

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT**

*A federal court authorized this Notice.  
You are not being sued. This is not a solicitation from a lawyer.*

This Notice relates to a proposed Settlement of a lawsuit (the “Lawsuit”) filed against McCormick & Company, Incorporated (“McCormick”).

- This Settlement will provide \$2,500,000 to pay Valid Claims to individuals who live in California, Florida and Missouri who purchased certain McCormick® and/or private label brand Black Pepper Products.
- To qualify, you must have purchased at least one listed McCormick® and/or private label brand Black Pepper Product between January 1, 2015 and January 27, 2020.

**This Notice explains important legal rights you may have. Your legal rights will be affected regardless of whether you do or do not act.** The following rights and options—**and the deadlines to exercise them**—are explained in this Notice.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>SUBMIT CLAIM FORM</b>	The only way to get a payment.
<b>DO NOTHING</b>	Accept the terms of this Settlement and thereby give up your rights to sue McCormick about the same legal claims as are made in this case.
<b>EXCLUDE YOURSELF</b>	This is the only option that allows you to bring your own, or be part of any other, lawsuit against McCormick about the legal claims resolved in this Settlement.
<b>OBJECT</b>	Write to the Settlement Administrator about why you think the Settlement should not be approved.
<b>GO TO HEARING</b>	Ask to speak in Court about the fairness of the Settlement.

The Court in charge of this Lawsuit has preliminarily approved the Settlement and will hold a hearing to make a final decision to approve it. The relief provided to Class Members will be provided only if the Court gives final approval to the Settlement and, if there are any appeals, after the appeals are resolved in favor of the Settlement.

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### **BASIC INFORMATION**

#### **1. Why did I get this Notice?**

A Court authorized this Notice to inform people who may be Class Members about a proposed Settlement of this class action. This Notice explains the nature of the lawsuits and claims being settled, your legal rights, and the benefits to the Class.

Judge Ellen S. Huvelle of the United States District Court for the District of Columbia is overseeing this class action. The case is known as *In re: McCormick & Company, Inc., Pepper Products Marketing and Sales Practices Litigation*. The people who sued are called the “Plaintiffs,” and the company they sued, McCormick, is called the “Defendant.”

#### **2. What is this case about?**

McCormick sells a wide variety of items, including black pepper products. McCormick also supplies private-label (store-branded) Black Pepper Products to some of its retail customers. The Plaintiffs who filed this case allege that McCormick improperly implemented a price increase by decreasing the quantity of pepper in certain McCormick® brand pepper containers and certain store-branded containers which were also supplied by McCormick, while keeping the non-transparent containers the same size. The Plaintiffs presently bring claims against McCormick for violations of state consumer protection statutes in California, Florida, and Missouri.

McCormick denies the allegations of wrongdoing and denies that it engaged in any unlawful or improper conduct or that it caused any harm as alleged in the Lawsuit.

To obtain more information about this case and Settlement, please see Section 21.

#### **3. Why is there a Settlement?**

The Court did not decide in favor of the Plaintiffs or McCormick. Instead, both sides agreed to settle this case. That way, they avoid the costs and risk of a trial, and the Class will receive relief when the Settlement is final, rather than years from now, if at all.

#### **4. Why is this a class action, and how do I know if I am part of the Settlement?**

In a class action, one or more people called “class representatives” (Debbie Esparza, Carmen Pellitteri, Holly Marsh, and Catherine Grindel in this case,) sue on behalf of people who have

similar claims. All of these people who may have similar claims form a “Class” and are “Class Members.” The Settlement resolves the issues for all Class Members, except those who exclude themselves from the Class, as explained in Section 11.

To know if you will be affected by this Settlement, you first have to determine if you are a Class Member. The Court decided that the Class includes all persons residing in California, Florida, or Missouri who purchased certain McCormick® brand or private label brand Black Pepper Products in the United States from January 1, 2015 through January 27, 2020. A list of the specific products that qualify can be found online at [www.BlackPepperSettlement.com](http://www.BlackPepperSettlement.com). If you are not sure whether you are in the Class or have any other questions about the Settlement, you may visit that website or write with questions to McCormick Pepper Products, c/o Settlement Administrator, P.O. Box 58238, Philadelphia, PA 19102-8238.

## **THE SETTLEMENT BENEFITS**

### **5. What does this Settlement provide?**

If the proposed Settlement is finally approved by the Court, and after any appeals are resolved, McCormick has agreed to establish a Settlement Fund in the amount of \$2,500,000, from which cash payments may be made for amounts of approximately \$4.00 per container for all Valid Claims. The amount of the cash payments may be increased or decreased pro rata, depending upon the number of Claims made. In other words, if there are a large number of Valid Claims, such that there are not sufficient funds to pay all claimants \$4.00 per container, the amount per container that you may recover would be reduced pro rata. On the other hand, if there are not many Valid Claims, you may recover more than \$4.00 per container, as the amount paid per container may be increased pro rata.

The deadline to make a Valid Claim is May 15, 2020. To make a Claim, please visit [www.BlackPepperSettlement.com](http://www.BlackPepperSettlement.com).

