

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

**NOTICE OF CLASS ACTION SETTLEMENT**

*Hanson v. Welch Foods Inc.*, Case No. 3:20-cv-02011-JCS (N.D. Cal.)

*The United States District Court has authorized this notice.  
This is not a solicitation from a lawyer.*

You may be a Class Member entitled to a Cash Refund if between March 23, 2016 and October 1, 2021, you purchased in the United States Welch's (i) 100% Grape Juice Concord Grape, (ii) 100% Juice Red Sangria, or (iii) 100% Black Cherry Concord Grape Juice.

**THIS NOTICE CONCERNS YOUR LEGAL RIGHTS, WHICH ARE AFFECTED WHETHER YOU ACT OR DON'T. PLEASE READ IT CAREFULLY.**

<b>Summary of Your Legal Rights &amp; Options</b>	
<b>Submit a Claim Form</b>	<b>Obtain compensation from the Settlement.</b> The only way to get a monetary payment. Claim Forms must be submitted online at the Settlement Website, <a href="http://www.WelchFoodsSettlement.com">www.WelchFoodsSettlement.com</a> , or mailed to the Class Administrator by March 7, 2022.
<b>Ask to be Excluded</b>	<b>Opt out of the Settlement, get no benefits from it, and retain your claims.</b> You may ask to be excluded from the Settlement, in which case your individual claims will not be released if the Settlement is approved by the Court. But if you ask to be excluded, you cannot obtain compensation from the Settlement. Requests For Exclusion forms must be submitted online at the Settlement Website, <a href="http://www.WelchFoodsSettlement.com">www.WelchFoodsSettlement.com</a> , or mailed to the Class Administrator and postmarked by March 7, 2022.
<b>Object</b>	<b>Tell the Court why you believe the proposed Settlement is unfair, unreasonable, or inadequate.</b> You may file with the Court a written objection no later than March 7, 2022, and/or appear at the Final Approval Hearing to tell the Court why you believe the proposed Settlement is unfair, unreasonable, or inadequate.
<b>Do Nothing</b>	<b>Stay in the Settlement, await the outcome, give up certain rights.</b> By doing nothing, you will get no compensation from the Settlement, and give up any right you may have to sue Welch separately about the same legal claims in this lawsuit.

Questions? Visit [www.WelchFoodsSettlement.com](http://www.WelchFoodsSettlement.com) or call toll free 1 (877) 393-0092

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## **Basic Information**

### **1. Why is there a Notice?**

You have the 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 California (the “Court”), and the case is called *Hanson v. Welch Foods Inc.*, Case No. 3:20-cv-02011-JCS (N.D. Cal.). The case is assigned to the Honorable Joseph C. Spero. The individual who sued is called the Plaintiff or Class Representative. That person is Curtis Hanson. The company he sued, Welch Foods Inc. (“Welch”), is called the Defendant.

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

The lawsuit alleges Welch’s labeling of three 100% juice products with claims that they help support a healthy heart is misleading. Welch denies any and all wrongdoing and has asserted various defenses that it believes are meritorious.

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

In a class action, one or more people called Class Representatives sue on behalf of people who have similar claims, all of whom are a Class, or Class members. Bringing a case as a class action allows the adjudication of many similar claims that might be economically too small to bring in individual actions. One court resolves the issues for all Class Members, except for those who exclude themselves from the Class.

### **4. Why is there a settlement?**

Welch denies that it did anything wrong. Both sides have agreed to a Settlement, which will allow both sides to avoid the risk and cost of further litigation. The Court has not decided in favor of the Class or Welch. The Class Representative and his attorneys think the Settlement is best for the Class.

## **Who is in the Settlement?**

### **5. How do I know if I am part of the Settlement?**

The Class includes all persons in the United States who, between March 23, 2016 and October 1, 2021 (the “Class Period”), purchased in the United States, for household use and not for resale or distribution, one of the Class Products. The Class Products are the following:

- Welch’s 100% Grape Juice Concord Grape
- Welch’s 100% Juice Red Sangria
- Welch’s 100% Black Cherry Concord Grape Juice

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Excluded from the Class are: (i) those who purchased the Class Products for purpose of resale or distribution; (ii) Welch and its officers, directors and employees; (iii) any person who files a valid and timely Request for Exclusion (or “Opt-Out Form”), as explained in response to Question 14 below; and (iv) the Judge to whom this Action is assigned and any members of his immediate family.

