

FILARDI V. MID-AMERICA PET FOOD, LLC
CASE NO. 23-cv-11170-NSR
UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

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

You are receiving this notice because you requested it or because records indicate that you may have bought pet food products that Mid America Pet Food, LLC (“Defendant”) marketed and sold that may have been contaminated with *Salmonella* which can cause serious illness or death to pets (“Mid America Pet Food Products”).

You may be eligible to receive certain monetary benefits from a class action settlement. Settlement Class Members can recover money by submitting valid Pet Injury Claims and/or Consumer Food Purchase Claims. Fully Documented Pet Injury Claims are to be paid at 100% of approved documented losses.¹ Pet Injury Claims Documented Solely By Declaration are to be paid at \$50 for pets that became ill but did not die and \$100 for pets that died. In addition, Settlement Class Members who submit valid Consumer Food Purchase Claims shall have their claims valued and paid as follows:

- a. Documented Claims: 100% of approved submitted losses (i.e., the purchase price paid for Mid America Pet Food Products) if losses are supported by documentation (e.g., receipts; invoices; shipping order forms; confirmation emails; proof of payment; etc.).
- b. Undocumented Claims: \$20 for each bag of Mid America Pet Food Products purchased, up to two (2) bags. Each Undocumented Claim is capped at \$40.

All Documented and Undocumented Claims are subject to pro rata decrease as set forth in more detail in the Plan of Allocation located in the Settlement Agreement and on the settlement website www.MidAmericaPetfoodSettlement.com

You MUST submit a Claim Form (enclosed) to receive a benefit under this settlement. Claim Forms may be submitted via U.S. Mail or online through the Settlement Website, www.MidAmericaPetfoodSettlement.com.

Your legal rights are affected whether you act or don't act. Read this notice carefully.

| YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT | |
|--|---|
| SUBMIT A CLAIM FORM | The only way for you to get reimbursement for Pet Injury Claims and/or Food Purchase Claims is to timely submit a valid Claim Form. If you <u>timely</u> submit a valid Claim Form along with the required documentation, you can obtain reimbursement of eligible expenses and losses. |

¹ Each Valid Claim Form submitted by a Settlement Class Member that seeks compensation for Pet Injury Claims is capped at \$100,000.

| | |
|---------------------------|--|
| ASK TO BE EXCLUDED | Receive no reimbursement. Get out of this lawsuit but keep your individual right to sue. If you ask to be excluded, you will not be eligible for benefits from this settlement, but you will maintain your right to pursue an individual claim against Defendant about the claims in this lawsuit. |
| OBJECT | Comment in writing about why you like or don't like the proposed settlement. You may comment in writing about why you like or dislike the proposed settlement by sending a letter to the Settlement Administrator. In order to comment or object to the proposed settlement, you must remain a member of the Settlement Class (<i>i.e.</i> , you cannot ask to be excluded). |
| DO NOTHING | Receive no reimbursement. Give up your rights to sue. By doing nothing, you will not be eligible for reimbursement for Pet Injury Claims and/or Consumer Food Purchase Claims. You will also give up any rights to sue Defendant on an individual basis separately about the claims in this lawsuit. |

These rights and options—and the deadlines to exercise them—are explained in this Notice.

- The Court in charge of this case still has to decide whether to approve the proposed settlement. Claim Forms will be processed and approved, and benefits and payments will be issued after the proposed settlement has been approved by the Court and becomes in all respects Final.

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BASIC INFORMATION

1. What is the purpose of this Notice?

You are receiving this notice because you requested the notice or because you have been identified as a possible Settlement Class Member in a proposed settlement of a federal class action lawsuit pending in the United States District Court for the Southern District of New York (*Filardi v. Mid-America Pet Food, LLC*, Case No. 23-cv-11170-NSR (the “Litigation”)). You are a Settlement Class Member if you are a person or entity residing in the United States who purchased one or more of the Mid America Pet Food Products.²

As a possible member of the proposed Settlement Class, you have a right to know about the Litigation and proposed settlement. The judge who is overseeing the case authorized this Notice which explains the Litigation, the proposed settlement, your legal rights, what benefits are available, who is eligible for them, and how to obtain them. You have various options that you may exercise before the Court decides whether to approve the proposed settlement. If the Court approves the proposed settlement and the settlement becomes final in all respects, then the Settlement Fund will provide certain benefits to the Settlement Class Members who filed a valid claim form for Pet Injury Claims and/or Consumer Food Purchase Claims.

