

NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION

If you resided in a residential property located within the Class Area, as defined below, you may be a Class Member.

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

The Court authorized this Notice.

This is not a solicitation from a lawyer.

- A proposed settlement (the “Proposed Settlement”) has been reached in the lawsuit *Mark and Lori Fuehrer, et al. v. Nestlé Purina Petcare Co.*, No. 5:20-cv-03910, a lawsuit filed against Nestlé Purina Petcare Company (“Defendant”) to resolve claims brought on behalf of a proposed class of persons seeking damages as a result of claimed odors emanating from Defendant’s facilities located at 2050 Pope Road, Allentown, Pennsylvania, (the “Facility”). The Proposed Settlement has been memorialized in a written agreement (the “Settlement Agreement”).
- If approved by the Court, the Settlement Agreement requires the Defendant to pay a total of \$800,000 into a fund (the “Settlement Fund”) for the benefit and advantage of members of a class of persons as defined by the Settlement Agreement (the “Class”).
- The parties have agreed to settle the lawsuit, and this Notice explains the Proposed Settlement, your rights, the available benefits, and how to get them. If you are a member of the Class, you have various options that you may exercise before the Court decides whether to approve the Proposed Settlement.
- The Court in charge of this case still has to decide whether to approve the Proposed Settlement.
- Your legal rights are affected whether you act or do not act. Please read this Notice carefully. You may view the full Settlement Agreement and other case documents at www.ldclassaction.com.

Your Legal Rights and Options in this Proposed Settlement	
EXCLUDE YOURSELF	If you exclude yourself, you will not be a member of the Class. This means that you will not be eligible for the benefits or relief in the Proposed Settlement. It also means that Class Counsel will not be representing you and there are statutes of limitations that may impact your individual claims. To exclude yourself from the Class, you must write to Class Counsel as outlined herein no later than June 1, 2021 .
OBJECT	Write to the Class Counsel about why you do not like the Proposed Settlement. You must follow the procedures outlined below and submit your written objections no later than June 1, 2021 . If you exclude yourself from the Class, you may not object to the Proposed Settlement.
MAKE A CLAIM FOR COMPENSATION	Complete the attached Proof of Claim form and submit it with the required information to Class Counsel by June 1, 2021 . You will be bound by the terms of the Settlement Agreement and agree to have released the Defendant from any and all claims as defined in the Settlement Agreement. <u>All households in the Class who submit valid Proof of Claim forms will receive an equal share of the Settlement Fund after the deduction of expenses, costs, attorneys’ fees and incentive awards, as approved by the Court.</u>
DO NOTHING	You will be bound by the terms of the Settlement Agreement and will have released the Defendant from any and all claims as defined in the Settlement Agreement, but you will not receive any portion of the Settlement Fund.

- 1. WHAT IS THIS NOTICE ABOUT?** This Notice is to inform you of the Proposed Settlement of a class action lawsuit filed against the Defendant in the United States District Court for the Eastern District of Pennsylvania. This Notice is given by Order of the Honorable Edward G. Smith, United States District Court for the Eastern District of Pennsylvania. It summarizes your rights as set forth in the Settlement Agreement.

The Court directed that this Notice be sent to you at the mailing address of a property located within the Class Area If you resided in a residential property located within the Class Area at any point in time since August 11, 2018, then you are a member of the Class. If you are a member of the Class, the Proposed Settlement will affect your rights. You have choices to make before the Court decides whether or not to approve the Proposed Settlement.

- 2. WHAT IS THE LAWSUIT ABOUT?** The lawsuit (*Mark and Lori Fuehrer, et al. v. Nestlé Purina Petcare Co.*, No. 5:20-cv-03910) was filed on August 11, 2020, and claims that odors from the Facility interfered with the ability of members of the Class to use and enjoy their homes and decreased the market value of their properties. Defendant denied and continues to deny the allegations and all claims of wrongdoing or liability arising out of the allegations and claims asserted in the lawsuit.
- 3. WHY IS THE CLASS ACTION BEING SETTLED?** The Court did not decide in favor of the Class or the Defendant. Instead, both sides agreed to settle the claims asserted to avoid the cost and risk of trial. 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 Class representatives and their attorneys believe that the Proposed Settlement is in the best interest of all members of the Class.
- 4. HOW DO I KNOW IF I'M PART OF THE PROPOSED SETTLEMENT?** The Court has decided that the Class will include all persons who resided within 1.75-miles of the Facility at any point in time since August 11, 2018.

If you are not sure whether you are a member of the Class, or have any other questions about the Proposed Settlement, you may call Class Counsel at (800) 536-0045. You can also send your question to Class Counsel by e-mail (info@ldclassaction.com) or by mail to: Liddle & Dubin, P.C. 975 E. Jefferson Ave., Detroit, MI 48207.

- 5. WHAT ARE THE BENEFITS OF THE PROPOSED SETTLEMENT?** If the Settlement Agreement is approved by the Court, Defendant will pay the total amount of \$800,000 into the Settlement Fund for the benefit and advantage of all members of the Class. After the deduction of the costs and expenses incurred in the case on behalf of the Class, attorneys' fees awarded to and expenses incurred by counsel for the Class, and incentive awards paid to the two individual members of the Class who brought the lawsuit, the Settlement Fund will be evenly distributed among all households within the Class for which at least one member of the Class timely submits an approved Claim Form.
- 6. WHO ARE THE LAWYERS FOR THE CLASS AND HOW WILL THEY BE PAID?** The Court has appointed the following attorneys to represent the Class and its members: Steven D. Liddle, Laura Sheets, and Matthew Z. Robb of Liddle & Dubin, P.C., 975 E. Jefferson Ave., Detroit, MI 48207 and Kevin S. Riechelson of Kamensky Cohen & Riechelson, 194 South Broad Street, Trenton, New Jersey 08608 ("Class Counsel"). You may contact Class Counsel at (800) 536- 0045 or info@ldclassaction.com.

