Goodwin v. Whole Foods Market, Inc., et al., Case No. 21STCV40456
Superior Court of California, County of Los Angeles

NOTICE OF CLASS ACTION SETTLEMENT

If you purchased a 12 oz Cannister of "365 Organic Hot Cocoa Rich Chocolate Flavor Mix" or "365 Everyday Value Organic Hot Cocoa Rich Chocolate Flavor Mix" from Whole Foods Market in California between November 3, 2017 and March 13, 2025, a Settlement in this case may affect your rights and may entitle you to a cash payment.

A court has authorized this notice. This is not a solicitation from a lawyer.

- Mrs. Gooch's Natural Food Markets, Inc. ("Mrs. Gooch's") and Whole Foods Market California, Inc. ("WFM California" and together, with Mrs. Gooch's, "Whole Foods Market") have agreed to a settlement ("Settlement") involving the 12 oz cannister of 365 Organic Hot Cocoa Rich Chocolate Flavor Mix and the 12 oz cannister of 365 Everyday Value Organic Hot Cocoa Rich Chocolate Flavor Mix (together the "Product") sold (but not manufactured) by Whole Foods Market purchased in the State of California between November 3, 2017 and March 13, 2025 ("Class Period").
- The Settlement provides an opportunity to receive a cash payment to resolve claims of alleged negligent misrepresentation and violations of California laws, including California's Consumer Legal Remedies Act ("CLRA"), Unfair Competition Law ("UCL"), and False Advertising Law ("FAL"), by Whole Foods Market relating to the fill level of the Product's cannister. Whole Foods Market denies these allegations, denies any wrongdoing, and denies that it violated the laws of California or any other state or federal law.
- Your legal rights are affected whether you act or do not act. ***Read this notice carefully***.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT A CLAIM FORM BY OCTOBER 14, 2025	You must submit a Claim Form to get a cash payment, unless you received an email notice informing you that the Claims Administrator already has your name and address information. You ***will*** be bound by the terms of the Settlement even if you do not submit a Claim Form. Submitting a Claim Form is the only way to receive a cash payment if you did not receive an email notice from the Claims Administrator. Claim Forms must be postmarked or submitted through the online portal of the Settlement Website by October 14, 2025.
UPDATE INFORMATION / SELECT PAYMENT METHOD BY DECEMBER 3, 2025	If you received an email notice but need to update your name or mailing address information, or you want to elect to receive a settlement payment electronically rather than a paper check, you must update your information or make the payment method selection through the online portal of the Settlement Website or by contacting the Claims Administrator by mail or phone by December 3, 2025.
EXCLUDE YOURSELF BY OCTOBER 14, 2025	You may choose to exclude yourself from the Settlement by submitting a Request for Exclusion. If you choose to exclude yourself, then you ***will not*** receive a cash payment and ***will not*** be bound by the terms of the Settlement. This is the only option that allows you to keep your right to sue Whole Foods Market about the legal claims resolved by this Settlement. Requests for Exclusion must be postmarked by October 14, 2025. A sample Request for Exclusion form can be found on the Settlement Website under "Important Documents."

OBJECT TO THE SETTLEMENT BY OCTOBER 14, 2025	If you do not exclude yourself from the Settlement, you may object to it by writing to the Court about why you do not like the Settlement. If you object to the Settlement, you remain part of the Settlement Class. Your written objection should be submitted to the Claims Administrator and must be postmarked by October 14, 2025.
GO TO A HEARING ON DECEMBER 3, 2025	If you object, you or your attorney may speak in court to the judge about the Settlement at the Final Approval Hearing on December 3, 2025, at 10:30 a.m. PT.
DO NOTHING	You will not receive a cash payment under the Settlement unless you submit a Claim Form or you received direct notice informing you that the Claims Administrator already has your name and address information. If you do nothing, you will remain a Settlement Class Member and bound by all terms of the Settlement. You will give up your right to be part of any other lawsuit against Whole Foods Market or any other Released Parties about the legal claims released by the Settlement.

