

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

*Woodard v. Labrada, et al.*, Case No. 5:16-cv-00189-JGB-SP

**THE MATTERS DISCUSSED HEREIN MAY AFFECT SUBSTANTIAL LEGAL RIGHTS THAT YOU MAY HAVE**

**READ THIS NOTICE CAREFULLY**

*A Federal Court authorized this Notice. This is not a solicitation from a lawyer.*

**YOU ARE NOT BEING SUED. THIS IS NOT A LAWSUIT AGAINST YOU.**

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**IF YOU PURCHASED**

the Labrada Green Coffee Bean Extract product and/or the Labrada Garcinia Cambogia product in California, for personal or household use and not for resale, during the time period between February 2, 2012 until July 15, 2022,

**YOU MAY BE ENTITLED TO A CASH PAYMENT**

This settlement resolves a class action lawsuit (the “Action”) against Labrada Bodybuilding Nutrition, Inc. (“Labrada” or “Defendant”) for legal claims associated with the marketing and sale of the Labrada Green Coffee Bean Extract product and the Labrada Garcinia Cambogia product (the “Products”).

It is alleged in the lawsuit that Labrada may have materially misrepresented and misleadingly marketed the Products, which may give rise to certain legal claims under California’s consumer protection laws. Labrada denies the allegations and any wrongdoing. Labrada and Plaintiff have reached a class action settlement that would provide monetary recovery as detailed below in exchange for your waiver and release of legal claims. By participating in the Settlement, you would be waiving and releasing legal claims if you purchased the either or both of the Products in California.

## YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

<b>SUBMIT A CLAIM FORM POSTMARKED BY NOVEMBER 11, 2022</b>	This is the only way to receive a cash payment from the settlement.
<b>EXCLUDE YOURSELF FROM THE CLASS BY NOVEMBER 11, 2022</b>	If you opt out of the settlement, you will not be eligible to receive any of the settlement benefits, but you will keep your right to sue on your own regarding any claims that are part of the settlement.
<b>OBJECT OR COMMENT BY NOVEMBER 11, 2022</b>	You may write to the Court about why you do, or do not, like the settlement. You must remain in the class to comment either in support of or in opposition to the settlement.
<b>APPEAR IN THE LAWSUIT OR ATTEND A HEARING ON DECEMBER 19, 2022</b>	You may ask to speak in Court about the fairness of the settlement. You may enter your appearance in Court either <i>pro se</i> without an attorney or through an attorney at your own expense if you so desire.
<b>DO NOTHING</b>	If you do nothing, you will receive no payment and give up your right to sue Labrada on your own regarding any claims that are part of the settlement.

- These rights and options, **and the deadlines associated with them**, are further explained in this notice.
- The Court is in charge of this case and still has to decide whether to approve the settlement. The settlement benefits will be made available to participating class members if the Court approves the settlement and after any appeals are resolved.
- If you have any questions, then please read on and visit [www.labradaclassaction.com](http://www.labradaclassaction.com).

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## BASIC INFORMATION

### 1. Why did I get this Notice?

If you purchased the Labrada Green Coffee Bean Extract product and/or the Labrada Garcinia Cambogia product in California, for personal or household use and not for resale, during the time period between February 2, 2012 until July 15, 2022, as described on page 1 of this Notice, you have a right to know about a proposed settlement in this class action lawsuit and your options. You also may have received this Notice because you requested more information after reading the Summary Notice.

The Court ordered that you be given this Notice because you have a right to know about a proposed settlement of this class action lawsuit and your options regarding the proposed settlement, before the Court decides whether to give its final approval of the settlement. If the Court approves it, and after objections and appeals are resolved, an administrator approved by the Court will oversee the distribution of the settlement benefits that the settlement provides. You will be informed of the progress of the settlement.

This Notice explains the lawsuit, the settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them. The Court overseeing the case is the United States District Court for the Central District of California, and the case is entitled *Woodard et al. v. Labrada, et al.*, Case Number 5:16-cv-00189-JGB-SP. The person who sued is called the Plaintiff, and the company she sued who is a party to the settlement, Labrada Bodybuilding Nutrition, Inc., is called the Defendant.

