the term “actual size,” or (ii) a fill line. The parties have further agreed that the costs to administer this Settlement will be paid from the Settlement Fund, that Class Counsel may request reasonable attorneys’ fees and litigation expenses not to exceed \$1,200,000 upon Court approval, and that the Class Representatives may apply for an enhancement award of up to Fifteen Thousand Dollars (\$15,000) from the Court.

More details are in a document called the Settlement Agreement, which is available at www.JustBornCandySettlement.com.

QUESTIONS? CALL 1-595-452-9314 OR VISIT www.JustBornCandySettlement.com
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8. What am I giving up in exchange for the settlement benefits?

If the settlement becomes final, Class Members will be releasing Defendant and all related people and entities for all the claims described and identified in Section 6 of the Settlement Agreement (called the “Class Released Claims”). The Settlement Agreement is available at www.JustBornCandySettlement.com. The Settlement Agreement describes the Class Released Claims with specific descriptions, in necessarily accurate legal terminology, so read it carefully. You can talk to one of the lawyers listed below for free or you can, of course, talk to your own lawyer if you have questions about the released claims or what they mean.

HOW TO GET A CASH PAYMENT OR VOUCHER—SUBMITTING A VALID CLAIM FORM

9. How can I get a cash payment or voucher?

To ask for a cash payment you must complete and submit a Valid Claim Form along with the required supporting documentation, if you have it. To ask for a voucher you must complete and submit a Valid Claim Form, no documentation is required. You can get a Claim Form at www.JustBornCandySettlement.com. You may also submit your claim via the website. The Claim Form describes what you must provide to prove your claim and receive a cash payment or voucher and generally requires information, provided by you under penalty of perjury, on where any purchases took place, the quantity of Settlement Class Products purchased, and the approximate dates of purchase. Please read the instructions carefully, fill out the Claim Form, and either submit it online at www.JustBornCandySettlement.com or mail it postmarked no later than, **November 10, 2020** to:

Just Born Claims Administrator
Digital Settlement Group, LLC
PO Box 232
Valparaiso, IN 46384

The Settlement Administrator may seek additional information to validate the Claim Form and/or disqualify an invalid claim. If you provide incomplete or inaccurate information, your claim may be denied.

10. When will I get my check?

Checks will be mailed to Class Members who send in Valid Claim Forms on time, after the Court grants “final approval” of the settlement, and after the time for appeals has ended and any appeals have been resolved. If the judge approves the settlement after a hearing on **December 15, 2020** (see the section “The Court’s Fairness Hearing” below), there may be appeals. Resolving these appeals can take time. Please be patient.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you want to keep the right to sue or continue to sue Defendant over the legal issues in this case, you must take steps to get out of the settlement. This is called asking to be excluded from—sometimes called “opting out” of—the Class.

QUESTIONS? CALL 1-877-595-9314 OR VISIT www.JustBornCandySettlement.com
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11. If I exclude myself, can I get anything from the settlement?

If you ask to be excluded, you will not get a cash or voucher payment under the settlement, and you cannot object to the settlement. But you may be part of a different lawsuit against Defendant in the future. You will not be bound by anything that happens in this lawsuit.

12. If I don't exclude myself, can I sue later?

No. Unless you exclude yourself, you give up the right to sue Defendant for the claims that this settlement resolves. You must exclude yourself from *this* Class to start or continue your own lawsuit.

13. How do I get out of the settlement?

To opt out from the settlement, you must send a letter by mail saying that you want to be excluded from *Mateski, et al. v. Just Born, Inc.*, Superior Court of California for the County of San Bernardino, Case No. CIVDS1926742. Be sure to include your name, address, telephone number, the approximate date of purchase, and your signature. You can't ask to be excluded at the website or on the phone. You must mail your opt out request postmarked no later than **October 11, 2020** to:

Just Born Claims Administrator
Digital Settlement Group, LLC
PO Box 232
Valparaiso, IN 46384

Requests to opt-out that do not include all required information and/or that are not submitted on a timely basis, will be deemed null, void, and ineffective. Settlement Class Members who fail to submit a valid and timely Request for opting out on or before the deadline above shall be bound by all terms of the settlement and any Final Judgment entered in this Litigation if the Settlement is approved by the Court, regardless of whether they ineffectively or untimely requested exclusion from the settlement.

OBJECTING TO THE SETTLEMENT

14. How do I tell the Court I don't like the proposed settlement?

To object to the settlement, you or your attorney must file a written objection to the Court in the Action showing the basis for your objections. Your objection must contain the following information: (i) your name, address, and telephone number, (ii) the name, address, and telephone number of any attorney you have hired with respect to the objection; (iii) the factual basis and legal grounds for your objection, including any documents sufficient to establish your purchase of the Settlement Class Products at issue in this case e.g., receipt, or verification under oath as to the approximate date(s) and location(s) of the purchase(s) of the Settlement Class Products; and (iv) identification of the case name, case number, and court for any prior class action lawsuit in which you or your attorney has objected to a proposed class action settlement, the general nature of such prior objection(s), and the outcome of said prior objection(s). You must also send a copy of your objection to the Court at the following address: Office of the Clerk of Court; Superior Court of California County of San Bernardino, 247 West 3rd Street, San Bernardino, California, 92415.