#### **6. What if I am still not sure if I am included in the Settlement?**

If you are not sure whether you are a Class Member, or have any other questions about the Settlement, you should visit the Settlement Website, [www.WelchFoodsSettlement.com](http://www.WelchFoodsSettlement.com), or call the Class Administrator toll-free at (877) 393-0092.

### **What are the Terms of the Settlement?**

#### **7. What types of relief does the Settlement provide?**

The Settlement provides both monetary and injunctive relief to all Class Members. Class Members who make claims will be entitled to monetary compensation, on a *pro rata* basis, depending on how many Class Products they purchased during the Class Period.

Welch has also agreed to revise the Class Products’ labeling to address the Class’s claims, as described further in response to Question 13 below.

#### **8. What is the Settlement Fund?**

As part of the Settlement, Welch has agreed to establish a \$1,500,000 non-reversionary Settlement Fund to pay all Settlement Expenses, including the costs of Class Notice and Administration, attorneys’ fees and costs, a service award for the Class Representative, and Settlement Payments for Class Members who make claims.

#### **9. What can I get from the Settlement?**

Class Members who timely submit a valid approved claim are entitled to compensation. Each timely, valid Claimant will receive a Settlement Payment of \$1 per product, based on the number of Class Products purchased during the Class Period, up to 12 products without proof of purchase (and no limit with proof of purchase). The actual amount of the Settlement Payment per product that each Claimant receives is subject to a *pro rata* increase or decrease if the value of the claims is less than or more than the Settlement Fund after other Settlement Expenses are deducted.

#### **10. What am I giving up to get a payment?**

If you are a Class Member, unless you exclude yourself from the Settlement, you cannot sue Welch or its affiliates, continue to sue, or be part of any other lawsuit against Welch or its affiliates about the claims released in this Settlement. It also means that all decisions by the Court will bind you. The Released Claims and Released Parties are defined in the Settlement Agreement and describe the legal claims that you give up (or “release”) if you stay in the Settlement. The Released Claims relate to the issues raised in the lawsuit. The Settlement Agreement is available on the Settlement Website, [www.WelchFoodsSettlement.com](http://www.WelchFoodsSettlement.com).

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**11. How do I make a claim?**

Class Members wishing to make a claim must either (a) visit the Settlement Website, [www.WelchFoodsSettlement.com](http://www.WelchFoodsSettlement.com), and submit a claim form online, or (b) print, fill out, and mail the claim form to the Class Administrator at the following address:

Hanson v. Welch Foods Class Administrator  
P.O. Box 1908  
Baton Rouge, LA 70821

**The deadline for submitting a claim is March 7, 2022.** Only one claim form may be submitted per household.

**12. When will I get my Settlement Payment?**

Settlement Payments will be made to Class Members who make valid and timely claims after the Court grants “final approval” to the Settlement, and after any appeals are resolved. If the Court approves the Settlement, there may be appeals. It is always uncertain when these appeals will be resolved, and resolving them can take time.

**13. What injunctive relief does the Settlement provide?**

As part of the Settlement, after being given a period of time to make and implement this change, Welch has agreed to remove and, for a period of at least two (2) years, refrain from using on the labels of the Class Products the claims “helps support a healthy heart,” “helps promote a healthy heart,” or any substantially identical claims.

**Excluding Yourself from the Settlement**

**14. How do I get out of the Settlement?**

If you do not want to be bound by the Settlement, you must request to be excluded from the Settlement. If you request to be excluded, you will retain any individual rights you have against Welch and its affiliates and will not be deemed to have individually “released” Welch or its affiliates from any of the Released Claims. However, you will *not* be eligible to receive compensation under the Settlement, as described above. You also may not object to the Settlement if you request to be excluded.