2. What is this lawsuit about?

Plaintiffs allege that Defendant marketed and sold pet food products contaminated with dangerous levels of *Salmonella*, which can cause serious injury and death. Defendant denies that Plaintiffs’ claims are meritorious and denies that it is liable to Plaintiffs or any member of the Settlement Class for any of the matters asserted in the Action.

You can read all of Plaintiffs’ allegations in the Consolidated Amended Complaint, available at www.MidAmericaPetfoodSettlement.com

3. What is a class action lawsuit and who is involved?

In a class action lawsuit, one or more persons, called “Named Plaintiffs” sue on behalf of other people who are alleged to have similar claims (“Proposed Class”). The Named Plaintiffs and the Proposed Class are collectively called the “Plaintiffs,” and their attorneys are referred to as “Class Counsel.” The company that has been sued (Mid America Pet Food, LLC) is called the “Defendant.” In a class action lawsuit, all factual questions and legal issues are resolved for all Plaintiffs, except for those people who choose to exclude themselves from the Class. Judge

²“Mid America Pet Food Products” means the pet foods listed in Exhibit D to the Settlement Agreement sold to consumers in the United States that were included in Defendant’s recalls announced on September 3, 2023, October 30, 2023, and November 9, 2023. The definition of Mid America Pet Food Products specifically excludes other food products produced by Mid America Pet Food that are not specifically listed in Exhibit D, including food products with a “Best By” date after October 31, 2024. [Click Here](#) to view the list of Mid America Pet Food Products covered by this Settlement.

Nelson S. Román is presiding over this class action.

4. Why is there a proposed settlement?

The Court has not decided in favor of Plaintiffs or Defendant. Instead, both sides agreed to a proposed settlement on behalf of everyone in the proposed Settlement Class. By agreeing to a proposed settlement, all parties avoid the cost of a trial, and Settlement Class Members are eligible to receive certain agreed-upon benefits which will be provided if the proposed settlement is approved and becomes Final. The Class Representatives and Class Counsel believe the proposed settlement is in the best interests of Settlement Class Members.

WHO IS IN THE SETTLEMENT?

5. Am I part of this Settlement Class?

The Court preliminarily approved the following class for settlement purposes only:

“All persons and entities residing in the United States who purchased one or more of the Mid America Pet Food Products.”

For a complete list of the Mid America Pet Food Products covered by this Settlement, [click here](#). Excluded from the class are: persons or entities whose claims are solely based upon the purchase of Mid America Pet Food Products for resale; corporate officers, members of the board of directors, and senior management of Defendant; persons or entities who otherwise meet the definition of Settlement Class Members, but who previously contacted Defendant prior to and during the pendency of this Litigation and signed a release in exchange for financial compensation from Defendant; any and all judges and justices assigned to hear or adjudicate any aspect of this Litigation; any members of the Settlement Class that opt out prior to the opt out deadline; any entity in which Defendant has a controlling interest, and their legal representatives, officers, directors, assigns and successors; and Class Counsel.

6. I’m still not sure if I am included.

If you are still not sure whether you are included, you can get free help at www.MidAmericaPetfoodSettlement.com, by calling **1-888-559-4088**, or by writing to Class Counsel at the address listed in response to Question 26, below.

7. What Pet Food Products are covered by this Settlement.

For a complete list of the Pet Food Products covered by this Settlement, [click here](#)

SETTLEMENT BENEFITS – WHAT YOU GET

8. What benefits are available and for whom?

As part of this settlement, Defendant has agreed to create a \$5,500,000 Settlement Fund, which is to be used to pay benefits to Settlement Class Members, class notice and settlement administration costs, attorneys' fees and expense reimbursements, and service awards to the Class Representatives.

