

LEGAL NOTICE

If You Paid for One or More Prescription Drugs with Insurance At Kroger,¹ A Class Action Settlement Could Affect You

A federal court authorized this notice. This is not a solicitation from a lawyer.

A proposed Settlement² has been reached in a class action lawsuit against Defendant The Kroger Co. (“Kroger”) regarding Kroger’s usual and customary (“U&C”) pricing practices on behalf of individuals who paid for one or more prescription drugs using their insurance. The class action lawsuit, *Kirkbride et al. v. The Kroger Co.*, No. 2:21-cv-00022 (S.D. Ohio), relates to how Kroger determined its U&C prices in submitting claims for prescription reimbursement, including whether it should have considered its Savings Club prices in determining its U&C prices. Kroger denies any wrongdoing and maintains that it correctly reported its retail prices as its U&C prices. The Court has not decided who is right.

The Court has preliminarily approved the proposed Settlement. To resolve the claims, the proposed Settlement provides for \$17,000,000 to be paid by Kroger (“Settlement Fund”). As discussed below, all Court-approved attorneys’ fees and expenses, the costs of notice and administering the Settlement, service awards, and other Court-allowed costs will be deducted from this amount. The remaining amount (the “Net Settlement Fund”) will be paid to members of the Settlement Class (defined below) who submit valid claims.

The Court has scheduled a Fairness Hearing to decide whether to approve the Settlement, the plan for allocating the Net Settlement Fund among claimants, Class Counsel’s request for attorneys’ fees and payment of litigation expenses out of the Settlement Fund, and the named Plaintiffs’ request for payment of services awards. The Fairness Hearing is scheduled for **JANUARY 11, 2027**, at 10am EST, before Judge Algenon L. Marbley of the U.S. District Court for the Southern District of Ohio at the United States Courthouse, 85 Marconi Boulevard, Columbus, OH 43215. The time and date of the Fairness Hearing may change. For up-to-date information on the Fairness Hearing, check www.krogersavingsclubsettlement.com.

Who Is Included?

The Settlement Class is defined as follows:

- All individuals in the United States and its territories who, at any point in time from December 9, 2018, through August 23, 2026 (“Settlement Class Period”), paid in whole or in part for one or more prescription drugs from Kroger using their insurance.
- The following individuals are excluded from the Settlement Class: (1) any Judge presiding over any portion of this Action, including appeals, and immediate members of the Judges’ families, any members of the Judges’ respective staffs (but not members of the immediate families of judicial staff); (2) officers and directors of Kroger, its subsidiaries, parent companies, successors, predecessors, affiliates, and any entity in which Kroger has a

¹ Kroger includes The Kroger Co. and all pharmacies owned and/or operated by The Kroger Co. or any of its affiliates. A list of all companies whose pharmacies are owned and/or operated by Kroger is set forth in Exhibit A of the Plan of Allocation and Distribution, which is available at www.krogersavingsclubsettlement.com.

² Unless otherwise defined, capitalized terms shall be those defined in the Class Action Settlement Agreement and Plan of Allocation and Distribution, both of which can be found at www.krogersavingsclubsettlement.com.

controlling interest; (3) individuals who timely and validly request exclusion from the Settlement Class; (4) the legal representatives, successors, or assigns of any such excluded individuals; and (5) all individuals that have sued (other than through this Action), filed an arbitration demand, or participated in a settlement in a suit against Kroger relating to its determination of usual and customary prices in connection with the Savings Club (this exclusion from the Settlement Class does not apply to individuals that have voluntarily dismissed their claims without prejudice in any suit or arbitration).

What Does The Class Action Settlement Provide?

Kroger will pay \$17,000,000 into a Settlement Fund to settle all claims in the lawsuit brought on behalf of Settlement Class Members.

The Settlement Fund will be distributed pursuant to a Plan of Allocation and Distribution, the latest version of which can be reviewed at www.krogersavingsclubsettlement.com. Class Counsel will ask the Court to award attorneys' fees not to exceed one third of the Settlement Fund, as well as out-of-pocket costs, expenses, and charges not to exceed \$ 610,325.71, and interest, as well as Service Award payments to the named Plaintiffs not to exceed \$5,000 to each named Plaintiff, each to be paid out of the Settlement Fund. Notice and Administration Expenses also will be paid out of the Settlement Fund.

