

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON PENDLETON DIVISION
NOTICE OF PENDENCY OF CLASS ACTION SETTLEMENT**

If you owned or occupied residential property located within four miles of the 3D Idapro Solutions facility located at 405 Hoosier Road, Stanfield, Oregon, at any point in time on or after February 26, 2013, to the present, or if you submitted a residential data sheet indicating that you experienced odors from the 3D Idapro Solutions facility to Liddle & Dubin, P.C. (Class Counsel) on or before April 15, 2020, you may be a Settlement Class Member.

Please read this Notice carefully, as it affects your legal rights.

(A federal court in Oregon authorized this notice. This is not a solicitation from a lawyer.)

- A proposed settlement has been reached with 3D Idapro Solutions, LLC (“Defendant”), the owner and operator of a food dehydration and processing facility located at 405 Hoosier Road, Stanfield, Oregon (“Facility”) to resolve claims brought by the Named Plaintiffs on behalf of a proposed class relating to the alleged emission of noxious odors from the Facility. The proposed settlement has been memorialized in a written agreement between the parties (the “Settlement Agreement”).
- If approved by the Court, the Settlement Agreement requires the Defendant to pay \$500,000 into a fund (the “Settlement Fund”) for the benefit and advantage of the Settlement Class Members, meaning all who participate in and are bound by the proposed settlement, as further defined by the Settlement Agreement.
- This Class Notice explains the proposed settlement, your rights, the available benefits, and how to get them. As a potential Settlement Class Member you have various options that you may exercise before the Court decides whether to approve the proposed settlement.

Your Legal Rights and Options in this Settlement	
MAKE A CLAIM FOR COMPENSATION	Complete the attached Claim Form and submit it with the requested documentation to Class Counsel no later than February 4, 2021 . You will be bound by the terms of the Settlement Agreement, and you will have released Defendant from any and all Released Claims as defined in the Settlement Agreement.
EXCLUDE YOURSELF	If you exclude yourself, you will <u>no longer</u> be a Settlement Class Member. This means that you will not be eligible for the benefits or relief in the Settlement. It also means that you will be responsible for pursuing your own claim(s) if you want to do so. You must strictly follow the procedures outlined below and request exclusion no later than January 20, 2021 .
OBJECT	Write to the Court about why you do not like the Settlement. You must strictly follow the procedures outlined below for objecting, and you must file your written objection no later than January 20, 2021 . If the settlement is approved, you will be bound by it, and you will have released Defendant from any and all Released Claims as defined in the Settlement Agreement.
DO NOTHING	You will be bound by the terms of the Settlement Agreement and you will have released Defendant from any and all Released Claims as defined in the Settlement Agreement.

1. **WHAT IS THIS NOTICE ABOUT?** This Class Notice is to inform you of the proposed settlement of a class action lawsuit against 3D Idapro Solutions, LLC (“Defendant”). The lawsuit is pending in the United States District Court for the District of Oregon Pendleton Division. This Notice is given by Order of the federal District Court Judge. It summarizes your rights as set forth in the Settlement Agreement.