To exclude yourself (or “opt-out”) from the Settlement, you must visit the Settlement Website, [www.WelchFoodsSettlement.com](http://www.WelchFoodsSettlement.com), and either complete and submit the Opt-Out Form online, or print, complete, and mail the Opt-Out Form to the Class Administrator at the following address:

Hanson v. Welch Foods Settlement Administrator  
P.O. Box 1908  
Baton Rouge, LA 70821

**To be timely, an Opt-Out Form must be submitted online or postmarked on or before March 7, 2022.**

**15. If I don't exclude myself, can I sue Welch for the same thing later?**

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

**16. If I exclude myself, can I still get a Settlement Payment?**

No. You will not get any money from the Settlement if you exclude yourself. If you exclude yourself from the Settlement, do not submit a Claim Form asking for benefits.

**Objecting to the Settlement**

**17. How do I tell the Court if I do not like the Settlement?**

If you are a Class Member, you can object to the Settlement if you do not think it is fair, reasonable, or adequate, including Class Counsel's motion for an award of attorney's fees and costs and expenses, and/or the requested service award to the Class Representative. The Court cannot order a larger settlement, or award you more based on your individual circumstances; the Court can only approve or deny the Settlement as it is presented.

If you wish to object in writing, your written Objection should contain:

- (a) The name of this Action (*Hanson v. Welch Foods Inc.*, Case No. 3:20-cv-02011-JCS (N.D. Cal.)), and a statement that the document is an objection;
- (b) Your full name, address, email and telephone number or, if objecting through counsel, your lawyer's name, address, email and telephone number;
- (c) A statement of the Class Product(s) you bought during the Class Period;
- (d) A statement of your objection and the grounds supporting the objection, including any facts and/or law supporting the objection;
- (e) Copies of any papers, briefs, or other documents upon which the objection is based;
- (f) The name and case number for all actions in which you have objected to a class action settlement in the past five (5) years;
- (g) A statement indicating whether you intend to appear at the Final Approval Hearing, either in person or through counsel; and
- (h) Your signature.

To be considered by the Court, your Objection should, by March 7, 2022, either be filed with the Court or mailed to the Class Administrator, who will provide the Objection to Class Counsel to file with the Court on your behalf.

If filing with the Court, you may do so through the Court's CM/ECF system (for more information, go to <https://cand.uscourts.gov/cases-e-filing>), or by mailing the written Objection to:

United States District Court for the Northern District of California

Questions? Visit [www.WelchFoodsSettlement.com](http://www.WelchFoodsSettlement.com) or call toll free 1 (877) 393-0092

Clerk of the Court  
Phillip Burton Federal Building, 16th Floor  
450 Golden Gate Avenue  
San Francisco, CA 94102

Please ensure that your Objection indicates it is to be manually filed in *Hanson v. Welch Foods Inc.*, Case No. 3:20-cv-02011-JCS.

If mailing your written Objection to the Class Administrator rather than the Court, send the Objection to:

Hanson v. Welch Foods Class Administrator  
P.O. Box 1908  
Baton Rouge, LA 70821

**If mailing your written Objection to either the Court or Class Administrator, to be timely, the Objection must be postmarked by March 7, 2022.**

Further instructions for objecting are set forth in the Court's Preliminary Approval Order, which is available on the Class Settlement Website, [www.WelchFoodsSettlement.com](http://www.WelchFoodsSettlement.com). You will still be eligible to receive settlement benefits if the Settlement becomes final, even if you object to the Settlement. Objecting Class Members, including Class Members who have not filed a written Objection, may appear at the Final Approval Hearing and be heard, but are not required to do so.

**18. What is the difference between objecting and excluding myself?**

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**

**19. Do I have a lawyer in the case?**

Yes. The Court has appointed Fitzgerald Joseph LLP as Class Counsel. Class Counsel will be paid, only with the Court's approval, as further explained below in Question 20. Any fees and reimbursement of expenses that the Court awards will be paid out of the Settlement Fund. If you want to be represented by your own lawyer, you may hire one at your own expense.

**20. How will the lawyers be paid?**

Class Counsel spent considerable time and effort prosecuting this matter on a purely contingent fee basis, and advanced the expenses of the litigation, in the expectation that they would receive a fee, and have expenses reimbursed, only if there was a benefit created for the Class.

