[PROPOSED] PLAN OF ALLOCATION AND DISTRIBUTION

1. This Plan of Allocation and Distribution ("Plan of Allocation") will govern distributions from the Net Settlement Fund[1] created by the March 12, 2026 Class Action Settlement Agreement ("Settlement Agreement") between named Plaintiffs, Class Counsel, and The Kroger Co. ("Kroger").

2. The objective of the Plan of Allocation is to equitably distribute the entirety of the Net Settlement Fund to Settlement Class Members who suffered economic losses as a result of Kroger's alleged practices regarding reporting usual and customary ("U&C") prices as asserted in named Plaintiffs' Amended Complaint. The calculations made pursuant to the Plan of Allocation are not intended to be estimates of, nor indicative of, the amounts that Settlement Class Members might have been able to recover after a trial. The calculations under the Plan of Allocation are only a method for making *pro rata* allocations of the Net Settlement Fund between Authorized Claimants.[2]

3. To receive a Distribution under this Plan of Allocation, individuals must be a member of the Settlement Class and must submit a timely and valid Claim Form. Individuals who opt out are not Settlement Class Members and shall not receive any distributions pursuant to this Plan of Allocation.

4. The timeliness and validity of all claims submitted by Settlement Class Members shall be determined by the Settlement Administrator, subject to review by Class Counsel. All determinations under this Plan of Allocation shall be made by the Settlement Administrator, subject to review by Class Counsel.

[1] Unless otherwise defined herein, capitalized terms shall be those defined in the Settlement Agreement.

[2] "Authorized Claimant" means any person that is a Settlement Class Member and submits a valid claim pursuant to the requirements set forth in the Settlement Agreement, this Plan of Allocation, and other exhibits to the Settlement Agreement.

5. "Known Claimants" means those Settlement Class Members who are individuals that either (i) receive direct notice of the Settlement from the Settlement Administrator and submit a Claim Form, or (ii) do not receive direct notice of the Settlement from the Settlement Administrator, but submit a Claim Form and are on a list Kroger provides to the Settlement Administrator of individuals who are known to have purchased one or more prescription drugs from Kroger during the Settlement Class Period where insurance benefits were used in filling the prescription(s).

6. "Unknown Claimants" means those Settlement Class Members who are individuals that (i) do not receive direct notice of the Settlement from the Settlement Administrator and submit a Claim Form, and (ii) submit a Claim Form but are not on a list Kroger provides to the Settlement Administrator of individuals who are known to have purchased one or more prescription drugs from Kroger during the Settlement Class Period where insurance benefits were used in filling the prescription(s). Settlement Class Members that submit Claim Forms and are determined by the Settlement Administrator to be an Unknown Claimant will be contacted to provide Claim Documentation, as provided below.

7. Recognized Claim: An Authorized Claimant's "Recognized Claim" shall be calculated based on the estimated or actual total dollars spent by the Settlement Class Member to purchase or pay for some or all of the purchase price of one or more prescription drugs from Kroger[3] during the Settlement Class Period, where prescription insurance benefits were used in filling the prescription(s). Known and Unknown Claimants may identify the total dollars spent by them out of pocket, during the Settlement Class Period, toward the purchase of any prescription

[3] "Kroger" is defined to include The Kroger Co. and any pharmacies owned and/or operated by The Kroger Co. or any of its affiliates. Companies other than Kroger that meet this definition are listed in the attached Exhibit A.

drug(s) from Kroger where prescription insurance benefits were used in filling the prescription(s) in the following estimate categories: (a) $1-$500; (b) $501-$1,000; (c) $1,001-$4,000; (d) $4,001-$7,999; and (e) $8,000 and over. Known and Unknown Claimants' individual estimated claims will be valued for purposes of determining their Recognized Claim as follows: claims estimated at $1-$500 will be valued at $500; claims estimated at $501-$1,000 will be valued at $1,000; claims estimated at $1,001-$4,000 will be valued at $4,000; and claims estimated at $4,001-$7,999 will be valued at $7,999, provided that Unknown Claimants must submit Claim Documentation, described in ¶ 9 below, sufficient to support that the Unknown Claimant paid at least the minimum amount for the claimed estimate category. Known Claimants who submit claims for $8,000 or more must also submit Claim Documentation, described in ¶ 9 below. Known and Unknown Claimants claims submitted for $8,000 or more will be valued at the amount demonstrated by that Settlement Class Member's Claim Documentation, described in ¶ 9 below.

