

If you or your business purchased fairlife or Fair Oaks Farms Milk Products, you may be entitled to a Cash Award from a class action settlement.

SI DESEA RECIBIR ESTA NOTIFICACIÓN EN ESPAÑOL, LLÁMENOS O VISITE NUESTRA PÁGINA WEB

A federal court has authorized this Notice. This is not a solicitation from a lawyer. Your legal rights are affected whether you act or do not act. Please read this Notice carefully.

- A \$21 million Settlement has been reached in a class action lawsuit filed against Defendants The Coca-Cola Company (“TCCC”), fairlife, LLC (“fairlife”), Fair Oaks Farms, LLC (“FOF”), Mike McCloskey and Sue McCloskey (“the McCloskeys”), and Select Milk Producers, Inc. (“Select”), relating to fairlife and FOF Milk Products. The lawsuit alleges that Defendants falsely labeled and marketed certain dairy products produced using milk from cows that were allegedly not treated humanely. Defendants deny all allegations and have settled this lawsuit to avoid further litigation. The Court has not decided who is right.
- You may submit a Claim Form to receive 25% of the average retail purchase price, up to \$100, for your purchases of fairlife Milk Products and FOF Milk Products, if the products were purchased for personal use and not for resale, and were purchased on or before **April 27, 2022** (see Question 6 for a complete list of the Covered Products). Claim Forms submitted without Valid Proof of Purchase will be capped at a Cash Award of up to \$20 and Claim Forms submitted with Valid Proof of Purchase will be capped at a Cash Award of up to \$80, subject to certain adjustments (upward and downward) depending on the number of claims submitted.
- Your legal rights are affected whether or not you act. ***Please read this notice carefully.***

YOUR RIGHTS AND CHOICES		DEADLINE
Submit a Claim Form	The only way to get a Cash Award is to submit a Claim Form with and/or without Valid Proof of Purchase.	Submit a Claim Form by: December 27, 2022
Exclude Yourself (Opt Out)	Get no Cash Award but keep any right to file your own lawsuit against Defendants about the legal claims in this case.	Request Exclusion by: August 25, 2022
Object	Tell the Court why you do not like the Settlement. If approved, you will still be bound by the Settlement, and you may still file a Claim Form for a Cash Award.	File an Objection by: August 25, 2022
Attend A Hearing	Ask to speak in Court about why you do not support the proposed Settlement or any of its provisions. The Fairness Hearing is September 28, 2022 .	File Notice of Appearance by: August 25, 2022
Do Nothing	Get no Cash Award. Give up legal rights.	

- 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. Cash Awards will be sent if the Court approves the Settlement and after appeals are resolved. Please be patient.

Questions? Call 1-855-604-1865, or Visit www.fairlifeMilkSettlement.com

WHAT THIS NOTICE CONTAINS

BASIC INFORMATION	PAGE 3
1. Why should I read this Notice?	
2. What is this lawsuit about?	
3. What is a class action?	
4. Why is there a Settlement?	
WHO IS IN THE SETTLEMENT	PAGE 4
5. Am I part of the Settlement?	
6. What are the Covered Products?	
THE SETTLEMENT BENEFITS – WHAT YOU GET	PAGE 6
7. What does the Settlement provide?	
8. What can I get from the Settlement?	
HOW TO GET BENEFITS FROM THE SETTLEMENT	PAGE 7
9. How can I get my Cash Award?	
10. When will I receive my Cash Award?	
11. What am I giving up to receive these Settlement benefits?	
THE LAWYERS REPRESENTING YOU	PAGE 7
12. Do I have lawyers in this case?	
13. How will the lawyers be paid?	
YOUR RIGHTS – EXCLUDING YOURSELF FROM THE SETTLEMENT	PAGE 8
14. How do I get out of the Settlement?	
15. If I exclude myself, can I get anything from this Settlement?	
YOUR RIGHTS – OBJECTING TO THE SETTLEMENT	PAGE 9
16. How do I tell the Court that I do not like the Settlement?	
17. What is the difference between objecting and asking to be excluded?	
YOUR RIGHTS – APPEARING AT THE FAIRNESS HEARING	PAGE 10
18. When and where will the Court decide whether to approve the Settlement?	
19. Do I have to attend the Fairness Hearing?	
20. May I speak at the Fairness Hearing?	
YOUR RIGHTS – DO NOTHING.....	PAGE 10
21. What happens if I do nothing at all?	
GETTING MORE INFORMATION.....	PAGE 10
22. Are there more details about the Settlement?	
23. How do I get more information?	