### **6. What am I giving up as part of the Settlement?**

If the Settlement becomes final, Class Members will be releasing McCormick (and certain others related to McCormick, such as its directors, officers and employees) and all stores that sold the Black Pepper Products from all of the settled claims. This means that you will no longer be able to sue McCormick (or the other released parties) regarding any of the settled claims if you are a Class Member and do not timely and properly exclude yourself from the Class.

The settled claims are any known or unknown claims that any Class Member may at any time have up to January 27, 2020, arising out of the subject matter giving rise to the claims in the lawsuits that were consolidated into this Lawsuit. In addition, Class Members expressly waive and relinquish the provisions of California Civil Code § 1542 (and all other similar provisions of law)

to the full extent that these provisions may be applicable to this release. California Civil Code § 1542 provides:

**A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN TO HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR.**

The full text of the Settlement Agreement, which includes all the provisions about settled claims and releases, is available at [www.BlackPepperSettlement.com](http://www.BlackPepperSettlement.com).

#### **7. Will the Class Representatives receive any compensation for their efforts in bringing this Lawsuit?**

Debbie Esparza, Carmen Pellitteri, Holly Marsh, and Catherine Grindel will request an Incentive Award of up to \$5,000 each, for their services as Class Representatives and their efforts in bringing the Lawsuit. The Court will make the final decision as to the amount, if any, to be paid to the Class Representatives.

### **HOW YOU GET A PAYMENT – SUBMITTING A CLAIM FORM**

#### **8. How can I get a payment?**

To qualify for payment, you must submit a Claim Form. Claim Forms shall be available at [www.BlackPepperSettlement.com](http://www.BlackPepperSettlement.com). Hard copy Claim Forms shall also be available to Class Members who request them.

Completed Claim Forms shall be due to the Settlement Administrator by **May 15, 2020**. If submitted electronically, the Claims Forms must be submitted by 11:59 p.m. ET on May 15, 2020. If submitted in hard copy, the Claim Form must be postmarked by May 15, 2020.

#### **9. When would I get a payment?**

The Court will hold a hearing on June 3, 2020 to decide whether to approve the Settlement. If Judge Huvelle approves the Settlement after that hearing, there may be appeals. It is always uncertain whether these appeals can be resolved, and resolving them can take time, perhaps more than a year. The Settlement Funds also will not be distributed to Class Members until payment is authorized by the Court and the Lawsuit has been fully and finally concluded. This means that Claims may not be paid until a year or more after the Settlement is approved. Everyone who submits a Claim Form will be informed of the progress of the Settlement. Please be patient.

#### **10. What am I giving up to get a payment or stay in the Class?**

Unless you exclude yourself, you are staying in the Class, and that means that you cannot sue, continue to sue, or be part of any other lawsuit against the Defendant about the legal issues in these cases. It also means that all of the Court's orders will apply to you and legally bind you. If you sign the Claim Form, you will agree to a "Release of Claims," attached to the Claim Form, which describes exactly the legal claims that you give up if you get Settlement Benefits.

## **EXCLUDING YOURSELF FROM THE SETTLEMENT**

### **11. How do I exclude myself from the Settlement?**

Class Members who do not want to be part of the Settlement must send a letter by mail requesting to be excluded from *In re: McCormick & Company, Inc. Pepper Products Marketing and Sales Practices Litigation*, MDL Docket No. 2665, Case No. 15-1825(ESH). Be sure to include your name, address, telephone number, and your signature. You must mail your exclusion request and it be postmarked on or before **May 4, 2020** to: McCormick Pepper Products, c/o Settlement Administrator, P.O. Box 58238, Philadelphia, PA 19102-8238.

You cannot exclude yourself by phone. If you ask to be excluded, you will not get any settlement payment, and you cannot object to the Settlement. You will not be legally bound by anything that happens in these lawsuits. However, you may be able to sue (or continue to sue) the Defendant in the future.

### **12. If I do not exclude myself, can I sue later?**

No. If you do not exclude yourself, you forever give up the right to sue McCormick for all of the claims that this Settlement resolves.

If you submit a valid and timely request to be excluded, you cannot object to the proposed Settlement. However, if you ask to be excluded, you may sue or continue to sue McCormick about the same claims resolved by this Settlement in the future. You will not be bound by anything that happens in this Lawsuit. Remember, the exclusion deadline is May 4, 2020.

### **13. What happens if I do nothing at all?**

If you are a Class Member and do nothing, you will be subject to the terms of the Settlement Agreement. If you do not exclude yourself, you will not be able to start or proceed with a lawsuit, or be part of any other lawsuit against McCormick and the other released parties about the settled claims in this case at any time.

