

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

Joshua Rawa, et al. v. Monsanto Company,
No. 4:17-cv-01252-AGF (E.D. Mo.)

THIS NOTICE CONCERNS YOUR LEGAL RIGHTS
PLEASE READ IT CAREFULLY

*The United States District Court authorized this Notice.
It is not a solicitation from a lawyer. You are not being sued.*

You may be a Class Member if you purchased:

- **Roundup® Weed & Grass Killer Concentrate Plus; or**
- **Roundup® Weed & Grass Killer Super Concentrate**

with the statement, “Makes Up to __ Gallons” on the neck or shoulder of the bottle



WHAT ARE THE TERMS OF THE PROPOSED SETTLEMENT?

- The proposed class action Settlement will provide the Class with **\$21,500,000 (twenty-one million, five hundred thousand dollars)** of monetary relief to pay all aspects of Settlement (the “Common Fund”), including Class Member claims, Notice, administration, Plaintiffs incentive awards, legal expenses, and attorneys’ fees.
- Class Members will be able to make claims for refunds for the Roundup® Concentrates listed below equivalent to approximately one-half (50%) of their weighted average retail price (after rounding) during the relevant Class Period. Claims are limited to 20 units per household. If claims exceed the amount left in the Common Fund after all other expenses are deducted, the amount refunded will be reduced *pro rata*. If funds remain in the Common Fund after all claims and expenses, any remaining amounts will be donated *cy pres* to one or more Court-approved organizations. The specific refund amounts are as follows:

For more information: www.RoundupConcentrateSettlement.com

Roundup® Product	Weighted Average Retail Price	Per-Unit Payment
Super Concentrate 35.2 oz.	\$42.48	\$21
Super Concentrate 53.7 oz. (0.42 gal.)	\$62.88	\$31
Super Concentrate 64 oz. (1/2 gal.)	\$72.64	\$36
Super Concentrate 128 oz. (1 gal.)	\$105.85	\$53
Concentrate Plus 32 oz. (1 qt.)	\$21.31	\$11
Concentrate Plus 36.8 oz.	\$22.97	\$11.50
Concentrate Plus 40 oz.	\$26.40	\$13
Concentrate Plus 64 oz. (1/2 gal.)	\$44.54	\$22

WHY ARE YOU RECEIVING THIS NOTICE?

- This Settlement resolves a class action lawsuit pending in the United States District Court for the Eastern District of Missouri (the “Court”) against Monsanto Company, the manufacturer of the above two concentrated Roundup® products. The lawsuit alleges that Monsanto advertised these Roundup® products as making more spray solution than the products were capable of making. Monsanto denies these allegations and any wrongdoing. The two sides disagree on what relief, and how much, could have been won, if any, if the Class won at trial. The Settlement avoids costs and risks to you from continuing the lawsuit, provides relief to affected persons like you, and releases Monsanto and others from liability for the related claims. This Notice is not an expression of any opinion by the Court with respect to the merits of the respective claims or defenses of the parties.
- If you purchased any of the above two Roundup® Concentrate products in the sizes listed above, for your own personal or household use, you may be a member of the settling Class. The Court requires this Notice because you have the right to know about the proposed Settlement and about all of your options before the Court decides whether to approve the Settlement. This Notice explains the lawsuit, the Settlement, your legal rights, what benefits are available, and how to get them.
- All Class Members who purchased the Roundup® Concentrate products during the Class Period who do not exclude themselves from the Settlement will be bound by the orders issued by the Court regarding the Settlement.

BACKGROUND ON THE LAWSUIT & SETTLEMENT

The lawsuit seeks to obtain compensation for false advertising and breach of warranty. After the parties engaged in substantial investigation, discovery, and settlement negotiations, Plaintiffs and Monsanto have reached an agreement providing for the settlement of the lawsuit. The terms of the proposed Settlement are set forth in the Settlement Agreement filed with the Court, which is also available online, at www.RoundupConcentrateSettlement.com.

Plaintiffs and Class Counsel have evaluated the information made available in the course of the lawsuit and have taken into account the risks and uncertainties of proceeding with this litigation, including the risks and uncertainties of class certification, prevailing on the merits, proving damages at trial, and prevailing on post-trial motions and appeal. Based upon their consideration of these factors, Plaintiffs and Class Counsel believe it is in the best interests of the Class to settle the lawsuit on the terms described below.

Monsanto denies Plaintiffs’ allegations and any wrongdoing, and the Class’s right to recover anything. Nevertheless, it has agreed to settle the lawsuit for the purpose of avoiding the time and expense of further litigation.

For more information: www.RoundupConcentrateSettlement.com

THE CLASS

The Court has certified a Settlement Class defined as:

All persons in the United States, who, during the Class Period, purchased in the United States, for personal or household use and not for resale or distribution, Roundup® Weed & Grass Killer Concentrate Plus (“Concentrate Plus”) or Roundup® Weed & Grass Killer Super Concentrate (“Super Concentrate,” collectively, the “Concentrates”), in packaging **whose neck or shoulder label stated that the product “makes up to” a specified number of gallons**, other than those who received a full refund, as follows:

Super Concentrate 35.2 oz.	“Makes up to 23 Gallons”
Super Concentrate 53.7 oz. (0.42 gal.)	“Makes up to 35 Gallons”
Super Concentrate 64 oz. (1/2 gal.)	“Makes up to 42 Gallons”
Super Concentrate 128 oz. (1 gal.)	“Makes up to 85 Gallons”
Concentrate Plus 32 oz. (1 qt.)	“Makes up to 10 Gallons”
Concentrate Plus 36.8 oz.	“Makes up to 12 Gallons”
Concentrate Plus 40 oz.	“Makes up to 13 Gallons”
Concentrate Plus 64 oz. (1/2 gal.)	“Makes up to 21 Gallons”

The “Class Period” means the applicable statute of limitations for bringing false advertising claims in the state where each Claimant is domiciled, triggered by the date the Complaint was filed. For California residents, the triggering date for the Class Period is the date the Complaint was filed in *Martin v. Monsanto Co.*, No. 5:16-cv-02168 (C.D. Cal.) (October 13, 2016). For all other states’ residents, the triggering date for the Class Period is the date the Complaint was filed in *Rawa* (April 5, 2017).