Questions? Visit www.MidAmericaPetfoodSettlement.com or call toll free 1-888-559-4088

Settlement Class Members who submit valid claims are eligible to receive payments from the Settlement Fund calculated pursuant to the Plan of Allocation ([click here](#) to review the Plan of Allocation) for the following Benefits:

1. Pet Injury Claims - Settlement Class Members who submit valid Pet Injury Claims shall have their claims valued and paid as follows:
 - a. Documented Pet Injury Claims – Paid at 100% of approved documented losses. Documentation includes invoices, receipts, cancelled checks, veterinarian records, business records, pet purchase records, and other similar evidence of actual out of pocket expenses or losses or anticipated future expenses (e.g., medications or special foods necessary because of the exposure to recalled pet foods). Pet Injury Claims supported solely by a declaration will not qualify. Each Valid Claim Form submitted by a Settlement Class Member that seeks compensation for Pet Injury Claims is capped at \$100,000.
 - b. Undocumented Pet Injury Claims Supported Solely By Declaration - Paid at \$50 for pets that became ill but did not die and \$100 for pets that died. Pet Injury Claims supported solely by declaration(s) and which are not credible as determined by the Settlement Administrator will be rejected. An example Declaration is available on the settlement website under the “Important Documents” link.
 - c. Breeder Claims - Each Valid Claim Form submitted by a Settlement Class Member who is or was a breeder that seeks compensation for Pet Injury Claims related to the breeding business and/or operation and is properly supported by documentation (proper documentation must be more than solely a declaration) is subject to the \$100,000 cap described above in subpart (a).
 - d. \$1,500,000 from the Net Settlement Fund will be used to pay valid Documented Pet Injury Claims and valid Documented Consumer Pet Food Claims. If funds from this \$1,500,000 amount remain after all valid Documented Pet Injury Claims and valid Documented Consumer Pet Food Claims are paid at 100%, then those remaining funds will be used to pay undocumented claims.
2. Consumer Food Purchase Claims – Settlement Class Members who submit valid Consumer Food Purchase Claims shall have their claims valued and paid as follows:
 - a. Documented Food Purchase Claims: 100% of approved submitted losses if losses are supported by documentation (e.g., receipts; invoices; shipping order forms; confirmation emails; proof of payment; etc.)
 - b. Undocumented Food Purchase Claims: \$20 for each bag of Mid America Pet Food Products purchased, up to two (2) bags. Each Undocumented Claim is capped at \$40.
3. What Happens If All Valid Claims Are Fully Funded and Money Remains in the Net Settlement Fund
 - a. If there are adequate funds available in the Net Settlement Fund (defined as the Settlement Fund minus payments for class notice, settlement administration, attorneys' fees and expense reimbursements, and service awards to the Class Representatives) after the valuation of all valid claims at their full value, then each valid claim will be

increased proportionally (e.g., claim value / total value of all approved claims = proportional increase).

4. What Happens If There is Not Enough Money in the Net Settlement Fund to Fully Fund All Valid Claims

a. If the value of the Net Settlement Fund is not adequate to fully fund the initial valuation of all valid claims at their full value, then each valid claim (Pet Injury Claims and Consumer Food Purchase Claims) will be decreased on a pro-rata basis pursuant to the Plan of Allocation in the Settlement Agreement.

9. How do I get reimbursed?

To receive reimbursement, you must do 4 things:

- (1)** Complete the Claim Form by providing all requested information;
- (2)** Enclose a copy of all required documentation/ proof of expense for each eligible reimbursement;
- (3)** Sign and date your Claim Form; and
- (4)** Mail the Claim Form to the Settlement Administrator or submit your claim electronically at www.MidAmericaPetfoodSettlement.com by the claim deadline.

Your Claim Form(s) must be postmarked or submitted electronically by February 5, 2026.

The Claim Form is enclosed with this Notice, and you can obtain additional copies to print at www.MidAmericaPetfoodSettlement.com.