BASIC INFORMATION

1. Why should I read this Notice?

A Court has preliminarily established, or “certified,” this case as a class action lawsuit for purposes of settlement.

This Notice explains the class action lawsuit, the proposed Settlement, your legal rights, what benefits are available, who is eligible for the benefits, and how to get the benefits. If you are a Settlement Class Member, you have legal rights and options before the Court decides whether to give final approval to the proposed Settlement. This Notice explains all of these things. For the precise terms and conditions of the Settlement, please review the Settlement agreement, available at www.fairlifeMilkSettlement.com.

The Court in charge of this case is the United States District Court for the Northern District of Illinois. The lawsuit is known as *In re fairlife Milk Products Marketing and Sales Practices Litigation*, MDL No. 2909, Lead Case No. 1:19-cv-03924-RMD-MDW.

2. What is this lawsuit about?

This lawsuit asserts claims for, among other things, breach of express and implied warranty, unjust enrichment, common law fraud, intentional and negligent misrepresentation, and violations of certain state consumer protection, false advertising, and unfair competition statutes.

The lawsuit alleges that Defendants falsely labeled and marketed certain dairy products using milk produced from cows that were allegedly not treated humanely. The Named Plaintiffs allege that they would not have paid as much for the Milk Products had they known that the cows were not treated humanely. Defendants deny all allegations. The Court has not decided who is right.

3. What is a class action?

In a class action lawsuit, one or more persons or entities called named plaintiffs sue on behalf of other persons and entities that have similar claims. The people and entities together are a “Settlement Class” or “Settlement Class Members.” In this lawsuit, the people who sued are called the “Named Plaintiffs.” The company and people they are suing, The Coca-Cola Company, fairlife, LLC, Fair Oaks Farms, LLC, Mike McCloskey and Sue McCloskey, and Select Milk Producers, Inc., are called the “Defendants.” One court resolves the issues for everyone in the Settlement Class, except for those people who choose to exclude themselves (opt out) from the Settlement Class.

4. Why is there a Settlement?

The Court has not decided in favor of the Named Plaintiffs or the Defendants. Instead, both sides agreed to a Settlement. By agreeing to settle, both sides avoid the cost and risk of a trial, and Settlement Class Members who submit a valid Claim Form will get a Cash Award. The Named Plaintiffs and Class Counsel believe the Settlement is best for the Settlement Class and represents a fair, reasonable and adequate resolution of the lawsuit.

The Defendants deny the claims in the lawsuit; deny all allegations of wrongdoing, fault, liability or damage to the Named Plaintiffs and the Settlement Class; and deny that they acted improperly or wrongfully in any way. Defendants nevertheless recognize the expense and time that would be required to defend the lawsuit through trial and have taken this into account in agreeing to this Settlement.

Questions? Call 1-855-604-1865, or Visit www.fairlifeMilkSettlement.com

WHO IS IN THE SETTLEMENT?

To see if you are eligible for benefits, you first have to determine if you are a Settlement Class Member.

5. Am I part of the Settlement?

You are a Settlement Class Member if you are a Person (as defined below) in the United States, its territories, and/or the District of Columbia who purchased, for personal use and not for resale, any Covered Product on or before April 27, 2022. The fairlife and FOF milk “Covered Products” included in the Settlement include the products listed in Question 6.

“Person” is defined as an individual, corporation, partnership, limited partnership, limited liability company, association, member, joint stock company, estate, legal representative, trust, unincorporated association, any business or legal entity, and such individual’s or entity’s spouse, heirs, predecessors, successors, representatives, and assignees.

Excluded from the Settlement are: (i) Defendants and their respective subsidiaries and affiliates, members, employees, officers, directors, agents, and representatives and their family members; (ii) Class Counsel; (iii) the judges who have presided over the Litigation; (iv) local, municipal, state, and federal governmental agencies; and (v) all persons who have timely submitted a request for exclusion (opt-out) from the Settlement Class in compliance with the Court’s Orders.

If you are unsure whether you are included, you can call or email the Claims Administrator at 1-855-604-1865 or info@fairlifeMilkSettlement.com. Epiq Class Action and Claims Solutions, Inc. is the Claims Administrator for the Settlement.

