

NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT

IF YOU PURCHASED CERTAIN BRANDED CITRONELLA CANDLES AND TOTAL RELEASE FOGGERS BETWEEN MAY 4, 2015 AND JUNE 7, 2021, A CLASS ACTION SETTLEMENT MAY AFFECT YOUR RIGHTS.

*A court authorized this notice. You are not being sued.
This is not a solicitation from a lawyer.*

Se puede encontrar una versión en español de este aviso en el sitio web.

- A proposed Settlement has been reached in a class action lawsuit (“Lawsuit”) called *Christine Mendoza, et al., v. United Industries Corporation*, Case No. 21PH-CV00670 pending in Phelps County Circuit Court, Missouri, which claims that United Industries Corporation (“Defendant”) deceptively marketed the efficacy of citronella candles sold under the Cutter and Repel brands (“Covered Candles”) and total release foggers sold under the Black Flag, Do It Best, Eliminator, Green Thumb, Hot Shot, No Pest, Real-Kill, Rid-A-Bug, Spectracide, and TAT brands (“Covered Foggers”) (together, the “Covered Products”).
- You are included in the Settlement if you purchased at least one or more Covered Products for personal use between May 4, 2015 and June 7, 2021.
- Defendant has agreed to review and address its labeling practices and will provide up to a maximum of \$3,600,000 in payments to individuals who purchased Covered Products as well as other fees and expenses. Settlement Class Members can get up to \$7.00 per Unit for a maximum of \$14.00 without Proof of Purchase, and up to a full refund of purchase price for a maximum of six units with Proof of Purchase. See Question 6 for more details.

Your legal rights are affected even if you do nothing. Read this Notice carefully.

| YOUR LEGAL RIGHTS & OPTIONS IN THIS SETTLEMENT | |
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| Submit a Claim | You must submit a Claim to get money from this Settlement. Claim Forms must be submitted online or postmarked by September 20, 2021 . |
| Do Nothing | If you do nothing, you remain in the Settlement, you give up your rights to sue, and you will not get any money. |
| Exclude Yourself | Get out of the Settlement. Get no money. Keep your rights. This is the only option that allows you to keep your right to sue about the claims in this lawsuit. You will not get any money from the Settlement. Your request to exclude yourself must be postmarked by September 5, 2021 . |
| File an Objection | Stay in the Settlement but tell the Court why you think the Settlement should not be approved. Objections must be submitted by September 5, 2021 . |

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| Go to a Hearing | You can ask to speak in Court about the fairness of the Settlement, at your own expense. <i>See</i> Question 18 for more details. The Fairness Hearing is scheduled for September 23, 2021 . |
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BASIC INFORMATION

1. Why did I get this Notice?

You are receiving this notice because you may be a Class Member in a proposed Settlement regarding alleged false, misleading and deceptive labeling found on citronella candles sold under the Cutter and Repel brands (“Covered Candles”) and total release foggers sold under the Black Flag, Do It Best, Eliminator, Green Thumb, Hot Shot, No Pest, Real-Kill, Rid-A-Bug, Spectracide, and TAT brands (“Covered Foggers”) (together, the “Covered Products”).

This Notice explains the nature of the lawsuits and claims being settled, your legal rights, and the benefits to the Class.

2. What is this case about?

Judge John D Beger of the Circuit Court of Phelps County, Missouri is overseeing this class action. The case is known as *Christine Mendoza, et al., v. United Industries Corporation*. The people who sued are called the “Plaintiffs,” and the company they sued is called the “Defendant.”

Plaintiffs Christine Mendoza and Tonya Dooley filed a lawsuit against Defendant United Industries Corporation, individually and on behalf of anyone who purchased the Covered Products for personal use between May 4, 2015 and June 7, 2021.

The lawsuit alleges that the Defendant improperly marketed the effectiveness of the Covered Products.

3. Why is there a Settlement?

By agreeing to settle, both sides avoid the cost, disruption, and distraction of further litigation. The Class Representatives, Defendant, and their attorneys believe the proposed Settlement is fair, reasonable, and adequate and, thus, best for the Class Members.

The Court did not decide in favor of the Plaintiffs or Defendant.

Full details about the proposed Settlement are found in the Settlement Agreement available at www.pestcontrolsettlement.com.

4. Why is this a class action?

In a class action, one or more people called “Class Representatives” sue on behalf of all people who have similar claims. All of these people together are the “Class” or “Class Members.”

5. How do I know if I am included in the Settlement?

You are included in this Settlement as a Class Member if you live in the United States and purchased any of the Covered Products (for personal use only) from May 4, 2015 through June 7, 2021.

