

NOTICE OF PROPOSED CLASS LITIGATION SETTLEMENT

Capaci, et al. v. Sports Research Corporation, Case No. 2:19-cv-03440-FMO-FFM
United States District Court for the Central District of California

**THIS NOTICE CONCERNS YOUR LEGAL RIGHTS. PLEASE READ IT
CAREFULLY.**

*A federal court authorized this Notice. It is not a solicitation from a lawyer. YOU ARE NOT
BEING SUED.*

If you purchased Sports Research Garcinia Cambogia that was labeled with the words “weight management,” “appetite suppression,” and/or “appetite control” (“Product”) in the United States during the time period from April 26, 2015 until June 10, 2024 (the “Class Period”), for personal or household use and not for resale or distribution, and did not receive a refund or return the Product, **YOU MAY BE ENTITLED TO A CASH PAYMENT.**

This Settlement resolves a lawsuit against Sports Research Corporation (“Sports Research”) alleging that Sports Research’s Garcinia Cambogia Product label stating “weight management,” “appetite suppression” and/or “appetite control” is false and misleading because the Product cannot actually provide these advertised labeled benefits.

Sports Research denies the lawsuit’s allegations and any wrongdoing. Nonetheless, it has agreed to settle to avoid the cost and uncertainty of litigation. The parties have reached a settlement that would provide participating class members with monetary relief, as detailed below, in exchange for a waiver and release of their claims. By participating in the Settlement, you waive and release any claims against Sports Research concerning the marketing and labeling of the Product.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

SUBMIT A CLAIM FORM BY SEPTEMBER 19, 2024	The only way to get a monetary payment from this proposed Settlement. Postmark or submit your Claim Form online.
EXCLUDE YOURSELF FROM THE SETTLEMENT CLASS BY SEPTEMBER 19, 2024	If you ask to be excluded, you will not be bound by what the Court does in this case and will keep any right you might have to sue Sports Research separately about the legal claims in this lawsuit. If there is a recovery in this case, including under the proposed Settlement, you will not share in that recovery.
OBJECT OR COMMENT BY SEPTEMBER 19, 2024	You may file a written Objection no later than September 19, 2024 and/or appear at the Final Approval Hearing to tell the Court why you believe the proposed Settlement is unfair, unreasonable, or inadequate. If you ask to be excluded from the Class (i.e., “opt out”), you may not file an Objection.
DO NOTHING	If you do nothing, you will receive no portion of the Settlement Fund and, if the Settlement is approved, you will also give up your right to sue Sports Research on your own regarding any claims that are part of the Settlement.

- These rights and options, **and the deadlines to exercise them**, are further explained in this Notice.
- The Court is in charge of this Litigation and still has to decide whether to approve the proposed Settlement. The settlement benefits will be made available if the Court approves the Settlement and after any appeals are resolved.
- The terms of the Settlement may be subject to change and persons that remain in the Settlement Class will be bound by those changes.
- If you have any questions, then please read on and visit www.GarciniaClassAction.com.

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BASIC INFORMATION

1. Why did I receive this Notice?

If you purchased Sports Research Garcinia Cambogia that was labeled with the words “weight management,” “appetite suppression” and/or “appetite control” (the “Product”) in the United States during the time period from April 26, 2015 until June 10, 2024, for personal or household use and not for resale or distribution, and did not receive a refund or return the Product, then you have a right to know about a proposed settlement of this class action lawsuit and your options going forward.

The Court ordered that you be given this Notice because you have a right to know about a proposed settlement of this class action lawsuit and your options in relation to that lawsuit before the Court decides whether to give its final approval to the settlement. If the Court approves the settlement, and after objections and appeals are resolved, an administrator approved by the Court will oversee the administration of this Settlement.

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 this lawsuit About?

The Plaintiff who filed the lawsuit alleges that Sports Research’s Garcinia Cambogia Product label claiming to provide “weight management,” “appetite suppression” and/or “appetite control” benefits is false and misleading because the Product does not provide any such benefits.

Sports Research denies the allegations in the lawsuit, and the Court has not made any ruling on the merits of the lawsuit. To avoid the uncertainty and expense of further litigation, the parties have reached a settlement that is further described in this Notice.