The Court in charge of this case must still decide whether to grant final approval of the Settlement. Payments will be issued if the Court grants final approval and after appeals, if any, are resolved. Please do not telephone the Court or the Court clerk's office to inquire about this Settlement or the process to submit a claim form. Please be patient.

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BASIC INFORMATION

1. Why did I get a notice?

A Court has authorized this notice because you have a right to know about the proposed Settlement and your options before the Court decides whether to "finally approve" the 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. If you purchased one or more 12 oz cannister of 365 Organic Hot Cocoa Rich Chocolate Flavor Mix or 12 oz cannister of 365 Everyday Value Organic Hot Cocoa Rich Chocolate Flavor Mix (together the "Product") by Whole Foods Market, from a Whole Foods Market store located within the State of California or, if you purchased the Product remotely (such as online), while present in the State of California, at any time from November 3, 2017 to March 13, 2025 ("Class Period"), you qualify as a Class Member under the Settlement. If you received this notice via email or mail, it is because records made available to the Claims Administrator indicate that you may have purchased the Product in the State of California during the Class Period.

The product name "365 Everyday Value Organic Hot Cocoa Rich Chocolate Flavor Mix" was used prior to approximately 2020. As of approximately 2020, the product went by the name "365 Organic Hot Cocoa Rich Chocolate Flavor Mix."

The Honorable Carolyn B. Kuhl (the "Judge") of the Superior Court of California, County of Los Angeles, is overseeing this class-action lawsuit, known as *Goodwin v. Whole Foods Market, Inc., et al.*, Case No. 21STCV40456 (the "Lawsuit"). Jennifer Goodwin, the "Plaintiff," is the person who has made the allegations against Mrs. Gooch's Natural Food Markets, Inc. ("Mrs. Gooch's") and Whole Foods Market California, Inc. ("WFM California" and together with Mrs. Gooch's, "Whole Foods Market").

2. What is this Lawsuit about?

Plaintiff alleges that Whole Foods Market mislabeled the Product by selling the cocoa mix in large and opaque cannisters that contained non-functional empty space and that California consumers, in reliance on the size of the cannister, believed they were purchasing more cocoa powder than they got for the price they paid. This is sometimes referred to as a slack-fill claim. Specifically, Plaintiff alleges that Whole Foods Market negligently misrepresented the Product and violated California law, including the Consumer Legal Remedies Act, Unfair Competition Law and False Advertising Law, by selling the Product in California with alleged non-functional slack-fill. Mrs. Gooch's and WFM California deny Plaintiff's allegations, deny they misrepresented the Product or violated California law or any other state or federal law and contend that they did nothing wrong.

3. Why is this a class action?

In a class action, one or more people, called "class representatives" assert claims on behalf of people who have similar claims. All of these people are the "Class" or "Class Members." One court resolves the issues for all Class Members or Settlement Class Members, except for those who exclude themselves from (or "opt out" of) the Settlement. The Class Representative in this Lawsuit is the Plaintiff identified above. The Class Representative and her attorneys believe that the Settlement is best for all Settlement Class Members.

4. Why is there a Settlement?

The Court did not decide in favor of Plaintiff or Whole Foods Market. Instead, the Parties have agreed to this Settlement to avoid further expense, inconvenience, distraction and uncertainties of burdensome and protracted litigation. The Court has not found that Mrs. Gooch's or WFM California broke any laws or did anything wrong, and the Judge did not decide which side is right. The Class Representative and her attorneys believe the Settlement is fair and reasonable for the Settlement Class.

