

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

United States District Court, Northern District of Illinois

Rugg-Harrell v. TreeHouse Foods, Inc., Case No.: 1:24-cv-10992 (N.D. Ill.)

If you purchased one or more TreeHouse Foods Covered Products, within the United States, for personal use and not for resale, between October 18, 2024, and September 2, 2025, you may be eligible to receive a payment 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 TreeHouse Foods, Inc. (“TreeHouse” or “Defendant”) in a class action lawsuit alleging negligence and violation of consumer protection laws in connection with the purchase of certain frozen breakfast food products involved in a voluntary recall in 2024 (“Covered Products”) due to potential contamination with *Listeria monocytogenes*. To view the full list of Covered Products, visit www.WaffleRecallSettlement.com.
- The lawsuits involved (collectively, the “Litigation”) are *Rugg-Harrell v. TreeHouse Foods, Inc.*, 1:24-cv-10992 (N.D. Ill.) (the “*Rugg-Harrell* Action”), *Browne v. TreeHouse Foods, Inc.*, 2:24-cv-07578 (E.D.N.Y.) (the “*Browne* Action”), and *Berbano et al. v. TreeHouse Foods, Inc.*, 1:24-cv-11743 (N.D. Ill.) (the “*Berbano* Action”), which have been consolidated into the *Rugg-Harrell* Action, pending in the United States District Court for the Northern District of Illinois.
- The Defendant denies all of Named Plaintiffs’ allegations and all charges of wrongdoing or liability against it arising out of any of the conduct, statements, acts or omissions alleged, or that could have been alleged against it, in the Litigation but has agreed to the Settlement to avoid the costs and risks associated with continuing this case.
- 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 payment from this Settlement is by submitting a valid and timely Claim Form. You can submit your Claim Form online at www.WaffleRecallSettlement.com or download the Claim Form from the Settlement Website and mail it to the Claim Administrator. You may also call or email the Claim Administrator to receive a paper copy of the Claim Form. For more information see Question 10.	December 16, 2025
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 Defendant related to the legal claims resolved by this Settlement. You can elect your own legal counsel at your own expense. For more information see Question 16.	December 16, 2025
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 Final Approval Hearing. If you object, you may also file a claim for payment. For more information see Question 17.	December 16, 2025
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 Defendant 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.

WHAT THIS NOTICE CONTAINS

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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 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 Sharon Johnson Coleman of the United States District Court for the Northern District of Illinois, Eastern Division, is overseeing this class action. The people that filed this lawsuit are called the “Named Plaintiffs” and the company they sued, TreeHouse Foods, Inc., is called the “Defendant.”

2. What is this lawsuit about?

On October 18, 2024, and as expanded on October 22, 2024, in TreeHouse initiated a voluntary recall of certain frozen breakfast food products that it determined had the potential to be contaminated with *Listeria monocytogenes*.

The lawsuits (consolidated into the *Rugg-Harrell* Action) allege negligence and violation of various consumer protection laws. The Defendant has denied any and all of Named Plaintiffs’ allegations and all charges of wrongdoing or liability against it arising out of any of the conduct, statements, acts or omissions alleged, or that could have been alleged against it, in the Litigation.

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 “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 the settlement. In this Settlement, the Named Plaintiffs or Class Representatives are Daniel Berbano, Michael Walsh, Michelle Garcia, Marla Knepper, Kristen Beckham, Tracy Foster, Damany Browne, and Amanda Rugg-Harrell.

4. Why is there a Settlement?

The Court did not decide in favor of the Named Plaintiffs or the Defendant. Instead, Named Plaintiffs and the Defendant agreed to a Settlement to avoid the costs and risks of a trial, and to allow Settlement Class Members to receive payments from the Settlement. The Named 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 natural persons who, during the Class Period, purchased in the United States any Covered Product for personal, family or household use, and not for resale.

The full list of Covered Products is available on the Settlement Website, www.WaffleRecallSettlement.com.

6. Are there exceptions to being included?

Yes. The Settlement Class does not include: (1) any judge presiding over the Litigation, their staff and their immediate family members; (2) Defendant; (3) any entity in which a Defendant has a controlling interest; (4) any of Defendant’s subsidiaries, parents, affiliates, and officers, directors, employees, legal representatives, heirs, successors, or assigns; and (5) any persons who timely exclude themselves from the Settlement Class.

