

**If you purchased certain Tarte, Inc. (“Tarte”) Products  
Between November 13, 2013 and January 21, 2020**

**You May be Eligible to Receive a Cash Payment from a Class Action Settlement.**

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

- A proposed nationwide Settlement has been reached in a class action lawsuit involving certain Tarte products marketed as “high-performance naturals®.” The Settlement resolves litigation over whether the Defendant allegedly violated state and federal laws regarding the labeling, marketing, and advertising of these products.
- You may be eligible to participate in the proposed Settlement, if it is finally approved, if you purchased certain high-performance naturals®-branded products between November 13, 2013 and January 21, 2020.
- The Settlement will provide cash payments to those who qualify. You must file a Claim Form by January 21, 2020 to receive a payment from the Settlement.
- Your legal rights are affected whether you act, or don’t act. Please read this notice carefully.

**YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT**

<b>SUBMIT A CLAIM FORM BY JANUARY 21, 2020</b>	This is the only way to get a payment.
<b>EXCLUDE YOURSELF BY JANUARY 21, 2020</b>	Receive no payment from the Settlement. This is the only option that allows you to ever be, or continue to be, a part of any other lawsuit against the Defendant about the legal claims in this case.
<b>OBJECT BY JANUARY 21, 2020</b>	Write to the Court about why you think the settlement is unfair, inadequate, or unreasonable by following the instructions in this notice.
<b>GO TO A HEARING JANUARY 28, 2020</b>	Ask to speak in Court about the fairness of the Settlement. You do not need to attend the hearing to receive payment.
<b>DO NOTHING</b>	Get no payment. Give up rights to ever sue the Defendant about the claims in this case.

- These rights and options—**and the deadlines to exercise them**—are explained in this notice. The deadlines may be moved, canceled, or otherwise modified, so please check the Settlement Website, [www.HPNsettlement.com](http://www.HPNsettlement.com), regularly for updates and further details.
- The Court in charge of this case has yet to decide whether to approve the Settlement. Payments will be made if the Court approves the Settlement and after any appeals are resolved. Please be patient.

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## BASIC INFORMATION

### 1. **Why is there a notice?**

This Notice relates to a proposed settlement of a class action lawsuit involving products sold by Tarte, Inc. (“Tarte”) and marketed as high-performance naturals®. You received this notice because you may be a Settlement Class Member able to receive payment from a proposed settlement of the class action lawsuit *Patora v. Tarte, Inc.*, Case No. 7:18-cv-11760. You have a right to know about a proposed Settlement of a class action lawsuit, and about your options, before the Court decides whether to approve the Settlement.

The Court in charge of this case is the United States District Court for the Southern District of New York (the “Court”). The individual who sued is called the Plaintiff, and the company she sued, Tarte, is called the Defendant.

### 2. **What is this lawsuit about?**

The lawsuit alleges that the Defendant violated certain laws in labeling, marketing, and advertising of certain Tarte products marketed as high-performance naturals®. The Defendant denies any and all wrongdoing of any kind whatsoever, and denies any liability to Plaintiff and to the Settlement Class.

### 3. **Why is this a class action?**

In a class action, one or more people, called “Class Representatives,” sue on behalf of people who have similar claims. All these people are in a “class” or “class members,” except for those who exclude themselves from the class. United States District Court Judge Kenneth M. Karas in the United States District Court for the Southern District of New York is in charge of this class action.

### 4. **Why is there a Settlement?**

The Defendant does not admit that it did anything wrong and both sides want to avoid the cost of further litigation. The Court has not decided in favor of the Plaintiff or the Defendant. The Class Representative and her attorneys think the Settlement is best for everyone who is affected. The Settlement provides Settlement Class Members with the opportunity to receive Settlement benefits.

## WHO IS IN THE SETTLEMENT?

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

The Settlement Class includes all persons and entities that, between November 13, 2013 and January 21, 2020, both resided in the United States and purchased in the United States any of the high-performance naturals® branded products for personal use and not for resale. Excluded from the Settlement Class are: (a) Defendant’s board members or executive-level officers, including its attorneys; (b) governmental entities; (c) the Court, the Court’s immediate family, and the Court staff; and (d) any person that timely and properly excludes himself or herself from the Settlement Class in accordance with the procedures approved by the Court.