WHO IS INCLUDED IN THE SETTLEMENT

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

The Court has preliminarily certified a class action for settlement purposes only. You are a Settlement Class Member and eligible to submit a Claim Form if you fit the following description:

> All persons who purchased one or more 12 oz cannister of 365 Organic Hot Cocoa Rich Chocolate Flavor Mix or 365 Everyday Value Organic Hot Cocoa Rich Chocolate Flavor Mix from a Whole Foods Market store located within California or, if purchased remotely (such as online), while present in California during the Class Period of November 3, 2017 to March 13, 2025.
>
> Excluded from the Settlement Class are: Mrs. Gooch's and WFM California, as well as their affiliates, employees, officers, and directors, insurers, and the attorneys representing them in the Action; the judges and mediator to whom the Action is assigned; all persons who validly request exclusion from (opt-out of) the Settlement; and all persons who previously released any claims encompassed in this Settlement.

THE SETTLEMENT BENEFITS—WHAT YOU GET

6. What does the Settlement provide?

First, Mrs. Gooch's and WFM California, together, have agreed to pay a total of $100,000 to Settlement Class Members, who submit a timely and valid Claim Form, to be distributed on a prorated basis. This prorated payment constitutes each Class Member's Individual Settlement Award. If you do not submit a timely and valid Claim Form, then you will remain a Class Member and bound by the Settlement terms but will **not** share in the prorated payments, unless you received email notice informing you that the Claims Administrator already has your name and address information.

Second, Mrs. Gooch's and WFM California, together, have agreed to pay up to $550,000 for attorneys' fees, litigation costs, any service award, and class notice and settlement administration expenses. The maximum amount of money that Mrs. Gooch's and WFM California will ever pay under the Settlement to resolve the claims in the Action is $650,000.

Third, Mrs. Gooch's and WFM California have agreed to make packaging and labeling changes to the Product by adding a fill line to the Product's label for the purpose of visually indicating the approximate amount of the contents within the Product's container for units sold within the State of California.

7. What can I get from the Settlement?

If the Court grants final approval of the Settlement and the Settlement becomes effective, only Settlement Class Members who purchased the Product in the State of California during the Class Period may submit a Claim Form to receive a cash payment representing a prorated share of $100,000 – their Individual Settlement Award. Only one Claim Form may be submitted by each Settlement Class Member, regardless of how many units of the Product he or she purchased.

Settlement Class Counsel estimates there are 156,662 people in the Settlement Class. Settlement Class Counsel further estimates that the prorated settlement check amount will be approximately $2.90. This is only an estimate. The exact amount Settlement Class Members will receive depends on how many Valid Claims are received by the Claims Administrator. During the Class Period, the retail price of the Product ranged from approximately $3.49 to $5.49.

Any unpaid amount such as from unclaimed settlement checks will be distributed in further distributions to Settlement Class Members who received electronic payment or cashed their settlement checks if a further

distribution would be administratively feasible (e.g., at least $1 per qualifying claimant). Any unpaid residue or unclaimed or abandoned Settlement funds, after any second distribution to Settlement Class Members shall be distributed as a *cy pres* award to a charitable organization. Whole Foods Market proposes that the California Association of Food Banks be the *cy pres* recipient. The Court will ultimately determine whether to approve the proposed *cy pres* recipient.

If the Court does not approve the Settlement, or if the Effective Date of the Settlement does not otherwise occur, then there is no Settlement and Settlement Class Members will not receive any payments.

8. How can I get a cash payment?

If you are a Settlement Class Member and would like to obtain an Individual Settlement Award (described in Answer 7 above), you must complete the Claim Form available on the Settlement Website (www.GoodwinHotCocoaSettlement.com) and submit it through the portal on the Settlement Website or mail it to the address provided on the Claim Form, unless you received email notice informing you that the Claims Administrator already has your name and address information. The Claims Administrator does not have name and address information for most of the Settlement Class Members. Claim Forms must be **postmarked or submitted online no later than October 14, 2025, and addressed to:**

Goodwin Hot Cocoa Settlement
ATTN: Claims Administrator
PO Box 25412
Santa Ana, CA 92799

Up to two claims per household may be submitted without proof of purchase. If three or more claims per household are received, the Claims Administrator will require proof of purchase before the third and any subsequent claims from the same household may be considered complete and valid.