6. What are the Covered Products?

The “Covered Products” are all fairlife Milk Products and all FOF Milk Products, including the following, which lists the container size and the agreed average retail price:

fairlife Ultra-Filtered Milk (UFM)			
All container sizes; all grades; all fat contents, including but not limited to whole, 2%, 1%, and skim; and all flavors, including but not limited to original/plain, chocolate/mocha, vanilla, and strawberry.			
8oz 6-Pack	\$6.16	8oz 12-Pack	\$10.40
11.5oz Single	\$2.09	14oz Single	\$2.99
52oz Single	\$4.04	52oz 2-Pack	\$6.61
52oz 3-Pack	\$9.00	Any Other UFM Product Not Listed Above	\$2.09
fairlife DHA Milk			
All container sizes; all grades; all fat contents, including but not limited to whole and 2%; and all flavors, including but not limited to original/plain and chocolate/mocha.			
8oz 4-Pack	\$5.41	52oz Single	\$4.48
52oz 2-Pack	\$6.87	Any Other DHA Product Not Listed Above	\$4.48
fairlife Core Power Protein Shakes			
All container sizes; all grades; and all flavors, including but not limited to banana, chocolate/mocha, coffee, strawberry, vanilla, and honey.			
8oz Single	\$2.50	8oz 4-Pack	\$7.05
11.5oz. Single	\$3.39	11.5oz 12-Pack	\$26.22
14oz Single	\$3.25	14oz 12-Pack	\$27.20
Any Other Core Power Protein Shake Product Not Listed Above			\$2.50

Questions? Call 1-855-604-1865, or Visit www.fairlifeMilkSettlement.com

fairlife Core Power Elite Protein Shakes			
All container sizes; all grades; and all flavors, including but not limited to chocolate/mocha, strawberry, and vanilla.			
14oz Single	\$4.07	14oz 8-Pack	\$22.47
14oz 12-Pack	\$38.57	Any Other Core Power Elite Protein Shake Product Not Listed Above	\$4.07
fairlife Core Power Light Protein Shakes			
All container sizes; all grades; and all flavors, including but not limited to chocolate/mocha.			
11.5oz Single	\$3.25	11.5oz 12-Pack	\$24.10
Any Other Core Power Light Protein Shake Product Not Listed Above			\$3.25
fairlife Yup! Ultra-Filtered Milk			
All container sizes; all grades; all fat contents, including but not limited to 2% and 1%; and all flavors, including but not limited to original/plain, chocolate/mocha, vanilla, cookies & creamiest, and strawberry.			
14oz Single	\$2.17	14 oz 12-Pack	\$24.79
Any Other Yup! Product Not Listed Above			\$2.17
fairlife Nutrition Plan			
All container sizes; all grades; and all flavors, including but not limited to chocolate/mocha, coffee, vanilla, salted caramel, and strawberry.			
11.5oz Single	\$2.71	11.5oz 4-Pack	\$7.14
11.5oz 12-Pack	\$16.20	11.5oz 18-Pack	\$24.99
Any Other Nutrition Plan Not Listed Above			\$2.71
fairlife Smart Snacks			
All container sizes; all grades; and all flavors, including but not limited to chocolate/mocha, vanilla, and strawberry.			
8oz Single	\$2.21	8oz 4-Pack	\$7.95
8oz 12-Pack	\$27.23	Any Other Smart Snacks Product Not Listed Above	\$2.21
fairlife Good Moo'd		fairlife Yogurt	
All container sizes; all grades; and all fat contents, including but not limited to whole, 2%, and skim; and all flavors, including but not limited to original/plain.		All container sizes; all grades; and all flavors, including but not limited to blueberry, peach, plain, strawberry, and vanilla.	
Per Unit	\$4.02	Per Unit	\$4.93
fairlife Ice Cream		fairlife Creamer	
All container sizes; all grades; and all flavors, including but not limited to butter pecan, caramel toffee crunch, chocolate, chocolate peanut butter, cookie dough, cookies and cream, dark cherry chunk, double fudge brownie, java chip, mint chip, and vanilla.		All container sizes; all grades; and all flavors, including but not limited to sweet cream, hazelnut, vanilla, and caramel.	
Per Unit	\$4.43	Per Unit	\$3.15
FOF Milk			
All container sizes, grades, fat contents, and flavors including but not limited to whole, 2%, 1%, skim, and chocolate.			
FOF Half Pint	\$0.79	FOF 11.5 oz-12.0 oz, 16 oz, Pint	\$1.89
FOF 1.5 Liter, 52 oz, 64 oz	\$3.69	FOF Gallon	\$3.99
FOF Ice Cream			
All container sizes and flavors including but not limited to vanilla, chocolate, strawberry, butter pecan, cookies and cream, and mint.			
FOF Pint	\$6.29	FOF 3 Gallon	\$49.99
FOF Yogurt			
Including but not limited to all container sizes and styles including Greek.			
FOF Small	\$2.99	FOF Large	\$4.99

