# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

If you purchased one of the following five products — JASON Natural Product Long & Strong Jojoba Pure Natural Shampoo, JASON Volumizing Lavender Shampoo, JASON Normalizing Tea Tree Treatment Shampoo, JASON Dandruff Relief 2 in 1 Treatment Shampoo & Conditioner, and/or JASON Smoothing Coconut Body Wash — between August 17, 2011 and June 2, 2017, you may be entitled to a cash refund from a class action settlement.

#### THIS NOTICE AFFECTS YOUR RIGHTS.

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

This Notice advises you of a proposed class action settlement (the "Settlement"). The Settlement resolves a lawsuit over whether The Hain Celestial Group and Jason Natural Products falsely advertised that several of its shampoo and skin care products listed above were free from Sodium Lauryl Sulfate ("SLS"). You should read this entire Notice carefully because your legal rights are affected whether you act or not.

| Your Legal Rights and Options in this Settlement: |  |
|---|--|
| SUBMIT A CLAIM                                    | Remain in the Settlement Class and share in the Settlement proceeds.   |
| Exclude Yourself                                  | Get no benefits from the Settlement and retain the right to bring a separate lawsuit about the same issue at your own expense. |
| Овјест  | Write to the Court about why you don't like the Settlement.  |
| Do Nothing  | Remain in the Settlement Class and receive no benefits.  |

Your rights and options – **and the deadlines to exercise them** – are explained in this Notice. Para una notificación en Español, llamar o visitar www.GordonSettlement.com.

Questions? Visit <a href="www.GordonSettlement.com">www.GordonSettlement.com</a>
DO NOT CALL HAIN CELESTIAL, JASON NATURAL PRODUCTS, OR THE COURT.

Do not forget to return the Claim Form.

# 1. WHAT IS THIS NOTICE ABOUT?

The Court authorized this Notice because you have a right to know about a proposed Settlement in the class action lawsuit styled *Gordon v. Hain Celestial, et al.*, Case No. 16-CV-06526-KBF (the "Lawsuit") and about all of your options, before the Court decides whether to approve the Settlement. If you submit a claim and the Court approves the Settlement, and after any objections or appeals are resolved, an administrator appointed by the Court will send you the payments that the Settlement allows. This Notice explains the Lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them.

## 2. WHAT IS A CLASS ACTION LAWSUIT?

A class action is a lawsuit in which one or more individuals sue an individual(s), company or other entity on behalf of all other people who are in a similar position. Collectively, these people are referred to as a "Class" or "Class Members." In a class action, the court resolves certain legal issues, legal claims and defenses for all class members in one lawsuit, except for those who ask to be excluded from the class. (See below for more information about excluding yourself from the Class.)

#### 3. WHAT IS THE LAWSUIT ABOUT?

The Lawsuit alleges that Hain Celestial and Jason Natural Products falsely advertised that JASON Natural Product Long & Strong Jojoba Pure Natural Shampoo, JASON Volumizing Lavender Shampoo, JASON Normalizing Tea Tree Treatment Shampoo, JASON Dandruff Relief 2 in 1 Treatment Shampoo & Conditioner, and JASON Smoothing Coconut Body Wash (the "Products") did not contain the chemical sodium lauryl sulfate ("SLS"). Hain Celestial and Jason Natural Products deny that they did anything wrong and stand by their Products. The Court has not ruled on the merits of Plaintiff's allegations against Hain Celestial and Jason Natural Products or their defenses. Instead, the Parties have agreed to a settlement, without fault or liability. That way, the Parties avoid the costs and risk of a trial, and they ensure that the Settlement Class will get compensation. Plaintiff Gordon (the "Settlement Class Representative") and Plaintiff's attorneys ("Class Counsel") believe that the Settlement is in the best interests of the Settlement Class Members. The Court will evaluate the Settlement to determine whether it is fair, reasonable, and adequate before it approves the Settlement.

## 4. WHAT DOES THE SETTLEMENT PROVIDE?

In exchange for a dismissal of the Lawsuit and release of claims against Hain Celestial and Jason Natural Products as detailed in the Stipulation of Settlement, Hain Celestial and Jason Natural Products have agreed to create a fund of \$1.1 million (the "Settlement Fund"). After deducting costs for notice and administration, attorneys' fees and expenses, and an incentive award to the Settlement Class Representative, the Settlement Fund will be distributed to Settlement Class Members who submit a timely and valid Claim Form. For details on the allocation of the Settlement Fund see "How Will Payment Amounts Be Calculated" below or the Stipulation of Settlement, which is available at www.GordonSettlement.com.