If you have questions on how to complete the Claim Form or what information is needed for the Claim Form, or want to confirm whether the Claims Administrator already has your name and address information, you can call the Claims Administrator at 1-833-296-0836 or visit the online portal on the Settlement Website.

If you received an email notice with a Notice ID and PIN but need to update your name or mailing address information, or you want to elect to receive a settlement payment electronically rather than a paper check, you must update your information or make the payment method selection through the online portal of the Settlement Website or by contacting the Claims Administrator by mail or phone by **December 3, 2025**.

Please note that if the Settlement is approved, appeals may still follow. Whether the appeals, if any, can be resolved is uncertain, and resolving them can take time, perhaps more than a year. Please be patient.

If your mailing address changes, please promptly contact the Settlement Administrator to provide an updated mailing address.

9. When would I get these benefits?

The Court will hold a Final Approval Hearing on December 3, 2025, at 10:30 a.m. PT, to decide whether to approve the Settlement. The Court may move the Final Approval Hearing to a different date or time without providing further Notice to the Class. The date and time of the Final Approval Hearing can be confirmed at www.GoodwinHotCocoaSettlement.com.

If the Court approves the Settlement, there may be appeals which may delay the conclusion of the case and determination of the Effective Date. It is always uncertain whether these appeals can be resolved and resolving them can take time. If there is no appeal, then your settlement benefit will be processed promptly.

Within thirty (30) Days of the Effective Date, the Claims Administrator will commence issuing settlement checks and digital payments, depending on whether the digital payment option is selected in a Claim Form. The default settlement payment method is a paper check.

We anticipate the Effective Date will be on or about February 3, 2026. Please check the Settlement Website (*www.GoodwinHotCocoaSettlement.com*) for updates.

10. What am I giving up if I get benefits under this Settlement?

Upon the Effective Date of the Settlement but after the Settlement is fully funded, Settlement Class Members who have not submitted a valid and timely Request for Exclusion shall have fully and forever released, compromised, settled, resolved, relinquished, waived and discharged the Released Parties (including Mrs. Gooch's and WFM California) from all claims, demands, rights, liabilities, suits, or causes of action, known or unknown, that were or could have been asserted in the Action relating to the alleged misrepresentation of the amount of cocoa mix within the Product's cannister, excluding claims for personal injury or wrongful death. The Settlement Agreement describes the released claims with specific descriptions in Section VIII, in necessarily accurate legal terminology, so read it carefully. The Settlement Agreement is located at www.GoodwinHotCocoaSettlement.com under "Important Documents."

The Judge has appointed specific lawyers to represent the Settlement Class Members for this proposed Settlement. You can talk to one of the lawyers listed in Answer 14 below, free of charge, if you have questions about the Released Claims or what they mean. You can also speak with your own lawyer, should you have one, about this Settlement.

EXCLUDING YOURSELF FROM THE SETTLEMENT

11. How do I get out of the Settlement?

You may exclude yourself (i.e., opt out of) from the Settlement by submitting a Request for Exclusion to the Claims Administrator. The Request for Exclusion must also include the following: (A) your full name and current address; (B) a clear and specific statement of your desire to be excluded from the Settlement and from the Settlement Class in *Goodwin v. Whole Foods Market, Inc., et al.*, Case No. 21STCV40456 (Superior Court of California, Los Angeles County); and (C) your signature. A sample Request for Exclusion form is available on the Settlement Website (www.GoodwinHotCocoaSettlement.com) under "Important Documents."

A Request for Exclusion must be postmarked no later than October 14, 2025, and mailed to the Claims Administrator at the following address:

Goodwin Hot Cocoa Settlement
ATTN: Claims Administrator
PO Box 25412
Santa Ana, CA 92799

If you fail to submit a valid and timely request for exclusion, you shall be bound by all the terms of the Settlement, the Final Approval Order and Judgment regardless of whether you have requested exclusion from the Settlement. The Court is the final arbiter regarding the validity and authenticity of requests for exclusion.

