

NEW SETTLEMENT

If you resided in California, Colorado, Florida, Illinois, Indiana, Nebraska, New York, Ohio, Oregon, South Dakota, or Texas and purchased WESSON OIL PRODUCTS in that state, you may be eligible to receive a payment from a \$3 million class action settlement

A federal court authorized this Notice. This is not a solicitation from a lawyer. Your legal rights are affected whether you act or do not act. Please read this Notice carefully.

- A newly proposed Settlement has been reached in a class action lawsuit (*In re ConAgra Foods, Inc.*, C.D. Cal., Case No. CV 11-05379-CJC (AGRx), MDL No. 2291). **This new Settlement replaces the previous settlement that was appealed and reversed by the Ninth Circuit.**
- The lawsuit alleges that Defendant Conagra violated certain laws in the marketing, advertising, and sale of Wesson brand cooking oils, including Wesson Vegetable Oil, Wesson Canola Oil, Wesson Corn Oil, and Wesson Best Blend (“Wesson Oil Products”), made from Genetically Modified Ingredients (“GMOs”) as “Natural.” Conagra denies any and all wrongdoing of any kind whatsoever and has asserted various defenses that it believes are meritorious.
- If you resided in any of these eleven States and purchased Wesson Oil Products for your own personal, non-commercial use in that state during the applicable Class Period, you may be eligible to participate in the proposed Settlement, if it is finally approved:

STATE	CLASS PERIOD
California	June 28, 2007 through July 1, 2017
Colorado	January 12, 2009 through July 1, 2017
Florida	January 12, 2008 through July 1, 2017
Illinois	January 12, 2007 through July 1, 2017
Indiana	January 12, 2006 through July 1, 2017
Nebraska	January 12, 2008 through July 1, 2017
New York	January 12, 2008 through July 1, 2017
Ohio	January 12, 2010 through July 1, 2017
Oregon	January 12, 2006 through July 1, 2017
South Dakota	January 12, 2006 through July 1, 2017
Texas	January 12, 2010 through July 1, 2017

- If you did not reside in any of these eleven States or did not purchase Wesson Oil Products in these states during the applicable Class Period, you are not a Class Member and are not affected by this Action or this Settlement.
- The Settlement will provide payments to those who qualify. Class Members must submit a timely and valid Claim Form to be eligible for a payment from the Settlement.

Questions? Visit www.WessonOilSettlement.com or call toll free 1-833-291-1651

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

<u>ACTION</u>	<u>EXPLANATION</u>	<u>DUE DATE</u>
SUBMIT A CLAIM FORM (If you filed a claim in the previous settlement, you do not need to file another)	<ul style="list-style-type: none"> • Get a payment from the Settlement • Give up rights to ever sue the Defendant about the legal claims in this case 	May 22, 2023
EXCLUDE YOURSELF (“OPT OUT”)	<ul style="list-style-type: none"> • Remove yourself from the Class • Get no payment from the Settlement • Keep your right to be a part of another lawsuit against the Defendant about the legal claims in this case 	March 22, 2023
OBJECT	<ul style="list-style-type: none"> • Tell the Court why you do not like the Settlement 	March 22, 2023
ATTEND A HEARING	<ul style="list-style-type: none"> • You or your attorney may ask the Court for permission to speak at the Fairness Hearing about why you do or do not support the proposed Settlement or any of its provisions. The Fairness Hearing is on April 24, 2023 at 1:30 p.m., Pacific 	File Notice of Appearance by: March 22, 2023
DO NOTHING	<ul style="list-style-type: none"> • Get no payment • Give up rights to ever sue the Defendant 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.WessonOilSettlement.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.

Questions? Visit www.WessonOilSettlement.com or call toll free 1-833-291-1651

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BASIC INFORMATION

1. Why is there a notice?

You have a right to know about a newly proposed Settlement in this class action lawsuit, and about your options, before the Court decides whether to approve the new Settlement. This new Settlement replaces the previous settlement that was appealed and reversed by the Ninth Circuit.

The Court in charge of this case is the United States District Court for Central District of California (the “Court”), and the case is called *In re ConAgra Foods, Inc.*, Case No. CV 11-05379-CJC (AGRx), MDL No. 2291. This case is assigned to United States District Judge Cormac J. Carney. The individuals who sued are called the Class Representatives, and the company they sued, Conagra Brands, Inc. (formerly ConAgra Foods, Inc.) (“Conagra”), is called the Defendant.