- 2. WHAT IS THE LAWSUIT ABOUT?** The lawsuit (*Genta v. 3D Idapro Solutions, LLC*, Case number 2:19-cv-00285-SU (D. Oregon) was filed on February 26, 2019, concerning the alleged emission of noxious odors from the Defendant’s food dehydration and processing facility at located at 405 Hoosier Road, Stanfield, Oregon (the “Facility”). The lawsuit alleges that certain emissions in the area surrounding the Facility occurred because of Defendant’s conduct. The Named Plaintiffs who filed the lawsuit alleges that these emissions have reduced the value of their property and interfered with their ability to use and enjoy their home. Defendant has vigorously denied and continues to deny all claims of wrongdoing and liability.
- 3. WHY IS THE CLASS ACTION BEING SETTLED?** The Court did not decide in favor of Plaintiff or the Defendant. Instead, all sides agreed to settle the claims asserted in the lawsuit to avoid the cost and risk of litigation. The proposed settlement does not mean that any law was broken or that the Defendant did anything wrong. The Defendant denies all legal claims in this case. The Named Plaintiffs and their attorneys, the Class Counsel, believe that the proposed settlement is in the best interest of all Settlement Class Members.
- 4. HOW DO I KNOW IF I’M PART OF THE PROPOSED SETTLEMENT?** The Court has decided that the Settlement Class will include all owners or occupiers of residential property located within a four mile radius of the Defendant’s Facility at any point in time from February 26, 2013 to the present (the “Class Period”), **and** all owners or occupiers of residential property who submitted a residential data sheet to Class Counsel concerning odors or emissions from the Facility on or before April 15, 2020. If the Court approves the settlement, the Class Period will continue until the date the Court’s approval of the proposed settlement becomes final and non-appealable.
- 5. SUMMARY OF THE PROPOSED SETTLEMENT:** If the Settlement Agreement is approved by the Court, the Defendant will pay the total amount of \$500,000 into the Settlement Fund for the benefit of all Settlement Class Members, each of whom will release his or her claims against Defendant. After the deduction of any court-approved payments (a) to Class Counsel for attorneys’ fees and the costs and expenses incurred in the case and (b) to the Named Plaintiffs for bringing the lawsuit on behalf of the Settlement Class, the Settlement Fund will be evenly distributed to the households of all Settlement Class Members who submit a Claim Form approved by Class Counsel.
- 6. WHO ARE THE LAWYERS FOR THE SETTLEMENT CLASS AND HOW WILL THEY BE PAID?** The Court has appointed the following attorneys to represent you and the other Settlement Class Members: Steven D. Liddle and Laura L. Sheets of Liddle & Dubin, P.C., 975 E. Jefferson Ave., Detroit, MI 48207 (“Class Counsel”). Class Counsel has prosecuted this case on a contingency basis. At the Settlement Fairness Hearing, Class Counsel will be seeking the approval of the Settlement Agreement and requesting the Court for an award of attorneys’ fees, costs and expenses from the Settlement Fund in an amount not to exceed \$125,000. Class Counsel and Named Plaintiffs also will seek approval of a payment to the Named Plaintiffs from the Settlement Fund in the amount of \$1,500 for their efforts in representing the Settlement Class. You may contact Class Counsel at (800) 536-0045 or info@ldclassaction.com. You do not need to hire your own lawyer because Class Counsel is working on your behalf. If you want your own lawyer, you may hire one at your own expense.
- 7. CAN I GET PAID AND, IF SO, HOW MUCH?** Each Settlement Class Member who participates in the settlement may submit an attached Claim Form on or before **February 4, 2021**. If approved by Class Counsel, submission of the Claim Form will permit the Settlement Class Member’s household to share, pro rata, in the Settlement Fund. The actual amount of each payment to each household will be the amount of the Settlement Fund remaining after the court-approved payments to Class Counsel and Named Plaintiffs divided by the number of households of the Settlement Class that submit Claim Forms approved by Class Counsel. If you do not submit a Claim Form, or if your submission is incomplete and not approved you will not be entitled to any cash compensation from the Settlement Fund. Class Members who receive

payment from the Settlement Fund should consult their own tax advisors regarding any federal, state, local or other tax consequences of the Settlement.

8. WHAT AM I GIVING UP TO STAY IN THE SETTLEMENT CLASS? If the proposed settlement is ultimately approved by the Court, in exchange for Defendant's payment of \$500, 000, each Settlement Class Member will release certain claims he or she may have against Defendant and all related people and entities arising during the Class Period (February 26, 2013) until the Court approves the proposed settlement. As set forth more fully in the Settlement Agreement, the claims being released include anything related to or arising from the conduct alleged in the lawsuit, including claims concerning any emission noxious odors from the Facility, except that nothing in the proposed settlement requires the release of any claim for medical harm or personal injuries or illnesses resulting from any medically diagnosed condition, other than temporary physical discomfort, allegedly caused by exposure to or inhalation of emissions from the 3D Idapro Facility. Each Settlement Class Member shall warrant and represent to the Defendant that, as of the date of this Agreement: (1) he or she has not been diagnosed with any disease or physical injury which may have been caused by the action or inaction of any of the Defendant and (2) he or she has not received benefits under Medicare or any other governmental program for any sickness, disease or injury related to the 3D Idapro Facility.