### 6. **Which Products are included in the Settlement?**

The Settlement covers all products marketed and sold by Tarte as high-performance naturals® between November 13, 2013 and January 21, 2020.

### 7. **What if I am still not sure if I am included in the Settlement?**

If you are not sure whether you are a Settlement Class Member, or have any other questions about the Settlement Agreement, you should visit the Settlement Website, [www.HPNsettlement.com](http://www.HPNsettlement.com), or call the toll-free number, 1-833-905-1929.

## SETTLEMENT BENEFITS

### 8. **What does the Settlement provide?**

The Settlement provides for the establishment of a Settlement Fund with a value of \$1,700,000.00 to pay (1) claims of eligible Settlement Class Members; (2) the costs of Class Notice and administration of the Settlement; (3) any Attorneys’ Fees and Expenses awarded by the Court; and (4) any Service Award made by the Court to Plaintiff. Settlement Class

Members who timely submit valid Claim Forms are entitled to receive a cash payment from the Settlement Fund. The actual amount recovered by each Settlement Class Member will not be determined until after the Claim Period has ended and all Claims have been calculated, and is explained further below.

**9. What can I get from the Settlement?**

If you submit a valid Claim Form by the deadline, you can get a payment from the Settlement Fund. If you have proof of purchase for the product that is the subject of your claim, you can receive a full refund for that product, without any limitation on the number of products, provided you purchased the products for personal use. If you do not have proof of purchase, you can receive up to five dollars per product purchased for up to five products by stating under penalty of perjury the type and number of products purchased, and the approximate dates. Alternately, if you do not have proof of purchase, you can receive up to five dollars per product purchased for up to ten products by stating under penalty of perjury the type and number of products purchased, and the approximate dates of the purchases, and providing additional information such as the location of purchase and your satisfaction with the product. If, after subtracting from the Settlement Fund the costs of Class Notice and Administration, any Attorneys' Fees and Expenses and Service Awards for the Class Representatives, the funds remaining in the Settlement Fund are insufficient to pay all of the Approved Claims, then Settlement Class Member payments will be reduced proportionately.

If, after the payment of all valid Claims, Notice and Settlement Administration costs, Attorneys' Fees and Expenses, and Service Awards, any monies remain in the Settlement Fund, Settlement Class Members' payments will be increased proportionately up to 500% of the Eligible Settlement Class Member's Initial Claim Amount.

**10. What am I giving up to stay in the Class?**

Unless you exclude yourself from the Settlement, you cannot sue the Defendant, continue to sue, or be part of any other lawsuit against the Defendant based on the issues in this case. It also means that you will be bound by the Settlement Agreement and any final judgment by the Court. The claims that Settlement Class members are releasing are described in Section 2.25 of the Settlement Agreement and the persons and entities being released from those claims are described in Section 2.26 of the Settlement Agreement. You must read these provisions to understand the legal claims that you give up if you stay in the Settlement Class. The Settlement Agreement is available at the Settlement Website, [www.HPNsettlement.com](http://www.HPNsettlement.com).

## HOW TO GET A PAYMENT

**11. How can I get a payment?**

To be eligible to receive a payment from the Settlement, you must complete and submit a Claim Form by January 21, 2020. You can complete and submit your Claim Form online at the Settlement Website, [www.HPNsettlement.com](http://www.HPNsettlement.com). The Claim Form can also be downloaded from the Settlement Website, or you can request a Claim Form be sent to you by sending a written request to the Settlement Administrator by mail or email, or by calling toll-free.

**MAIL:** HPN Class Action  
Settlement Administrator  
1650 Arch Street, Suite 2210  
Philadelphia, PA 19103

**EMAIL:** [info@HPNsettlement.com](mailto:info@HPNsettlement.com)

**PHONE:** 1-833-905-1929

Please read the instructions carefully, fill out the Claim Form, and mail it postmarked no later than **January 21, 2020** to: Tarte Class Action, Settlement Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103, or submit your Claim Form online at the Settlement Website, [www.HPNsettlement.com](http://www.HPNsettlement.com), by **January 21, 2020**.

