

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

United States District Court, Northern District of Illinois

In re: Seresto Flea and Tick Collar Marketing, Sales Practices and Products Liability Litigation, MDL No. 3009, Lead Case No. 1:21-cv-04447

Para el notificación en Español visitar nuestro sitio www.FleaAndTickCollarSettlement.com

If you are a person in the United States, its territories, and/or the District of Columbia who purchased, for personal use and not for resale, any Seresto Product on or before July 8, 2024, you could get benefits from a class action settlement.

A federal court authorized this Notice. You are not being sued.

This is not a solicitation from a lawyer.

- A Settlement has been reached with Elanco Animal Health, Inc; Bayer Healthcare LLC; Bayer Healthcare Animal Health, Inc.; Bayer AG; and Bayer Corporation (“Defendants”) in a class action lawsuit alleging that Defendants falsely labeled and marketed the Seresto Products (the “Products”) representing that the Products would provide 8 months of protection from fleas and ticks while at the same time failing to disclose that the Products presented health risks to pets that wore the Products. It is Defendants’ position that years of robust scientific evidence and broad use of more than 110 million collars around the world affirm Seresto’s safety profile and that they appropriately warned of any risk associated with the Product, along with the EPA’s recent comprehensive, multi-year review that confirmed Seresto continues to meet EPA standards for product registration. Without any admission of fault, Defendants have agreed to the Settlement to avoid the costs and risks associated with continuing this case.
- You are included in this Settlement as a Settlement Class Member if you are a person in the United States, its territories, and/or the District of Columbia who purchased, for personal use and not for resale, any Seresto Product on or before July 8, 2024.

- The multidistrict litigation proceeding is known as *In re: Seresto Flea and Tick Collar Marketing, Sales Practices and Products Liability Litig.*, MDL No. 3009, Lead Case No. 1:21-cv-04447, pending in the United States District Court for the Northern District of Illinois.
- Your rights are affected whether you act or don't act. Please read this Notice carefully.

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT		DEADLINE
SUBMIT A CLAIM	The only way to receive a Cash Award from this Settlement is by submitting a valid and timely Claim Form. You can submit your Claim Form online at www.FleaAndTickCollarSettlement.com or download the Claim Form from the Settlement Website and mail it to the Claims Administrator. You may also call or email the Claims Administrator to receive a paper copy of the Claim Form.	July 23, 2024
OPT OUT OF THE SETTLEMENT	You can choose to opt out of the Settlement and receive no payment. This option allows you to sue, continue to sue, or be part of another lawsuit against the Defendants related to the legal claims resolved by this Settlement. You can elect your own legal counsel at your own expense.	July 23, 2024
OBJECT TO THE SETTLEMENT AND/OR ATTEND A HEARING	If you do not opt out of the Settlement, you may object to it by writing to the Court about why you don't like the Settlement. You may also ask the Court for permission to speak about your objection at the Fairness Hearing. If you object, you may also file a claim for a payment.	July 23, 2024
DO NOTHING	Unless you opt out of the settlement, 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 the Defendants related to the legal claims resolved by this Settlement.	No Deadline

- 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 federal 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 of the Settlement. This Notice explains the lawsuit, your legal rights, what benefits are available, and who can receive them.

The Honorable John Robert Blakey of the United States District Court for the Northern District of Illinois is overseeing this class action. The multidistrict litigation proceeding is known as *In re: Seresto Flea and Tick Collar Marketing, Sales Practices and Products Liability Litigation*, MDL No. 3009, Lead Case No. 1:21-cv-04447. The people that filed this lawsuit are called the “Plaintiffs” and the companies they sued, Elanco Animal Health, Inc; Bayer Healthcare LLC; Bayer Healthcare Animal Health, Inc.; Bayer AG; and Bayer Corporation are called the “Defendants.”

2. What is this lawsuit about?

This lawsuit alleges that the Defendants falsely labeled and marketed the Seresto Products representing that the Products would provide 8 months of protection from fleas and ticks while at the same time failing to disclose that the Products presented health risks to pets that wore the Products. It is Defendants’ position that years of robust scientific evidence and broad use of more than 110 million collars around the world affirm Seresto’s safety profile and that they appropriately warned of any risk associated with the Product, along with the EPA’s recent comprehensive, multi-year review that confirmed Seresto continues to meet EPA standards for product registration.