9. HOW DO I REQUEST TO BE EXCLUDED FROM THIS PROPOSED SETTLEMENT? If you are a Settlement Class Member and if the Settlement Agreement is approved by the Court, then you will be bound by the terms of the Settlement Agreement unless you submit a request to be excluded. If you exclude yourself, Class Counsel will no longer be representing you and you must pursue your own claims if you so choose. You will also not be entitled to any of the benefits provided by the settlement, and you will have no standing or ability to participate in the approval process or object to the settlement.

To exclude yourself from the proposed settlement, you must mail a written request for exclusion to Class Counsel at the following address: Liddle & Dubin, P.C. Attn: 3D Idapro Stanfield Opt-Outs, 975 E. Jefferson Ave., Detroit, MI 48207. This request for exclusion must be postmarked no later than January 20, 2021. The request for exclusion must be in writing and contain the following: (a) the caption or other identification of the lawsuit at the top of the first page with the phrase "Request for Exclusion" underneath it; (b) the potential Settlement Class Member's full name, street address, email address, and telephone number; (c) the following statement requesting exclusion:

"I do not want to be a member of the Settlement Class *Genta v. 3D Idapro Solutions, LLC*, Case number 2:19-cv-00285-SU (D. Oregon). I understand that I will not participate in or receive any monetary benefit of the proposed settlement. I also understand that, if I want to pursue any right or claim I may have, it will be my responsibility to do so at my own expense."

and (d) be signed by the potential Settlement Class Member seeking to be excluded from the proposed settlement.

In order to be a valid request for exclusion, you must also provide a copy of a driver's license or state identification card. Any potential Settlement Class Member's request for exclusion that does not meet these requirements is deemed invalid and ineffective and the potential Settlement Class Member will be considered included as part of the Settlement Class for purposes of the proposed settlement.

10. HOW DO I TELL THE COURT THAT I LIKE OR OBJECT TO THE PROPOSED SETTLEMENT? If you are a potential Settlement Class Member and you do not properly request to be excluded, you can tell the Court you like the proposed settlement and that it should be approved, or that you object to the proposed settlement or any particular part of it. Settlement Class Members desiring to say that the settlement should be approved or who wish to object must submit their comments in

writing to Class Counsel at the following address: Liddle & Dubin, P.C., Attn: 3D Idapro Stanfield Objections, 975 E. Jefferson Ave. Detroit, MI 48207.

Any objection must be postmarked no later than Wednesday, January 20, 2021. You can submit an objection by yourself or, if you like, you can hire a lawyer to assist you. Objections must be in writing and contain the following: (a) the caption of the lawsuit at the top of the first page with the phrase "Notice of Objection" underneath it; (b) the Settlement Class Member's full name, address, and telephone number; (c) the name and address of each lawyer or other person assisting you in filing the objection, if any; (d) the reason, grounds, and basis for the objection, including any legal authority supporting the objection the Settlement Class Member would like the Court and other parties to consider; (e) the signature of the Settlement Class Member who is objecting; and (f) copies of all documents the Settlement Class Member intends to present to the Court in support of the objection, if any. If an objection is submitted by someone purporting to represent a Settlement Class Member, in addition to the Settlement Class Member's signature the objection must attach sufficient documentation to support the person's legal authority to represent the Settlement Class Member. In order to be a valid objection, you must also provide a copy of a driver's license or state identification card.

