

NOTICE OF CLASS ACTION SETTLEMENT

Patrick McMorrow et al. v. Mondelēz International Inc., No. 17-cv-2327-BAS-JLB (S.D. Cal.)

*The United States District Court has authorized this notice.
This is not a solicitation from a lawyer.*

You may be a Class Member entitled to a Cash Refund if you purchased belVita Crunchy Biscuits, belVita Soft Baked Biscuits, belVita Bites, or belVita Sandwiches products between November 16, 2013 and November 17, 2021.

THIS NOTICE CONCERNS YOUR LEGAL RIGHTS, WHICH ARE AFFECTED WHETHER YOU ACT OR DON'T. PLEASE READ IT CAREFULLY.

Summary of Your Legal Rights & Options	
Submit a Claim Form	Obtain compensation from the Settlement. The only way to get a monetary payment. Claim Forms must be submitted online at the Settlement Website, www.BreakfastBiscuitClaims.com , or mailed to the Class Administrator by February 9, 2022 .
Ask to be Excluded	Opt out of the Settlement, get no benefits from it, and retain your claims. You may ask to be excluded from the Settlement, in which case your individual claims will not be released if the Settlement is approved by the Court. But if you ask to be excluded, you cannot obtain compensation from the Settlement. Opt-Out Forms must be submitted online at the Settlement Website, www.BreakfastBiscuitClaims.com/court-documents/ , or mailed to the Class Administrator by February 9, 2022 .
Object	Tell the Court why you believe the proposed Settlement is unfair, unreasonable, or inadequate. You may mail to the Class Administrator or file with the Court a written objection no later than February 9, 2022 , and/or appear at the Final Approval Hearing to tell the Court why you believe the proposed Settlement is unfair, unreasonable, or inadequate.
Do Nothing	Stay in the Settlement, await the outcome, give up certain rights. By doing nothing, you will get no compensation from the Settlement, and give up any right you may have to sue the Defendant separately about the same legal claims in this lawsuit.

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Questions? Visit www.BreakfastBiscuitClaims.com or call toll free 1-855-611-0641

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Basic Information

1. Why is there a Notice?

You have the right to know about a proposed Settlement of a class action lawsuit, and about your options, before the Court decides whether to approve the Settlement.

The court in charge of this case is the United States District Court for the Southern District of California (the “Court”), and the case is called *Patrick McMorrow et al. v. Mondelēz International Inc.*, No. 17-cv-2327-BAS-JLB (S.D. Cal.). The case is assigned to the Honorable Cynthia A. Bashant. The individuals who sued are called the Class Representatives. Those persons are Patrick McMorrow, Marco Ohlin, and Melody DiGregorio. The company they sued, Mondelēz International, Inc. (“MDLZ”), is called the Defendant.

2. What is this lawsuit about?

The lawsuit alleges MDLZ violated certain laws in labeling certain breakfast products with claims that made the products seem healthy, when they were in fact unhealthy due to their high added sugar content. MDLZ denies any and all wrongdoing 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, Patrick McMorrow, Marco Ohlin, and Melody DiGregorio), sue on behalf of people who have similar claims, all of whom are a class, or class members. Bringing a case as a class action allows the adjudication of many similar claims 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 from the class.

4. Why is there a settlement?

MDLZ denies that it did anything wrong. Both sides have agreed to a Settlement, which will allow both sides to avoid the risk and cost of further litigation. The Court has not decided in favor of the Class or MDLZ. The Class Representatives and their attorneys think the Settlement is best for the Class.

Who is in the Settlement?

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

The Class includes all persons in the United States who, between November 16, 2013 and November 17, 2021 (the “Class Period”), purchased in the United States, for household use and not for resale or distribution, one of the Class Products. The Class Products include MDLZ’s belVita Crunchy Biscuits, belVita Soft Baked Biscuits, belVita Bites, and belVita Sandwiches products bearing the phrase “NUTRITIOUS STEADY ENERGY,” “NUTRITIOUS SUSTAINED ENERGY” or “NUTRITIOUS MORNING ENERGY”.