### 2. What is this Lawsuit About?

This lawsuit alleges violations of California's consumer protection laws and claims that Labrada misrepresented the efficacy of the Labrada Green Coffee Bean Extract product and the Labrada Garcinia Cambogia product.

**Labrada denies that it did anything wrong, and the Court has not made any ruling on the merits of the allegations of the lawsuit.** Labrada, however, in order to settle this lawsuit and avoid the expense of further litigation of the claims alleged by the Plaintiff, has chosen to provide consumers who participate in this settlement with cash payments.

### 3. What Is a Class Action and Who Is Involved?

In a class action, one or more people, called a Class Representative (in this case Veda Woodard) represent the interests of other people who have common claims that are more important than the issues that affect only some individuals. All of these people are a Class or Class Members. One court resolves the case for everyone in the Class – except for those people who choose to exclude themselves from the Class by opting out.

#### **4. Why Is There a Proposed Settlement?**

The Court has not decided in favor of either side in the case. Labrada denies all allegations of wrongdoing or liability against it and contends that its conduct was lawful. Labrada is settling to simply to avoid the expense, inconvenience, and inherent risk of litigation, as well as the related disruption of its business operations. Similarly, the Class Representative and her attorneys assert that the proposed settlement is in the best interests of the Class because it provides an appropriate recovery now while avoiding the risk, expense, and delay of pursuing the case through trial and any appeals without getting any recovery. There would be no guarantee of success for either side if the case were pursued through trial and any appeals.

#### **WHO IS COVERED BY THE PROPOSED SETTLEMENT**

To see if you are entitled to a claim of the settlement benefits offered through this proposed settlement, you first have to determine if you are a Class Member.

#### **5. How Do I Know If I Am Part of the Proposed Settlement?**

You are a Class Member if you purchased, in California, the Labrada Green Coffee Bean Extract product and/or the Labrada Garcinia Cambogia product, for personal or household use and not for resale, during the time period between February 2, 2012 until July 15, 2022.

Excluded from the Settlement Class are Labrada's current and former officers and directors, members of the immediate families of Labrada's officers and directors, Labrada's legal representatives, heirs, successors, and assigns, any entity in which Labrada has or had a controlling interest during the Class Period, and the judicial officers to whom this lawsuit is assigned.

If you are still not sure whether you are included in the Settlement Class, you can go to [www.labradaaction.com](http://www.labradaaction.com), or you can call 1-800-801-7097, and ask for free help.

#### **THE PROPOSED SETTLEMENT BENEFITS**

#### **6. What Does the Proposed Settlement Provide?**

##### **Settlement Fund**

Labrada will cause to be paid the amount of Six Hundred and Twenty-Five Thousand Dollars into a Settlement Fund.

The Settlement Fund shall be applied to pay in full and in order: (i) any necessary taxes and tax expenses; (ii) all costs associated with the Class Action Settlement Administration, including costs of providing notice to the Class Members and processing claims and all costs relating to providing the necessary notices in accordance with the Class Action Fairness Act of 2005, 28 U.S.C. § 1715; (iii) any Fee and Expense Award made by the Court to Class Counsel; (iv) any class representative Incentive Award made by the Court to the Class Representative; and (v) payments to authorized

Claimants and any others as allowed under the Settlement Agreement and to be approved by the Court.

To the extent that the payments from the Settlement Fund listed above are less than \$625,000, 50% of the difference, if any, shall revert to Labrada and the remaining 50% of the difference shall be transmitted to Smile Train or, in the alternative Consumers Union, as a cy pres beneficiary.

### **Cash Payments to Class Members who Submit a Valid Claim Form**

**For Class Members with Proof(s) of Purchase:** For class members who do not opt out of or otherwise exclude themselves from the Settlement and submit a timely and valid claim with proof(s) of purchase, Labrada will pay \$5.00 in cash from the Settlement Fund for each purchase reflected on the proof(s) of purchase for up to ten Products purchased during the class period.

**For Class Members Without Proofs of Purchase:** For class members who submit a timely and valid claim without a proof of purchase, then Labrada will pay \$5.00 in cash from the Settlement Fund for each product purchased during the class period for up to four products.

In no event shall any class member receive a cash payment of more than \$50.00 total from the Settlement Fund.

If the amount of valid claims timely submitted by class members exceeds the amount allocated for cash payments to class members from the Settlement Fund, cash payments to participating class members who submit timely and valid claims will be reduced pro rata until the funds allocated for class member cash payments remaining in the Settlement Fund are exhausted.

In addition, Labrada has agreed to cease selling the Products by August 1, 2022.

Subject to Court approval, an incentive award not to exceed \$5,000.00 shall be paid to Plaintiff Veda Woodard.

## **HOW YOU GET A PAYMENT- SUBMITTING A CLAIM FORM**

### **7. How Can I Obtain a Portion of This Settlement?**

Class Members who wish to receive a portion of this Settlement must fully complete and submit a Claim Form, along with any supporting documentation, by the specified deadline.

You can obtain a Claim Form on the Internet at [www.labradaclassaction.com](http://www.labradaclassaction.com)

Read the instructions carefully, fully complete the form, and submit it online at [www.labradaclassaction.com](http://www.labradaclassaction.com) on or before November 11, 2022.

Alternatively, you may submit your Claim Form by mailing it to the following address:

Labrada Products Class Action Settlement

c/o Classaura Class Action Administration  
1718 Peachtree St NW #1080,  
Atlanta, GA 30309

It must be postmarked no later than November 11, 2022.

**TO BE VALID, ALL CLAIMS MUST BE POSTMARKED OR SUBMITTED ONLINE  
BY NO LATER THAN NOVEMBER 11, 2022.**

### **8. How Can I Obtain a Claim Form?**

You can obtain the Claim Form in one of three ways:

- i. Online: You can download the Claim Form at [www.labradaaction.com](http://www.labradaaction.com). You can also submit a Claim Form online through the same website.
- ii. By Phone: Call toll-free, 1-800-801-7097 to arrange for a Claim Form to be sent to you by either U.S. mail or e-mail.
- iii. By U.S. Mail: You may write to Labrada Products Settlement, c/o Classaura Class Action Administration, 1718 Peachtree St NW #1080, Atlanta, GA 30309. Be sure to include your name and mailing address.

### **YOUR RIGHTS AND CHOICES - EXCLUDING YOURSELF FROM THE PROPOSED SETTLEMENT**

If you do not want to participate in the settlement, but you want to keep the right to sue Labrada, on your own, about the subject matter of this lawsuit, then you must take affirmative steps to get out of the settlement. This is called excluding yourself – or is sometimes referred to as “opting out” of the Class.

### **9. How Do I Exclude Myself From the Settlement?**

To exclude yourself from the settlement, which is sometimes called “opting-out” of the Class, you must send a letter by mail or submit a form through the Settlement Website saying that you want to be excluded from this lawsuit. To exclude yourself from the Class, you must either: (i) send a written request for exclusion that is received no later than November 11, 2022, to: Labrada Products Settlement, c/o Classaura Class Action Administration, 1718 Peachtree St NW #1080, Atlanta, GA 30309, or (ii) submit a request for exclusion online through the Settlement Website no later than November 11, 2022.

Your request for exclusion must contain: (1) the name of this lawsuit, “*Woodard et al. v. Labrada, et al.*,” Case Number: 16-cv-00189-JGB-SP; (2) your full name, current address, and telephone number; (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.labradaaction.com](http://www.labradaaction.com).

You cannot exclude yourself by telephone or by e-mail. If you ask to be excluded, you will not get any settlement benefits, and you cannot object to the settlement. You will not be legally bound by anything that happens in this lawsuit. You may be able to sue (or continue to sue) Labrada in the future.

#### **10. If I Don’t Exclude Myself, Can I Sue Labrada for the Same Things Later?**

No. If you do not properly and/or timely submit a request for exclusion, you waive your right to opt out and will be deemed to be a member of the Class. Unless you timely exclude yourself, you give up the right to sue Labrada for the claims that this settlement resolves, and you will be bound by the terms of this settlement. If you have a pending lawsuit against Labrada, other than this class action, speak to your lawyer in that lawsuit immediately. You must exclude yourself from *this* Class to continue your own lawsuit. Remember, any exclusion request must be signed, mailed, and postmarked or submitted online by no later than November 11, 2022.

#### **11. If I Exclude Myself, Can I Get the Settlement Benefits from this Settlement?**

No. If you exclude yourself, do not send in a claim form to ask for any of the offered settlement benefits.

### **YOUR RIGHTS AND CHOICES - OBJECTING TO THE PROPOSED SETTLEMENT**

You can tell the Court that you object to the settlement or any particular part of it.

#### **12. How Do I Tell the Court That I Object to the Proposed Settlement?**

If you are a Class Member, you may object to the settlement if you do not like any particular part of it. In doing so, you must give reasons why you think the Court should not approve the settlement, and the Court will consider your views.

To be effective, your Objection must be in writing and must be accompanied by any documentary or other evidence and any factual or legal arguments that you intend to rely upon in making the objection.

In addition, your objection must:

- (1.) Clearly identify the case name and number: *Woodard v. Labrada, et al.*, Case No. 5:16-cv-000189-JGB-SP.



- (2.) Be mailed to the settlement administrator at the following address: Labrada Products Settlement, c/o Classaura Class Action Administration, 1718 Peachtree St NW #1080, Atlanta, GA 30309.
- (3.) Be postmarked on or before November 11, 2022.

**If you choose to object through a lawyer, you must pay for the lawyer yourself.**

Your objection must be signed, and mailed to the Court, along with any supporting documents, so that it is received no later than November 11, 2022 by the Court at:

Clerk of Court  
U.S. District Court  
Central District of California- Eastern Division  
3470 Twelfth Street  
Riverside, CA 92501-3801

A copy of your objection **must** also be signed, mailed, along with any supporting documents to the Settlement Administrator and to each of the following two addresses, so **that is received by them no later than** November 11, 2022:

Counsel for Plaintiffs and the Class

Ronald A. Marron  
**LAW OFFICES OF RONALD A. MARRON**  
651 Arroyo Drive  
San Diego, CA 92103  
Telephone: (619) 696-9006  
Email: ron@consumersadvocates.com

Counsel for Labrada

James G. Munisteri  
**FOLEY & LARDNER LLP**  
1000 Louisiana Street, Suite 2000  
Houston, TX 77002  
Telephone: 713.276.5752  
Email: jmunisteri@foley.com

**13. What's the Difference Between Objecting and Excluding?**

Objecting is explaining to the Court you do not like something about the settlement. You can object only if you stay in the Class.

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

**YOUR RIGHTS AND CHOICES - APPEARING IN THE LAWSUIT**

**14. Can I Appear or Speak in this Lawsuit and Proposed Settlement?**

As long as you do not exclude yourself, you can (*but do not have to*) participate and speak for yourself in this lawsuit and Proposed Settlement. This is called making an appearance. You can

also have your own lawyer appear in court and speak for you, but you must pay for the lawyer yourself.

### **15. How Can I Appear in this Lawsuit?**

If you want yourself or your own lawyer (*instead of Class Counsel*) to participate or speak for you in this lawsuit, you must give the Court a paper that is titled a “Notice of Appearance.” The Notice of Appearance must contain the title of the lawsuit, a statement that you wish to appear at the Fairness Hearing, and the signature of you or your lawyer.

Your Notice of Appearance can also state that you or your lawyer would like to speak at the Court’s Fairness Hearing on the Proposed Settlement. If you submit an objection (*see question 12 above*) and would like to speak about the objection at the Court’s Fairness Hearing, both your Notice of Appearance and your objection should include that information.

Your Notice of Appearance **must be** signed, mailed and postmarked by November 11, 2022, to the Court at:

Clerk of Court  
U.S. District Court  
Central District of California- Eastern Division  
3470 Twelfth Street  
Riverside, CA 92501-3801

Copies of your Notice of Appearance **must also be** mailed to the same two addresses appearing on page 11 of this Notice, in question 12.

### **IF YOU DO NOTHING**

### **16. What Happens If I Do Nothing At All?**

If you do nothing, you will get no settlement benefits from this settlement. But, unless you timely excluded yourself, you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Labrada about the subject matter of this lawsuit, ever again.

### **THE LAWYERS REPRESENTING YOU**

### **17. Do I Have a Lawyer in this Case?**

The Court has appointed Ronald A. Marron, APLC and Cohelan, Khoury, and Singer as legal counsel for the Class. Together, the law firms are called Class Counsel. You will not be charged for these lawyers.

## **18. How Will The Lawyers Be Paid?**

When they ask the Court to approve the settlement, Class Counsel will also make a motion to the Court to approve an award attorneys' fees and a reimbursement of expenses to Class Counsel, in a total amount of up to 30% of the \$625,000 Settlement Fund or \$187,500, whichever is less. No matter what the Court decides with regard to the requested attorneys' fees, Class members will never have to pay anything toward the fees or expenses of Class Counsel. Class Counsel will seek final approval of the settlement on behalf of all Class Members. You may hire your own lawyer to represent you in this case if you wish, but it will be at your own expense. Class Counsel may also request that an amount be paid the Class Representative who helped the lawyers on behalf of the whole Class (known as an "incentive award"). The amount of this incentive award will not exceed \$5,000.

### **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 do not have to attend or speak.

## **19. When and Where Will the Court Decide Whether to Approve the Settlement?**

The United States District Court for the Central District of California- Eastern Division (the "Court") will hold a hearing (the "Fairness Hearing") at the Federal Courthouse located at the U.S. District Court for the Central District of California, 3470 Twelfth Street Riverside, CA 92501-38018 on December 19, 2022 at 9:00 a.m. to decide whether the settlement is fair, reasonable, and adequate, as well as to determine the amount of attorneys' fees and costs and incentive fee awards. If there are objections, the Court will consider them at that Fairness Hearing. The Court may also discuss Class Counsel's request for an award of attorneys' fees and reimbursement of costs. After the Fairness Hearing, the Court will decide whether to approve the settlement and whether to grant Class Counsel's request for attorneys' fees and expenses. We do not know how long it will take the Court to make these decisions.

## **20. Do I Have to Come to the Hearing?**

No. Class Counsel is working on your behalf and will answer any questions the Court may have, but you are welcome to attend 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.

### **FINAL SETTLEMENT APPROVAL**

## **21. What Is The Effect of Final Settlement Approval?**

If the Court grants final approval of the settlement, each settlement class member shall be deemed to have, and by operation of the Final Judgment shall, fully, finally, and forever released, relinquished, and discharged all Class Released Claims (as defined in the settlement agreement) against the released parties (as defined in the settlement agreement).

If the Court does not approve the settlement, the case will proceed as if no settlement had been attempted.

If the settlement is not approved and litigation resumes, there can be no assurance that the Class will recover more than is provided for under the settlement, or anything at all. In other words, there is no guarantee of success if litigation proceeds.

## **GETTING MORE INFORMATION**

### **22. Are There More Details About the Settlement?**

This Notice is only intended to provide a summary of the proposed settlement. You may obtain the complete text of the settlement: at [www.labradaclassaction.com](http://www.labradaclassaction.com); by writing to the Claims Administrator (at the address listed above); or, from the court file, which is available for your inspection during regular business hours at the Office of the Clerk of the United States District Court for the Central District of California, U.S. District Court for the Central District of California, 3470 Twelfth Street Riverside, CA 92501-3801, under the Civil Action Number 5:16-cv-00189-JGB-SP.

By visiting the website located at [www.labradaclassaction.com](http://www.labradaclassaction.com), you will find the Plaintiffs' First Amended Complaint, Labrada's Answer and Affirmative Defenses, a Claim Form, and an Exclusion Request Form.

You may also contact the Settlement Administrator by email at [contact@labradaclassaction.com](mailto:contact@labradaclassaction.com), or by writing to Labrada Products Settlement, c/o Classaura Class Action Administration, 1718 Peachtree St NW #1080, Atlanta, GA 30309.

**PLEASE DO NOT CALL OR DIRECT ANY INQUIRIES TO THE COURT.**

**This Notice is given with the approval and at the direction of the Court.**