

**If you purchased any Wahlburgers Pickles
Between April 1, 2021 and March 31, 2023
You May be Eligible to Receive a Payment from a Class Action Settlement.**

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

- A proposed nationwide settlement (“Settlement”) has been reached in a class action lawsuit involving Defendants Arkk Food Company (“Arkk”), Wahlburgers I, LLC (“Wahlburgers I”), and Patriot Pickle, Inc. (“Patriot Pickle”) (collectively “Defendants”) concerning Wahlburgers Pickles sold in certain stores in the United States (“Products”). The Settlement resolves litigation over whether the Defendants allegedly violated state laws regarding the marketing and sale of the Products.
- You may be eligible to participate in the proposed Settlement, if the Court grants final approval, if you purchased any Products between April 1, 2021 and March 31, 2023.
- The Settlement will provide payments to those who qualify. You will need to file a Claim Form to get a payment from the Settlement.
- Your legal rights are affected whether you act or do not act. Read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

SUBMIT A CLAIM FORM BY JULY 29, 2024	This is the only way to get a payment from the Settlement.
EXCLUDE YOURSELF BY SEPTEMBER 4, 2024	Get no payment from the Settlement. This is the only option that allows you to ever be a part of any other lawsuit against the Defendants about the legal claims in this case.
OBJECT BY SEPTEMBER 4, 2024	Write to the Court about why you think the Settlement is unfair, inadequate, or unreasonable.
GO TO A HEARING SEPTEMBER 25, 2024	Ask to speak in Court about the fairness of the Settlement.
DO NOTHING	Get no payment. Give up rights to ever sue the Defendants about the legal 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.PickleSettlement.com**, regularly for updates and further details.
- The Court in charge of this case still has 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?**

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 Northern District of Illinois (the “Court”), and the case is called *Counts, et al. v. Arkk Food Company*, Case Number 1:23-cv-00236. The individuals who sued are called the Plaintiffs, and the companies Plaintiffs sued, Arkk Food Company, Wahlburgers I, LLC, and Patriot Pickle, Inc. are called the Defendants.

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

The lawsuit alleges that statements (a) “fresh”; (b) “all natural”; and (c) “no preservatives” (collectively the “Representations”) on the Wahlburgers Pickles are misleading because the Products contained sodium benzoate.

The Defendants deny any and all wrongdoing of any kind whatsoever, and deny any liability to Plaintiffs and to the Settlement Class.

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

In a class action, one or more people, called “Class Representative(s),” sue on behalf of people who have similar claims. All the people who have similar claims are in a “class” and are “class members,” except for those who exclude themselves from the class. United States District Court Judge Lindsay C. Jenkins in the United States District Court for the Northern District of Illinois is in charge of this class action.

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

Defendants are not admitting that they did anything wrong, but both sides want to avoid the cost of further litigation. The Court has not decided in favor of the Plaintiffs or the Defendants. The Class Representatives and their attorneys think the Settlement is best for everyone who is affected. The Settlement provides the opportunity for Settlement Class Members 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 who, from April 1, 2021 to March 31, 2023, purchased one or more of the Products in the United States. Excluded from the Settlement Class and Settlement Class Members are: (a) the directors, officers, employees, and attorneys of Defendants, [Defendants’] parents and subsidiaries; (b) governmental entities; (c) the Court, the Court’s immediate family, and Court staff; (d) John DeGroote and his immediate family; and (e) 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 Products covered by this Settlement are products sold under the brand name Wahlburgers Pickles in the United States. They are sold in the following varieties: (1) Fresh Dill Spears; (2) Fresh Dill Chips; (3) Fresh Dill Chips Hot.

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.PickleSettlement.com**, or call the toll-free number, **1-844-340-7864**.

SETTLEMENT BENEFITS

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

The Settlement provides that Defendants will pay \$2,000,000 into a settlement fund to pay for the following: a) Notice and Claims Administration; b) Attorney Fees and Services Awards; and c) eligible Claims submitted by Settlement Class Members. Settlement Class Members who timely submit valid Claim Forms are entitled to receive a cash payment from the Settlement.

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 for \$2 per product, for up to 6 products without proof of purchase, and full reimbursement for as many products as you have proof of purchase for. Any claims with proof of purchase will not count against your total claims without proof of purchase. The actual amount recovered by each Settlement Class Member will not be determined until after the Claims Period has ended and all Claims have been calculated.

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

Unless you exclude yourself from the Settlement, you cannot sue the Defendants, continue to sue, or be part of any other lawsuit against the Defendants about the claims released in this Settlement. It also means that all of the decisions by the Court will bind you. Below is a summary of Released Claims. The full Release is described more fully in the Settlement Agreement and describes exactly the legal claims that you give up if you stay in the Settlement Class. The Settlement Agreement is available at the Settlement Website, **www.PickleSettlement.com**.

“Released Claims” means any and all claims, demands, rights, suits, liabilities, and causes of action of every nature and description whatsoever, known or unknown, matured or unmatured, at law or in equity, existing under federal or state law, that any member of the Settlement Class has or may have against the Released Parties arising out of or related in any way to the transactions, occurrences, events, behaviors, conduct, practices, and policies alleged in, or that could have been alleged in the Action, including but not limited to those claims asserted in the *Counts* Complaint, *Browne* Complaint, and Amended Complaint for Settlement, and in connection with the conduct of the Action, that have been brought, could have been brought, or are currently pending in any forum in the United States. For sake of clarity, Released Claims do not cover claims, if any, for bodily injury arising out of a Settlement Class Member’s use of the Products.

