

If you purchased Grove Square Coffee, you could get a \$25-\$275 payment from a class action settlement.

A federal court authorized this Notice. It is not a solicitation from a lawyer.

- A \$25 million settlement has been reached with Sturm Foods, Inc. and Treehouse Foods, Inc. (“Defendants”) in a class action lawsuit about the labeling of Grove Square Coffee products for use in Keurig® brewing machines.
- The Defendants have agreed to settle the lawsuit and provide cash payments to customers who purchased qualifying Grove Square Coffee Products.
- You are included in this settlement as a Class Member if you purchased (1) Grove Square Coffee Light Roast, (2) Grove Square Coffee Medium Roast, or (3) Grove Square Coffee Dark Roast (together, “GSC products”) in Alabama, California, Illinois, New Jersey, New York, North Carolina, South Carolina, or Tennessee any time from September 30, 2010 through September 30, 2014.
- Your rights are affected whether you act or don’t act. Read this Notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT A CLAIM FORM DEADLINE: MAY 7, 2020	This is the only way you can receive a payment from this settlement.
OBJECT TO THE SETTLEMENT DEADLINE: March 23, 2020	You may object to the settlement or any part of it by writing to the Court about why you don’t like the settlement. If you object, you may also file a claim for a cash payment.
GO TO A HEARING ON APRIL 21, 2020	You may object to the settlement and ask the Court for permission to speak at the Fairness Hearing about your objection.
DO NOTHING	You will not get a payment from this settlement, and you will give up the right to sue, continue to sue, or be part of another lawsuit against the Defendants about the legal claims resolved by this settlement.

- 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.

What This Notice Contains

BASIC INFORMATION PAGE 3

1. Why was this Notice issued?
2. What is this lawsuit about?
3. What is a class action?
4. Was there a previous Notice in this case?
5. Why is there a settlement?

WHO IS INCLUDED IN THE SETTLEMENT PAGE 3

6. How do I know whether I am part of the settlement?
7. Are there exceptions to being included?
8. What if I am still not sure whether I am part of the settlement?

THE SETTLEMENT BENEFITS—WHAT YOU GET IF YOU QUALIFY PAGE 4

9. What does the settlement provide?
10. How much will my payment be?

HOW TO GET A SETTLEMENT PAYMENT—SUBMITTING A CLAIM FORM PAGE 4

11. How do I get a payment from the settlement?
12. When would I get my settlement payment?
13. What rights am I giving up to get a payment and stay in the Class?
14. What are the Released Claims?

THE LAWYERS REPRESENTING YOU PAGE 5

15. Do I have a lawyer in this case?
16. How will the lawyers be paid?

OBJECTING TO THE SETTLEMENT PAGE 5

17. How do I tell the Court that I do not like the settlement?
18. May I come to Court to speak about my objection?

THE COURT’S FAIRNESS HEARING PAGE 6

19. When and where will the Court decide whether to approve the settlement?
20. Do I have to come to the hearing?
21. May I speak at the hearing?

IF YOU DO NOTHING PAGE 6

22. What happens if I do nothing at all?

GETTING MORE INFORMATION PAGE 6

23. How do I get more information?

BASIC INFORMATION

1. Why was this Notice issued?

A court authorized this Notice because you have a right to know about the proposed settlement of this class action lawsuit and about all of your options before the Court decides whether to grant final approval to the settlement. This Notice explains the lawsuit, the settlement, your legal rights, what benefits are available, and who can get them.

Judge Nancy J. Rosenstengel of the United States District Court for the Southern District of Illinois is overseeing this class action. The case is known as *Suchanek v. Sturm Foods, Inc. et al.*, Case No. 3:11-cv-00565-NJR-RJD. The people that filed this lawsuit are called the “Plaintiff s,” and the companies they sued, Sturm Foods, Inc. and Treehouse Foods, Inc., are called the “Defendants.”