3. What Is a Class Action and Who Is Involved?

In a class action lawsuit, one or more people, called Class Representatives (in this case Cynthia Ford) represent the interests of similarly situated people who may have the same claims in common, but have not filed a lawsuit. All of these people are collectively referred to as a class. The persons who filed the lawsuit are called the Plaintiffs. The company or person being sued is called the Defendant. One court resolves the issues for everyone in the class – except for those people who choose to exclude themselves from the class.

4. Why Is There a Proposed Settlement?

The Court has not decided in favor of either side. Sports Research denies all allegations in the lawsuit and having committed any wrongdoing. Sports Research is settling simply to avoid the expense and inherent risk of litigation, as well as the related disruption to its business. The Plaintiff and her attorneys assert that the proposed Settlement is in the best interests of the Class because it provides an appropriate recovery now while avoiding the risk, expense, and delay of pursuing a

lawsuit through trial and any appeals. There would be no guarantee of success for either side if the lawsuit were pursued through trial and any appeals.

WHO IS COVERED BY THE PROPOSED SETTLEMENT

To see if you are entitled to file a Claim for part of the Settlement Fund, you first have to determine if you are a member of the Settlement Class.

5. How Do I Know If I Am Part of the Settlement Class?

You are a part of the Settlement Class if you purchased Sports Research Cambogia that was labeled with the words “weight management,” “appetite suppression” and/or “appetite control” (“Product”) in the United States during the time period from April 26, 2015 to June 10, 2024. The class is limited to those who purchased the Product for personal and household use, and not for resale, and who did not receive a refund or return the Product.

You are not a part of the Settlement Class if you are (1) any judicial officer presiding over the lawsuit; (2) Sports Research, its subsidiaries, parent companies, successors, predecessors, and any entity in which Sports Research or its parent company has a controlling interest, and each of their current or former officers, directors, and employees; (3) legal representatives, successors, or assigns of any excluded person; and (4) any person who properly executes and files a timely request for exclusion.

If you are still not sure whether you are included in the Settlement Class, you can go to www.GarciniaClassAction.com, or you can call (877) 223-1433, and ask for free help.

THE PROPOSED SETTLEMENT BENEFITS

6. What Does the Proposed Settlement Provide?

Monetary Relief

The proposed Settlement will provide for \$1,600,000.00 to be paid into a Settlement Fund.

The Settlement Fund shall be applied to pay the following amounts in full and in the order listed: (1) any necessary taxes and tax expenses; (2) all costs associated with the Settlement Administration, including costs of providing notice to members of the Settlement Class and processing Claims and all costs relating to providing the necessary notices in accordance with the Class Action Fairness Act of 2005, 28 U.S.C. Section 1715; (3) any Fee and Expense Award made by the Court to Class Counsel; (4) any Incentive Award made by the Court to the Plaintiff; and (5) payments to Authorized Claimants and any others if approved by the Court. The Settlement Fund represents the limit and extent of Sports Research’s monetary obligations under the Settlement Agreement.

Payments to Settlement Class Members who Submit a Valid Claim Form

Settlement Class members who purchased the Product (any size) and submit a timely and valid Claim will receive **\$20.00 in cash from the Settlement Fund, limited to one claim per household (total amount payable per household not to exceed \$20.00, unless distribution is increased as described below).**

If the amount of valid claims timely submitted by class members exceeds the amount in the Settlement Fund, cash payments to class members who submit timely and valid claims will be proportionately reduced until the funds remaining in the Settlement Fund are exhausted. If the amount of valid claims timely submitted by class members does not exhaust the amount in the Settlement Fund after payment of Notice and Settlement Administrator expenses, a Fee and Expense Award, any necessary taxes, tax expenses, Incentive Awards, and the total amount of all Authorized Claims, cash payments to class members will increase proportionately until the funds remaining in the Settlement Fund are exhausted.

Non-Monetary Relief

Subject to the terms of the Settlement Agreement, Sports Research has agreed to discontinue manufacturing the Product with labels that contain the words “weight management,” “appetite suppression” and/or “appetite control” for a period of five (5) years from the Court’s entry of the Final Order and Judgment.

