

NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT

**IF YOU PURCHASED MAXWELL HOUSE OR YUBAN BRANDED GROUND COFFEE PRODUCT(S) BETWEEN AUGUST 27, 2015 AND JANUARY 18, 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.*

- A proposed Settlement has been reached in a class action lawsuit (“Lawsuit”) called *Ferron v. Kraft Heinz Foods Company*, Case No. 20-cv-62136 pending in the United States District Court for the Southern District of Florida, that claims Defendant, Kraft Heinz Foods Company (“Defendant”) deceptively packaged and labeled Maxwell House and Yuban ground coffee products as containing enough coffee to make a specific number of cups.
- You are included in the Settlement if you purchased one or more Maxwell House or Yuban branded ground coffee products for personal use between August 27, 2015 and January 18, 2021.
- Defendant has agreed to change its Labeling practices and will provide up to a maximum of \$16,000,000 to pay Valid Claims, an Attorneys’ Fees and Costs Award, and Administration Expenses. Settlement Class Members can get up to \$0.80 per Unit purchased up to a maximum of 6 Units per Household for a maximum of \$4.80 per Household without Proof of Purchase, and up to \$0.80 per Unit purchased for the number of Units for which a Valid Proof of Purchase has been provided, up to a maximum of \$25 per Household. *See* Question 6 for more details.

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

<b>YOUR LEGAL RIGHTS &amp; OPTIONS IN THIS SETTLEMENT</b>	
<b>Submit a Claim</b>	You must submit a Claim to get money from this Settlement. Claim Forms must be submitted online by or received on or before <b>May 18, 2021</b> . Online Claim Forms must be received by 11:59 pm Central time on May 18, 2021.
<b>Do Nothing</b>	If you do nothing, you remain in the Settlement, you give up your rights to sue, and you will not get any money, but you will benefit from the label change required by the Settlement.
<b>Exclude Yourself</b>	<b>Get out of the Settlement. Get no money. Keep your rights.</b> 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 received by <b>April 7, 2021</b> .
<b>File an Objection</b>	Stay in the Settlement but tell the Court why you think the Settlement should not be approved. Objections must be submitted by <b>April 7, 2021</b> .
<b>Go to a Hearing</b>	You can ask to speak in Court about the fairness of the Settlement, at your own expense. See Question 18 for more details. The Fairness Hearing is scheduled for <b>June 21, 2021</b> .

## WHAT THIS NOTICE CONTAINS

### **Basic Information ..... Page 3**

1. Why did I get this Notice?
2. What is this case about?
3. Why is there a Settlement?
4. Why is this a class action?
5. How do I know if I am included in the Settlement?

### **The Settlement Benefits..... Page 4**

6. What does this Settlement provide?
7. How to submit a Claim?
8. What am I giving up as part of the Settlement?
9. Will the Class Representatives receive compensation?

### **Exclude Yourself..... Page 5**

10. How do I exclude myself from the Settlement?
11. If I do not exclude myself, can I sue later?
12. What happens if I do nothing at all?

### **The Lawyers Representing You..... Page 5**

13. Do I have a lawyer in the case?
14. How will the lawyers be paid?

### **Objecting to the Settlement..... Page 6**

15. How do I tell the Court that I do not like the Settlement?
16. What is the difference between objecting and asking to be excluded?

### **The Fairness Hearing ..... Page 7**

17. When and where will the Court decide whether to approve the Settlement?
18. Do I have to come to the hearing?
19. May I speak at the hearing?

### **Do Nothing ..... Page 8**

20. What happens if I do nothing?

### **Get More Information ..... Page 8**

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

## 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 the following brands of ground coffee products: Maxwell House and Yuban (“Coffee 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 Rodolfo A. Ruiz, II of the United States District Court for the Southern District of Florida is overseeing this class action. The case is known as *Ferron v. Kraft Heinz Foods Company*. The person who sued is called the “Plaintiff,” and the company they sued, Kraft Heinz Foods Company, is called the “Defendant.”

Plaintiff, Kimberly Ferron, filed a lawsuit against Kraft Heinz Foods Company, individually and on behalf of anyone who purchased the Coffee Products for personal use between August 27, 2015 and January 18, 2021.