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6. 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, you should visit the Settlement Website, www.BreakfastBiscuitClaims.com, or call the Class Administrator toll-free at 1-855-611-0641.

What are the Terms of the Settlement?

7. What types of relief does the Settlement provide?

The Settlement provides both monetary and injunctive relief to all Class Members. Class Members who make claims will be entitled to monetary compensation, on a *pro rata* basis, depending on which and how many boxes of breakfast products they purchased during the Class Period.

MDLZ has also agreed to revise the Class Products' labeling in numerous ways to address the Class's claims, as described further in response to Question 13 below.

8. What is the Settlement Fund?

As part of the Settlement, MDLZ has agreed to establish a \$8,000,000, non-reversionary Settlement Fund to pay all Settlement Expenses, including the costs of Class Notice and Administration, attorneys' fees and costs, service awards for the Class Representatives, and Cash Awards for Class Members who make claims.

9. What can I get from the Settlement?

Class Members who timely submit a valid approved claim are entitled to compensation. Each timely, valid claimant will receive a payment based on the type and estimated amount of Class Products purchased during the Class Period. Based on the estimated number of claims that will be made, the estimated average Cash Award is approximately \$34.10. However, the actual amount of the Cash Award any individual receives will depend on both the number of claims made and each claimant's purchase history, and may be significantly more or less than \$34.10.

10. What am I giving up to get a payment?

If you are a Class Member, unless you exclude yourself from the Settlement, you cannot sue MDLZ, continue to sue, or be part of any other lawsuit against MDLZ about the claims released in this Settlement. It also means that all decisions by the Court will bind you. The Released Claims and Released MDLZ Persons are defined in the Settlement Agreement and describe the legal claims that you give up (or "release") if you stay in the Settlement. The Released Claims relate to the Class Products and issues raised in the lawsuit. The Settlement Agreement is available on the Settlement Website, www.BreakfastBiscuitClaims.com.

11. How do I make a claim?

Class Members wishing to make a claim must either (a) visit the Settlement Website, www.BreakfastBiscuitClaims.com, and submit a claim form online, or (b) print, fill out, and mail the claim form to the Class Administrator at the following address:

belVita Class Administrator
PO Box 5125
Baton Rouge, LA 70821

The deadline for submitting a claim is February 9, 2022.

12. When will I get my Cash Award?

Cash Award payments will be made to Class Members who make valid and timely claims after the Court grants “final approval” to the Settlement, and after any appeals are resolved. If the Court approves the Settlement, there may be appeals. It is always uncertain when these appeals will be resolved, and resolving them can take time.

13. What injunctive relief does the Settlement provide?

As part of the Settlement, after being given a reasonable period of time to make and implement them, MDLZ has agreed to make the following changes applicable to any Class Product so long as a 10% or more of its calories come added sugar:

- MDLZ agrees to remove and refrain from using for a period of not less than thirty-six (36) months, the word “nutritious” in the following “steady energy” claims on the packaging of the Class Products (the “Steady Energy Claims”):
 - “NUTRITIOUS SUSTAINED ENERGY”
 - “NUTRITIOUS STEADY ENERGY ALL MORNING”
 - “4 HOURS OF NUTRITIOUS STEADY ENERGY”
 - “Energy that is nutritious and sustained.”
- MDLZ agrees not to substitute the words “healthy,” “balanced,” or “wholesome” for the term “nutritious” in the Steady Energy Claims, for a period of not less than thirty-six (36) months.
- MDLZ agrees, for a period of not less than thirty-six (36) months, not to use the word “nutritious” to describe belVita products’ uses (i.e., “nutritious bar,” “nutritious snack,” or “nutritious breakfast”) such as in the current uses:
 - “a nutritious, convenient breakfast choice”
 - “We all need energy to start the morning. We also need a delicious, wholesome breakfast. Baked with hearty whole grains, belVita Soft Baked Breakfast biscuits are delicious, nutritious. and give you satisfying morning energy to start your day off right.”
- MDLZ agrees not to use the word “nutritious” to describe the Class Products as a whole (as opposed to using the word “nutritious” to describe individual product components like whole grains or vitamins, which this agreement does not restrict).