10. What if I don't submit my Claim Form by the deadline?

If you fail to submit the Claim Form by the required deadline (**February 5, 2026**), your Claim will be denied as untimely. Submitting a Claim Form late will be the same as doing nothing (*see* Question 24).

11. When do I get reimbursed or paid for damages?

The Court will hold a hearing (the “Final Approval Hearing”) by Webex Teleconference on **February 6, 2026, at 10:00AM**, to decide whether the settlement is fair, reasonable, and adequate. More information about Webex Teleconference can be found in the Preliminary Approval Order available at www.MidAmericaPetfoodSettlement.com. The Net Settlement Fund will be allocated to members of the Class pursuant to the Plan of Allocation as soon as possible after the Court grants final approval of the Settlement (and the exhaustion of any appeals). Any appeal of the final approval may delay distribution. Please be patient. Information about the progress of the case will be available on the settlement website: www.MidAmericaPetfoodSettlement.com.

If the Settlement Administrator determines your claim should not be paid or should be paid only in part, you will be mailed a letter telling you the amount you are to receive, if any, and explaining how you can appeal the decision, if you wish to do so.

12. What am I giving up in order to receive the benefits of the settlement?

Unless you exclude yourself, you will remain a member of the Settlement Class. That means that you will not be able to sue, continue to sue, or be a part of any other lawsuit against Defendant about the legal issues in this Litigation (the “Released Claims”). It also means that all of the Court’s orders in this Litigation will apply to you and legally bind you.

“Released Claims” means any and all claims, actions, demands, rights, obligations, liabilities, damages, attorneys’ fees, costs, and expenses, whether known or unknown (including Unknown Claims) to the fullest extent permitted by law against Defendant and Mid America Released Parties for economic losses and physical injuries to pets relating to in any way Defendant’s recalls of Mid America Pet Food Products due to the presence of *Salmonella*, that were alleged or could have been alleged in any of the complaints filed in *Filardi, et al. v. Mid-America Pet Food, LLC*, Case No. 23-cv-1170 or in the Texas Actions, or otherwise arise out of, relate to, are based on, or have any connection to the allegations, acts, omissions, representations, misrepresentations, facts, events, transactions, or occurrences asserted in the Action or the Texas Actions. This Release also includes claims that would be barred by res judicata based on the Court’s entry of the Final Approval Order. This Release includes equitable, injunctive, and monetary claims.

EXCLUDING YOURSELF FROM THE SETTLEMENT

13. How do I get out of this settlement?

If you want to keep the right to sue Defendant, on your own as an individual, about the legal issues in this Litigation, then you must take steps to exclude yourself from the Settlement Class and the settlement. This is sometimes referred to as “opting out.” To exclude yourself from the settlement, you must:

1. Submit the Exclusion Request in writing to the Settlement Administrator by January 6, 2026. Requests for exclusion should be mailed to:

Settlement Administrator
Angeion Group
Attn: Exclusions
P.O. Box 58220
Philadelphia, PA 19102

Any Exclusion Request shall (i) state the person or entity’s full name and current address, (ii) specifically and clearly state his/her/its desire to be excluded from the Settlement and from the Settlement Class for *Filardi v. Mid-America Pet Food, LLC*, Case No. 23-cv-11170-NSR; and (iii) provide sufficient proof that they are a Settlement Class Member.

14. If I don’t exclude myself, can I sue Defendant later?

No. If you do not timely submit a valid Exclusion Request, you will remain a part of the Settlement Class and you will not be able to sue Defendant for the legal claims that are released as part of the Settlement.

15. If I exclude myself, can I get money from this Settlement?

No. If you submit a valid Exclusion Request, you will not receive benefits of the settlement, and

Questions? Visit www.MidAmericaPetfoodSettlement.com or call toll free 1-888-559-4088

you cannot object to the proposed settlement. If you exclude yourself, you should not submit a Claim Form seeking reimbursement or damages. You cannot both exclude yourself and seek any benefits of the settlement. If you want to receive benefits under the proposed settlement, you cannot exclude yourself from the proposed settlement.