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 timely Claim Form. You can complete and submit your Claim Form online at the Settlement Website, **www.PickleSettlement.com**. The Claim Form can be downloaded from the Settlement Website as well. You can request a Claim Form be sent to you by sending a written request to the Settlement Administrator by mail or by email.

MAIL: Pickle Settlement c/o Settlement Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103

EMAIL: info@picklesettlement.com

Please read the instructions carefully, fill out the Claim Form, and mail it via first-class United States Mail, postmarked no later than **July 29, 2024** to: Pickle Settlement c/o Settlement Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103, or submit your Claim Form online at the Settlement Website, **www.PickleSettlement.com**, by **July 29, 2024**.

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

12. When will I get my payment?

Payments will be sent 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 **September 25, 2024**, there may be appeals. It’s always uncertain whether these appeals can be resolved, and resolving them can take time.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want a payment from the Settlement, and you want to keep the right to sue or continue to sue the Defendants on your own about the claims released in this Settlement, then you must take steps to get out. This is called excluding yourself—or it is sometimes referred to as “opting out” of the Settlement Class.

13. How do I get out of the Settlement?

To exclude yourself (or “Opt-Out”) from the Settlement, you must complete an exclusion form on the settlement website www.PickleSettlement.com or mail a written request to the Settlement Administrator that includes the following:

- Your name and address;
- The name of the case: *Counts, et al. v. Arkk Food Company.*, Case Number 1:23-cv-00236;
- A statement that you want to be excluded from this Settlement; and
- Your signature. Your exclusion request must be personally signed.

You must mail your exclusion request via first-class United States Mail. It must be *delivered to* the Settlement Administrator (not just postmarked or sent) by **September 4, 2024** to:

Pickle Settlement c/o Settlement Administrator
ATTN: Exclusion Request
PO Box 58220
Philadelphia, PA 19102

If you do not include the required information or submit your request for exclusion on time, you will remain a Settlement Class Member and will not be able to sue the Defendants about the claims in this lawsuit.

14. If I do not exclude myself, can I sue the Defendants for the same thing later?

No. Unless you exclude yourself, you give up any right to sue the Defendants for the claims that this Settlement resolves. If you have a pending lawsuit, speak to your lawyer in that lawsuit immediately. You must exclude yourself from this Settlement Class to continue your own lawsuit. If you properly exclude yourself from the Settlement Class, you shall not be bound by any orders or judgments entered in the Action relating to the Settlement Agreement.

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 asking for benefits.

OBJECTING TO THE SETTLEMENT

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

A Settlement Class Member may object to the proposed Settlement. A Settlement Class Member may object to the

Settlement either on his or her own without an attorney, or through an attorney hired at his or her expense. Any objection must be in writing, signed by the Settlement Class Member (and his or her attorney, if individually represented), and must be *delivered* to the Settlement Administrator (not just postmarked or sent) by **September 4, 2024**.

17. What is the difference between objecting and excluding?

Objecting is simply 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 have no basis to 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 appointed Reese LLP and Laukaitis Law Firm LLC as “Class Counsel,” meaning that they were appointed to represent all Settlement Class Members.

You will not be charged for these lawyers. 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 **August 26, 2024** seeking \$750,000.00 for attorney fees and costs. The fees and expenses awarded by the Court will be paid from the Settlement Fund. The Court will determine the amount of fees and expenses to award. Class Counsel will also request that the Court award \$15,000 to the named Plaintiffs (\$5,000.00 for each named Plaintiff) who helped Class Counsel on behalf of the whole 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 **September 25, 2024 at 9:30 a.m.** at the United States District Court for the Northern District of Illinois, before the Honorable Judge Lindsay C. Jenkins, United States District Judge, at 219 South Dearborn Street, Chicago, IL 60604, Courtroom 2119.

At the Fairness Hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will also consider how much to pay Class Counsel and the Class Representatives. 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. If you send an objection, you do not have to come to Court to talk about it. As long as your written objection was received on time at the proper address, the Court will consider it. You may also pay your own lawyer to attend, but it is 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 send a letter saying that it is your “Notice of Intent to Appear.” Please refer to question 16 above for more information.

Your Notice of Intent to Appear must be filed with the Court and served on Class Counsel and Defendants’ Counsel no later than **September 10, 2024**.

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 will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Defendants about the legal 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 Class Action Settlement Agreement. You can review a complete copy the Settlement Agreement and other information at the Settlement Website, **www.PickleSettlement.com**. If you have additional questions or want to request a Claim Form, you can visit the Settlement Website, **www.PickleSettlement.com**. You can also write to the Settlement Administrator by mail or email, or call toll-free.

MAIL: Pickle Settlement c/o Settlement Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103

EMAIL: info@picklesettlement.com

PHONE: 1-844-340-7864

Updates will be posted at the Settlement Website, **www.PickleSettlement.com**, as information about the Settlement process becomes available.

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