Questions? Call 1-855-604-1865, or Visit www.fairlifeMilkSettlement.com

FOF Butter		FOF Eggnog	
All container sizes and flavors including but not limited to all natural butter, garlic & parsley, honey, and cinnamon.		FOF Eggnog	\$4.99
FOF Butter	\$4.39		

THE SETTLEMENT BENEFITS – WHAT YOU GET

7. What does the Settlement provide?

The \$21 million Settlement Amount will provide Cash Awards to Settlement Class Members who submit valid claims. Settlement Class Notice and Administrative Costs, Attorneys' Fees and Costs, and Service Awards to the Named Plaintiffs will also be paid out of the Settlement Amount, if approved by the Court.

8. What can I get from the Settlement?

Cash Award: If you submit a valid Claim Form, you may receive 25% of the average retail purchase price for your purchase of fairlife Milk Products and/or FOF Milk Products (see Question 6 for a list of Covered Products) for a maximum Cash Award of \$100 per household, subject to certain capped limits and adjustments (upward or downward) depending on the number of claims filed, so long as the products were purchased for personal use and not for resale and were purchased on or before **April 27, 2022**.

- **Claims *without* Valid Proof of Purchase:** Claimants who submit a Claim Form without Valid Proof of Purchase may be eligible to receive a maximum of \$20 as a Cash Award.
- **Claims *with* Valid Proof of Purchase:** Claimants who submit a Claim Form with Valid Proof of Purchase may be eligible to receive a maximum of \$80 as a Cash Award.
- **Claims *with and without* Valid Proof of Purchase:** Claim Forms submitted with and without Valid Proof of Purchase are allowed, and claimants who submit such Claim Forms may be eligible to receive a maximum of \$100 as a Cash Award. *Note: if you submit Valid Proof of Purchase for all claims, you are still eligible to receive a maximum of \$100 as a Cash Award.*
- Valid Proof of Purchase means verifiable documentation of a transaction that reflects the purchase of one or more Covered Products on or before April 27, 2022. Examples may include but are not limited to store receipts, milk bottles, or any other contemporaneous record of purchase that is objectively verifiable.

Claims are limited to one Claim Form per household.

If the total amount of Cash Awards exceed the amount available in the Settlement Fund, then each Cash Award will be proportionately reduced on a *pro rata* basis (equal share) to exhaust the Settlement Fund.

If any funds remain in the Settlement Fund after all Cash Awards are made, Settlement Class Members will be entitled to certain additional *pro rata* (equal share) distributions. After that, subject to the Court's approval, any amount remaining in the Settlement Fund will be donated equally to the U.S. Dairy Education & Training Consortium and The Center for Food Safety.

HOW TO GET BENEFITS FROM THE SETTLEMENT

9. How can I get my Cash Award?

If you are a Settlement Class Member, you must fill out and submit a Claim Form to qualify for a Cash Award. You can file your Claim at www.fairlifeMilkSettlement.com. You can also download a paper Claim Form from the website or get one by calling the Claims Administrator at 1-855-604-1865. The completed Claim Form must be submitted online by **December 27, 2022**, or by mail at the address below, **postmarked by December 27, 2022**.

In re fairlife Milk Products Litigation
P.O. Box 5569
Portland, OR 97228-5569

Upon receiving a completed Claim Form, the Claims Administrator will review the documentation and confirm or deny your eligibility for a Cash Award.

10. When will I receive my Cash Award?

The Court will hold a hearing in person and by remote means on **September 28, 2022, at 10:00 a.m.** (which is subject to change), to decide whether to finally approve the Settlement. Even if the Court finally approves the Settlement, there may be appeals. The appeal process can take time, perhaps more than a year. If you file a valid Claim Form, you will not receive a Cash Award until any appeals are resolved. Please be patient.