The Net Settlement Fund will be distributed to Settlement Class Members who file valid Claim Forms. Payments will be calculated based on the amount a claimant paid, in whole or in part, during the Settlement Class Period, for the purchase of one or more prescription drugs from Kroger, where prescription insurance benefits were used in filling the prescription(s). The precise amount that you might receive from the Net Settlement Fund will depend on how much you (and other members of the Settlement Class) paid, in whole or in part, during the Settlement Class Period, for the purchase of prescription drug(s) from Kroger, where prescription insurance benefits were used in filling the prescription(s).

To be entitled to a payment from the Net Settlement Fund, you must submit a Claim Form (and documentation, if required) found at [link to claim form] by **DECEMBER 21, 2026**. If you are unable to access the Settlement Website identified above, please contact the Settlement Administrator by mail at Kroger Savings Club Litigation Settlement, Attn: Claim Form, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103, by email at info@krogersavingsclubsettlement.com, or by phone at **(888) 535-4262**.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

PARTICIPATE IN THE SETTLEMENT BY COMPLETING AND RETURNING A CLAIM FORM	To exercise your right to obtain a share of the Net Settlement Fund, you will need to complete, sign, and submit a Claim Form (and documentation, if required) by DECEMBER 21, 2026 . You may fill out and submit the Claim Form found at www.krogersavingsclubsettlement.com . For further information about whether you qualify, the payment you may obtain, and the documentation and data you may need to submit, you may access the detailed notice at [link to long notice] or you may visit www.krogersavingsclubsettlement.com or call (888) 535-4262 .
EXCLUDE YOURSELF FROM THE SETTLEMENT CLASS	If you believe you are a member of the Settlement Class, you may choose to exclude yourself, or "opt out," from the Settlement Class. If you decide to exclude yourself, you will not be bound by any decision in this lawsuit relating to

	Kroger. This is the only option that allows you to ever be part of any lawsuit (other than this lawsuit) against Kroger relating to the legal claims against Kroger in this case. To exclude yourself, you will need to inform the Settlement Administrator (Angeion Group) of your decision by OCTOBER 22, 2026, by mailing your exclusion to: Kroger Savings Club Litigation Settlement Attn: Exclusions P.O. Box 58220 Philadelphia, PA 19102 and provide the information set forth in the Notice found at [link to long notice]. If the Settlement is approved by the Court and you do not notify the Settlement Administrator by the deadline of your election to “opt out” of the Settlement Class, you will be bound by the Settlement. If you opt-out, you may not submit a Claim Form.
STAY IN THE LAWSUIT BUT OBJECT TO THE SETTLEMENT	If you object to all or any part of the proposed Settlement, Plan of Allocation, and/or requested attorneys’ fees, expenses, or service awards, you may write to the Court and object. You may only object to the proposed Settlement, Plan of Allocation, and/or requested attorneys’ fees, expenses, or service awards if you have not excluded yourself from the Settlement Class. Any objections must be submitted to the Court by OCTOBER 22, 2026, by mailing your objection to: Kroger Savings Club Litigation Settlement Attn: Objections P.O. Box 58220 Philadelphia, PA 19102, and provide the information set forth in the Notice found at [link to long notice].
DO NOTHING	If you are a member of the Settlement Class and do not file a valid claim, you will not receive any payment from the Settlement. Moreover, even if you do not file a valid claim, unless you exclude yourself from the Settlement Class, you will nevertheless be bound by past and any future Court rulings, including rulings on the Settlement, if approved, and Settlement releases, but will not be eligible to receive any payment from the Settlement.
GET MORE INFORMATION	If you have any questions, or would like to receive more information about the case or the Settlement, please contact the Settlement Administrator in the following ways: • By mail at: Kroger Savings Club Litigation Settlement, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103 • By email at info@krogersavingsclubsettlement.com • By phone at (888) 535-4262.

FOR MORE INFORMATION AND TO SUBMIT A CLAIM:
CALL: (888) 535-4262 OR VISIT WWW.KROGERSAVINGSCLUBSETTLEMENT.COM