2. What is this lawsuit about?

The lawsuit alleges that Conagra violated certain laws in the marketing, advertising, and sale of Wesson Oil Products made from Genetically Modified Ingredients (“GMOs”) as “Natural.”

The Defendant denies any and all wrongdoing of any kind whatsoever 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 (in this case Robert Briseño and Michele Andrade for the California Class; Jill Crouch for the Colorado Class; Julie Palmer for the Florida Class; Pauline Michael for the Illinois Class; Cheri Shafstall for the Indiana Class; Dee Hooper-Kercheval for the Nebraska Class; Kelly McFadden and Necla Musat for the New York Class; Maureen Towey for the Ohio Class; Erika Heins for the Oregon Class; Rona Johnston for the South Dakota Class; and Anita Willman for the Texas Class), sue on behalf of people who have similar claims. All these people are a class or class members. Bringing a case, such as this one, as a class action allows adjudication of many similar claims of persons and entities 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 (opt out) from the class.

4. Why is there a Settlement?

The Defendant denies that it did anything wrong. Both sides want to avoid the cost of further litigation. The Court has not decided in favor of the Class Representatives or the Defendant. The Class Representatives and their attorneys think the Settlement is best for the Classes.

WHO IS AFFECTED BY THE SETTLEMENT?

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

The Classes consist of all natural persons who resided in one of the following eleven States and purchased Wesson Oil Products in that State, for their own personal, non-commercial use during the following time periods:

STATE	CLASS PERIOD
California	June 28, 2007 through July 1, 2017
Colorado	January 12, 2009 through July 1, 2017
Florida	January 12, 2008 through July 1, 2017
Illinois	January 12, 2007 through July 1, 2017
Indiana	January 12, 2006 through July 1, 2017
Nebraska	January 12, 2008 through July 1, 2017
New York	January 12, 2008 through July 1, 2017
Ohio	January 12, 2010 through July 1, 2017
Oregon	January 12, 2006 through July 1, 2017
South Dakota	January 12, 2006 through July 1, 2017
Texas	January 12, 2010 through July 1, 2017

Excluded from the Classes are: (a) governmental entities; (b) Conagra, and its affiliates, subsidiaries, employees, current and former officers, directors, agents, and representatives; (c) the members of the Court and its staff; and (d) opt outs.

If you did not reside in any of these eleven States during these time periods or did not purchase Wesson Oil Products in these states during the applicable Class Period, then you are not a Class Member and are not affected by this Action or this Settlement.

6. Which Wesson Oil Products are included in the Settlement?

“Wesson Oil Products” means Wesson brand cooking oils, including Wesson Vegetable Oil, Wesson Canola Oil, Wesson Corn Oil, and Wesson Best Blend, all of which were marketed, advertised, and sold as “Natural” during the applicable Class Periods.

7. 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, visit the Settlement Website, www.WessonOilSettlement.com, or call the Settlement Administrator toll-free at 1-833-291-1651.

SETTLEMENT BENEFITS – WHAT CLASS MEMBERS GET

8. What does the Settlement provide?

The Settlement provides monetary damages to all Class Members. Specifically, Conagra has agreed to pay \$3,000,000 into a Settlement Fund to be used to pay Class Member payments, expenses, administrative costs, service awards to the Class Representatives, and any other costs and expenses related to the Settlement. Class Counsel are not seeking to be paid their attorneys’ fees.

9. What can I get from the Settlement?

ALL CLASS MEMBERS

Class Members who timely submit a valid Claim Form may receive \$0.15 per unit of Wesson Oil Products purchased during the applicable Class Period. Recovery is limited to one claim per Household, which is defined as all persons residing at the same physical address. If the total value of all valid Claims Forms and amounts identified for direct distribution exceeds or falls short of the funds available for distribution to Class Members (after deducting the portion of Settlement Funds designated for New York and Oregon Class Members), then the amounts of the cash payments will be reduced or increased per Claim filed (or “*pro rata*”), as necessary, to use all of the remaining funds available for distribution to Class Members. Any such *pro rata* adjustment will be calculated prior to distribution of funds (*i.e.*, will be made in a single distribution).

NEW YORK AND OREGON CLASS MEMBERS

A portion of the Settlement Fund, specifically \$575,000, will be allocated only to members of the New York and Oregon Classes who submit valid Claim Forms or are identified for direct distribution, in proportion to the number of units purchased. The amount of additional recovery for New York and Oregon Class Members will be adjusted *pro rata* according to the number of valid Claim Forms and direct distributions.