Incentive Award to the Plaintiffs

Subject to Court approval, Class Counsel is seeking an Incentive Award from the Settlement Fund to the Plaintiff Cynthia Ford in the amount of \$5,000.00.

HOW TO GET A PAYMENT- SUBMITTING A CLAIM FORM

7. How Can I Obtain Payment from the Settlement?

Settlement Class members who wish to receive a portion of the Settlement Fund must fully complete and submit a Claim Form, along with any supporting documentation, by September 19, 2024.

You can obtain a Claim Form on the Internet at www.GarciniaClassAction.com

Read the instructions carefully, fully complete the form, and submit it online at www.GarciniaClassAction.com on or before September 19, 2024.

Alternatively, you may submit your Claim Form by mailing it to the following address:

Garcinia Class Action Litigation Settlement
c/o Classaura Class Action Administration
1718 Peachtree St #1080, Atlanta, Georgia

Claim Forms must be postmarked no later than September 19, 2024.

Settlement Class Members who have complied with the instructions, requirements, and deadline for submitting a Claim, and whose Claims have been reviewed and validated by the Settlement Administrator, will be paid from the Settlement Fund within thirty (30) days of the Effective Date of the Settlement.

**TO BE VALID, ALL CLAIM FORMS MUST BE POSTMARKED OR SUBMITTED
ONLINE BY NO LATER THAN SEPTEMBER 19, 2024.**

8. How Can I Obtain a Claim Form?

You can obtain a Claim Form in one of three ways:

- i. Online: You can download the Claim Form at www.GarciniaClassAction.com. You can also submit a Claim Form online through the same website.
- ii. By Phone: Call toll-free, (877) 223-1433 to arrange for a Claim Form to be sent to you by either U.S. mail or e-mail.
- iii. By U.S. Mail: You may write to Garcinia Class Action Litigation Settlement, c/o Classaura Class Action Administration, 1718 Peachtree St #1080, Atlanta, Georgia. Be sure to include your name and mailing address.

**YOUR RIGHTS AND CHOICES - EXCLUDING YOURSELF FROM THE PROPOSED
SETTLEMENT**

If you do not want to participate in the Settlement and not receive any of the benefits from the Settlement, and you want to preserve the right to sue Sports Research about the subject matter of this lawsuit, then you must take affirmative steps to exclude or opt out of the Settlement.

9. How Do I Exclude Myself From the Settlement?

To exclude yourself from the Settlement Class, you must either: (1) send a written request for exclusion that must be received no later than September 19, 2024, to: Garcinia Class Action Litigation Settlement, c/o Classaura Class Action Administration, 1718 Peachtree St #1080, Atlanta, Georgia, or (2) submit a Request for Exclusion online through the Settlement Website no later than September 19, 2024.

Your Request for Exclusion must contain: (1) the name of the lawsuit, "*Capaci v. Sports Research Corporation*, Case Number: 2:19-cv-03440-FMO-FFM"; (2) your full name, current address, and telephone number; (3) a clear statement of intention to exclude yourself such as "I wish to be excluded from the Settlement Class"; and (4) your signature. You may also get an Exclusion

Request Form at www.GarciniaClassAction.com. You cannot exclude yourself by telephone or by e-mail.

Your Request for Exclusion must be on behalf of yourself. You may not include multiple persons on a single Request for Exclusion.

If you ask to be excluded, you will not get any payment from the Settlement Fund, and you cannot object to the Settlement. You will not be legally bound by anything that happens in the Settlement or this lawsuit. You may be able to sue (or continue to sue) Sports Research in the future.

10. If I Don't Exclude Myself, Can I Sue Sports Research Later?

If you do not properly and/or timely submit a Request for Exclusion, you waive your right to opt out, you will be deemed to be a member of the Settlement Class, you give up the right to sue Sports Research for the claims the Settlement resolves, and you will be bound by the terms of the Settlement Agreement. If you have a pending lawsuit against Sports Research, other than this lawsuit, speak to your lawyer in that lawsuit immediately. You must exclude yourself from *this* Settlement Class to continue your own lawsuit. Remember, any Request for Exclusion must be signed, mailed, and postmarked or submitted online by no later than September 19, 2024.