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Excluding Yourself from the Settlement

14. How do I get out of the Settlement?

If you do not want to be bound by the Settlement, you must request to be excluded from the Settlement. If you request to be excluded, you will retain any individual rights you have against MDLZ and will not be deemed to have individually “released” MDLZ from any of the Released Claims. However, you will *not* be eligible to receive compensation under the Settlement, as described above. You also may not object to the Settlement if you request to be excluded.

To exclude yourself (or “opt-out”) from the Settlement, you must visit the Settlement Website, www.BreakfastBiscuitClaims.com, and either complete and submit the Opt-Out Form online, or print, complete, and mail the Opt-Out Form to the Class Administrator at the following address:

belVita Class Administrator
PO Box 5125
Baton Rouge, LA 70821

To be timely, an Opt-Out Form must be submitted online or postmarked on or before February 9, 2022.

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

No. Unless you exclude yourself, you give up any right to sue MDLZ for the claims that this Settlement resolves. If you have a pending lawsuit, speak to your lawyer in that lawsuit to determine whether you must exclude yourself from this Settlement to continue your own lawsuit. If you properly exclude yourself from the Settlement, you shall not be bound by any orders or judgments entered in the Action relating to the Settlement.

16. 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 submit a Claim Form asking for benefits.

Objecting to the Settlement

17. How do I tell the Court if I do not like the Settlement?

If you are a Class Member, you can object to the Settlement if you do not think it is fair, reasonable, or adequate, including Class Counsel’s motion for an award of attorney’s fees and costs and expenses, and/or the requested service award payments to the Class Representatives. The Court cannot order a larger settlement or award you more based on your individual circumstances; the Court can only approve or deny the Settlement as it is presented.

If you wish to object, your Objection must contain:

- (a) The name of this Action (*Patrick McMorrow et al. v. Mondelēz International Inc.*, No. 17-cv-2327-BAS-JLB (S.D. Cal.)), and a statement that the document is an objection;

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- (b) Your full name, address and telephone number or, if objecting through counsel, your lawyer's name, address, and telephone number;
- (c) A statement of the Class Product(s) you bought during the Class Period;
- (d) A clear and concise statement of your objection, as well as any facts and law supporting the objection; and
- (e) You and/or your attorney's signature.

To be considered by the Court, your objection must, **by February 9, 2022**, either be filed with the Court or mailed to the following address:

belVita Class Administrator
PO Box 5125
Baton Rouge, LA 70821

If you do not comply with these procedures and the deadline for objections, you may waive your opportunity to have your Objection considered at the Final Approval Hearing or otherwise to contest the approval of the Settlement or to appeal from any orders or judgments entered by the Court in connection with the proposed Settlement. You will still be eligible to receive settlement benefits if the Settlement becomes final, even if you object to the Settlement.

Objecting Class Members may appear at the Final Approval Hearing but are not required to do so. Class Members that wish to appear, are requested, but not required to mail to the Class Administrator at the above address or file with the Court in advance of the Hearing, a Notice of Intent to Appear.

Instructions and requirements for objecting are set forth in the Court's Preliminary Approval Order, which is available on the Class Settlement Website, www.BreakfastBiscuitClaims.com.

18. What is the difference between objecting and excluding myself?

Objecting is simply telling the Court that you do not 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 do not 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 Lawyers Representing You

19. Do I have a lawyer in the case?

Yes. The Court has appointed Fitzgerald Joseph LLP as Class Counsel. The lawyers representing you will be paid, only with the Court's approval, from the Settlement Fund, as explained below in Question 20. If you want to be represented by your own lawyer, you may hire one at your own expense.