3. What is a class action?

In a class action, one or more individuals sue on behalf of other people with similar claims. These individuals are known as “Class Representatives” or “Named Plaintiffs.” Together, the people included in the class action are called a “class” or “class members.” One court resolves the lawsuit for all class members, except for those who opt out from a settlement. In this Settlement, the Named Plaintiffs are Rhoda Bomwell, Jennifer Borchek, Anita Boulware-Jones, Regina Bullard, Katherine Byrd, John Czerniak, Darlene Dahlgren, Allison Dirk, David Gjelland, Faye Hemsley, Heather Hitt, Judy Knudson, Thomas Maiorino, Michael McDermott, Christina McDermott, Danielle McQuaid, Amanda Merriman, Deanna Miller, Abraham Mohamed, Michelle Pipeling, Laura Revolinsky, Larry Ruley, Paula Ruley, Karen Schur, Steven Schneider, Michael Shannon, Larry Sites, Rhoda Trotter, Aitana Vargas, and Jennifer Walsh.

4. Why is there a Settlement?

The Court did not decide in favor of the Plaintiffs or the Defendants. The Defendants deny all claims and that they violated any law. Plaintiffs and Defendants agreed to a Settlement to avoid the costs and risks of a trial, and to allow the Settlement Class Members to receive payments from the Settlement. The Plaintiffs and their attorneys think the Settlement is best for all Settlement Class Members.

WHO IS IN THE SETTLEMENT?

5. Who is in the Settlement?

The Settlement Class includes all Persons in the United States, its territories, and/or the District of Columbia who purchased, for personal use and not for resale, any Seresto Product on or before **July 8, 2024**.

6. Are there exceptions to being included?

Yes. The Settlement Class does not include: (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 elected to become Opt-Outs from the Settlement Class in accordance with the Court’s Orders.

If you are not sure whether you are included in the Settlement Class, you can ask for free help by emailing Info@FleaAndTickCollarSettlement.com or writing to Claims Administrator at:

Seresto Settlement Claims Administrator
1650 Arch St, Ste 2210
Philadelphia, PA 19103

You may also view the Class Action Settlement Agreement and Release at www.FleaAndTickCollarSettlement.com.

THE SETTLEMENT BENEFITS

7. What does the Settlement provide?

If the Settlement is approved by the Court, Defendants will pay \$15,000,000 into a Settlement Fund to pay Cash Awards, Notice and Administration Costs, Attorneys' Fees and Costs, and Service Awards.

8. How much will my payment be?

The Settlement provides the following benefits to Settlement Class Members who submit Valid Claim Forms:

Collar Reimbursement

Settlement Class Members with Valid Proof of Purchase shall be entitled to a Cash Award in the amount of \$13.00 for each Collar purchased. There is no limitation on the number of Collars that a Settlement Class Member can seek reimbursement for with Valid Proof of Purchase.

Settlement Class Members without Valid Proof of Purchase shall be entitled to a Cash Award in the amount of \$13.00 for each Collar purchased per pet, subject to a maximum Cash Award of \$ 26.00 per pet.

Injury Reimbursement

Settlement Class Members can select from a \$25 payment for economic injury (must complete a declaration attesting to the injury or injuries suffered) **or** 100% reimbursement of any out-of-pocket, non-reimbursed costs paid for medical treatment (must provide documentation).

Pet Death Reimbursement

Settlement Class Members are eligible to receive both: \$300 payment for the death of a pet allegedly related to Seresto (must complete a declaration attesting to the death of the pet and economic losses suffered) **and** 100% reimbursement of costs paid for medical treatment and/or costs paid for burial, cremation or other disposal of the pet (must provide documentation).

9. What claims am I releasing if I stay in the Settlement Class?

Unless you opt out of the Settlement, you cannot sue, continue to sue, or be part of any other lawsuit against the Defendants about any of the legal claims this Settlement resolves. The "Released Claims" section in the Class Action Settlement Agreement and Release describes the legal claims that you give up if you remain in the Settlement Class. The Class Action Settlement Agreement and Release can be found at www.FleaAndTickCollarSettlement.com.