11. If I Exclude Myself, Can I Get a Payment from the Settlement Fund?

No. If you exclude yourself, you are not eligible for any payment from the Settlement Fund.

YOUR RIGHTS AND CHOICES - OBJECTING TO THE PROPOSED SETTLEMENT

You can tell the Court that you object to the Settlement or any particular part of it.

12. How Do I Tell the Court That I Object to the Proposed Settlement?

If you are a member of the Settlement Class, you may object to the Settlement. In doing so, you must give reasons why you think the Court should not approve it, and the Court will consider your views.

To object, you must file a written objection with the Court. Your written objection should identify the following:

- (i) The case name and number of this lawsuit, *Capaci v. Sports Research Corporation*, Case No. 2:19-cv-03440-FMO-FFM;
- (ii) Your full, legal name, residential address, telephone number, and email address (and your lawyer's name, business address, telephone number and email address if you are objecting through counsel);

- (iii) a statement describing your membership in the Settlement Class, including a verification under oath as to the date of the Product(s) purchased, the name of the retailer from whom you purchased the Product(s), and all other information required by the Claim Form;
- (iv) a written statement of all grounds for the Objection, accompanied by any legal support for such Objection;
- (v) copies of any papers, briefs, or other documents upon which the Objection is based;
- (vi) a list of all persons who will be called to testify in support of the Objection;
- (vii) a statement of whether you intend to appear at the Final Approval Hearing, and if you are objecting through counsel, in which case you must also state the identity of all attorneys who will appear at the Final Approval Hearing on your behalf;
- (viii) a list of the exhibits you will offer during the Final Approval Hearing, along with copies of such exhibits; and
- (ix) your signature.

In addition, if applicable, you must include with your Objection (i) the identity of all counsel who represent you, including former or current counsel who may be entitled to compensation for any reason related to the Objection; and (ii) a detailed list of any other objections you or your counsel have submitted to any other class actions submitted in any court, whether state or federal, in the United States, in the previous five (5) years.

If you choose to object through a lawyer, you must pay for the lawyer yourself.

Your Objection must be sent either electronically, in person, or via U.S. mail to the Court, along with any supporting documents, so that it is received no later than September 19, 2024 by the Court at:

Clerk of Court
U.S. District Court
Central District of California
350 W 1st Street
Los Angeles, CA 90012

13. What's the Difference Between Objecting and Excluding?

Objecting is explaining to the Court why you do not believe it should approve the Settlement. You can object only if you stay in the Settlement Class by not excluding yourself from the Settlement.

Excluding yourself from the Settlement is telling the Court that you do not want to be part of the Settlement Class. If you exclude yourself, you will not be eligible to file an Objection or to appear at the Final Approval Hearing.

YOUR RIGHTS AND CHOICES - APPEARING IN THIS LAWSUIT

14. Can I Appear or Speak in the lawsuit About the Proposed Settlement?

As long as you do not exclude yourself, you can (*but do not have to*) participate and speak for yourself in the lawsuit about the proposed Settlement. This is called making an appearance. You can also have your own lawyer appear in court and speak for you, but you must pay for the lawyer yourself.

15. How Can I Appear in this lawsuit?

If you want yourself or your own lawyer (*instead of Class Counsel*) to participate or speak for you in this lawsuit, you must file a “Notice of Appearance” with the Court. The Notice of Appearance must contain the title of this lawsuit, a statement that you wish to appear at the Final Approval Hearing, and your signature or the signature of your lawyer.

Your Notice of Appearance can also state that you or your lawyer would like to speak at the Court’s Final Approval Hearing on the proposed Settlement. If you submit an Objection (*see Question 12 above*) and would like to speak about the Objection at the Court’s Final Approval Hearing, both your Notice of Appearance and your Objection should include that information.