2. What is this lawsuit about?

This lawsuit is about the packaging of Grove Square Coffee (“GSC”). Plaintiffs allege that Defendants, through the packaging of GSC, misled consumers into believing that Grove Square Coffee Light Roast, Grove Square Coffee Medium Roast, and Grove Square Coffee Dark Roast products for use in Keurig® brewing machines contained premium, ground coffee when the products actually consisted of more than 96% instant coffee. Plaintiffs argue the Defendants violated various state consumer protection and unjust enrichment laws. The Defendants deny any wrongdoing and deny all of the allegations made in the lawsuit.

3. What is a class action?

In a class action, one or more people called Class Representatives (in this case, Edna Avakian, Ben Capps, Charles Cardillo, Carol Carr, Deborah DiBenedetto, Paula Gladstone, Richard McManus, Carol Ritchie, and Linda Suchanek) sue on behalf of other people with similar claims. Together, the people included in the class action are called a Class or Class Members. One court resolves the issues for all Class Members, except for those who exclude themselves from the Class.

4. Was there a previous Notice in this case?

Yes, a Notice was issued in the fall of 2016. That Notice explained that the Court decided that the case could proceed as a class action. It also explained that unless you excluded yourself by September 16, 2016, you were agreeing to stay in the Class, be legally bound by all of the Orders the Court issues and judgments the Court makes in this class action, and give up your right to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Defendants about the subject matter of this lawsuit.

5. Why is there a settlement?

The Court did not decide in favor of the Class Representatives or the Defendants. Instead, all parties agreed to a settlement. This way, they avoid the cost and burden of a trial, and the Class Members can get benefits. The Class Representatives and their attorneys think the settlement is best for all Class Members.

WHO IS INCLUDED IN THE SETTLEMENT

6. How do I know whether I am part of the settlement?

The settlement includes all persons or consumers who purchased GSC products in Alabama, California, Illinois, New Jersey, New York, North Carolina, South Carolina, and Tennessee any time from September 30, 2010 through September 30, 2014 in a retail store.

Below are images of some of the GSC products that are included in the settlement. You are a Class Member regardless of the quantity or box count of GSC products purchased.



QUESTIONS? CALL 1-866-800-0337 TOLL-FREE OR VISIT WWW.INSTANTCOFFEE LAWSUIT.COM

7. Are there exceptions to being included?

Yes, you are not included in the settlement if you (a) purchased GSC products online, (b) purchased GSC primarily for resale, (c) are a retailer or reseller of GSC, (d) are a member of Defendants' Board or an executive level officer, including its attorneys; (e) are a governmental entity, including this Court, or (f) are a consumer that already received a refund from Defendants.

8. What if I am still not sure whether I am part of the settlement?

If you are not sure whether you are included, call 1-866-800-0337, go to www.InstantCoffeeLawsuit.com or write to one of the lawyers listed in Question 15 below.

THE SETTLEMENT BENEFITS—WHAT YOU GET IF YOU QUALIFY

9. What does the settlement provide?

The Defendants have agreed to create a \$25,000,000 Settlement Fund to settle the lawsuit. After deducting attorneys' fees and costs, administrative expenses, and Class Representative service awards, the "Net" Settlement Fund will be used to make payments to Class Members who submit valid Claim Forms.

10. How much will my payment be?

Payment amounts may vary based on the total number of GSC products purchased and the state in which the purchases were made. For example, Class Members who submit a valid Claim Form for purchases made in:

- **Alabama** will receive a maximum of \$100 per Class Member regardless of the number of GSC products purchased;
- **New York** will receive a maximum of \$275 per Class Member regardless of the number of GSC products purchased;
- **California, Illinois, New Jersey, North Carolina, South Carolina, and Tennessee** will receive a minimum of \$25 per GSC product purchase, up to a maximum of three purchases, for a maximum total of \$75 per Class Member.

Payment amounts may be reduced on a proportionate basis, if needed, to pay all valid claims. If, after making the additional payments described in the Settlement Agreement, money remains in the Net Settlement Fund, it will be distributed as a *cy pres* payment at the direction of the Court.