#### 5. WHAT DO I NEED TO DO TO RECEIVE A PAYMENT FROM THE SETTLEMENT?

To share in the benefits of the Settlement, you must complete, sign, and submit the Claim Form. Each Settlement Class Member that submits a valid and timely Claim Form is eligible to receive a cash payment.

# 6. HOW WILL PAYMENT AMOUNTS BE CALCULATED?

Settlement Class Members who have Proof of Purchase, which includes a receipt or product packaging among other items, may seek reimbursement of \$8.00 per item purchased, up to a maximum recovery of \$40.00. Settlement Class Members who do not have Proof of Purchase, may seek reimbursement of \$2.00 per item purchased, up to a maximum recovery of \$10.00. If the total of valid claims is less than the amount of money available to pay them, then valid claims will be increased pro rata up to the Pro Rata Minimum Remainder Settlement Funds. If the total of valid claims exceeds the amount of money available to pay them, then each award will be reduced pro rata.

#### 7. HOW DO I SUBMIT A CLAIM FORM?

You have two options for submitting a claim form:

- Online: You can submit a Claim Form online at <a href="www.GordonSettlement.com">www.GordonSettlement.com</a>.
- By Mail: You can print and fill out the Claim Form available at <a href="www.GordonSettlement.com">www.GordonSettlement.com</a> or request that the Settlement Administrator mail you a Claim Form, and then mail your completed Claim Form (with postage) to:

Gordon v Hain Settlement c/o GCG PO Box 10439 Dublin, OH 43017-4039

Online Claim Forms must be submitted by September 18, 2017. Claim Forms submitted by mail must be postmarked by September 18, 2017. You may request a Claim Form online or by calling 1-855-474-3859.

## 8. WHEN WOULD I GET A PAYMENT?

The Court will hold a Settlement Hearing on September 22, 2017. If the Court approves the Settlement, there may be a period when appeals are filed. Once any appeals are resolved or if no appeals are filed, it will be possible to distribute the funds. This may take several months to more than a year, if an appeal is involved.

# 9. HOW DO I KNOW IF I AM PART OF THE SETTLEMENT?

You are a member of the Settlement Class if you purchased any of the Products, i.e. JASON Natural Product Long & Strong Jojoba Pure Natural Shampoo, JASON Volumizing Lavender Shampoo, JASON Normalizing Tea Tree Treatment Shampoo, JASON Dandruff Relief 2 in 1 Treatment Shampoo & Conditioner, and JASON Smoothing Coconut Body Wash in the United States, between August 17, 2011 and June 2, 2017. Excluded from the Settlement Class are Hain Celestial's and Jason Natural Products' officers, directors and employees, and those who purchased these Jason Natural products for the purpose of resale.

#### 10. DO I HAVE A LAWYER REPRESENTING ME?

The Court has appointed lawyers to represent the Settlement Class Members in the Lawsuit. They are called "Class Counsel." The lawyers appointed Class Counsel are Allen Carney and David Slade of Carney Bates & Pulliam, PLLC, 519 W. 7<sup>th</sup> Street, Little Rock, Arkansas 72201. You won't be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

#### 11. HOW WILL CLASS COUNSEL BE PAID?

Class Counsel intends to ask the Court to award attorneys' fees and expenses of up to \$200,000. The attorneys' fees and expenses awarded by the Court will be paid out of the Settlement Fund. Class Counsel will also ask the Court to award a \$5,000 incentive award to the Settlement Class Representative to compensate her for commitment and efforts on behalf of the Settlement Class Members. The incentive award will also be paid out of the Settlement Fund. Class Counsel's application for attorney's fees and expenses and an incentive award will be available at the Settlement Website once filed.