Your Notice of Appearance must be signed, mailed, and postmarked by October 10, 2024, to the Court at:

Clerk of Court
U.S. District Court
Central District of California
350 W 1st Street
Los Angeles, CA 90012

IF YOU DO NOTHING

16. What Happens If I Do Nothing At All?

If you do nothing, you will get no payment from the Settlement Fund. But unless you timely excluded yourself, you also will be bound by the Settlement Agreement and will not be able to start a new lawsuit, continue with a lawsuit, or be part of any other lawsuit against Sports Research about the subject matter of this lawsuit ever again.

THE LAWYERS REPRESENTING YOU

17. Do I Have a Lawyer in this Case?

The Court has appointed the Law Offices of Ronald A. Marron as legal counsel for the Settlement Class or “Class Counsel.” You will not be charged for these lawyers.

18. How Will The Lawyers Be Paid?

Class Counsel has not yet received any payment for prosecuting this lawsuit, nor have they been reimbursed for any out-of-pocket expenses they have incurred. When they ask the Court to approve the Settlement, Class Counsel will also make a motion to the Court to approve and award attorneys' fees and a reimbursement of expenses to Class Counsel from the \$1,600,000.00 Settlement Fund. No matter what the Court decides with regard to the requested attorneys' fees and reimbursement of expenses, members of the Settlement Class will never have to pay anything toward the fees or expenses of Class Counsel. Class Counsel will seek final approval of the Settlement on behalf of all members of the Settlement Class. You may hire your own lawyer to represent you in this lawsuit if you wish, but it will be at your own expense.

THE COURT'S FINAL APPROVAL HEARING

The Court will hold a hearing to decide whether to approve the Settlement. Unless you have excluded yourself from the Class, you may have the right to attend or speak at the hearing, but do not have to do so.

19. When and Where Will the Court Decide Whether to Approve the Settlement?

The Court overseeing this case will hold a Final Approval Hearing at the Federal Courthouse located at the U.S. District Court for the Central District of California, 350 W. 1st Street, Los Angeles, CA 90012 on November 7, 2024 to decide whether the Settlement is fair, reasonable, and adequate, as well as to determine the amount of attorneys' fees and costs and incentive fees to award. If there are objections, the Court will consider them at the Final Approval Hearing. After the Final Approval Hearing, the Court will decide whether to approve the Settlement and whether to grant Class Counsel's request for attorneys' fees and expenses. We do not know how long it will take the Court to make these decisions.

20. Do I Have to Come to the Final Approval Hearing?

You are not required to attend the Final Approval Hearing, but you are welcome to attend at your own expense. If you send an Objection, you do not have to appear in Court to present it. As long as you mailed your written Objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

FINAL SETTLEMENT APPROVAL

21. What Is The Effect of Final Settlement Approval?

If the Court grants final approval of the Settlement and any and all appeals have been exhausted, the Released Parties (as defined in the Settlement Agreement), including Sports Research, will be released of and from any and all claims asserted or which could have been asserted in this lawsuit involving allegations of false and misleading statements or misrepresentations concerning the Product, including, without limitation, arising from, under or relating to any law or jurisdiction including, state, federal or local law or otherwise.

If the Court does not approve the Settlement, this lawsuit will proceed as if no settlement had been attempted.

If the Settlement is not approved and litigation resumes, there is no guarantee of payment to the Settlement Class.

GETTING MORE INFORMATION

22. Are There More Details About the Settlement?

This Notice is only intended to provide a summary of the proposed Settlement. You may obtain the complete text of the Settlement Agreement at www.GarciniaClassAction.com; by writing to the Settlement Administrator (at the address listed above); or, from the court file, which is available for your inspection during regular business hours at the Office of the Clerk of the United States District Court for the Central District of California, 350 W. 1st Street, Los Angeles, CA 90012, under the Civil Action Number 2:19-cv-03440-FMO-FFM.

By visiting the website located at www.GarciniaClassAction.com, you will find the Plaintiff's operative Complaint, a Claim Form, and a Request for Exclusion Form.

You may also contact the Settlement Administrator by email at: contact@garciniaclassaction.com or by writing to Garcinia Class Action Litigation Settlement, c/o Classaura Class Action Administration, 1718 Peachtree St #1080, Atlanta, Georgia.

PLEASE DO NOT CALL OR DIRECT ANY INQUIRIES TO THE COURT.

This Notice is given with the approval and at the direction of the Court.