HOW TO GET A PAYMENT

10. How can I get a payment?

If you filed a claim in the previous settlement, you do not need to do anything to receive a payment. If you have not previously filed a claim, or would like to update your claim, go to www.WessonOilSettlement.com and file or download a Claim Form. You can also contact the Settlement Administrator by mail or email and request that a Claim Form be sent to you:

- **By Mail:** Wesson Oil Settlement, c/o JND Legal Administration, P.O. Box 11050, Seattle, WA 98111-9349.
- **By Email:** info@WessonOilSettlement.com

Please read the instructions carefully, complete the Claim Form, and either submit the Claim Form online at www.WessonOilSettlement.com or mail it to the Settlement Administrator at Wesson Oil Settlement, c/o JND Legal Administration, P.O. Box 11050, Seattle, WA 98111-9349, postmarked no later than **May 22, 2023**.

If you do not submit a Valid Claim Form by **May 22, 2023**, you will not receive a payment, but you will be bound by the Court’s judgment in this Action.

11. When will I get my payment?

Payments will be made to Class Members who submit valid and timely Claim Forms after the Court grants “final approval” to the Settlement and after all appeals are resolved. If the Court approves the Settlement, there may be appeals. It is always uncertain whether these appeals can be resolved and resolving them can take time. Please be patient.

12. What am I giving up to receive a payment or stay in the Settlement?

If you are a Class Member, unless you opt out from the Settlement, you cannot sue the Defendant, continue to sue, or be part of any other lawsuit against the Defendant about the claims released in this Settlement. It also means that all the 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 if you stay in the Settlement. The Released Claims will not include any claim against the Released Parties for bodily injury allegedly suffered in connection with the purchase or use of the Wesson Oil Products. The Settlement Agreement is available at www.WessonOilSettlement.com.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you don't want a payment from the Settlement or you want to keep the right to sue or continue to sue the Defendant 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.

13. How do I get out of the Settlement?

To exclude yourself (or “opt out”) from the Settlement, you must complete and submit the online Opt-Out form **here**: <https://secure.wessonoilsettlement.com/exclusion> by **March 22, 2023**, or mail a written request, postmarked no later than March 22, 2023, to the Settlement Administrator at the following address:

Wesson Oil Settlement
Exclusions
c/o JND Legal Administration
P.O. Box 11050
Seattle, WA 98111-9350

A written Opt-Out Request must include:

- Your handwritten signature;
- Your full legal name, valid mailing address, and functioning telephone number;
- A statement that you have reviewed and understood the Class Notice and choose to be excluded from the Settlement; and
- The name of and contact information for your attorney, if represented by an attorney.

If you ask to be excluded from the Settlement, 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 this lawsuit, and you may be able to sue (or continue to sue) the Defendant and the other Released Parties about the claims in this lawsuit.

No person or entity may opt out on behalf of another Class Member. No class-wide, mass opt outs, or opt outs signed by attorneys are permitted.

If you don't include the required information or timely submit your request for exclusion, you will remain a Class Member and will not be able to sue the Defendant about the claims in this lawsuit.

14. If I don't exclude myself, can I sue the Defendant for the same thing later?

No. Unless you exclude yourself, you give up any right to sue the Defendant 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 to continue your own lawsuit. If you properly exclude yourself from the Settlement, you will not be bound by any orders or judgments entered in the Action relating to the Settlement.

15. 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 send in a Claim Form asking for benefits.

THE LAWYERS REPRESENTING YOU

16. Do I have a lawyer in this case?

Yes. The Court has appointed attorneys from the law firms DiCello Levitt LLC, Tadler Law LLP, and Milberg Coleman Bryson Phillips Grossman LLP to represent you and the other Class Members. The lawyers are called Class Counsel. They are experienced in handling similar class action cases. 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.

17. How will the lawyers be paid?

Class Counsel are not seeking their attorneys' fees; however, they will be filing a motion to be paid their expenses from litigating the case since 2011, and service awards of (a) up to \$3,000 for each of the six Class Representatives whose depositions were taken by Conagra (Robert Briseño, Michele Andrade, Jill Crouch, Pauline Michael, Necla Musat, and Maureen Towey) and (b) up to \$1,000 for each of the seven Class Representatives whose depositions were not taken (Julie Palmer, Cheri Shafstall, Dee Hooper-Kercheval, Kelly McFadden, Erika Heins, Rona Johnston, and Anita Willman). The Court will determine the amount of expenses and service awards, which will be paid from the Settlement Fund.