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You or your lawyer may, but are not required to, appear at the Final Approval Hearing. If you or your lawyer wish to appear at the Final Approval Hearing, you must file with the Court a Notice of Intention to Appear along your written objection. You must file your written objections by certified mail or in person, along with any other supporting materials to: Office of the Clerk of Court; Superior Court of California County of San Bernardino, 247 West 3rd Street, San Bernardino, California, 92415. Your written objection must be marked with the Case name and Case Number (*Mateski, et al. v. Just Born, Inc.*, Superior Court of California for the County of San Bernardino, Case No. CIVDS1926742). In addition, you must also send copies of all documents you file with the Court to:

Ryan J. Clarkson
Shireen M. Clarkson
Bahar Sodaify
Clarkson Law Firm, P.C.
9255 Sunset Boulevard, Suite 804
Los Angeles, CA 90069

Eric Y. Kizirian
Leo A. Bautista
Josephine Brosas
Lewis Brisbois Bisgaard & Smith LLP
633 West 5th Street, Suite 4000
Los Angeles, CA 90071

The Court may only require substantial compliance with the requirements for submitting an objection. The requirement to submit a written objection may be waived upon a showing of good cause.

OBJECTION AND OPT-OUT DIFFERENCES

15. What's the difference between objecting and opting out?

Objecting is simply telling the Court that you don't like something about the settlement. You can object only if you stay in the Class. If you stay in the Class, you will be legally 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 that are in this lawsuit. Opting out is telling the Court that you don't want to be part of the Class. If you opt out, you have no basis to object because the case no longer affects you.

THE LAWYERS REPRESENTING YOU

16. Do I have a lawyer in the case?

The Court has designated the lawyers at Clarkson Law Firm, P.C., 9255 Sunset Boulevard, Suite 804, Los Angeles, CA 90069 to represent you as "Class Counsel". You will not be charged for these lawyers. If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense.

17. How will the costs of the lawsuit and settlement be paid?

The Settlement Administrator's and Notice Provider's costs and fees associated with administering the Settlement, including all costs associated with the publication of the Notice of Settlement will be paid out of the Settlement Fund and shall not exceed \$500,000, plus postage. Class Counsel's reasonable attorneys' fees and costs related to obtaining the settlement consistent with applicable law will also be paid out of the Settlement Fund, subject to Court approval.

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The Class Representatives will also request that the Court approve a payment to them of up to \$15,000 total from the Settlement Fund, as incentive awards for their participation as the Class Representatives, for taking on the risk of litigation, and for settlement of their individual claims as Class Members in the settled Actions. The amounts are subject to Court approval and the Court may award less.

THE COURT'S FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the settlement. If you have filed an objection on time, you may attend and you may ask to speak, but you don't have to.

18. When and where will the Court decide whether to approve the settlement?

The Court will hold a Fairness Hearing at 10:00 a.m. on **December 15, 2020**, at Superior Court of California County of San Bernardino. The hearing may be moved to a different date or time without additional notice, so please check for updates at www.JustBornCandySettlement.com. At this hearing the Court will consider whether the settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The judge will only listen to people who have filed a written objection. The Court will also decide how much to pay the Class Representatives and the lawyers representing Class Members. After the hearing, the Court will decide whether to approve the settlement. We do not know how long these decisions will take.

19. Do I have to come to the hearing?

No. Class Counsel will answer any questions the judge may have. But, you are welcome to come at your own expense. If you send an objection, you don't have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. If you have sent an objection but do not come to the Court hearing, however, you will not have a right to appeal an approval of the settlement. You may also pay another lawyer to attend on your behalf, but it's not required.

20. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter saying that it is your "Notice of Intent to Appear" in the *Mateski, et al. v. Just Born, Inc.* litigation. Be sure to include your name, address, telephone number, and your signature as well as the name, address and telephone number of any lawyer representing you (if applicable). Your Notice of Intent to Appear must be postmarked no later than **October 11, 2020**, and be sent to the addresses listed in Questions 13 and 14. You cannot speak at the hearing if you excluded yourself from the Class.

IF YOU DO NOTHING

21. What happens if I do nothing at all?

If you are a Class Member and do nothing, you will not receive a payment from this settlement. And, unless you exclude yourself, you won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Defendant about the claims in this case, ever again.

QUESTIONS? CALL 1-877-595-9314 OR VISIT www.JustBornCandySettlement.com
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GETTING MORE INFORMATION

22. How do I get more information?

This notice summarizes the proposed settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement, download a Claim Form and review additional case information at www.JustBornCandySettlement.com. You may also call toll-free 1-877-595-9314.

PLEASE DO NOT TELEPHONE JUST BORN, THE COURT, OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.

DATED: Month day, 2020

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

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