11. What am I giving up to receive these Settlement benefits?

Unless you exclude yourself (“opt out”) from the Settlement Class by timely submitting a request for exclusion from the Settlement Class, you will remain in the Settlement Class, and that means you cannot sue, continue to sue or be part of any other lawsuit against the Defendants about the legal issues in this case. It also means that all of the Court’s orders will apply to you and legally bind you. If you sign the Claim Form, you will agree to a Release of claims that describes exactly the legal claims that you give up if you get Settlement benefits. The Release is defined and detailed in the Settlement Agreement, which is available at www.fairlifeMilkSettlement.com.

THE LAWYERS REPRESENTING YOU

12. Do I have lawyers in this case?

The Court has appointed attorneys from the law firms DiCello Levitt Gutzler LLC; Pearson, Simon, & Warshaw, LLP; and Reese LLP to represent you and the other Settlement Class Members. The lawyers are called Class Counsel. They are experienced in handling similar class action 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.

You may contact Class Counsel if you have any questions about this Notice or the Settlement. ***Please do not contact the Court.***

Amy E. Keller DiCello Levitt Gutzler LLC Ten North Dearborn St., Sixth Fl. Chicago, IL 60602 Tel: 312-214-7900 Email: akeller@dicellolevitt.com	Melissa S. Weiner Pearson, Simon & Warshaw, LLP 800 LaSalle Avenue, Suite 2150 Minneapolis, MN 55402 Tel: 612-389-0600 Email: mweiner@pswlaw.com	Michael R. Reese Reese LLP 100 West 93rd Street, 16th Fl. New York, NY 10025 Tel: 212-643-0500 Email: mreese@reesellp.com
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Questions? Call 1-855-604-1865, or Visit www.fairlifeMilkSettlement.com

13. How will the lawyers be paid?

Class Counsel will ask the Court for an award of attorneys' fees up to one-third (1/3) (\$7 million) of the \$21 million Settlement Amount, and in addition to fees, seek reimbursement of litigation costs plus reasonable costs incurred through the Effective Date. Any award of attorneys' fees and costs will be paid from the Settlement Amount. Class Counsel will also ask the Court for Service Awards of \$3,500 for each of the Named Plaintiffs. The purpose of the Service Awards is to compensate the Named Plaintiffs for their time, efforts, and risks taken on behalf of the Settlement Class. Any Service Award payment to the Named Plaintiffs will be paid from the Settlement Amount. The Court may award less than these amounts. Class Counsel's Motion for Attorneys' Fees and Expenses will be available at www.fairlifeMilkSettlement.com once it has been filed.

YOUR RIGHTS – EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do *not* want a Cash Award, and want to keep the right to sue or continue to sue the Defendants on your own about the legal issues in this case, then you must take steps to exclude yourself from the Settlement (get out of the Settlement). This is called “excluding yourself”—or is sometimes referred to as “opting out” of the settlement class.

14. How do I get out of the Settlement?

To exclude yourself from the Settlement, you must send a written “request for exclusion” that includes the following:

- Your name;
- Your address;
- Your telephone number;
- A brief statement explaining the Covered Products you purchased to confirm your membership in the Settlement Class;
- Your personal signature; and
- A statement that indicates a desire to exclude yourself from the Settlement Class must be provided.

Your request for exclusion must be submitted online and verified at www.fairlifeMilkSettlement.com or mailed via U.S. Mail, **postmarked by August 25, 2022**, to:

In re fairlife Milk Products Litigation
P.O. Box 5569
Portland, OR 97228-5569

Instead of sending a written “request for exclusion”, you may exclude yourself from the Settlement by visiting www.fairlifeMilkSettlement.com and following the instructions provided to exclude yourself.

Only individual requests for exclusion are allowed. “Mass” or “class” requests for exclusion are not allowed according to the terms of the Settlement.

If you do not follow these procedures and deadlines, you will remain a Settlement Class Member and lose any opportunity to exclude yourself from the Settlement. This means that your rights will be determined in this lawsuit by the Settlement Agreement if it receives final approval from the Court.

Questions? Call 1-855-604-1865, or Visit www.fairlifeMilkSettlement.com

15. If I exclude myself, can I get anything from this Settlement?

No. If you exclude yourself, you cannot receive a Cash Award. However, you may sue, continue to sue, or be part of a different lawsuit against the Defendants. If you send in a Request for Exclusion and later change your mind, you may rescind your request by timely submitting a Claim Form to the Claims Administrator to obtain benefits of the Settlement.

YOUR RIGHTS – OBJECTING TO THE SETTLEMENT

You can tell the Court that you do not agree with the Settlement or some part of it.