12. If I do not exclude myself, can I sue Mrs. Gooch's and WFM California for the same thing later?

No. Unless you exclude yourself, you will be bound by the terms of the Settlement and give up the right to sue Mrs. Gooch's, WFM California and the other Released Parties for the claims that the Settlement resolves.

13. If I exclude myself, can I get benefits from this Settlement?

No. If you successfully ask to be excluded, you cannot object to the Settlement, and you will not receive any of the benefits of the Settlement. However, you may sue, continue to sue, or be part of a different lawsuit against Mrs. Gooch's and/or WFM California in the future, including for claims that this Settlement resolves. You will not be bound by anything that happens in the Action if you timely and validly ask to be excluded.

THE LAWYERS REPRESENTING YOU

14. Do I have a lawyer in this case?

Yes. The Judge has appointed the following lawyers ("Settlement Class Counsel") to represent you and other Class Members as Settlement Class Counsel:

Abbas Kazerounian, Esq.
Jason A. Ibey, Esq.
Gil Melili, Esq.
Kazerouni Law Group, APC
245 Fischer Ave., Unit D1
Costa Mesa, CA 92626
Tel. (800) 400-6808
Fax (800) 520-5523
Email: WholeFoodsSettlementIntake@kazlg.com

You will not be charged for these lawyers. If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense.

15. How will the lawyers, Class Representative and the Claims Administrator be paid?

Plaintiff anticipates seeking an award of attorneys' fees and litigation costs combined in the amount of $452,464 for work on this case since it was filed on November 3, 2021; estimated class notice and administration expenses of $92,536; and a service award to the Class Representative of up to $5,000. Mrs. Gooch's and WFM California have agreed to these amounts as long as they do not exceed in total more than $550,000 and the entire Settlement does not exceed $650,000.

The attorneys' fees and litigation costs, any service award, and class notice and administration expenses will be paid separately from the $100,000 that Whole Foods Market will pay Individual Settlement Awards to Settlement Class Members. If the Court awards less in attorneys' fees than requested by Plaintiff, that amount will be added to the $100,000 available to pay Individual Settlement Awards.

The Court will determine the specific amount of attorneys' fees, litigation costs, any service award, and class notice and administration expenses, which shall not exceed $550,000 in total, based upon a request that will be made by motion filed on or before **September 23, 2025,** and made available on the Settlement Website.

OBJECTING TO THE SETTLEMENT

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

Any Settlement Class Member, who has not requested to be excluded from the Settlement, can object to the Settlement. You shall make your objection by writing to the Claims Administrator and giving your reasons why you think the Court should not approve it. Your written Objection must include: (A) the objector's full name, current address, current telephone number, and email address (if any); (B) the approximate date of purchase of the Product; (C) a statement of the position(s) the objector wishes to assert, including the factual

grounds for the position; and (D) the objector's signature. Additionally, you may submit any documents that you wish to be considered in connection with your objection, such as proof of purchase.

Any objecting Settlement Class Member may appear, in person or by a lawyer acting on the objecting Class Member's behalf, at the Final Approval Hearing to show cause for why the Settlement should not be approved.

Your objection must be postmarked by October 14, 2025, and mailed to the Claims Administrator at the following address:

Goodwin Hot Cocoa Settlement
ATTN: Claims Administrator
PO Box 25412
Santa Ana, CA 92799

17. What is the difference between objecting and excluding?

Objecting is simply telling the Judge that you do not like something about the Settlement. You can object only if you stay in the Settlement Class. Excluding yourself is telling the Judge that you do not want to be part of the Settlement Class, and thus do not want to receive any benefits from the Settlement as described in Answer 7. If you exclude yourself, you have no basis to object to the Settlement because the case no longer affects you. If you object to the Settlement, you may still submit a Claim Form.