Objections that do not meet the requirements set forth above will be deemed invalid and the Court will not consider them. Class Counsel and Defendant reserve the right to challenge the validity and grounds of any objection. If you do not submit a written objection in accordance with the deadline and procedure set forth above, you will waive your rights to be heard at the Settlement Fairness Hearing and to appeal from any order or judgment of the Court concerning the matter.

11. WHEN AND WHERE WILL THE COURT DECIDE WHETHER TO APPROVE THE PROPOSED SETTLEMENT? The Court will hold a Settlement Fairness Hearing on February 22, 2021, at 2:00 pm at the United States District Court for the District of Oregon, Pendleton Division, 104 S.W. Dorion, Pendleton, OR 97801. At this hearing the Court will consider whether the Settlement Agreement and proposed settlement is a fair, reasonable, and adequate resolution of the lawsuit. If there are timely and properly submitted objections, the Court will consider them and any response the Parties may have. You do not have to attend the Settlement Fairness Hearing. Class Counsel will answer questions the Court may have. But, you are welcome to attend at your own expense provided you have not excluded yourself from the proposed settlement. If you timely and properly send an objection, you may attend the Settlement Fairness Hearing and talk about your objection, or you may have your own lawyer do so. However, you do not have to attend even if you send an objection. As long as you timely and properly sent your written objection, the Court will consider it even if you do not attend.

- 12. WHAT HAPPENS IF I DO NOTHING AT ALL?** If you do nothing at all, and you are a Settlement Class Member, you will be bound by the proposed settlement if the Court approves it. You will release your claims, but you will not receive any payment from the Settlement Fund.
- 13. ARE MORE DETAILS ABOUT THE PROPOSED SETTLEMENT AND MY RIGHTS UNDER THE PROPOSED SETTLEMENT AVAILABLE?** This Class Notice is a summary and does not describe all details of the Settlement Agreement or the proposed settlement. More details are in the Settlement Agreement. For a complete, definitive statement of the terms of the Proposed Settlement, refer to the Settlement Agreement at www.ldclassaction.com. You may also contact Class Counsel at (800) 536-0045 or info@ldclassaction.com for more details of the lawsuit.

PLEASE DO NOT CONTACT THE COURT WITH QUESTIONS ABOUT THIS NOTICE.

3D IDAPRO STANFIELD CLASS ACTION LAWSUIT CLAIM FORM

GENERAL INSTRUCTIONS

1. IN ORDER TO CLAIM COMPENSATION FROM THE SETTLEMENT, THIS CLAIM FORM MUST BE POSTMARKED BY FEBRUARY 4, 2021 AND MUST BE FULLY COMPLETED, BE SIGNED UNDER OATH AND MEET ALL REQUIREMENTS OF THE SETTLEMENT AGREEMENT.

2. If you wish to complete and return this Claim Form, you must timely mail it along with the requested documentation to: Liddle & Dubin, P.C., Attn: 3D Idapro Stanfield Claim Forms, 975 E. Jefferson Ave., Detroit, MI 48207. If you fail to return a properly addressed, and fully completed Claim Form with all the requested documentation on or before the deadline, your claim likely will be rejected and you may be precluded from receiving any distribution from the Settlement Fund.

3. It is important that you completely read the Notice of Pendency of Class Action Settlement (the "Class Notice") that accompanies this Claim Form. The Class Notice explains many of the terms used in this Claim Form. By signing and submitting this Claim Form, you will be certifying that you have read the Class Notice, including the terms of the releases described therein and provided for herein.

4. This Claim Form is directed to all Settlement Class Members as defined in the attached Class Notice.

IF YOU ARE NOT A SETTLEMENT CLASS MEMBER OR IF YOU, OR SOMEONE ACTING ON YOUR BEHALF, FILED A REQUEST FOR EXCLUSION FROM THE CLASS, DO NOT SUBMIT A CLAIM FORM. YOU MAY NOT, DIRECTLY OR INDIRECTLY, PARTICIPATE IN THE SETTLEMENT IF YOU ARE NOT A SETTLEMENT CLASS MEMBER. THUS, IF YOU FILE A VALID REQUEST FOR EXCLUSION IN A TIMELY MANNER, ANY CLAIM FORM THAT YOU SUBMIT, OR THAT MAY BE SUBMITTED ON YOUR BEHALF, WILL NOT BE ACCEPTED.