The lawsuit alleges that the manufacturers, distributors and retailers of the Coffee Products improperly labeled, packaged, marketed and advertised the Coffee Products as containing enough coffee such that it makes up to a certain number of cups.

### 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 Plaintiff or Defendant.

Full details about the proposed Settlement are found in the Settlement Agreement available at [www.groundcoffe settlement.com](http://www.groundcoffe settlement.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 Coffee Products (for personal use only) from August 27, 2015 through January 18, 2021.

If you are not sure whether you are in the Class, or have any other questions about the Settlement, visit [www.groundcoffe settlement.com](http://www.groundcoffe settlement.com), or write with questions to Ferron v Kraft Settlement, c/o Settlement Administrator, PO Box 189, Warminster, PA 18974-0189 or call toll free **833-644-1596**.

## 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 change its Labeling practices by removing or revising the claims about the number of cups of coffee that can be made by following the brewing instructions from the Labeling of the 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 up to \$0.80 per Unit purchased up to a maximum of 6 Units per Household for up to \$4.80 maximum per Household.

**Tier 2 - Claims with Proof of Purchase:**

You can get up to \$0.80 per Unit purchased for the number of Units for which a valid Proof of Purchase has been provided, **up to a maximum reimbursement of \$25** per Household.

Only one Claim may be submitted per Household under either Tier 1 or Tier 2 and final amounts paid may be reduced based on total number of Valid Claims received.

You must file a Claim to get any money from the proposed Settlement. Claim Forms must be received on or before **May 18, 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.groundcoffeessettlement.com](http://www.groundcoffeessettlement.com)] or you can call the Settlement Administrator at **833-644-1596**.

Your Claim Form must be received, if returned via mail, on or before **May 18, 2021**, or, if submitted online, no later than 11:59 p.m. Central Time on **May 18, 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 with respect to the Products 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 with respect to the Products you will no longer be able to sue Kraft Heinz Foods Company, together with its direct and indirect parent companies, predecessor entities, successor entities, related companies, direct and indirect subsidiaries, divisions, holding entities, past and present affiliates and banners, franchisees, distributors, wholesalers, retailers, advertising and production agencies, licensors, and agents, including all current and former officers, directors, managers, members, partners, owners,

employees, shareholders, consultants, attorneys, legal representatives, insurers, agents, assigns, and other equity interest holders of any of the foregoing, and their heirs, executors, administrators, and assigns regarding any of the settled claims 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.groundcoffeesettlement.com](http://www.groundcoffeesettlement.com).

**9. Will the Class Representatives receive compensation?**

No.

**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 received no later than **April 7, 2021** to:

Ferron v Kraft Settlement  
c/o Settlement Administrator  
PO Box 189  
Warminster, PA 18974-0189

Instructions on how to submit a request for Exclusion are available at [www.groundcoffeesettlement.com](http://www.groundcoffeesettlement.com) or from the Settlement Administrator by calling **833-644-1596**.

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 6) 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 Party (listed in Question 6) about the settled claims in this case at any time. You will not receive any money, but you will benefit from the label change described in this Notice.

**THE LAWYERS REPRESENTING YOU**

**13. Do I have a lawyer in the case?**

Yes. The Court has ordered that the Law Office of L. DeWayne Layfield, PLLC; Southern Atlantic Law Group, PLLC; and Law Office of Howard W. Rubinstein; (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 \$3,900,000.

A copy of Class Counsel's Application for Attorneys' Fees and Costs will be posted on the Settlement Website, [www.groundcoffeessettlement.com](http://www.groundcoffeessettlement.com). These materials will be made available on the website by March 24, 2021, which is fourteen (14) days before the Objection Deadline. 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 and number: *Ferron v. Kraft Heinz Foods Company*, Case No. 20-cv-62136 pending in the United States District Court for the Southern District of Florida.
- (ii) Your full name, address, telephone number and email address.
- (iii) The name and address of any lawyer(s) representing you or who may be entitled to compensation in connection with Objection.
- (iv) A detailed statement of the Objection(s), including the grounds for the Objection(s).
- (v) Copies of any papers, briefs, or other documents upon which the Objection is based.
- (vi) Indicate if you intend to appear at the Fairness Hearing, with or without counsel.
- (vii) Identify any counsel who will appear on your behalf at the Fairness Hearing and any person who will be called to testify to support your Objection.
- (viii) A statement that you are a Class Member in the proposed Settlement, including all information from the Claim Form.
- (ix) Your signature in addition to the signature of any attorney representing you in connection with the Objection.
- (x) A detailed list of any class action settlement objections made by you or your lawyer in the last five years.