Class Counsel will file a motion on or before January 31, 2022 seeking an award of fees, to be paid from the Settlement Fund, of no more than 25% of the Settlement Fund, or \$375,000. Class Counsel will also ask the Court to approve the reimbursement of case expenses totaling approximately \$25,000, plus any expenses incurred after preliminary approval, with approved costs to be paid from the Settlement Fund. Finally, Class Counsel will also ask the Court, on

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behalf of the Class Representative, for a service award of \$5,000, to be paid from the Settlement Fund.

After Class Counsel's motion for attorneys' fees, expenses, and a service award is filed on or before January 31, 2022, it will be posted on the Settlement Website, [www.WelchFoodsSettlement.com](http://www.WelchFoodsSettlement.com), and you will have an opportunity to review and comment on the motion via an Objection. The Court will then determine the amount of fees, expenses, and service award, which will be paid from the Settlement Fund.

### **Notice and Administration Expenses**

#### **21. How will notice and administration expenses be paid?**

Using the Class Administrator's estimates regarding the Class size and likely claims rate, the total amount of notice and administration expenses, to be paid from the Settlement Fund, is currently estimated to be \$249,441.

### **The Court's Final Approval Hearing**

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

The Court will hold a Final Approval Hearing (sometimes called a "fairness hearing") on April 15, 2022, at 9:30 a.m., via Zoom. Instructions for observing and/or appearing at the Final Approval Hearing are posted on the presiding judge's page, at <https://cand.uscourts.gov/judges/spero-joseph-c-jcs>. At the Final Approval Hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate and may also consider how much to award to Class Counsel and the Class Representative. If there are objections, the Court will consider them at this time. After the hearing, the Court will decide whether to approve the Settlement.

#### **23. 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 file an objection, you do not have to come to the Court to talk about it. You may also pay your own lawyer to attend, but it is not necessary.

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

Yes, any Class Member may speak at the hearing, whether in support of or against the Settlement, and whether or not the Class Member has filed a written Objection.

### **If You Do Nothing**

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

If you do nothing, you will not get a payment from the Settlement but you will still be bound by the release. Unless you exclude yourself, if the Settlement is approved, you will not be able to

start a lawsuit, or be part of any other lawsuit against Welch or its affiliates regarding the Released Claims.

### **Getting More Information**

#### **26. How can I get more information?**

This Notice summarizes the proposed Settlement. More details are in the Settlement Agreement and in case documents, available at the Settlement Website, [www.WelchFoodsSettlement.com](http://www.WelchFoodsSettlement.com). If you have additional questions, you can visit the Settlement Website or contact the Class Administrator:

**By Mail:** Hanson v. Welch Foods Class Administrator  
P.O. Box 1908  
Baton Rouge, LA 70821

**By Email:** [info@WelchFoodsSettlement.com](mailto:info@WelchFoodsSettlement.com)

**By Phone (Toll Free):** 1 (877) 393-0092

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

You are also welcome to contact Class Counsel with any questions:

**By Email:** [jack@fitzgeraldjoseph.com](mailto:jack@fitzgeraldjoseph.com)

**By Phone:** (619) 215-1741

For a more detailed statement of the matters involved in the litigation or the Settlement, you may review the various documents on the Settlement Website, and/or the other documents filed in this case by visiting, during business hours, the Clerk's Office at the United States District Court for the Northern District of California, Phillip Burton Federal Building & United States Courthouse, 450 Golden Gate Avenue, San Francisco, California 94102, file: *Hanson v. Welch Foods Inc.*, Case No. 3:20-cv-02011-JCS, or by accessing the docket in this case through the Court's Public Access to Court Electronic Records (PACER) system at [www.pacer.gov](http://www.pacer.gov).

\* \* \*

**PLEASE DO NOT TELEPHONE OR ADDRESS ANY QUESTIONS ABOUT THE CASE OR SETTLEMENT TO THE CLERK OF THE COURT OR TO THE JUDGE. THEY ARE NOT PERMITTED TO ANSWER YOUR QUESTIONS. THE COURT EXPRESSES NO VIEW AS TO THE MERITS OF ANY CLAIMS OR DEFENSES ASSERTED BY ANY PARTY TO THE ACTION.**