THE LAWYERS REPRESENTING YOU

16. Do I have a lawyer in this case?

The following law firms are qualified to represent you and all Settlement Class Members for purposes of this proposed settlement:

- (1) Jeffrey S. Goldenberg of Goldenberg Schneider, L.P.A.
- (2) Charles Schaffer of Levin Sedran & Berman, LLP
- (3) Carlos Ramirez of Reese LLP
- (4) Jason Sultzner of Sultzner & Lipari, PLLC

Together these law firms are called “Lead Class Counsel.” More information about these law firms, their practices, and their lawyers’ experience is available at www.gs-legal.com; www.lfsblaw.com; www.sultznerlipari.com; and www.reesellp.com.

17. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf. However, if you want to hire your own lawyer, you may do so at your own expense.

18. How will the lawyers be paid?

Class Counsel has not received any fees or reimbursement for any of their expenses associated with this case. As part of the proposed settlement, Class Counsel will seek reasonable attorneys’ fees not to exceed a total of \$1,833,150. In addition, Class Counsel will seek reasonable litigation expenses not to exceed \$35,000. Class Counsel will file an application with the Court requesting that the Court award Class Counsel Fees and Expenses. Class Counsel’s fee application will be posted on the settlement website no later than December 16, 2025.

Class Counsel’s application will also ask the Court to approve Service Awards for each Named Plaintiff listed in the Consolidated Amended Complaint to compensate them for their time and effort litigating this case on behalf of the Settlement Class.

Once filed, Class Counsel’s application for fees and expenses and the Named Plaintiffs’ Service Awards will be available on the Settlement Website, www.MidAmericaPetfoodSettlement.com

OBJECTING TO THE SETTLEMENT

19. How do I tell the Court that I like or do not like the proposed settlement?

You can tell the Court that you do or do not agree with the proposed settlement or some part of it.

If you remain a Settlement Class Member (that is, if you do not exclude yourself (opt-out) from

the settlement), then you can tell the Court that you like the proposed settlement and it should be approved, or you can object to all or part of the proposed settlement. The Court will consider all comments from Settlement Class Members.

To object to or comment about the settlement, a Settlement Class Member must mail a letter that is postmarked no later than **January 6, 2026**, and the comment or objection must contain the following:

- a. The name and case number of this lawsuit, *Filardi v. Mid-America Pet Food LLC*, Case No. 23-cv-11170-NSR;
- b. The Settlement Class Member's full name, mailing address, and email address or telephone number;
- c. If objecting, the Settlement Class Member must state whether the objection applies only to the objector, or to a specific subset of the Settlement Class, or to the entire Settlement Class;
- d. All reasons for the objection or comment and sufficient proof establishing that they are a Settlement Class Member;
- e. A statement identifying the number of class action settlements the Settlement Class Member or their attorney has objected to or commented on in the last five years;
- f. Whether the Settlement Class Member intends to personally appear at the Final Approval Hearing;
- g. The name and contact information of any and all attorneys representing, advising, or assisting the Settlement Class Member, including any counsel who may be entitled to compensation for any reason related to the objection or comment;
- h. Whether any attorney will appear on the Settlement Class Member's behalf at the Final Approval Hearing, and if so the identity of that attorney; and
- i. The Settlement Class Member's signature.

Any lawyer representing or assisting an objecting Settlement Class Member must:

- (a) file a notice of appearance with the Court by the date set forth in the Preliminary Approval Order;
- (b) file a sworn declaration attesting to representation of each Settlement Class Member on whose behalf the lawyer has acted or will be acting; and
- (c) comply (and ensure their client's compliance) with each of the above requirements.

No Settlement Class Member will be entitled to be heard at the Final Approval Hearing (whether individually or through separate counsel), unless their timely objection or comment states their intention to appear at the Final Approval Hearing.

You must mail your comment or objection to the Court, Settlement Administrator, Class Counsel and Defendant's Counsel at the following addresses, postmarked no later than **January 6, 2026**.