## **THE LAWYERS REPRESENTING YOU**

#### **14. Do I have a lawyer in the case?**

The Court has ordered that Beth Fegan of Fegan Scott, LLC and Scott A. Kamber of KamberLaw LLC (together, “Class Counsel”) will represent the interests of all Class Members. Class Members will not be separately charged for these lawyers. 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 attorneys’ fees and expenses in an amount to be determined by the Court as a percentage of the entire value of the Settlement, as well as payment to the Class Representatives, Debbie Esparza, Carmen Pellitteri, Holly Marsh, and Catherine Grindel, not to exceed \$5,000 each. To see a copy of Class Counsel’s application for attorneys’ fees and costs, which will be available prior to the Fairness Hearing, please visit [www.BlackPepperSettlement.com](http://www.BlackPepperSettlement.com). The Court will make the final decisions as to the amounts to be paid to Class Counsel, and may award less than the amounts requested by Class Counsel. The cost of administering the Settlement will also come out of the Settlement Fund.

### **OBJECTING TO THE SETTLEMENT**

You can tell the Court that you don’t agree with the settlement or some part of it.

#### **16. How do I tell the Court that I do not like the Settlement?**

You can object to the Settlement if you do not like any part of it. You must give the reasons why you think the Court should not approve the Settlement. The Court will consider your views. To object, you must send a letter to the Settlement Administrator saying that you object to *In re: McCormick & Company, Inc. Pepper Products Marketing and Sales Practices Litigation*, MDL Docket No. 2665, Case No. 15-1825 (ESH), including a written statement of your objection(s). The written statement must include (i) your full name, address, telephone number and signature; (ii) the name of the Lawsuit; (iii) the specific reasons why you object to the Settlement; (iv) copies of any evidence and legal authority you would like the Court to consider; (v) information demonstrating that you are a Class Member; (vi) whether you or your attorney will appear at the Fairness Hearing (see Sections 19-20); and (vii) information identifying any prior class action objections filed by you or your counsel. Mail the objection to McCormick Pepper Products, c/o Settlement Administrator, P.O. Box 58238, Philadelphia, PA 19102-8238, **postmarked no later than May 4, 2020**.

**If you fail to comply with these requirements, or fail to submit your objection before the deadline, you will be deemed to have waived all objections and will not be entitled to speak at the Fairness Hearing.**

#### **17. What is the difference between objecting and asking to be excluded?**

Objecting is simply telling the Court that you don't like something about the Settlement (e.g. the proposed Settlement, the entry of Final Approval, attorneys' fees, etc.). You can object only if you stay in the Class. Excluding yourself is telling the Court that you don't want to be part of the Class. If you exclude yourself, you have no basis to object because the Settlement no longer affects you.

## **THE COURT'S FAIRNESS HEARING**

The Court will hold a hearing to decide whether to approve the Settlement. You may attend and you may ask to speak, but you don't have to.

### **18. When and where will the Court decide whether to approve the Settlement?**

The Court has preliminarily approved the Settlement and will hold a hearing to determine whether to give final approval to the Settlement. The purpose of the Fairness Hearing is for the Court to determine whether the Settlement should be approved as fair, reasonable, adequate, and in the best interests of the Class, to consider the award of attorneys' Fees and Expenses to Class Counsel, and to consider the request for Incentive Awards to the Class Representatives.

The Court will hold the **Fairness Hearing at 2:00 p.m. on June 3, 2020** in Courtroom 23A, at the U.S. District Court, 333 Constitution Ave NW, Washington, DC 2000. The hearing may be postponed to a different time or location without additional notice, so it is recommended that you periodically check [www.BlackPepperSettlement.com](http://www.BlackPepperSettlement.com) for updated information.

### **19. Do I have to come to the hearing?**

No, you are not required to come to the Fairness Hearing. However, you are welcome to attend the hearing at your own expense. If you send a written objection, you do not have to come to the hearing to talk about it. As long as you submitted the written objection and it was received on time, the Court will consider it. You also may pay your own lawyer to attend the Fairness Hearing, but it's not necessary.

### **20. May I speak at the hearing?**

You may ask the Court for permission to speak at the Fairness Hearing only if (a) you have timely served and filed an objection, and (b) followed the procedures set forth in Section 16 for notifying the Court and the parties that you intend to speak at the Fairness Hearing. You cannot speak at the hearing if you exclude yourself from the Settlement.

## **GETTING MORE INFORMATION**

### **21. How do I get more information about the Settlement?**



This Notice summarizes the proposed Settlement.

To see a copy of the actual Settlement Agreement, the complaints filed in this Lawsuit, the Court's Preliminary Approval Order, Class Counsel's application for attorneys' fees and costs, other pertinent information, **and to check the status of the Settlement or if the Settlement has been approved by the Court**, please visit [www.BlackPepperSettlement.com](http://www.BlackPepperSettlement.com).

You may also contact the Settlement Administrator at 844-702-2783; write to McCormick Pepper Products, c/o Settlement Administrator, P.O. Box 58238, Philadelphia, PA 19102-8238; or visit the website at [www.BlackPepperSettlement.com](http://www.BlackPepperSettlement.com), where you will find answers to common questions about the Settlement, a Claim Form, plus other information to help you determine whether you are a Class Member and whether you are eligible for a payment.

**PLEASE DO NOT CALL OR WRITE TO THE COURT OR THE CLERK'S OFFICE FOR INFORMATION ABOUT THE SETTLEMENT OR LITIGATION. THE COURT CANNOT ANSWER ANY QUESTIONS.**

Dated February \_\_\_\_, 2020