If you do not submit a valid Claim Form by the deadline, you will not be able to receive a payment.

**12. When will I get my payment?**

Payments will be mailed to Settlement Class Members who send in valid and timely Claim Forms after the Court grants

“final approval” to the Settlement and after any and all appeals are resolved. If the Court approves the Settlement after a hearing on **January 28, 2020**, there may be appeals. It’s always uncertain whether these appeals can be resolved, and resolving them can take time. Please be patient.

## EXCLUDING YOURSELF FROM THE SETTLEMENT

If you don’t want a payment from the Settlement Fund, and you want to keep the right to sue or continue to sue the Defendant about the issues in this case, then you must take steps to remove yourself from the settlement. This is called excluding yourself or “opting out” of the Settlement Class.

### 13. How do I opt out of the Settlement?

To exclude yourself (or “Opt-Out”) from the Settlement, you must complete and mail to the Settlement Administrator, by U.S. Mail, a written request that includes the following:

- Your name and address;
- The name of the case: *Patora v. Tarte, Inc.*, 7:18-cv-11760 (S.D.N.Y.);
- A clear statement that you want to be excluded from this Settlement; and
- Your own signature.

You must mail your exclusion request, postmarked no later than **January 21, 2020** to:

HPN Class Action  
Settlement Administrator  
Attn: Exclusion Requests  
P.O. Box 58220  
1500 John F. Kennedy Blvd, Suite C31  
Philadelphia, PA 19102

If you do not include the required information or do not submit your request for exclusion on time, you will remain a Settlement Class Member and, if the Settlement is finally approved, you will be bound by the Settlement and will not thereafter be able to sue the Defendant about the claims in this lawsuit.

### 14. If I don’t exclude myself, can I sue the Defendant for the same thing later?

No. Unless you exclude yourself, you give up any right to sue the Defendant for the claims that this Settlement resolves. If you have a pending lawsuit, speak to your lawyer in that lawsuit immediately. You may need to exclude yourself from this Settlement Class in order to continue your own lawsuit.

### 15. If I exclude myself, can I still get a payment?

No. You will not get any money from the Settlement if you exclude yourself. If you exclude yourself from the Settlement, do not send in a Claim Form.

## OBJECTING TO THE SETTLEMENT

### 16. How can I tell the Court if I do not like the Settlement?

If you are a Class Member, you can object to the Settlement or to Class Counsel’s request for Attorneys’ Fees and Expenses. To object, you must send a letter that includes the following:

- Your name, address, telephone number, and, if available, email address;
- The name, address, email address, and telephone number of your lawyer, if you have one, including any former or current counsel who may be entitled to compensation for any reason related to the objection;
- The name of the case: Objection to Class Settlement in *Patora v. Tarte, Inc.*, 7:18-cv-11760 (S.D.N.Y.);
- The factual and legal reason(s) why you object to the Settlement, accompanied by any support for your objection;

- A statement of whether you intend to appear at the Fairness Hearing, either with or without counsel;
- A statement of your membership in the Settlement Class, including all information required by the Claim Form;
- A detailed list of any other objections submitted by you or your counsel, to any class actions submitted in any court, whether federal, state or otherwise, in the United States in the previous five (5) years, or a statement that you have not objected to any class action settlement in any court in the United States in the previous five (5) years; and
- Your own signature and, if you have one, your lawyer’s signature.

Your objection, along with any supporting material you wish to submit, must be filed with the Court, with copies delivered to Class Counsel and Defendant’s Counsel no later than **January 21, 2020** at the following addresses:

<b>Court</b>	<b>Class Counsel</b>	<b>Defense Counsel</b>
The United States District Court for the Southern District of New York The Hon. Charles L. Brieant Jr. Federal Building and United States Courthouse 300 Quarropas Street White Plains, NY 10601	Adam Gonnelli Sultz Law Group 85 Civic Center Plaza Suite 104, Poughkeepsie, NY, 12601	Trenton Norris Arnold & Porter Kaye Scholer LLP 10th Floor Three Embarcadero Center San Francisco, CA 94111-4024

**17. What is the difference between objecting and excluding?**

Objecting is telling the Court that you do not like something about the Settlement. You can object to the Settlement only if you do not exclude yourself from the Settlement. Excluding yourself from the Settlement is telling the Court that you do not want to be part of the Settlement. If you exclude yourself from the Settlement, you cannot object to the Settlement because it no longer affects you.