After Class Counsel's motion for expenses is filed on or before March 8, 2023, it will be posted at www.WessonOilSettlement.com. You will have an opportunity to comment on this request.

OBJECTING TO THE SETTLEMENT

18. How do I tell the Court that I do not like the Settlement?

Any Class Member who does not timely and properly opt out of the Settlement may object to the fairness, reasonableness, or adequacy of the proposed Settlement under Federal Rule of Civil Procedure 23. Each Class Member who wishes to object to any term of the Settlement must do so, in writing, by either filing a written objection with the Clerk of the Court by **March 22, 2023**, or by submitting a written objection, postmarked no later than **March 22, 2023**, to the Settlement Administrator.

The written objection must

- Attach copies of any materials that the objector intends to submit to the Court or present at the Fairness Hearing;
- Be personally signed by the objector and, if represented by counsel, by his or her counsel;
- Include information or documents sufficient to show that the objector is a Class Member; and
- Clearly state in detail (i) the legal and factual ground(s) for the objection, (ii) the objecting Class Member's name, mailing address, email address, and telephone number, (iii) whether it applies only to the objector, to a specific subset of the Class, or to the entire Class, (iv) if represented by counsel, such counsel's name, email address, mailing address, and telephone number, and (v) any request to present argument to the Court at the Fairness Hearing.

Your objection, along with any supporting material you wish to submit, must be filed with the Court, or submitted by mail with the Settlement Administrator by **March 22, 2023** at the following addresses:

<p><u>Clerk of the Court</u></p> <p>Office of the Clerk United States District Court for the Central District of California 411 West Fourth Street Courtroom 9B Santa Ana, CA 92701</p>	<p><u>Settlement Administrator</u></p> <p>Wesson Oil Settlement Objections c/o JND Legal Administration P.O. Box 11050 Seattle, WA 98111-9350</p> <p>www.WessonOilSettlement.com</p>
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19. What is the difference between objecting and excluding?

Objecting is simply telling the Court that you don't 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 don't 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 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 April 24, 2023 at 1:30 p.m., Pacific, at the Ronald Reagan Federal Building and United States Courthouse, 411 West Fourth Street, Courtroom 9B, Santa Ana, California 92701.

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 to the hearing at your own expense. If you submit an objection, you don't have to come to Court to talk about it. As long as you filed and mailed your written objection on time to the proper addresses, the Court will consider it. You may also pay your own lawyer to attend the hearing, but it's 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." Your request must be filed with the Clerk of the Court and the Parties' through Settlement Administrator (*see* Question 18 for addresses) postmarked no later than **March 22, 2023**.

Any such request must state the name, address, and telephone number of the Class Member, as well as the name, address, and telephone number of the person that will appear on his or her behalf. Any request for appearance that fails to satisfy these requirements, or that has otherwise not been properly or timely submitted, will be deemed ineffective and a waiver of such Class Member's rights to appear and to comment on the Settlement at the Fairness Hearing. Only the Parties, Class Members, or their counsel may request to appear and be heard at the Fairness Hearing. Persons or entities that opt out may not request to appear and be heard at the Fairness Hearing.

IF YOU DO NOTHING

23. What happens if I do nothing at all?

If you do nothing, but filed a claim under the prior settlement, you will get a payment under the new Settlement. If you do nothing, but you did *not* file a claim under the prior settlement, you will *not* get a payment from the new Settlement. Unless you exclude yourself, you won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Defendant 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 Settlement Agreement, available at the Settlement Website, www.WessonOilSettlement.com. If you have additional questions or want to request a Claim Form, you can visit www.WessonOilSettlement.com or contact the Settlement Administrator:

- **By Mail:** Wesson Oil Settlement, c/o JND Legal Administration, P.O. Box 11050, Seattle, WA 98111-9349.
- **By Email:** info@WessonOilSettlement.com
- **By Phone Toll-Free:** 1-833-291-1651.

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

You may review the various case documents at www.WessonOilSettlement.com; by visiting (during business hours) the clerk's office at the United States District Court for the Central District of California, 411 West 4th Street, Room 1053, Santa Ana, California 92701, File: *In re ConAgra Foods, Inc, Case No. CV 11-05379-CJC (AGRx)*, or by accessing the case docket through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>.

PLEASE DO NOT CONTACT THE COURT OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THE SETTLEMENT OR THE CLAIM PROCESS.

Dated: November 28, 2022

By Order of the Court
United States District Court
Central District of California