If you are not sure whether you are in the Class, or have any other questions about the Settlement, visit www.pestcontrolsettlement.com, or write with questions to Digital Settlement Group, LLC at PO Box 232; Valparaiso, IN 46384 or call toll free (877) 395-8158.

THE SETTLEMENT BENEFITS

6. What does this Settlement provide?

The proposed Settlement, if approved by the Court, will provide the following benefits:

1. **Business Practices:** The Defendant has agreed to make any appropriate changes to the packaging of the Covered Products.
2. **Individual Claims:** Class Members are eligible for payments with or without proof of purchase:

Tier 1 - Claims without Proof of Purchase:

You can get \$7.00 for up to 2 Units for up to \$14.00 maximum.

Tier 2 - Claims with Proof of Purchase:

You can get a full refund of the purchase price for up to 6 units.

The final amounts paid may be reduced based on total number of claims received.

You must file a Claim to get any money from the proposed Settlement. The deadline to submit a Claim is **September 20, 2021**.

7. How to submit a Claim?

You must submit a Claim Form, with or without Proof of Purchase, in order to be eligible to receive any money from the Settlement, if it is approved. You can download a Claim Form at www.pestcontrolsettlement.com or you can call the Settlement Administrator at (877) 395-8158.

Your Claim Form must be postmarked or submitted online no later than 11:59 p.m. Central Time by **September 20, 2021**.

8. What am I giving up as part of the Settlement?

Unless you exclude yourself, you will be included as part of the Settlement Class, if the Settlement is approved. By staying in the Class, you will be eligible to receive benefits included in the Settlement to which you are entitled, and you will be releasing the Defendant and all Released Parties from any liability, cause of action, claim, right to damages or other relief, and any other legal rights to which you may otherwise be entitled under the law(s) of your state or any other applicable law.

This means that you will no longer be able to sue United Industries Corporation or any other person or entity regarding the marketing of the efficacy of the Covered Products if you are a Class Member and do not exclude yourself from the Class.

The Settlement Agreement, includes all the provisions about settled claims and releases, is available at www.pestcontrolsettlement.com.

9. Will the Class Representatives and Other Plaintiffs receive compensation?

Yes. Class Representatives Christine Mendoza and Tonya Dooley, together with Plaintiffs Michael Destio, Elba Poppiti, Shivan Bassaw, and Sylvia Fields will request a service award of \$5,000.00 each up to a maximum total amount of \$30,000.00 in the aggregate, to compensate them for their services as Class Representatives and Plaintiffs and their efforts in bringing these claims. The Court will make the final decision as to the amount, if any, to be paid to these individuals.

EXCLUDE YOURSELF

10. How do I exclude myself from the Settlement?

If you do not want to be included in the Settlement, you must send a written request for exclusion postmarked no later than **September 5, 2021** to:

Digital Settlement Group, LLC
PO Box 232
Valparaiso, IN 46384

Instructions on how to submit a request for exclusion are available at www.pestcontrolsettlement.com in the Settlement Agreement or from the Settlement Administrator directly by calling (877) 395-8158.

If you exclude yourself, you will not be able to receive benefits from the Settlement and you cannot object to the Settlement. You will not be legally bound by anything that happens in this lawsuit.

11. If I do not exclude myself, can I sue later?

No. If you do not exclude yourself from the Settlement, you forever give up the right to sue the Released Parties (listed in Question 8) for the claims this Settlement resolves.

12. What happens if I do nothing at all?

If you do nothing, you will be bound by the Settlement if the Court approves it, you will not be able to start or proceed with a lawsuit, or be part of any other lawsuit against the Released Parties (described in Question 8) about the settled claims in this case at any time.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in the case?

Yes. The Court has ordered that Steelman & Gaunt, KamberLaw LLC, and Bursor & Fisher, P.A. (together, “Class Counsel”) will represent the interests of all Class Members. Class Members will not be separately charged for these lawyers.

If you want to be represented by your own lawyer, you may hire one at your own expense.

14. How will the lawyers be paid?

Class Counsel will apply to the Court for an award of attorneys' fees and litigation expenses in an amount up to \$900,000.

A copy of Class Counsel's Application for Attorneys' Fees and Expenses will be posted on the Settlement Website, www.pestcontrolsettlement.com, before the Fairness Hearing. The Court will make the final decisions as to the amounts to be paid to Class Counsel, and may award less than the amounts requested by Class Counsel.

OBJECTING TO THE SETTLEMENT

15. How do I tell the Court that I do not like the Settlement?

If you want to tell the Court that you do not agree with the proposed Settlement or some part of it, you can submit an Objection to the Court telling them why you do not think the Settlement should be approved.