**THE LAWYERS REPRESENTING YOU**

**18. Do I have a lawyer in this case?**

Yes. The Court has provisionally appointed lawyers as “Class Counsel,” meaning that they were appointed to represent all Class Members: Adam Gonnelli of The Sultz Law Group.

You will not be charged for these lawyers; they will be paid out of the Settlement Fund. If you want to be represented by your own lawyer, you may hire one at your own expense.

**19. How will the lawyers be paid?**

Class Counsel intends to file a motion on or before **December 16, 2019** seeking an amount not to exceed \$566,666.00 in Attorneys’ Fees and Expenses. The fees and expenses awarded by the Court will be paid from the Settlement Fund. The Court will determine the amount of Attorneys’ Fees and Expenses to award. Class Counsel will also request that \$2,500.00 be paid from the Settlement Fund to the named Plaintiff, who helped the lawyers on behalf of and to the benefit of the Class.

**THE COURT’S FAIRNESS HEARING**

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

The Court will hold a Fairness Hearing on **January 28, 2020 at 11:00 a.m.** at the United States District Court for the Southern District of New York, before the Honorable Kenneth M. Karas, United States District Judge, in Courtroom 521, in the Hon. Charles L. Brieant Jr. Federal Building and United States Courthouse, 300 Quarropas Street, White Plains, New York 10601.

The hearing may be moved to a different date or time without additional notice, so it is a good idea to check the Settlement Website, [www.HPNsettlement.com](http://www.HPNsettlement.com), for updates. At the Fairness Hearing, the Court will consider whether the Settlement Agreement is fair, reasonable, and adequate. The Court will also consider how much to pay Class Counsel and the Class Representative. If there are objections, the Court will consider them at this time. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take.

**21. Do I have to come to the hearing?**

No. Class Counsel will answer any questions that the Court may have, but you may come at your own expense. You don't need to attend the hearing in order to receive a payment. If you send an objection, you don't have to come to Court to talk about it. As long as you mailed your written objection on time to the proper addresses, the Court will consider it. You may also pay your own lawyer to attend, but it's not necessary.

**22. May I speak at the hearing?**

Yes. You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must file with the Court a "Notice of Intent to Appear." In your Notice, you must include the following:

- Your name, address, telephone number, and, if available, email address;
- The name, address, email address, and telephone number of any lawyer(s) who will be appearing on your behalf at the Fairness Hearing;
- The name of the case: *Patora v. Tarte, Inc.*, 7:18-cv-11760 (S.D.N.Y.); and
- Your own signature and, if you have one, your lawyer's signature.

Your Notice of Intent to Appear must be filed with the Court no later than January 13, 2020.

**IF YOU DO NOTHING**

**23. What happens if I do nothing at all?**

If you do nothing, you will not get a payment from the Settlement. Unless you exclude yourself, you won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Defendant about the issues in this case, ever again.

**GETTING MORE INFORMATION**

**24. How do I get more information?**

This notice summarizes the proposed Settlement. More details are in the Settlement Agreement. You can review a complete copy of Settlement Agreement and other information at the Settlement Website, [www.HPNsettlement.com](http://www.HPNsettlement.com). If you have additional questions or want to request a Claim Form, you can visit the Settlement Website, [www.HPNsettlement.com](http://www.HPNsettlement.com). You can also write to the Settlement Administrator by mail or email, or call toll-free.

**MAIL:** HPN Class Action  
Settlement Administrator  
1650 Arch Street, Suite 2210  
Philadelphia, PA 19103

**EMAIL:** [info@HPNsettlement.com](mailto:info@HPNsettlement.com)

**PHONE:** 1-833-905-1929

Updates will be posted at the Settlement Website as information about the Settlement process becomes available.

**PLEASE DO NOT CONTACT THE COURT OR THE CLERK'S OFFICE CONCERNING THIS CASE.**