HOW TO GET A PAYMENT - MAKING A CLAIM

10. How do I submit a claim and get a cash payment?

You may file a claim if you are a person in the United States, its territories, and/or the District of Columbia who purchased, for personal use and not for resale, any Seresto Product on or before **July 8, 2024**.

Claim Forms may be submitted online at www.FleaAndTickCollarSettlement.com or printed from the website and mailed to the Claims Administrator at:

Seresto Settlement Claims Administrator
Attn: Claim Form Submission
1650 Arch St, Ste 2210
Philadelphia, PA 19103

You may also contact the Settlement Administrator to request a Claim Form by telephone at 1-866-790-4447, by email at Info@FleaAndTickCollarSettlement.com, or by U.S. mail at:

Seresto Settlement Claims Administrator
Attn: Claim Form Request
1650 Arch St, Ste 2210
Philadelphia, PA 19103

11. What is the deadline for submitting a claim?

If you submit a claim by U.S. mail, the completed and signed Claim Form must be **postmarked no later than July 23, 2024**. If submitting a Claim Form online, you must do so **no later than July 23, 2024**.

12. When will I get my payment?

The Court has scheduled a Fairness Hearing for the Settlement of this case on **December 4, 2024, at 11 a.m. CT** to consider: (1) whether to approve the Settlement; (2) any objections; (3) the requests for Service Payments to the Named Plaintiffs; and (4) the request for an award of Attorneys' Fees and Costs to Class Counsel for their work in this litigation. 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 cannot be distributed until the Court grants Final Approval of the Settlement and after any appeals are resolved.

The briefs and declarations in support of the Final Approval of the Settlement and the requests described above will be posted on the Settlement Website at www.FleaAndTickCollarSettlement.com, after they are filed. You may ask to appear at the hearing, but you do not have to appear. The date and

time of the Fairness Hearing is also subject to modification by the Court. Please review the Settlement Website for any updated information regarding the final hearing.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in the case?

Yes. The Court has appointed the law firms of Williams Dirks Dameron LLC, Reese LLP, and Milberg Coleman Bryson Phillips Grossman PLLC to represent the Settlement Class as Class Counsel (“Class Counsel”). You will not be charged for their services.

14. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel works for you. If you want to be represented by your own lawyer, you may hire one at your own expense.

15. How will the lawyers be paid?

Class Counsel will ask the Court for an award of Attorneys’ Fees not to exceed 38% of the Settlement Fund, as well as reimbursement of verifiable litigation costs plus reasonable costs incurred through the Effective Date. They will also ask the Court to approve Service Awards for each of the Named Plaintiffs not to exceed \$15,000 each. The Court may award less than these amounts. If approved, these fees, costs and awards will be paid from the Settlement Fund.

EXCLUDING YOURSELF FROM THE SETTLEMENT

16. How do I opt out of the Settlement?

If you do not want to receive any benefits from the Settlement, and you want to keep your right, if any, to separately sue the Defendants about the legal issues in this case, you must take steps to exclude yourself from the Settlement Class. This is called “opting out” of the Settlement Class. The deadline for requesting exclusion from the Settlement is **July 23, 2024**.

To exclude yourself from the Settlement, you must submit a written request for exclusion to the Claims Administrator by mail or online at www.FleaAndTickCollarSettlement.com. Your written request for exclusion must include the following information: (i) the name of the litigation: *In re: Seresto Flea and Tick Collar Marketing, Sales Practices and Products Liability Litig.*, MDL No. 3009, Lead Case No. 1:21-cv-04447 (N.D. Ill.); (ii) your name and current address; (iii) your telephone number; (iv) a brief statement explaining the Seresto Products that Settlement Class Member purchased to confirm membership in the Settlement Class; and (vi) a statement clearly indicating your intent to be excluded from the Settlement. Your request for exclusion must be personally signed.

Your request for exclusion must be submitted online at www.FleaAndTickCollarSettlement.com, or via U.S. mail at the address below:

Seresto Settlement Claims Administrator
ATTN: Opt Out
PO Box 58220
Philadelphia, PA 19102

If you exclude yourself, you are stating to the Court that you do not want to be part of the Settlement. You will not be eligible to receive a payment if you exclude yourself. You may only exclude yourself – not any other person.