5. Submission of this Claim Form does not guarantee that you will share in the Settlement Fund. The distribution of the Settlement Fund is governed by the claim procedures set forth in the Settlement Agreement, if approved by the Court or such other plan of allocation as the Court approves.

6. You are required to submit genuine and sufficient documentation in response to the requests contained in this Claim Form. **IF SUCH DOCUMENTS ARE NOT IN YOUR POSSESSION, PLEASE OBTAIN COPIES OR EQUIVALENT DOCUMENTS TO SUPPLY THESE REQUESTS. THE LACK OF DOCUMENTATION MAY RESULT IN REJECTION OF YOUR CLAIM. DO NOT SEND ORIGINAL DOCUMENTS.** Please keep a copy of all documents that you send to Class Counsel. No documents you submit with your Claim Form will be returned to you.

7. If the Court approves the Settlement Agreement and you or anyone in your household timely and properly completes and submits this Claim Form with the requested documentation and it is approved by Class Counsel, a check will be sent to your household for your payment from the Settlement Fund. You will then have one hundred and twenty (120) days from the date on the check to cash it. Any uncashed checks after that time will become null and void. If you or someone in your household fails to cash a check within that time, you and everyone else in your household will forever forfeit any claim to receive any payment from the Settlement Fund.

8. Type or print legibly in black ink.

3D Idapro Stanfield Claim Form Cont...
Claimant's Identity

Your Full Name (please print)

Your Spouse's Full Name (please print)

Mailing address

Email Address

City, State Zip

() _____
Daytime telephone number

Eligibility

Check all of the following that apply:

1. I own(ed) or occupy(ied) residential property within four miles (4) miles of Defendant's facility at 405 Hoosier Road, Stanfield, Oregon at any time between February 26, 2013 and the present and experienced odors that I believe were coming from Defendant's facility. Yes No
2. I submitted a Data Sheet to Class Counsel claiming that I experienced odors from the Defendant's facility on or before April 15, 2020. Yes No

Claimed Address

1. Is your mailing address the same address that either is within four (4) miles of Defendant's facility or the same address that you owned or occupied when you submitted a residential data sheet? Yes No
2. If no, please provide the address of the other address:

Proof of Identification

You must attach to your Claim Form a copy of a government-issued photo identification to establish your identity and current address. Please mark the box that identifies the requested enclosed item:

- Driver's License
- State Identification Card
- Other government-issued photo identification sufficient to prove your identity

Claimed Address Ownership and/or Occupancy Status

If you own(ed) or occupy(ied) residential property within the Class Area, mark the box that describes your interest in that property and attach the requested documents to your Claim Form.

- Owner - If marked, you *must* attach a copy of documentation of ownership such as a current utility bill
- Tenant - If marked, you *must* attach a copy of either a valid rental agreement or a current utility bill.

**3D Idapro Stanfield Claim Form Cont...
Claimant's Certification**

By submitting this Claim Form and checking the boxes below, I declare under penalty of perjury that all responses in this Claim Form are true and accurate to the best of my knowledge.

The following boxes must both be checked:

I have read the Class Notice that was sent with this Claim Form, I understand it, and I have had the opportunity to review the Settlement Agreement.

All information provided in this Claim Form and its attachments is true and correct.

Date: _____

Your signature: _____

Your fully completed Claim Form must be postmarked no later than February 4, 2021
to Class Counsel at the following address:

**Liddle & Dubin, P.C.
Attn: 3D IDAPRO STANFIELD Claim Forms
975 E. Jefferson Ave.
Detroit MI 48207-3101**