Your Objection must include all the following information:

- (i) The case name: *Christine Mendoza, et al., v. United Industries Corporation*, Case No. 21PH-CV00670 (Phelps County Circuit Court, Missouri).
- (ii) Your full name, address, and telephone number.
- (iii) The name, address, and telephone number of any lawyer(s) representing you or who may be entitled to compensation in connection with objection.
- (iv) A statement that you are a Class Member in the proposed Settlement, including a verification under oath of Covered Product(s) purchased and, to the extent known, the location, approximate date, and approximate price paid.
- (v) A detailed statement of the Objection(s), including the grounds for the Objection(s) and any legal support for the Objection.
- (vi) Copies of any papers, briefs, or other documents upon which the Objection is based.
- (vii) A list of any and all persons who will be called to testify in support of the Objection.
- (viii) A statement whether you or your counsel intend to appear at the Fairness Hearing.
- (ix) A list and copies of any and all exhibits that you or your counsel intends to offer at the Fairness Hearing.
- (x) The identity of any current or former lawyer who may be entitled to compensation for any reason relating to the Objection.
- (xi) A list of any class action settlement objections made by you or your lawyer in any state or federal court in the last five years.

Your Objection must be submitted to the Clerk of the Court by First-Class mail, postmarked no later than **September 5, 2021**, to:

Clerk of the Court
Phelps County Circuit Court

200 North Main Street
Rolla, MO 65401

In addition, you must mail a copy of your Objection to Class Counsel and Defense Counsel, postmarked no later than **September 5, 2021**:

| CLASS COUNSEL | DEFENSE COUNSEL |
|-----------------------|--|
| Yitzchak Kopel | Jeff Richardson |
| Bursor & Fisher, P.A. | Mitchell Silberberg & Knupp LLP |
| 888 Seventh Ave. | 2049 Century Park East, 18 th Floor |
| New York, NY 10019 | Los Angeles, CA 90067 |

If you do not submit your Objection with all requirements, or you do not submit your Objection postmarked by **September 5, 2021**, you will be considered to have waived all Objections and will not be entitled to speak at the fairness hearing.

16. What is the difference between objecting and asking to be excluded?

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.

Excluding yourself is telling the Court that you do not want to be part of the Class. If you exclude yourself, you have no basis to object because the Settlement no longer affects you.

THE FAIRNESS HEARING

17. When and where will the Court decide whether to approve the Settlement?

The Court will hold the Fairness Hearing at 9:00 AM. on **September 23, 2021**, at 200 North Main Street, Rolla, Missouri 65401. The hearing may be moved to a different date, time, or location without additional notice, so it is recommended that you periodically check www.pestcontrolsettlement.com for updated information.

At the hearing, the Court will consider whether the proposed Settlement is fair, reasonable, adequate, and is in the best interests of Class Members, and if it should be approved. If there are valid, timely Objections, the Court will consider them and will listen to people who have asked to speak at the hearing if the request was made properly. The Court will also consider the award of Attorneys' Fees and Expenses to Class Counsel and the request for a service awards to the Class Representatives.

18. Do I have to come to the hearing?

No, you are not required to come to the Fairness Hearing. However, you are welcome to attend the hearing at your own expense.

If you submit an Objection, you do not have to come to the hearing to talk about it. If your Objection was submitted properly and on time, the Court will consider it. You also may pay your own lawyer to attend the Fairness Hearing, but that is not necessary.

19. May I speak at the hearing?

Yes, you can speak at the Fairness Hearing but you must ask the Court for permission. To request permission to speak, you must file an Objection according to the instructions in Question 15, including all the information required.

You cannot speak at the hearing if you exclude yourself from the Settlement.

DO NOTHING

20. What happens if I do nothing?

If you do nothing, you will not get any money from the Settlement, you will not be able to sue for the claims in this case and you release the claims as described in Question 8.

GET MORE INFORMATION

21. How do I get more information about the Settlement?

This is only a summary of the proposed Settlement. If you want additional information about this lawsuit, including a copy of the Settlement Agreement, the complaints, the Court's Preliminary Approval Order, Class Counsel's Application for Attorneys' Fees and Expenses, and more, please visit www.pestcontrolsettlement.com or call (877) 395-8158.

You may also contact the Settlement Administrator at info@pestcontrolsettlement.com.

You may also visit or call the Clerk's office at the Phelps County Circuit Court, 200 North Main Street, Rolla, MO 65401; (573) 458-6200. The Clerk will tell you how to obtain the complete file for inspection and copying at your own expense.

PLEASE DO NOT ADDRESS ANY QUESTIONS ABOUT THE SETTLEMENT OR LITIGATION TO THE CLERK OF THE COURT OR THE JUDGE.