Clerk of Court:

The Hon. Charles L. Brieant Jr. Federal Building and U.S. Courthouse
300 Quarropas Street
White Plains, NY 10601-4150

Settlement Administrator:

Angeion Group
P.O. Box 58220
Philadelphia, PA 19102

Defendant's Counsel:

Katherine G. McKenney
Goodwin Procter LLP
100 Northern Avenue
Boston, MA 02210

Class Counsel:

Jeffrey S. Goldenberg
Goldenberg Schneider, LPA
4445 Lake Forest Drive, Suite 490
Cincinnati, OH 45242

20 What is the difference between objecting and excluding?

Objecting is simply telling the Court that you do not like something about the proposed settlement. You can object only if you stay in the Settlement Class as a Settlement Class Member. Excluding yourself is telling the Court that you do not want to be part of the Settlement Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

FINAL APPROVAL HEARING

21. When and where will the Court decide to approve the settlement?

The Court will hold a hearing to decide whether to grant final approval of the settlement. You may attend and you may ask to speak, but you do not have to attend or speak. The Court will hold a hearing (the “Final Approval Hearing”) by Webex Teleconference on **February 6, 2026, at 10:00 AM** to decide whether the settlement is fair, reasonable, and adequate. More information about Webex Teleconference can be found in the Preliminary Approval Order available at www.MidAmericaPetfoodSettlement.com. If there are objections, the Court will consider them. The Court may listen to people who have asked to speak at the hearing. The Court might also decide how much Class Counsel should be paid for representing the Class and whether Service Awards should be paid to Named Plaintiffs for their time and effort in representing the Settlement Class. After the hearing, the Court will decide whether to approve the settlement. We do not know how long it will take for the Court to make its decision.

22. Do I have to attend the Final Approval Hearing?

No, but you are welcome to attend at your own expense if you do not exclude yourself from the settlement. Class Counsel will answer questions that the Court might have. If you send a comment or objection, you do not have to attend the Final Approval Hearing to talk about it. As long as you sent your comment or objection such that it was timely, the Court will consider it. If you decide to hire your own attorney, they may also attend the Final Approval Hearing, but it is not necessary.

23. May I speak at the Final Approval Hearing?

If you do not exclude yourself, you may ask the Court's permission to speak at the Final Approval Hearing concerning the proposed settlement or Class Counsel's request for attorneys' fees and expenses or the Service Awards for the Named Plaintiffs. To do so, you must send a letter to the Court and provide a copy to Class Counsel and Defendant's Counsel indicating that you intend to appear at the Final Approval Hearing in *Filardi v. Mid-America Pet Food, LLC*, Case No. 23-cv-11170-NSR. You must send your notice to the Clerk of the Court, Class Counsel, and Defendant's Counsel at the three addresses listed under Question 19 above, postmarked no later than **January 6, 2026**. You may combine this notice and your comment or objection (described under Question 20) in a single letter. You cannot speak at the Final Approval Hearing if you exclude yourself from the proposed settlement.

IF YOU DO NOTHING

24. What happens if I do nothing at all?

If you do nothing, you will remain a member of the Settlement Class, but you will not receive reimbursement for eligible out-of-pocket expenses or damages. Furthermore, you will not be permitted to appear and speak at the Final Approval Hearing.

ADDITIONAL INFORMATION

25. Are there more details available?

You can obtain more information by visiting the Settlement Website, www.MidAmericaPetfoodSettlement.com, which contains important dates and deadlines, frequently asked questions, important pleadings, claim forms, class notices, and a mechanism for Class Members to file their claims electronically. You can also call the Settlement Administrator toll free at 1-888-559-4088.

You may also call or write Class Counsel at:

GOLDENBERG SCHNEIDER, LPA
Jeffrey S. Goldenberg
4445 Lake Forest Drive, Suite 490
Cincinnati, Ohio 45242
Telephone: (513) 345-8291
Regarding: Mid America Pet Food Settlement

Inquiries should **NOT** be directed to Defendant, Defendant's Counsel, the Court, or the Clerk of the Court.