

Class Action Summary

# Keurig K-Cup Direct and Indirect Purchaser

## Class Action Settlement

*This is not an official Court Notice. Information contained in this Summary is subject to change.*

<u>DIRECT PURCHASER CLASS ACTION</u>	<u>INDIRECT PURCHASER CLASS ACTION</u>
<p>If you or your business <i>directly</i> purchased Keurig K-Cups on or after <b>October 1, 2012</b>, an antitrust lawsuit alleging price fixing may affect you.</p> <p><b><i>There is no monetary settlement at this time for the Direct Purchaser Action.</i></b></p>	<p>If you or your business <i>indirectly</i> purchased Keurig K-Cups for personal use on or after <b>September 7, 2010*</b>, you may be entitled to participate in the <b>\$31 MILLION</b> recovered in class action settlements.</p> <p><b><i>Filing Deadline: The deadline to file a claim has passed. Claims may still be filed and acceptance is subject to Court approval.</i></b></p>

**Eligible Class Members:** Eligible Class Members are all persons or entities (excluding all all federal governmental entities and instrumentalities of the federal government, states and their subdivisions, agencies and instrumentalities) in the United States and its territories, who or which purchased “K-Cups” (defined below):

- a) Direct Class (pending certification) - **directly** from Keurig Green Mountain Inc. (f/k/a Green Mountain Coffee Roasters Inc.) and as successor to Keurig, Incorporated (the “Defendant” or “Keurig”) at any time from October 1, 2012 to the present; and/or
- b) Indirect Class - **indirectly** from Keurig, its subsidiaries, affiliates or joint ventures for their own personal use and not for resale (i.e., purchases made from a distributor, supermarket or other intermediary such as retail stores, department stores and mass merchants) from September 7, 2010 to August 14, 2020 (\*the class period for purchases in MS commences March 24, 2011 and the class period for purchases in RI commences July 15, 2013).

**Definition of “K-Cups”:** K-Cups are single-serve beverage portion packs manufactured or licensed by Keurig that are compatible with Keurig Brewers. Single-serve brewers manufactured or licensed by others are not included in this summary.

**Case History:** In 2014, class action lawsuits were filed on behalf of direct and indirect purchasers of K-Cups in the Southern District of New York alleging the Defendants and their co-conspirators conspired to monopolize the Portion Packs market in violation of U.S. federal antitrust laws. At this time, the Indirect Class has entered into a settlement with Keurig for a total amount of approximately \$31 million. The settlement is pending final approval. The settlement funds (less any expenses and fees) will be distributed to the Indirect Class if and when the Court grants final approval of the settlement and a claims process is completed. The Direct Class litigation is also presently ongoing. It is impossible to predict the outcome; however, it is possible that money may become available to eligible Direct Class members if the class is certified and a settlement is reached with the Defendants in the future.

**Class Counsel or the Class Administrator may be contacted for additional settlement information.**  
**You also may visit the Court-approved website once one is established.**  
**Please understand that you have the right to file on your own.**  
**To learn more about our services, visit [www.FRSCO.com](http://www.FRSCO.com).**

**The Services FRS Provides:** Financial Recovery Strategies (FRS) is a class action claims management consultant; we are not a court appointed claims administrator or class counsel. If you hire FRS, FRS will work within your guidelines to manage the claims process. The services that FRS provides include the following: (i) notifying you when we believe that you may be eligible to participate in settlements likely to be valuable to you; (ii) endeavoring to enhance the likelihood that all of your eligible business units (e.g., subsidiaries, divisions, acquisitions and divestitures) are included in the claims process; (iii) to reduce the support needed from your in-house staff, providing advice on what, if any, documents need to be collected and maintained, and, when requested, assisting in that effort; (iv) when required documents are not available or are too burdensome to collect, attempting to develop innovative alternatives to satisfy documentation requirements and striving to obtain approval of those alternatives; (v) preparing, assembling and submitting your claim package, and managing it throughout the claims processing phase, including working with you to address any concerns or questions claims administrators may have; (vi) providing regular updates on the recovery process; (vii) reviewing your payment to assure that it has not been under calculated; and (viii) following up with you to assure that your recovery check is deposited. FRS’s recovery specialists are always available to answer any questions you may have.

**How to Retain FRS:** If you wish to hire FRS to file and manage a claim on your behalf, you must return a signed Claims Management Agreement and a signed Authority to File and Manage Claims. Before doing so, it is important that you understand their terms and make sure that all information about you is correct.