HOW TO GET A SETTLEMENT PAYMENT—SUBMITTING A CLAIM FORM

11. How do I get a payment from the settlement?

You must complete and submit a Claim Form by **May 7, 2020**. Claim Forms may be submitted online at www.InstantCoffeeLawsuit.com or printed from the website and submitted to the Settlement Administrator at the address on the form. Claim Forms are also available by sending an email to info@InstantCoffeeLawsuit.com, calling 1-866-800-0337 or by writing to the Settlement Administrator, *Suchanek v. Sturm Foods, Inc.* Settlement Administrator, P.O. Box 43223, Providence, RI 02940-3223.

12. When would I get my settlement payment?

The Court will hold a hearing on April 21, 2020 to decide whether to grant final approval to the settlement. If the Court approves the settlement, there may be appeals. It is always uncertain whether appeals will be filed and, if so, how long it will take to resolve them. Settlement payments will be distributed as soon as possible, only if and when the Court grants final approval to the settlement and after any appeals are resolved.

13. What rights am I giving up to get a payment and stay in the Class?

Unless you excluded yourself during the original Notice period in 2016, you agreed to be legally bound by all of the Orders the Court issues and judgments the Court makes in this class action, and you gave up your right to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Defendants about the subject matter of this lawsuit.

If the settlement is approved and becomes final, all of the Court's orders will apply to you and legally bind you. You won't be able to sue, continue to sue, or be part of any other lawsuit against the Defendants and the Released Parties (*see* next question) about the legal issues resolved by this settlement. The rights you are giving up are called Released Claims.

14. What are the Released Claims?

If and when the settlement becomes final, Class Members will permanently release (a) Sturm Foods, Inc. and Treehouse Foods, Inc., (b) each Defendant's past, present and future parent corporations, (c) each Defendant's past, present, and future affiliates, subsidiaries, divisions, joint ventures, predecessors, successors, successors-in-interest, and assigns and (d) with respect to (a) through (c) above, all of their past, present, and future affiliates, subsidiaries, divisions, joint ventures, predecessors, successors, successors-in-interest, assigns, administrators, service providers, subcontractors, officers, directors, partners, agents, managers, members, employees, independent contractors, representatives, attorneys, other persons serving in fiduciary functions, insurers, co-insurers, reinsurers, shareholders, accountants, auditors, advisors, consultants, trustees, associates, and all persons acting under, by, through, or in concert with any of them (the "Released Parties") from any and all actual or potential claims, actions, demands, rights, obligations, causes of action, suits, debts, demands, agreements, promises, liabilities, damages, losses, controversies, costs, expenses and attorneys' fees of any nature whatsoever, whether based on any federal law, state law, territorial law, foreign law, contract, rule, regulation, any regulatory promulgation (including, but not limited to, any opinion or declaratory ruling), common law or equity, whether known or unknown, suspected or unsuspected, asserted or unasserted, foreseen or unforeseen, actual or contingent, liquidated or unliquidated, punitive or compensatory, that exist as of the date of the Preliminary Order, that were asserted in the Class Action, or that arise out of any of the conduct alleged in any Complaint filed in this action, whether or not pleaded in the Second Amended Complaint, including without limitation any action or omission by any Defendant or any Released Party in connection with the production, distribution, marketing, or sale of Grove Square Coffee (the "Released Claims").

More details about the claims and parties you will be releasing are described in Sections 2.26 and 2.27 of the Settlement Agreement, available at www.InstantCoffeeLawsuit.com.

THE LAWYERS REPRESENTING YOU

15. Do I have a lawyer in this case?

Yes. Judge Rosenstengel appointed Peter H. Burke of Burke Harvey, LLC, and Patrick C. Cooper of Ward & Cooper, LLC to represent you and other Class Members as "Class Counsel." These law firms and lawyers are experienced in handling similar cases. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

16. How will the lawyers be paid?

Class Counsel will ask the Court for an award of attorneys' fees of up to \$8,325,000 and litigation costs and expenses of up to \$550,000. They will also ask the Court to approve a \$25,000 service award for Richard McManus and \$10,000 service awards to each of the remaining Class Representatives. The Court may award less than these amounts. Any amounts awarded by the Court will be paid from the \$25 million Settlement Fund prior to making payments to Class Members who submit valid Claim Forms.