THE COURT'S FINAL APPROVAL HEARING

18. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Final Approval Hearing (otherwise known as a "Fairness Hearing") to decide whether to approve the Settlement on December 3, 2025, at 10:30 a.m. PT, in the Superior Court of California, County of Los Angeles, Spring Street Courthouse, located at 312 N Spring Street, Los Angeles, California 90012, Department 12. The Court may reschedule the Final Approval Hearing or change any of the deadlines described in this Notice. The date of the Final Approval Hearing may change without further notice to Settlement Class Members. Be sure to check the Settlement Website at www.GoodwinHotCocoaSettlement.com for news of any such changes.

At this hearing, the Judge will consider whether the Settlement is fair, adequate and reasonable. If there are objections, the Court will consider them and determine whether they have merit. At this hearing, the Judge will also decide the Settlement Class Representative Service Payment for Plaintiff, the attorneys' fees and costs for the Settlement Class Counsel, and reasonable class notice and Claims Administrator expenses. We do not know how long the Judge's decision will take, and the hearing date may change due to other court business. Updates will be posted on the Settlement Website.

19. Do I have to come to the hearing?

No. Class Counsel will answer questions the Judge may have, but you are welcome to come at your own expense. If you send an objection, you do not have to come to Court to talk about it. As long as you mailed a valid written objection on time to the Claims Administrator, the Judge will consider it. You may also pay your own lawyer to attend, but that is not required.

20. May I speak at the hearing?

Whether or not you have objected to the Settlement, you may speak at the Final Approval Hearing. If you are represented by an attorney for your objection to the Settlement, your attorney must file with the Court a notice

of appearance by the Objection Deadline of **October 14, 2025.**

You cannot speak at the hearing if you have excluded yourself from the Settlement.

Effective April 4, 2022, face masks are strongly recommended inside the Courthouse. Visit https://www.lacourt.org for any updates on the Court's social distancing procedures. The General Information telephone number for the Courthouse is: (213) 310-7000.

IF YOU DO NOTHING

21. What happens if I do nothing at all?

If you do not exclude yourself and do nothing, you will give up your right to be part of any other proceeding against Mrs. Gooch's, WFM California and the other Released Parties about the legal claims resolved by the Settlement. **You will not receive an Individual Settlement Award (*see* Answer 7) unless you timely submit a completed Claim Form or the Claims Administrator already has your name and address information.**

GETTING MORE INFORMATION

22. How do I get more information about the Settlement?

This Notice summarizes the proposed Settlement. More details are provided in the Settlement Agreement. You can get a copy of the Settlement Agreement by calling the Claims Administrator toll-free at 1-833-296-0836; writing to Goodwin Hot Cocoa Settlement, c/o Claims Administrator, PO Box 25412, Santa Ana, CA 92799; or visiting the Settlement Website at www.GoodwinHotCocoaSettlement.com, where you will also find answers to common questions about the Settlement and other information to help you determine whether you are a Settlement Class Member and whether you are eligible for a cash payment, as well as a sample Request for Exclusion form.

You should check the Settlement Website regularly for updates on the Action, including the Settlement, the approval process of the Settlement, the scope and terms of the Settlement Class and the scope and terms of the Settlement. You may also wish to check the Court's Register of Actions by going to https://www.lacourt.ca.gov/pages/lp/access-a-case/tp/find-case-information/cp/os-civil-case-access, inserting "21STCV40456" in the "CASE NUMBER" field, and clicking "SEARCH."

You may obtain Court records (for a fee) by visiting the office of the Clerk of the Superior Court of California, County of Los Angeles, located at 312 North Spring Street, CA 90012, between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Court holidays. Appointments are strongly encouraged for Clerk's office services.

En el sitio web, www.GoodwinHotCocoaSettlement.com, hay una notificación completa del acuerdo en Español. Para un operador telefónico de habla Español, llame al 1-833-296-0836.

PLEASE <u>DO NOT</u> WRITE OR TELEPHONE THE COURT, THE COURT CLERK'S OFFICE, THE DEFENDANTS, OR THE DEFENDANTS' LAWYERS FOR INFORMATION ABOUT THE PROPOSED SETTLEMENT OR THE SETTLEMENT PROCESS.