Class Counsel has prosecuted this case on a contingency basis. At the settlement hearing, Class Counsel will be seeking the approval of the Settlement Agreement and requesting that the Court award attorneys' fees, costs and expenses from the Settlement Fund. You will not be responsible for any of these amounts as they will all be paid from the Settlement Fund.

- 7. WHAT AM I GIVING UP TO STAY IN THE CLASS?** If the Proposed Settlement becomes final, members of the Class will be releasing the Defendant and all related people and entities from all of the claims defined in the Settlement Agreement. This means that you will no longer be able to sue the Defendant regarding any claims described in the Settlement Agreement. It also means that all of the Court's orders will apply to you and legally bind you.

As set forth more fully in the Settlement Agreement, each member of the Class releases all claims based on alleged odors from the Facility, with the exception of claims for any personal injuries or diagnosed chronic medical condition and any claims based on emissions that occur after the end of this case, as set forth in Section III.14 of the Settlement Agreement. Each member of the Class also agrees not to sue Defendant, or to solicit other Class Members to sue Defendant, for claims that are released, as set forth in Section III.15. of the Settlement Agreement.

8. HOW DO I PARTICIPATE IN THE SETTLEMENT AND MAKE A CLAIM FOR COMPENSATION? If you are a member of the Class and wish to obtain the benefits of the Proposed Settlement, you must complete the accompanying Proof of Claim form, sign it, and mail the completed form along with all required supporting documentation to Class Counsel postmarked **no later than June 1, 2021.**

9. HOW DO I OPT OUT FROM THIS PROPOSED SETTLEMENT?

If you are a member of the Class and if the Settlement Agreement is approved by the Court, then you will be bound by the terms of the Settlement Agreement unless you file a timely request to be excluded from the settlement.

To exclude yourself from the proposed settlement, you must mail a written request for exclusion to Class Counsel at:

Class Counsel
Liddle & Dubin, P.C. Attn: NPPC Opt-Outs 975 E. Jefferson Ave. Detroit, MI 48207

This request for exclusion must be postmarked no later than June 1, 2021.

The request to be excluded must be in writing and signed by the Class Member, and must state the full name of the Settlement Class Member, the current residence address, the residence address located in the Class Area, a valid phone number and/or email, signature, and the date. In addition, the request for exclusion must contain the following statement: "I WANT TO BE EXCLUDED FROM THE SETTLEMENT IN THE NESTLÉ PURINA PETCARE ODOR CLASS ACTION LITIGATION."

10. HOW DO I TELL THE COURT THAT I LIKE OR DISLIKE THE PROPOSED SETTLEMENT? If you are a member of the Class and you do not Opt-Out, you can tell the Court that you like the Proposed Settlement and that it should be approved, or that you object to the Proposed Settlement or Class Counsel's requests for fees and expenses, if you do not like a part of it. The Court will consider all comments from members of the Class. Members of the Class desiring to object must mail a notice of objection to Class Counsel no later than June 1, 2021 at the following address:

Class Counsel
Liddle & Dubin, P.C. Attn: NPCC Objections 975 E. Jefferson Ave. Detroit, MI 48207

In order to be effective, an objection must be in writing, state the full name of the Class Member, the current residence address, the residence address located in the Class Area, a valid phone number and/or email, signature, and the date. If you object, you must identify with reasonable particularity the basis for the objection and attach all documentation that you would like to bring to the Court's attention to support the objection. If an objection is submitted by someone purporting to represent a member of the Class, the objection must have attached sufficient documentation to support

the person's legal authority to represent the member of the Class, or the objection will be deemed invalid and ineffective.

Objections that do not meet the requirements set forth above will be deemed invalid and ineffective. Defendant and Class Counsel reserve the right to challenge the validity and grounds of any objection.

If you do not submit a written objection to the Proposed Settlement or the application of Class Counsel for attorneys' fees and expenses in accordance with the deadline and procedure set forth above, you will waive your right to be heard at the settlement hearing. If you opt out of the settlement, you cannot object to it.

- 11. WHEN AND WHERE WILL THE COURT DECIDE TO APPROVE THE PROPOSED SETTLEMENT?** The Court will hold a settlement hearing on June 25, 2021 at 10:00 a.m. before the Honorable Edward G. Smith by telephone conference call by dialing 571-353-2300 and entering pin 363973916#.

At this hearing, the Court will consider whether the Proposed Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court may listen to people who have asked to speak at the hearing. The Court may also decide how much to pay Class Counsel. At or after the hearing, the Court will decide whether to approve the Proposed Settlement. We do not know how long it will take for the Court to make its decision.

You do not have to attend the hearing. Class Counsel will answer questions the Court may have. But, you are welcome to come at your own expense, provided that you have not excluded yourself from the Proposed Settlement. If you send an objection, you do not have to come to Court to talk about it. As long as you sent your written objection, provided that it is received on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

- 12. WHAT HAPPENS IF I DO NOTHING AT ALL?** If you do nothing at all, and you are a member of the Class, you will be bound by the Proposed Settlement, if the Court approves it, but you will not receive any of the settlement proceeds.

- 13. HOW CAN I LEARN MORE DETAILS ABOUT THE PROPOSED SETTLEMENT AND MY RIGHTS UNDER THE PROPOSED SETTLEMENT?** This Notice is a summary and does not describe all details of the Proposed Settlement. The precise terms are contained 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 and the Proposed Settlement.

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