If you are not sure whether you are included in the Settlement Class, you can ask for free help by emailing or writing to Claim Administrator at:

TreeHouse Foods Settlement
c/o Claim Administrator
1650 Arch St, Ste 2210
Philadelphia, PA 19103
info@WaffleRecallSettlement.com

You may also view the Settlement Agreement at www.WaffleRecallSettlement.com.

THE SETTLEMENT BENEFITS

7. What does the Settlement provide?

If the Settlement is approved by the Court, the Defendant will pay \$4,000,000 into a Settlement Fund, which shall be used to pay all Settlement expenses, including Notice and Administration Costs; CAFA Notice; the Attorneys' Fee and Expense Payment; Service Awards; and Settlement Class Members' Claims.

8. How much will my payment be?

All members of the Settlement Class who submit a Valid Claim are eligible to receive monetary relief as set forth below. No payments will be made to any members of the Settlement Class who do not submit a Valid Claim.

Documented Claims. Settlement Class Members who timely submit a valid Claim Form with valid Proof of Purchase of a Covered Product shall receive the full purchase price for each unit of Covered Product listed on the Proof of Purchase, inclusive of all taxes.

Undocumented Claims. Settlement Class Members who timely submit a valid Claim Form without Proof of Purchase of a Covered Product shall receive the average retail price for up to two (2) Covered Products claimed per Household.

If a Settlement Class Member or any person in that Settlement Class Member's Household previously received Recall Reimbursement from Defendant, as reflected on the Settlement Class Member's Claim Form or in the records of Defendant, the amount of that Settlement Class Member's payment shall be reduced by the amount of Recall Reimbursement that Settlement Class Member or Persons in that Settlement Class Member's Household have received (provided that the payment shall not be reduced below \$0.00).

Each Settlement Class Members' payment shall be increased or decreased on a *pro rata* basis such that the total amount paid to all Settlement Class Members equals the Available Settlement Funds or \$50, whichever is lower.

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 Defendant with respect to any of the legal claims released and resolved in this Settlement. The "Releases" section in the Settlement Agreement describes the legal claims that you give up ("Released Claims") if you remain in the Settlement Class. The Settlement Agreement can be found at www.WaffleRecallSettlement.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 Settlement Class Member (see **Questions 5** and **6** above).

Claim Forms may be submitted online at www.WaffleRecallSettlement.com or printed from the website and mailed to the Claim Administrator at: *TreeHouse Foods Settlement*, c/o Claim Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103.

You may also contact the Claim Administrator to request a Claim Form by telephone 1-888-688-4181, by email info@WaffleRecallSettlement.com, or by U.S. mail at *TreeHouse Foods Settlement*, Attn: Claim Form Request, 1650 Arch Street, Suite 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 DECEMBER 16, 2025**. If submitting a Claim Form online, you must do so **no later than DECEMBER 16, 2025**.

12. When will I get my payment?

The Court will schedule a Final Approval Hearing for the Settlement of this case after the status hearing on DECEMBER 12, 2025. The Court will schedule a Final Approval Hearing to consider: (1) whether to approve the Settlement; (2) any objections; (3) the requests for Service Awards for the Class Representatives; and (4) the request for a Fee Award for 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 will be distributed if 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, www.WaffleRecallSettlement.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 Final Approval 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 following law firms to represent the Settlement Class as Class Counsel: Sultzer & Lipari, PLLC; Reese LLP; Poulin Willey Anastopoulos LLC; Milberg, Coleman,

Bryson, Phillips, Grossman, PLLC; Leeds Brown Law, P.C.; Levin Sedran & Berman, LLC; Carney Bates & Pulliam, PLLC; Nick Larry Law, LLC; and Goldenberg Schneider, L.P.A. You will not be charged for their services.

Jason P. Sultzer SULTZER & LIPARI, PLLC 85 Civic Center Plaza, Suite 200 Poughkeepsie, NY 12601	Michael R. Reese REESE LLP 100 West 93rd Street, 16th Floor New York, NY 10025
Jeffrey S. Goldenberg GOLDENBERG SCHNEIDER, L.P.A. 4445 Lake Forest Drive, Suite 490 Cincinnati, OH 45242	Jeffrey K. Brown LEEDS BROWN LAW, P.C. One Old Country Road, Suite 347 Carle Place, NY 11514
Randall K. Pulliam CARNEY BATES & PULLIAM, PLLC One Allied Drive, Suite 1400 Little Rock, AR 72202	J. Dominick Larry NICK LARRY LAW LLC 1720 W. Division St. Chicago, IL 60622
Paul Doolittle POULIN WILLEY ANASTOPOULO, LLC 32 Ann Street Charleston, SC 29403	Charles E. Schaffer, Esq. LEVIN SEDRAN & BERMAN LLP 510 Walnut Street, Suite 500 Philadelphia, PA 19106
Nick Suci III MILBERG COLEMAN BRYSON PHILLIPS GROSSMAN, PLLC 6905 Telegraph Road, Suite 115 Bloomfield Hills, MI 48301	

