

United States District Court for the Southern District of Illinois

**If You Purchased Grove Square Coffee, You May Be  
A Member of a Class Action Lawsuit**

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

- A class action lawsuit has been certified by United States District Court Judge Nancy J. Rosenstengel. The lawsuit claims that Defendants Sturm Foods Inc., and Treehouse Foods Inc. (collectively "Defendants") sold Grove Square Coffee for use in Keurig<sup>1</sup> brewing machines in violation of state consumer protection statutes. Defendants deny that they did anything wrong. The Court has not ruled in favor of Plaintiffs, those bringing the lawsuit, or in favor of the Defendants. Instead, the Court has only determined that this lawsuit will proceed to trial on a class basis.
- You are a Class Member if you are a person who purchased (a) Grove Square Coffee Light Roast; (b) Grove Square Coffee Medium Roast; or (c) Grove Square Coffee Dark Roast (collectively, the "GSCs") in a retail store (not online) since September 2010 in one of the following states: (1) Alabama; (2) California; (3) Illinois; (4) New Jersey; (5) New York; (6) North Carolina; (7) South Carolina; or (8) Tennessee.

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

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT</b>	
<b>EXCLUDE YOURSELF FROM THE CLASS BY SEPTEMBER 16, 2016</b>	If you opt out of the lawsuit, you will not be bound by any result at trial, but you will keep any rights to sue Defendants separately about the same legal claims in this lawsuit.
<b>DO NOTHING</b>	If you do nothing, you will be bound by the result at trial and you also give up your right to sue Defendants on your own regarding any claims that are part of the lawsuit.

- Your options – **and the deadlines to exercise them** – are further explained in this Notice.

**BASIC INFORMATION**

**1. Why did I get this notice?**

If you are a resident of one of the eight states named above and you purchased one or more of the GSCs in a retail store since September 2010, you have a right to know about a class action lawsuit and your options. You may have received this Notice because you requested more information after reading one of the Publication Notices.

This Notice explains the lawsuit and your legal rights. The Court in charge of the case is the United States District Court for the Southern District of Illinois, and the case is known as *Suchanek et. al. v.*

---

<sup>1</sup> Keurig is a registered trademark of Green Mountain Coffee.

*Sturm Foods, Inc. and Treehouse Foods, Inc.*, Case No. 11-CV-565-NJR-PMF. The persons who sued are called the Plaintiffs, and the companies that were sued are called the Defendants.

## 2. What is this lawsuit about?

This lawsuit is about whether Defendants sold Grove Square Coffee in labeling that misled consumers about the nature of the product in violation of state consumer protection statutes.

Defendants deny that they did anything wrong. Defendants further deny that the Plaintiffs and the Class have suffered any damages or that they have been harmed in any way.

The Court has not made any ruling on the factual allegations in the lawsuit.

## 3. What is a class action and who is involved?

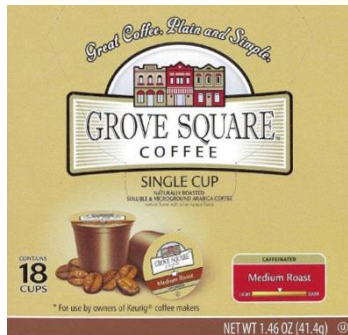
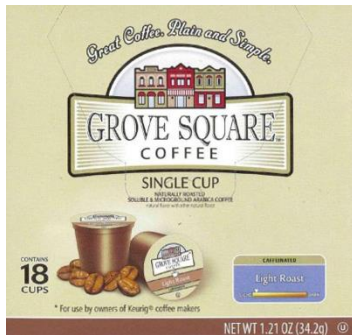
In a class action lawsuit, one or more people called “Class Representatives” (in this case, Plaintiffs, Linda Suchanek, Richard McManus, Carol Carr, Paula Gladstone, Edna Avakian, Charles Cardillo, Ben Capps, Deborah Debenedetto, and Carol J. Ritchie) sue on behalf of other people who have similar claims. The people together are a “Class” or “Subclass” or “Class Members.” One court will resolve the issues for everyone in the Class – except for those people who choose to exclude themselves from the Class.

## 4. Am I part of this Class?

If you fit into the following description, you are a Class Member:

All persons or consumers who purchased Defendants’ Grove Square Coffee (“GSC”) products in Alabama, California, Illinois, New Jersey, New York, North Carolina, South Carolina, and Tennessee since September 2010 in a retail store.

You are a Class Member if you purchased one or more of these products since September 2010 in a retail store\*:



## 5. Who is not part of the Class?

If you purchased Grove Square Coffee products (“GSCs”) online, you are not part of the class.

Also excluded from the Class are: (a) Defendants’ Board members or executive level officers, including its attorneys; (b) persons or entities who purchased the GSC primarily for resale; (c) retailers or re-sellers of the GSC; (d) governmental entities, including this Court; (e) any consumer that already received a refund from Defendants; and (f) any consumer who purchased GSC online.