20. How will the lawyers be paid?

Class Counsel spent considerable time and effort prosecuting this matter on a purely contingent fee basis, and advanced the expenses of the litigation, in the expectation that they would receive

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a fee, and have expenses reimbursed, only if there was a benefit created for the Class. Class Counsel will file a motion on or before January 26, 2022 seeking an award of fees of no more than one-third of the Settlement Fund, and reimbursement of case expenses, plus any expenses incurred after preliminary approval. Class Counsel will also ask the Court, on behalf of the Class Representatives, for service awards for Patrick McMorrow, Marco Ohlin, and Melody DiGregorio.

After Class Counsel's motion for attorneys' fees, expenses, and service awards is filed on or before January 26, 2022, it will be posted on the Settlement Website, www.BreakfastBiscuitClaims.com, and you will have an opportunity to review and comment on the motion via an Objection. The Court will then determine the amount of fees, expenses, and service awards, which will be paid from the Settlement Fund.

Notice and Administration Expenses

21. How will notice and administration expenses be paid?

Using the Class Administrator's estimates regarding the Class size and likely claims rate, notice and administration expenses, to be paid from the Settlement Fund, are currently estimated to be \$292,122.

The Court's Final Approval Hearing

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

The Court will hold a Final Approval Hearing (sometimes called a "fairness hearing") on **April 4, 2022, at 3:00 p.m.**, in Courtroom 4B of the United States Courthouse, 221 West Broadway, San Diego, California 92101. At the Final Approval Hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate and may also consider how much to award to 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.

23. Do I have to come to the hearing?

No. Class Counsel will answer any questions that the Court may have, but you may come at your own expense. If you submit an objection, you do not have to come to the Court to talk about it. If you timely mail your written objection to the Class Administrator (see Question 17 above), Class Counsel will submit it to the Court on your behalf for consideration. You may also pay your own lawyer to attend, but it is not necessary.

24. May I speak at the hearing?

Yes. You may appear and speak at the Final Approval Hearing. Although it is not required, if you intend to appear and speak, you are requested to mail notice of your intent to appear **no later than February 9, 2022** to the same address identified above for objections (see Question 17). Persons who opt out, however, may not appear and be heard.

If You Do Nothing

25. What happens if I do nothing at all?

If you do nothing, you will not get a payment from the Settlement but you will still be bound by the release. Unless you exclude yourself, if the Settlement is approved, you will not be able to start a lawsuit, or be part of any other lawsuit against MDLZ regarding claims based on the identical factual predicate as the Released Claims in this case.

Getting More Information

26. How can I get more information?

This Notice summarizes the proposed Settlement. More details are in the Settlement Agreement and in case documents, available at the Settlement Website, www.BreakfastBiscuitClaims.com. If you have additional questions, you can visit the Settlement Website or contact the Class Administrator:

By Mail: belVita Class Administrator
PO Box 5125, Baton Rouge, LA 70821

By Email: info@BreakfastBiscuitClaims.com

By Phone (Toll Free): 1-855-611-0641

Updates will be posted at the Settlement Website, as information about the Settlement process becomes available.

You are also welcome to contact Class Counsel with any questions:

By Email: jack@fitzgeraldjoseph.com

By Phone: (619) 215-1741

For a more detailed statement of the matters involved in the litigation or the Settlement, you may review the various documents on the Settlement Website, and/or the other documents filed in this case by visiting, during business hours, the Clerk's Office at the United States District Court for the Southern District of California, Edward J. Schwartz United States Courthouse, 221 West Broadway, San Diego, California 92101, file: *McMorrow et al. v. Mondelēz International Inc.*, No. 17-cv-2327-BAS-JLB, or by accessing the docket in this case through the Court's Public Access to Court Electronic Records (PACER) system at www.pacer.gov.

* * *

PLEASE DO NOT TELEPHONE OR ADDRESS ANY QUESTIONS ABOUT THE CASE OR SETTLEMENT TO THE CLERK OF THE COURT OR TO THE JUDGE. THEY ARE NOT PERMITTED TO ANSWER YOUR QUESTIONS. THE COURT EXPRESSES NO VIEW AS TO THE MERITS OF ANY CLAIMS OR DEFENSES ASSERTED BY ANY PARTY TO THE ACTION.

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