Your Objection must be filed with the Clerk of the Court no later than **April 7, 2021**, to:

Clerk of the Court  
United States District Court, Southern District of Florida  
400 North Miami Avenue  
Miami, Florida 33128

You should retain proof that your Objection was filed by **April 7, 2021**

In addition, a copy of your Objection must be received by Class Counsel and Defense Counsel, no later than **April 7, 2021**. You should retain proof that your Objection was received by April 7, 2021:

CLASS COUNSEL	DEFENSE COUNSEL
L. DeWayne Layfield Law Office of L. DeWayne Layfield, PLLC P.O. Box 3829 Beaumont, TX 77704	Dean N. Panos Jenner & Block LLP 353 N. Clark Street Chicago, IL 60654
Nicholas Zbrzezni Southern Atlantic Law Group, PLLC 99 6th Street SW Winter Haven, FL 33880	Jeffrey T. Foreman Kenny Nachwalter, P.A. 1441 Brickell Avenue – Suite 1100 Miami, FL 33131

If you do not submit your Objection with all requirements, or your Objection is not filed and received by **April 7, 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 don't 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 09:00 a.m. on **June 21, 2021**, at 299 East Broward Boulevard, Chambers 205D, Fort Lauderdale, Florida 33301. The hearing may be moved to a different date, time or location without additional notice, so it is recommended that you periodically check [www.groundcoffeesettlement.com](http://www.groundcoffeesettlement.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.

**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 against Defendants listed in Question 8, but you will benefit from the label changes described in this Notice.

**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.groundcoffeessettlement.com](http://www.groundcoffeessettlement.com) or call 833-644-1596.

You may also contact the Settlement Administrator at Ferron v Kraft Settlement, c/o Settlement Administrator, PO Box 189, Warminster, PA 18974-0189.

You may also visit or call the Clerk's office at the United States District Court, Southern District of Florida, 400 North Miami Avenue, Miami, Florida 33128, 305-523-5100. 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.**

## List of Products

1. Maxwell House Original Roast (11.5 oz)
2. Maxwell House French Roast (11 oz)
3. Maxwell House Breakfast Blend (11 oz)
4. Maxwell House 100% Colombian (10.5 oz)
5. Maxwell House Half Caff (11 oz)
6. Maxwell House Hazelnut (11 oz)
7. Maxwell House Original Roast (brick) (11.5 oz)
8. Maxwell House 100% Colombian (brick) (10.5 oz)
9. Maxwell House Half Caff (brick) (11oz)
10. Maxwell House French Roast (brick) (11 oz)
11. Maxwell House Breakfast Blend (brick) (11 oz)
12. Maxwell House Original Roast (42.5 oz)
13. Maxwell House Blend (10.5 oz)
14. Maxwell House Original Roast (30.6 oz)
15. Maxwell House Original Roast Decaf (29.3 oz)
16. Maxwell House Dark Roast (10.5 oz)
17. Yuban Traditional Roast (31 oz)
18. Maxwell House Wake Up Roast (30.65 oz)
19. Maxwell House Smooth Bold (11.5 oz)
20. Maxwell House Intense Bold (11.5 oz)
21. Maxwell House Original Roast Decaf (22 oz)
22. Maxwell House Morning Boost (11.5 oz)

23. Maxwell House Dark Roast (24.5 oz)
24. Maxwell House Master Blend (26.8 oz)
25. Maxwell House Breakfast Blend (25.6 oz)
26. Maxwell House Gourmet Roast (25.6 oz)
27. Maxwell House Half Caff (25.6 oz)
28. Maxwell House Morning Boost (26.7 oz)
29. Maxwell House Light Roast (11.5 oz)
30. Maxwell House Original Roast (48 oz)
31. Maxwell House Original Roast (36.8 oz)
32. Maxwell House Master Blend (brick) (11.5 oz)
33. Maxwell House Original Roast Decaf (11 oz)
34. Maxwell House Vanilla (11 oz)
35. Maxwell House Master Blend (11.5 oz)