OBJECTING TO THE SETTLEMENT

You can tell the Court if you don't agree with the settlement or any part of it.

17. How do I tell the Court that I do not like the settlement?

If you are a Class Member, you can object to the settlement if you do not like it or a portion of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. Your objection must be in writing and include: (1) the case name and number, *Suchanek v. Sturm Foods, Inc. et al.*, Case No. 3:11-cv-00565-NJR-RJD; (2) your name, address, and phone number; (3) the name, address, and telephone number of your attorney, if you are represented by counsel; (4) the reasons why you object to the settlement, including any supporting documents; (5) a statement indicating whether the objection applies only to you, a specific subset of the class, or to the entire class; (6) a statement indicating whether you or your attorney intend to appear at the Court's Fairness Hearing; and (7) your signature. Mail your objection to all three addresses below postmarked on or before **March 23, 2020**.

The Court	Class Counsel	Defense Counsel
United States District Court Southern District of Illinois 750 Missouri Avenue East St. Louis, IL 62201	Peter H. Burke Burke Harvey, LLC 2400 Freeman Mill Rd., Suite 101-N Greensboro, NC 27406-3912 —and/or— Patrick C. Cooper Ward & Cooper, LLC 2100 Southbridge Parkway, Suite 645 Birmingham, AL 35209	John F. Zabriskie Foley & Lardner LLP 321 North Clark Street Suite 2800 Chicago, IL 60654-5313

18. May I come to Court to speak about my objection?

Yes. You or your attorney may speak at the Fairness Hearing about your objection. To do so, you must include a statement in your objection indicating that you or your attorney intends to appear at the Fairness Hearing. Remember, your objection must be postmarked by **March 23, 2020** and sent to all three addresses in Question 17.

THE COURT'S FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the settlement. You may attend and you may ask to speak, but you don't have to.

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

The Court will hold a Fairness Hearing at 1:30 p.m. on April 21, 2020 at the United States District Court for the Southern District of Illinois, 750 Missouri Avenue, East St. Louis, Illinois 62201. At this hearing, the Court will consider whether the settlement is fair, reasonable and adequate. It will also consider whether to approve Class Counsel's request for an award of attorneys' fees, costs and expenses, as well as the Class Representative's service awards. If there are objections, the Court will consider them. Judge Rosenstengel will listen to people who have asked to speak at the hearing (*see* Question 21, below). After the hearing, the Court will decide whether to approve the settlement.

20. Do I have to come to the hearing?

No. Class Counsel will answer any questions Judge Rosenstengel may have. However, you are welcome to come to the hearing at your own expense. If you send an objection, you do not have to come to court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

21. May I speak at the hearing?

Yes. You may ask the Court for permission to speak at the Fairness Hearing. If you did not properly file an objection (*see* Question 17 above), you must file a notice of intention to appear with the Court and send a copy to Class Counsel and Defense Counsel. Your notice of intention to appear must be filed and postmarked on or before **March 23, 2020**.

IF YOU DO NOTHING

22. What happens if I do nothing at all?

If you are a Class Member and you do nothing, you will not receive a settlement payment.

GETTING MORE INFORMATION

23. How do I get more information?

This Notice summarizes the proposed settlement. Complete details are provided in the Settlement Agreement. The Settlement Agreement, Claim Form, and other related documents are available at www.InstantCoffeeLawsuit.com. Additional information is also available by calling 1-866-800-0337 or by writing to *Suchanek v. Sturm Foods, Inc.* Settlement Administrator, P.O. Box 43223, Providence, RI 02940-3223. Publicly-filed documents can also be obtained by visiting the Courthouse during business hours or accessing the Court's online docket via PACER.