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

If you are a Settlement Class Member, you can object to the Settlement if you do not like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. You cannot ask the Court for a different Settlement; the Court can only approve or reject the Settlement. If the Court denies approval of the Settlement, no Cash Awards will be sent out, and the lawsuit will continue. If that is what you want to happen, you must object.

To object, you must file a written objection, which includes the following information:

- Your name, address, and telephone number;
- A statement of whether you are represented by counsel and if so, contact information for your counsel;
- Evidence showing you as an objector are a Settlement Class Member;
- A statement as to whether your objection applies to you as a Settlement Class Member or if it applies to a specific subset of the Settlement Class, or to the entire Settlement Class, and state with specificity the grounds for the objection;
- Any other supporting papers, materials, or briefs that you wish the Court to consider when reviewing your objection;
- Your actual written or electronic signature as the objector; and
- A statement regarding whether you and/or your counsel intend to appear at the Fairness Hearing.

Your objection must be submitted to the Court either by filing it with the Court or by mailing it via U.S. Mail to the Court postmarked by **August 25, 2022**, to the following address:

Clerk of Court
United States District Court
Northern District of Illinois Eastern Division
219 S. Dearborn Street
Chicago, IL 60604

If you file a timely objection, it will be considered by the Court at the Fairness Hearing. You do not need to attend the Fairness Hearing for the Court to consider your objection.

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

Objecting is simply telling the Court that you do not like something about the Settlement. You can object only if you stay in the Settlement Class. Excluding yourself is telling the Court that you do not want to be part of the Settlement Class. If you exclude yourself, you have no basis to object because you are no longer part of the case.

Questions? Call 1-855-604-1865, or Visit www.fairlifeMilkSettlement.com

YOUR RIGHTS – APPEARING AT THE FAIRNESS HEARING

The Court will hold a “Fairness Hearing” to decide whether to approve the Settlement. You may attend and you may ask to speak, but you do not have to.

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

The Court will hold a Fairness Hearing in person and by remote means at **10:00 a.m.** on **September 28, 2022**, at the United States District Court for the Northern District of Illinois, Eastern Division, 219 S. Dearborn Street, Chicago, IL 60604, in Courtroom 2303.

At the hearing, the Court will hear any comments, objections, and arguments concerning the fairness of the proposed Settlement, including the amount requested by Class Counsel for attorneys’ fees and expenses. If there are objections, the Court will consider them. You do not need to attend this hearing. You also do not need to attend to have a comment or objection considered by the Court. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take. For instructions on accessing the hearing remotely visit the Settlement Website.

Note: The date and time of the Fairness Hearing are subject to change by Court Order. Any change will be posted www.fairlifeMilkSettlement.com. You should check the website to confirm that the date and/or time have not changed.

19. Do I have to attend the Fairness Hearing?

No. Class Counsel will answer all questions the Judge may have. However, you are welcome to attend the hearing at your own expense. If you submit an objection, you do not have to attend the hearing to talk about your objection. As long as you postmarked or filed your written objection by the deadline, the Judge will consider it. You may also pay your own lawyer to attend, but it is not necessary.

20. May I speak at the Fairness Hearing?

If you wish to appear at the Fairness Hearing either in person or by remote means, and orally present your objection to the Court, your written objection must include your statement of intent to appear at the Fairness Hearing. For instructions on accessing the hearing remotely visit the Settlement Website.

YOUR RIGHTS – DO NOTHING

21. What happens if I do nothing at all?

If you fit the Settlement Class definition described above and do nothing, you will be part of the Settlement Class, but you will not get a Cash Award from the Settlement. Unless you request to exclude yourself from the Settlement, you will not be permitted to continue to assert claims about the issues in this case or subject to the Release in any other lawsuit against Defendants ever again.

GETTING MORE INFORMATION

22. Are there more details about the Settlement?

This notice summarizes the proposed Settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement at www.fairlifeMilkSettlement.com, or by contacting Class Counsel (see contact information in Question 12).

23. How do I get more information?

You can call toll-free 1-855-604-1865, write to In re fairlife Milk Products Litigation, P.O. Box 5569, Portland, OR 97228-5569; or go to www.fairlifeMilkSettlement.com, where you will find answers to common questions about the Settlement, a Claim Form, motions for approval of the Settlement and Class Counsel's request for attorneys' fees and expenses (once it is filed), and other important documents in the case.

You may also contact Class Counsel.

**PLEASE DO NOT TELEPHONE THE COURT OR THE COURT'S CLERK OFFICE TO
INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS**