

If you bought certain Califia Farms dairy-alternative beverage and yogurt products, you may be eligible for a payment from a class action settlement.

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

- A settlement has been reached with Califia Farms, LLC (“Califia”) in a class action lawsuit about the marketing, advertising and labeling of certain dairy-alternative beverage and yogurt products. Califia denies that it falsely marketed, advertised, and labeled its products and denies all of the claims made in the lawsuit. The Court has not decided which side is right.
- You are included in this settlement as a Settlement Class Member if you purchased certain Califia Farms brand dairy-alternative milk, cold brew coffee, non-dairy creamer, yogurt, and/or yogurt drinks from August 7, 2014 through March 20, 2020.
- 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: OCTOBER 7, 2020	This is the only way you can receive a payment from this settlement. If you submit a Claim Form, you will give up the right to sue Califia in a separate lawsuit about the legal claims this settlement resolves.
ASK TO BE EXCLUDED DEADLINE: JUNE 11, 2020	This is the only option that allows you to sue, continue to sue, or be part of another lawsuit against Califia related to the legal claims this settlement resolves. However, you will give up the right to get a payment from this settlement.
OBJECT TO THE SETTLEMENT DEADLINE: JUNE 11, 2020	If you do not exclude yourself from the settlement, you may object to 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 payment.
GO TO A HEARING ON JULY 9, 2020	You may object to the settlement and ask the Court for permission to speak at the Final Approval Hearing about your objection.
DO NOTHING	Unless you exclude yourself, you are automatically part of the settlement. If you 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 Califia 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.

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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 Cathy Seibel of the United States District Court for the Southern District of New York is overseeing this class action. The case is known as *Cicciarella v. Califia Farms LLC*, Case No. 7:19-cv-08785 (the “Litigation”). The people that filed this lawsuit are called the “Plaintiffs” and the company they sued, Califia Farms, LLC, is called the “Defendant.”

2. What is this lawsuit about?

This lawsuit is about the marketing, advertising, and labeling of certain Califia dairy-alternative milk, cold brew coffee, non-dairy creamer, yogurt and/or yogurt drinks. Plaintiffs allege that the Defendant made false and misleading labeling claims regarding vanilla, carrageenan, chocolate, nut or other colors or flavors. Califia denies that it falsely marketed, advertised, and labeled its products and denies all of the claims made in the lawsuit.

3. What is a class action?

In a class action, one or more people called Class Representatives (in this case, Michelle Ann Cicciarella, Tanasha Rietdyk, Daniel Mitchell, Adriana Pena, Kayla Villanueva, and Kristen Landeros) 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. Why is there a settlement?

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

WHO IS INCLUDED IN THE SETTLEMENT

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

The settlement includes all consumers in the United States who purchased the Products from August 7, 2014 through March 20, 2020 (the “Settlement Class Period”).

Califia Farm Products	
Creamers	Coffee
Better Half Original 16.9oz	Cold Brew Black Coffee – Signature Roast 10.5oz
Better Half Unsweetened 16.9oz	Cold Brew Black Coffee –Single Origin 10.5oz
Better Half Hazelnut 16.9oz	Cold Brew Black Coffee – Mocha 10.5oz
Better Half Vanilla 16.9oz	Cold Brew Coffee – All Black Vanilla 10.5oz
Seasonal Creamer Pumpkin Spice 25.4oz	Cold Brew Black Coffee – Salted Caramel 10.5oz
Mint Cocoa Almond Creamer 25.4oz	Cold Brew Black Coffee – XX Espresso 10.5oz
Seasonal Creamer Ginger Spice 25.4oz	Cold Brew Black Coffee – Mocha Noir 10.5oz
Toffee Tidings Almond Creamer 25.4oz	Cold Brew Black Coffee – Triple Shot 10.5oz
Almondmilk – Holiday Nog 25.4oz	Cold Brew Black Coffee – Dirty Chai 10.5oz
Coffee Creamer – Unsweetened 25.4oz	Cold Brew Black Coffee – Mocha Mexica 10.5oz

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Coffee Creamer – Hazelnut 25.4oz	Cold Brew Black Coffee – Full Shot 8x10.5oz
Coffee Creamer – Vanilla 25.4oz	Cold Brew Black Coffee – Black & White 10.5oz
Coffee Creamer – Pecan Caramel 25.4oz	Cold Brew Black Coffee – Keto Coffee 10.5oz
Coffee Creamer – Mexican Chocolate 25.4oz	Cold Brew Black Coffee – Pumpkin Spice Latte 10.5oz
Coffee Creamer – Irish Cream 25.4oz	Cold Brew Black Coffee – Peppermint Mint Mocha 10.5oz
Coffee Creamer – Dulce De Leche 25.4oz	Cold Brew Black Coffee – Nitro Latte 10.5oz
Barista Blend – Almond Original 32oz	Cold Brew Black Coffee – Nitro New Orleans 10.5oz
Barista Blend – Almond Unsweetened 32oz	Cold Brew Black Coffee – Nitro Mocha 12x10.5oz
Oat Barista Blend 32oz	Concentrated Cold Brew Coffee – Signature 25.4oz
Better Half – Vanilla 32oz	Concentrated Cold Brew Coffee – Mocha 25.4oz
Better Half – Unsweetened 32oz	Concentrated Cold Brew Coffee – Vanilla 25.4oz
Better Half – Pumpkin 32oz	Concentrated Cold Brew Coffee – Concentrate 32oz
Almondmilk Creamer – Vanilla 32oz	Cold Brew Black Coffee – Cafe Latte 48oz
Almondmilk Creamer – Hazelnut 32oz	Cold Brew Black Coffee – XX Espresso 48oz
Almondmilk Creamer – Original 32oz	Cold Brew Black Coffee – Mocha 48oz
Almondmilk Creamer – Pecan Caramel 32oz	Cold Brew Black Coffee – Black & White 48oz
Almondmilk Creamer – Unsweetened 32oz	Cold Brew Black Coffee – Salted Caramel 48oz
Non-Dairy Milk/Beverages	Cold Brew Coffee – Pure Black Medium 48oz
Almondmilk – Maca-Nilla 10.5oz	Cold Brew Coffee – Pure Black Lightly Sweetened 48oz
Almondmilk – Choc-a-Maca 10.5oz	Cold Brew Coffee – Pure Black Blonde 48oz
Almondmilk – Matcha 10.5oz	Cold Brew Black Coffee – Pumpkin Spice Latte 48oz
Almondmilk – CaliCoco 10.5oz	Cold Brew Black Coffee – Peppermint Mocha 48oz
Almondmilk – Ginger 10.5oz	Cold Brew Black Coffee – Ginger Snap Latte 48oz
Almondmilk – Maca-spresso 10.5oz	Cold Brew Black Coffee – Toffee 48oz
Organic Homestyle Almondmilk 25.4oz	Cold Brew Black Coffee – Can XX Espresso 7oz
Organic Homestyle Cashew Nutmilk 25.4oz	Cold Brew Black Coffee – Can Black & White 7oz
Organic Homestyle Coconut Milk 25.4oz	Cold Brew Black Coffee – Can Mocha Noir 7oz
Almondmilk – Unsweetened SS 32oz	Cold Brew Black Coffee – Can Salted Caramel 7oz
Almondmilk – Original 48oz	Yogurt Drinks
Almondmilk – Vanilla 48oz	Probiotic Yogurt Drink Super Berry 8oz
Almondmilk – Unsweetened 48oz	Probiotic Yogurt Drink Mango 8oz
Almondmilk – Coconut 48oz	Probiotic Yogurt Drink Strawberry 8oz
Almondmilk – Unsweetened Vanilla 48oz	Probiotic Yogurt Drink Super Berry 25.4oz
Almondmilk – Chocolate 48oz	Probiotic Yogurt Drink Mango 25.4oz
Horchata Cinnamon 48oz	Probiotic Yogurt Drink Strawberry 25.4oz
Horchata Vanilla Coconut 48oz	Probiotic Yogurt Drink Unsweetened 25.4oz
Almondmilk – Toasted Oats ‘N’ Almond 48oz	
Coconut Milk – Go Coconuts 48oz	
Oatmilk 48oz	
Oatmilk – Unsweetened 48oz	
Almondmilk – Holiday Nog 48oz	
Ubermilk – Unsweetened Vanilla 48oz	
Ubermilk – Chocolate 48oz	
Ubermilk – Unsweetened 48oz	

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6. Are there exceptions to being included?

Yes. The settlement does not include: (1) persons who purchased Products for the purpose of resale; (2) persons who made a valid, timely request for exclusion; (3) Hon. Cathy Seibel and Donald L. Morrow of JAMS, and any members of their immediate family; (4) any government entities; and (5) Defendant and each and all of its predecessors in interest, successors and assigns, and their former, present and future direct and indirect subsidiaries, divisions, parents, owners, successors, and affiliated companies and each and all of their former, present and future officers, directors, shareholders, partners, employees, agents, representatives, suppliers, resellers, retailers, wholesalers, distributors, customers, insurers, assigns, servants, attorneys, assignees, heirs, executors and administrators.

THE SETTLEMENT BENEFITS—WHAT YOU GET IF YOU QUALIFY

7. What does the settlement provide?

Califia has agreed to make payments to Settlement Class Members who submit valid Claim Forms. In addition to payments, Califia has agreed to modify the labeling of certain dairy-alternative milk, cold brew coffee, non-dairy creamer, yogurt and yogurt drink products.

8. How much will my payment be?

If you submit a valid Claim Form with Proof of Purchase, you will receive \$1.00 for each Product purchased, up to a maximum of 20 Products. If the total dollar amount of valid claims submitted with Proof of Purchase is more than \$2,000,000.00, payments will be reduced on a *pro rata* basis (equally proportioned).

If you submit a valid Claim Form without Proof of Purchase, you will receive \$0.50 for each Product purchased, up to a maximum of 10 Products. If the total dollar amount of valid claims submitted without Proof of Purchase is more than \$1,000,000.00, payments will be reduced on a *pro rata* basis (equally proportioned).

HOW TO GET A SETTLEMENT PAYMENT—SUBMITTING A CLAIM FORM

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

You must complete and submit a Claim Form by **October 7, 2020**. Claim Forms may be submitted online at www.nondairysettlement.com or printed from the website and mailed to the Settlement Administrator at the address on the form. Claim Forms are also available by writing to the Settlement Administrator, *Cicciarella v. Califia Farms LLC* Settlement Administrator, P.O. Box 43092, Providence, RI 02940-3092

10. When would I get my settlement payment?

The Court will hold a hearing on July 9, 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, if and when the Court grants final approval to the settlement and after any appeals are resolved.

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

Unless you exclude yourself, you are staying in the Settlement Class. 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 Califia 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.

12. What are the Released Claims?

If and when the settlement becomes final, Settlement Class Members will fully and forever release Califia Farms, LLC and each and all of its predecessors in interest, successors and assigns, and their former, present and future direct and indirect subsidiaries, divisions, parents, owners, successors, and affiliated companies and each and all of their former, present and future officers, directors, shareholders, partners, employees, agents,

representatives, suppliers, resellers, retailers, wholesalers, distributors, customers, insurers, assigns, servants, attorneys, assignees, heirs, executors and administrators, whether specifically named and whether or not participating in the settlement by payment or otherwise (the “Released Parties”) from all rights, actions, causes of action, suits, debts, dues, sums of money, accounts, liabilities, losses, obligations, fees, costs, reckonings, bonds, bills, specialties, controversies, agreements, contracts, variances, trespasses, damages, judgments, extensions, executions, claims, and demands whatsoever, whether known or unknown, contingent or absolute, suspected or unsuspected, disclosed or undisclosed, hidden or concealed, matured or unmatured, that have been or could have been asserted, by or on behalf of Plaintiffs or the Class Members, including, without limitation, any claims, whether individual, class, direct, derivative, representative, legal, equitable, or in any other capacity, in any court, tribunal, or proceeding, arising under federal statutory or common law, state statutory or common law, local statutory or common law, or any law, rule or regulation, including the law of any jurisdiction outside the United States, that relates to any labeling or other claim that was, or could have been, alleged in the Litigation to be false, misleading, or non-compliant with federal or state laws or regulations including without limitation labeling or other claims regarding vanilla, carrageenan, chocolate, nut or other ingredients, colors or flavors. The Released Claims shall extend to unknown claims pursuant to California Civil Code Section 1542, which shall be recited in the release, and like statutes from other states.

More details about the claims you will be releasing are described in Part VIII of the Settlement Agreement, available at www.nondairysettlement.com.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in this case?

Yes. Judge Seibel appointed the law firms of Reese LLP and Sheehan & Associates, PLC to represent you and other Settlement Class Members as “Plaintiffs’ Counsel.” This law firm and its 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.

14. How will the lawyers be paid?

Plaintiffs’ Counsel will ask the Court for an award of attorneys’ fees and costs of up to \$750,000.00. They will also ask the Court to approve a \$5,000.00 incentive award to each of the Class Representatives. The Court may award less than these amounts. If approved, these fees, costs, and awards will be paid separately by the Defendant and will not reduce the amount of money available to Settlement Class Members.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you want to keep the right to sue or continue to sue Califia or the Released Parties about the legal claims in this case, and you do not want to receive a payment from this settlement, you must take steps to get out of the settlement. This is called excluding yourself from or opting out of the settlement.

15. How do I get out of the settlement?

To exclude yourself from the settlement, you must submit a written request for exclusion online or by mail. Your request for exclusion must include: (1) your name; (2) your current address; (3) a statement that you are a Settlement Class Member and you purchased one or more of the Products and wish to be excluded from the settlement in *Cicciarella v. Califia Farms LLC*, Case No. 7:19-cv-08785; and (4) your signature. Your request for exclusion must be submitted online or mailed to the Settlement Administrator at the address below so it is postmarked and delivered by **June 11, 2020**:

Cicciarella v. Califia Farms LLC Settlement Administrator
P.O. Box 43092
Providence, RI 02940-3092

16. If I exclude myself, can I still get a payment from this settlement?

No. If you exclude yourself, you are telling the Court that you don't want to be part of the settlement. You can get a payment only if you stay in the settlement and submit a valid Claim Form.

17. If I do not exclude myself, can I sue Califia for the same legal claims later?

No. Unless you exclude yourself, you are giving up the right to sue Califia and the Released Parties for the claims that this settlement resolves. You must exclude yourself from *this* Litigation to start or continue with your own lawsuit or be part of any other lawsuit against Califia or any of the Released Parties.

OBJECTING TO THE SETTLEMENT

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

18. 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 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 include: (1) the case name and number (*Cicciarella v. Califia Farms LLC*, Case No. 7:19-cv-08785); (2) your name, address and telephone number; (3) the name, address, and telephone number of your attorney (if any) who represents you, including any former or current counsel who may be entitled to compensation for any reason if the objection is successful, and legal and factual support for the right to such compensation; (4) documents or testimony proving your membership in the Settlement Class (such as a receipt); (5) a detailed statement of your objections; (6) a statement indicating whether you plan to appear and be heard at the Final Approval Hearing; (7) the identity of all counsel (if any) representing you who will appear at the Final Approval Hearing and, if applicable, a list of all persons who will be called to testify in support of your objection; (8) copies of any papers, briefs, or other documents that support your objection; (9) a detailed list of any other objections submitted by you, or your attorney, to any class litigations submitted in any state or federal court in the United States in the previous five years (or a statement indicating that no such prior objections have been made); and (10) your signature and the signature of your attorney (if any).

Your written objection may be submitted by mail, express mail, electronic transmission, or personal delivery. It must be delivered to the Settlement Administrator (not just postmarked or sent) by **June 11, 2020**.

Cicciarella v. Califia Farms LLC Settlement Administrator
P.O. Box 43092
Providence, RI 02940-3092

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

Yes. You or your attorney may speak at the Final Approval Hearing about your objection. To do so, you must include a statement in your objection indicating that you or your attorney intend to appear at the Final Approval Hearing. Remember, your objection must be delivered to the Settlement Administrator by **June 11, 2020**.

20. What is the difference between objecting to the settlement and asking to be excluded from it?

Objecting is simply telling the Court that you don't like something about the settlement. You can object only if you remain in the Settlement Class (that is, do not exclude yourself). Excluding yourself is telling the Court that you don't want to be part of the settlement. If you exclude yourself, you cannot object because the settlement no longer affects you.

THE COURT'S FINAL APPROVAL 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.

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

The Court will hold a Final Approval Hearing at 10:00 a.m. on July 9, 2020 in Courtroom 621 at The Hon. Charles L. Briant Jr. Federal Building and United States Courthouse, 300 Quarropas St., White Plains, NY 10601. At this hearing, the Court will consider whether the settlement is fair, reasonable, and adequate. It will also consider whether to approve Plaintiffs' Counsel's request for an award of attorneys' fees and costs, as well as the Class Representatives' incentive awards. If there are objections, the Court will consider them. Judge Seibel will listen to people who have asked to speak at the hearing (*see* Question 19 above). After the hearing, the Court will decide whether to approve the settlement.

22. Do I have to come to the hearing?

No. Plaintiffs' Counsel will answer any questions Judge Seibel 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 delivered your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

23. May I speak at the hearing?

Yes. You may ask the Court for permission to speak at the Final Approval Hearing (*see* Question 19 above).

IF YOU DO NOTHING

24. What happens if I do nothing at all?

If you are a Settlement Class Member and you do nothing, you will give up the rights explained in Question 12, including your right to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Califa and the Released Parties about the legal issues resolved by this settlement. In addition, you will not receive a payment from the settlement.

GETTING MORE INFORMATION

25. How do I get more information?

This Notice summarizes the proposed settlement. Complete details are provided in the Settlement Agreement. The Settlement Agreement and other related documents are available at www.nondairysettlement.com. Additional information is also available by calling 1-888-628-3502 or by writing to *Cicciarella v. Califa Farms LLC* Settlement Administrator, P.O. Box 43092 Providence, RI 02940-3092. Publicly-filed documents can also be obtained by visiting the office of the Clerk of the United States District Court for the Southern District of New York or reviewing the Court's online docket.