8. Documentation Requirement: Known Claimants are required to provide the following information: 1) Contact information: the Settlement Class Member's name and contact information, including a physical address and working telephone number; 2) an attestation of the Settlement Class Member's estimated payments during the Settlement Class Period; and 3) if the Known Claimant elects payment to be made electronically as opposed to by check, payment information necessary to complete the payment via the Settlement Class Member's payment method of choice (either Zelle, PayPal, Venmo, or other direct deposit via ACH transfer). (1) Known Claimants submitting claims for $8,000 or more, and (2) Unknown Claimants submitting claims in any amount are required to provide the same information required for Known Claimants, and also Claim Documentation, as defined in ¶ 9 below. In addition, claims below the $8,000 threshold may be determined by the Settlement Administrator to require Claim Documentation, as defined in ¶ 9 below, where the Settlement Administrator reasonably disputes a material fact

concerning the Claim Form. Absent acceptable Claim Documentation (where required), the Settlement Administrator may, in consultation with Class Counsel, deny all or part of a claim.

9. "Claim Documentation" means itemized receipts, cancelled checks, bank statements, credit card statements, invoices, insurance records, or other business or transaction records documenting the Known Claimant's (where applicable) or Unknown Claimant's payment for some or all of the purchase price of one or more prescription drugs from Kroger, where prescription insurance benefits were used in filling the prescription(s) during the Settlement Class Period.

10. Determination of Distribution Amount: The Net Settlement Fund shall be distributed to Authorized Claimants on a *pro rata* basis based on the relative size of their Recognized Claims. Specifically, a "Distribution Amount" shall be, for each Authorized Claimant, each Authorized Claimant's Recognized Claim divided by the total Recognized Claims of all Authorized Claimants, multiplied by the total amount in the Net Settlement Fund.

11. Distributions shall be paid via Zelle, PayPal, Venmo, or other direct deposit via ACH, or by check, as selected by the Authorized Claimant when submitting a claim. Authorized Claimants choosing to be paid by check shall be provided 180 days from issuance to cash the check. The initial Distribution will be completed no later than 120 days after the Effective Date. To the extent any monies remain in the Net Settlement Fund after the initial Distribution from the Net Settlement Fund, the Settlement Administrator will confer with Class Counsel to determine if a second distribution (and if applicable, a third distribution) would be feasible and, if feasible, the Settlement Administrator, no less than seven months after the initial Distribution, will, consistent with the terms of Paragraph 10, above, conduct a re-distribution of the funds remaining in the Net Settlement Fund, after payment of any unpaid Notice and Administration Expenses, to Authorized Claimants who have received initial Distributions. Any remaining unclaimed amount deemed by

the Parties to be *de minimis* after the Distributions shall be distributed to one or more to-be-determined *cy pres* recipients, to be agreed upon by the Parties and subject to separate approval by the Court.

12. The Plan of Allocation is the plan that is being proposed by named Plaintiffs to the Court for its approval. The Court may approve this Plan of Allocation as proposed or it may amend or modify the Plan of Allocation without further notice to the Settlement Class. Any orders regarding any amendment or modification of the Plan of Allocation will be posted on the Settlement Website.

Exhibit A

1) Kroger owns or operates:

- Baker's
- City Market
- Dillons
- Food 4 Less
- Foods Co
- Fred Meyer
- Fry's
- Gerbes
- Jay C Food Store
- King Soopers
- Kroger
- Mariano's
- Metro Market
- Pay-Less Super Markets
- Pick'n Save
- QFC
- Ralphs
- Ruler
- Smith's Food and Drug

2) Purchases of prescription drugs made at these entities during the Settlement Class Period are included as purchases of prescription drugs made at Kroger for purposes of this Plan of Allocation.