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 may apply to the Court for an award of an Attorneys' Fees Awards in a total amount not to exceed one-third of the Settlement Fund, as well as expenses, as well as Service Award payments for each of the Class Representatives not to exceed \$1,000 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 Defendant 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 **DECEMBER 16, 2025**.

To exclude yourself from the Settlement, you must submit a completed and signed Opt-Out Form by U.S. mail at the below address or online at www.WaffleRecallSettlement.com. Alternatively, you can submit your own written request for exclusion that includes the following information: (i) the name of the Litigation, *Rugg-Harrell v. TreeHouse Foods, Inc.*, Case No. 1:24-cv-10992 (N.D. Ill.); (ii) your name and current address; (iii) your personal signature; and (iv) a statement clearly indicating your intent to be excluded from the Settlement (the request can only be made for you, not on another person’s behalf);

Your request for exclusion must be submitted online at www.WaffleRecallSettlement.com, after which you must verify the opt-out at the email address you provide, or via U.S. mail at the address below:

TreeHouse Foods Settlement
ATTN: Exclusion Request
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 online, the Opt-Out Form or any written request to opt-out must be submitted on or before **DECEMBER 16, 2025**.

If submitted by U.S. mail, the Opt-Out Form, or any written request to opt-out must be postmarked no later than **DECEMBER 16, 2025**.

If a Settlement Class Member submits both a Claim Form and an exclusion request, the Claim Form shall take precedence and be considered valid and binding, and the exclusion request shall be deemed to have been sent by mistake and rejected.

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 contain: (i) a caption or title that clearly identifies the proceeding and that the document is an objection, (ii) information sufficient to identify and contact the objector or his or her attorney if represented, (iii) information sufficient to establish the objector's standing as a Settlement Class Member, (iv) a clear and concise statement of the objector's objection, as well as any facts and law supporting the objection, (v) the objector's signature, and (vi) the signature of the objector's counsel, if any (an attorney's signature without the objector's signature shall not be deemed sufficient to satisfy this requirement); (vii) a statement of all previous objections to class action settlements filed by the objector or objector's counsel. Failure to include documents or testimony sufficient to establish membership in the Settlement Class shall be grounds for overruling and/or striking the objection on grounds that the objector lacks standing to make the objection.

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. To be timely, the objection must be *received* by the Clerk of the Court (not just postmarked or sent) prior to the Objection Deadline, **DECEMBER 16, 2025**.

Clerk of the Court
Drop Box for Filing Documents
1st Floor Elevator Lobbies (North and South)
Everett McKinley Dirksen U.S. Courthouse
219 South Dearborn Street
Chicago, IL 60604

You or your attorney may speak at the Final Approval 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 Final Approval Hearing, as well as a description of any evidence the objecting Class Member may offer at the Final Approval Hearing and copies of any exhibits the objecting Class Member may introduce at the Final Approval 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 FINAL APPROVAL HEARING

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

The Court has not scheduled a Final Approval Hearing but will be set at the DECEMBER 12, 2025 status conference. The website will be updated after that date to reflect the final approval hearing date that the court sets.

At the Final Approval 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 a Fee Award, as well as the Class Representatives' Service Awards. If there are objections, the Court will consider them. The Honorable Sharon Johnson Coleman 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 Final Approval Hearing may change. Please check the Settlement Website, www.WaffleRecallSettlement.com, for any updates.

20. Do I have to come to the Final Approval 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 Final Approval 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 Defendant and the Released Parties 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 Settlement Agreement, available on the Settlement Website, www.WaffleRecallSettlement.com.

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

Email: info@WaffleRecallSettlement.com

Toll-Free: 1-888-688-4181

Mail: TreeHouse Foods Settlement, c/o Claim Administrator, 1650 Arch Street, Suite 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 Defendant to inquire about the Settlement or the Claims Process.