## THE CLAIMS IN THE LAWSUIT

## 6. What does the lawsuit complain about?

Beginning in September of 2010, Defendants began selling the GSCs in Alabama, California, Illinois, New Jersey, New York, North Carolina, South Carolina, and Tennessee. Plaintiffs allege that

\*Please note that while the exemplar photographs above include only 18 cup packets, you are a Class Member if you fit within the above description, regardless of the quantity purchased.

Defendants' packaging of the GSCs violated the state consumer protection statutes of these eight states. You can read Plaintiffs' Second Amended Complaint at [www.instantcoffeelawsuit.com](http://www.instantcoffeelawsuit.com)

#### **7. How do Defendants answer?**

Defendants deny any wrongdoing and deny the Plaintiffs' allegations. You can read Defendants' Answer to Second Amended Complaint at [www.instantcoffeelawsuit.com](http://www.instantcoffeelawsuit.com)

#### **8. Has the Court decided who is right?**

The Court hasn't decided whether the Defendants or the Plaintiffs are correct. Instead, the Court has only determined that the lawsuit will proceed as a class action.

### **YOUR LEGAL RIGHTS AND OPTIONS**

You have to decide now whether to do nothing at all, or ask to be excluded from the Class.

#### **9. What happens if I do nothing at all?**

By doing nothing, you are staying in the Class and will be bound by any judgment at trial. Keep in mind that if you do nothing now, you will not be able to separately sue Defendants – as part of any other lawsuit – about the same legal claims that are the subject of this lawsuit. You will also be legally bound by all of the Orders the Court issues and judgments the Court makes in this class action. You must exclude yourself to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Defendants about the subject matter of this lawsuit.

#### **10. Why would I ask to be excluded?**

If you exclude yourself from the Class – which is sometimes called “opting-out” of the Class – you won't be bound by this lawsuit. However, you may then be able to separately sue Defendants for the legal claims that are the subject of this lawsuit. If you exclude yourself, you will not be legally bound by any judgment in this action.

If you bring your own lawsuit against Defendants after you exclude yourself, you will have to hire and pay your own lawyer for that lawsuit, and you will have to prove your claims. If you do exclude yourself so you can start or continue your own lawsuit against Defendants, you should talk to your own lawyer soon, because your claims may be subject to a statute of limitations.

#### **11. How do I exclude myself from the Class?**

To exclude yourself from the Class, you must send a written request for exclusion *that is received no later than September 16, 2016*, to:

*Suchanek et. al. v. Sturm et. al.* Notice Administrator  
P.O. Box 1110  
Corte Madera, CA 94976-1110

Your request for exclusion *must* contain: (1) the name of this lawsuit, “*Suchanek et. al. v. Sturm Foods Inc. et. al.*, Case No. 11-CV-565-NJR-PMF”; (2) your full name and current address; (3) a clear statement of intention to exclude yourself such as “I wish to be excluded from the Class”; and (4) your signature. You may also get an Exclusion Request Form at [www.instantcoffeelawsuit.com](http://www.instantcoffeelawsuit.com).

### **THE LAWYERS REPRESENTING YOU**

#### **12. Do I have a lawyer in this case?**

The Court decided that the law firms of Burke Harvey, LLC. and Ward & Wilson are qualified to represent you and the other Class Members. Together the law firms are called “Class Counsel.” You

will not be charged for these lawyers. Additional law firms are also working with them on behalf of you and the other Class Members.

**13. Should I get my own lawyer?**

If you choose to remain in the Class, you do not need to hire your own lawyer because Class Counsel are working on your behalf. But if you hire your own lawyer, you will have to pay that lawyer.

**14. How will the lawyers be paid?**

From the inception of the litigation in July 2011 to the present, Class Counsel has not received any payment for their services in prosecuting the case, nor have they been reimbursed for any out-of-pocket expenses they have incurred. Only if there is a money Judgment in favor of the Class or if a Settlement between Plaintiffs and Defendants is eventually reached, would Class Counsel petition the Court for an award of attorneys' fees. At this time, there is no Settlement and the case is set to proceed to trial in May of 2017.

**GETTING MORE INFORMATION**

**15. Are more details available?**

This Notice is only intended to provide a summary of the lawsuit. You may view copies of other Pleadings entered in this action at [www.instantcoffeelawsuit.com](http://www.instantcoffeelawsuit.com).

You are encouraged to register your name, contact information and other basic information about your individual claim at [www.instantcoffeelawsuit.com](http://www.instantcoffeelawsuit.com) to allow us to provide you with individual notice about the status of this case, including notifying you if and when you must submit proofs of your claim. If you do not provide the requested information, you will not be excluded from any relief which may ultimately be granted to class members, but any further notice may not be mailed or emailed to you directly.

You may also contact Class Counsel by email at [info@Burkeharvey.com](mailto:info@Burkeharvey.com), or by writing to:

*Suchanek et. al. v. Sturm et. al.* Notice Administrator  
P.O. Box 1110  
Corte Madera, CA 94976-1110

**PLEASE DO NOT CALL OR WRITE TO THE COURT  
FOR INFORMATION OR ADVICE.**