If submitted electronically, the opt-out must be submitted no later than **11:59 p.m. CT on or before July 23, 2024.**

If submitted by U.S. mail, the written request to opt-out must be **postmarked no later than July 23, 2024.**

COMMENTING ON OR OBJECTING TO THE SETTLEMENT

17. How do I tell the Court if I like or do not like the Settlement?

If you are a Settlement Class Member, you can choose (but are not required) to 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 provide the following:

- (a) the Settlement Class Member's printed name, address, and telephone number;
- (b) whether the Settlement Class Member is represented by counsel and, if so, contact information for his or her counsel;
- (c) evidence showing that the objector is a Settlement Class Member;
- (d) whether the objection applies to that Settlement Class Member or to a specific subset of the Settlement Class, or to the entire Settlement Class, and state with specificity the grounds for the objection;
- (e) any other supporting papers, materials, or briefs that the Settlement Class Member wishes the Court to consider when reviewing the objection;
- (f) the actual written or electronic signature of the Settlement Class Member making the objection; and
- (g) a statement on whether the objecting Settlement Class Member and/or his or her counsel intend to appear at the Fairness Hearing.

Settlement Class Members must electronically file via the Court's ECF system, or deliver to the Clerk of the Court, by mail, express mail, or personal delivery, a written notice of objection.

United States District Court, Northern District of Illinois
Clerk's Office
Dirksen U.S. Courthouse
ATTN: Seresto Settlement Objections
219 S. Dearborn Street
Chicago, IL 60604

You or your attorney may speak at the Fairness 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 Fairness Hearing, as well as a description of any evidence the objecting Settlement Class Member may offer at the Fairness Hearing and copies of any exhibits the objecting Settlement Class Member may introduce at the Fairness Hearing.

18. 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 opting out and stating to the Court that you do not want to be part of the Settlement. If you opt out of the Settlement, you cannot object to it because the Settlement no longer affects you.

THE COURT'S FINAL APPROVAL HEARING

19. When is the Court's Final Approval Hearing?

The Court has scheduled a Fairness Hearing **on December 4, 2024, at 11 a.m. CT**. The hearing will be held in courtroom 1203 in the Dirksen U.S. Courthouse located at 219 S. Dearborn Street in Chicago, Illinois 60604.

At the Fairness Hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will also consider whether to approve Class Counsel's request for an award of Attorneys' Fees and Costs, as well as the Named Plaintiffs' Service Payments. If there are objections, the Court will consider them. The Court will listen to people who have asked to speak at the hearing (see **Question 17** above). After the hearing, the Court will decide whether to approve the Settlement.

The date or time of the Fairness Hearing may change. Please check the Settlement Website, www.FleaAndTickCollarSettlement.com, for any updates.

20. Do I have to come to the Fairness Hearing?

No. Class Counsel will answer any questions the Court may have. You may attend at your own expense if you wish. If you file an objection, you do not have to come to the Fairness Hearing to talk about it. If you file your written objection on time, the Court will consider it. You may also pay your own lawyer

to attend, but such attendance is not necessary for the Court to consider an objection that was filed on time.

IF I DO NOTHING

21. 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 9**, including your right to start a lawsuit, continue a lawsuit, or be part of any other lawsuit against the Defendants and the Released Persons about the legal issues resolved by this Settlement. In addition, you will not receive a payment from this Settlement.

GETTING MORE INFORMATION

22. How do I get more information?

This Notice summarizes the proposed Settlement. Complete details are provided in the Class Action Settlement Agreement and Release. The Class Action Settlement Agreement and Release, and other related documents are available at the Settlement Website, www.FleaAndTickCollarSettlement.com.

If you have additional questions, you may contact the Claims Administrator by email, phone, or mail:

Email: Info@FleaAndTickCollarSettlement.com

Toll-Free: 1-866-790-4447

Mail: Seresto Settlement Claims Administrator
1650 Arch St, Ste 2210
Philadelphia, PA 19103

Publicly filed documents can also be obtained by visiting the office of the Clerk of the United States District Court for the Northern District of Illinois or reviewing the Court's online docket.

Please do not contact the Court, its Clerks, or the Defendants to inquire about the Settlement or the Claims Process.