## 12. OPTING OUT OR OBJECTING TO THE SETTLEMENT.

You have the right not to be part of the Lawsuit by excluding yourself or "opting out" of the Settlement Class. If you wish to exclude yourself, you must send a letter or postcard, postmarked no later than August 14, 2017, to Gordon v Hain Settlement Administrator, **PO Box 10439 Dublin, OH 43017-4039**. Your letter must request exclusion from the Settlement Class and must be signed by you. You must include your full name, address, and telephone number. If you do not include the required information or submit your request for exclusion on time, you will remain a Settlement Class Member and be bound by

the Settlement and Final Judgment and Order. If you exclude yourself from the Settlement Class, you give up your right to receive any money from the Settlement, and you will not be bound by the Settlement or Final Judgment and Order, and you will not be barred from pursuing any individual claim you may otherwise have relating to the subject matter of the Lawsuit. If you don't exclude yourself and there is something about the Settlement that you do not like, you may file an objection with the Court. You will still be in the settlement, you will remain a Class Member, and will be eligible to receive benefits if the settlement is approved and you timely submit your Claim Form. *Even if you object, you should return the Claim Form to receive a cash payment*. To do so, you must submit your objection in the Court. Your objection must include: (1) your full name, address, and telephone number; (2) your signature; (3) the reasons why you object; (4) the case name and number of this Lawsuit, which is *Gordon v. Hain Celestial*, Case No. 16-CV-06526-KBF. If you are represented by a lawyer, the name, address, bar number and telephone number of that lawyer. In addition to the foregoing, if you intend to appear at the Settlement Hearing, your objection should also include (1) a statement of your intent to appear, either in person or through counsel, (2) a list of any and all witnesses whom you may call at the Settlement Hearing, with the address of each witness and a summary of his or her proposed testimony, and (3) a detailed description of any and all evidence you may offer at the Settlement Hearing, including photocopies of any and all exhibits which you may introduce at the Settlement Hearing.

**You must file your written objection with the Court no later than August 14, 2017,** at Clerk of the Court, United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007. You must also send a copy of your objection to Class Counsel and Hain Celestial's and Jason Natural Products' Counsel at: Allen Carney and David Slade of Carney Bates & Pulliam, PLLC, 519 W. 7<sup>th</sup> Street, Little Rock, Arkansas 72201; and Dean N. Panos, Jenner & Block LLP, 353 N. Clark Street, Chicago, Illinois 60654. All objections must be received by the attorneys for the parties and by the Court by August 14, 2017, or your objection will not be considered.

## 13. WHAT HAPPENS IF I DO NOTHING AT ALL?

If you do nothing and the Court grants final approval of the proposed Settlement, you will be included in the Settlement and be bound by the release of claims in the Settlement and will be giving up your rights to be part of any other lawsuit or make any other claims against Hain Celestial and Jason Natural Products about the issues raised in this Lawsuit. The Stipulation of Settlement, available at <a href="https://www.GordonSettlement.com">www.GordonSettlement.com</a>, describes all of the claims you will release.

## 14. THE HEARING TO DECIDE WHETHER TO APPROVE THE SETTLEMENT.

The Court has scheduled a Settlement Hearing at 9:00AM on September 22, 2017, in the United States District Court of the Southern District of New York, 500 Pearl Street, New York, New York 10007 in the Courtroom of the Honorable Katherine B. Forrest. The hearing may be moved to a different date or time without notice, so check for updates on the Settlement Website. At this hearing, the Court will consider whether the proposed Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court will also consider Class Counsel's application for attorneys' fees and expenses and for an incentive award to the Settlement Class Representative. After the hearing, the Court will decide whether to grant final approval of the Settlement. We do not know how long these decisions will take. Complete copies of the pleadings and other documents filed in this Litigation may be examined and copied during regular office hours at the Clerk of the Court, United States District Court of the Southern District of New York, 500 Pearl Street, New York, New York 10007. The Stipulation of Settlement, Claim Form and other information are also available at <a href="https://www.GordonSettlement.com">www.GordonSettlement.com</a>. If you have any questions concerning any matter raised in this Notice, please visit <a href="https://www.GordonSettlement.com">www.GordonSettlement.com</a> or call 1-855-474-3859.

PLEASE DO NOT CALL OR WRITE HAIN CELESTIAL, JASON NATURAL PRODUCTS, OR THE COURT FOR ADDITIONAL INFORMATION OR ADVICE.

Dated: May 5, 2017

The Honorable Katherine B. Forrest United States District Judge