The products were sold at various retail locations in all 50 states and the District of Columbia, including, but not limited to, Home Depot, Lowes, Wal-Mart, Target, Ace Hardware, True Value, Orchard Supply, and Amazon.com.

A list of the applicable time period for each State is attached to this Notice as Appendix 1. You should check it carefully to ensure your purchase was within the applicable time period.

EXAMPLES OF THE PRODUCTS AT ISSUE



HOW DO I KNOW IF I AM A CLASS MEMBER?

You are a member of the Class if you purchased one of the products identified in the Class definition above. To be a Class Member, you must have:

- ***Purchased Roundup® Concentrate Plus or Roundup® Super Concentrate***
 - Ready-to-Use Roundup® and other Roundup® products are *not* part of the Settlement
- ***During the Class Period***
 - In California – on or after October 13, 2012
 - In Other States – on or after April 5 of the relevant year, as determined by the statute of limitations applicable in your State (see Appendix 1 to this Notice)
- ***For personal or household use only (e.g., not commercial use or resale)***
- ***The packaging must have said “Makes Up to __ Gallons” on the neck or shoulder of the bottle***
 - The statement was removed from the neck or shoulder of Roundup® Concentrate Plus (but not from Super Concentrate) in or around late 2014.
- ***You have not received a full refund with respect to your purchase.***

DO I HAVE A LAWYER IN THE CASE?

The Court has appointed as Class Counsel in this case Jack Fitzgerald, of The Law Office of Jack Fitzgerald, PC, and Sidney W. Jackson III, of Jackson Foster, LLC, and any attorneys at those firms assisting in the representation of the Class in this Action. The Court has determined that Class Counsel are qualified to represent you and all other Class Members. You will not be

For more information: www.RoundupConcentrateSettlement.com

charged for these lawyers. The lawyers handling the case are experienced in handling similar cases.

Nevertheless, you have the right to consult or retain an attorney of your choice at your own expense to advise you regarding the Settlement and your rights in connection with the Settlement and Final Approval Hearing described below.

HOW WILL THE LAWYERS GET PAID? WILL THE NAMED PLAINTIFFS BE COMPENSATED?

Class Counsel intends to apply for fees of up to one-third of the Common Fund, and Plaintiffs and Class Counsel intend to apply for incentive awards of up to \$10,000 for Plaintiff Elisabeth Martin, up to \$5,000 each for Plaintiffs Joshua Rawa and Robert Ravencamp, and up to \$2,500 each for the remaining Plaintiffs.

YOUR RIGHTS TO PARTICIPATE IN, EXCLUDE YOURSELF FROM, OR OBJECT TO THE SETTLEMENT

The purpose of this Notice is to inform you of this lawsuit so you can make an informed decision as to whether you should remain in or opt out of this Class Action. Your legal rights are affected, and you have a choice to make now. In response to this Notice, you may (1) do nothing, (2) ask to be excluded from the lawsuit, also referred to as “opting out,” or (3) object to the proposed Settlement. Those options are summarized in the following table, and then discussed in greater detail below.

Your Legal Rights and Options in This Lawsuit	
Submit a Claim Form	The only way to get a monetary payment. Postmark or submit your Claim Form online by March 6, 2018.
Ask To Be Excluded	Get out of this lawsuit. Get no benefits from it. Keep your rights. 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 Monsanto separately about the same 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	Tell the Court why you believe the proposed Settlement is unfair, unreasonable, or inadequate. You may file a written objection no later than March 27, 2018 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	Stay in this lawsuit. Await the outcome. Give up certain rights. By doing nothing, you will get no cash payment, but if the Settlement is approved, you will be giving up any right you may have to sue Monsanto separately about the same legal claims in this lawsuit.

1. Submit a Claim Form

You must submit a Claim Form to get a monetary payment. Claim Forms may be printed or filed online at the Settlement Website, www.RoundupConcentrateSettlement.com, or mailed to Class Members upon request by calling or writing to the class action Administrator. Claim Forms are simple and easy to complete, requiring (i) contact information; (ii) proof of purchase or an affirmation under penalty of perjury of the identity and quantity purchased; (iii) the retail location (city and state) of the purchase; (iv) the approximate date of purchase; and (v) your affirmation that the information provided is true and correct. In exchange for receiving a monetary payment, under the Settlement Agreement, you will give up your rights to sue Monsanto about the same claims in this lawsuit.

Claim Forms must be postmarked or submitted online no later than March 6, 2018.

2. Exclude Yourself from the Settlement and Do Not Receive Compensation

If you do not want to be bound by this Settlement, you must request to be excluded from the Class. If you request to be excluded from the Class, you will retain any individual rights you have against Monsanto and will not have “released” it from any claims. However, you will *not* receive the compensation described above. You may not object to the Settlement under this option. If you wish to be excluded from the Class (also referred to as “opting out”), you must download and print an Opt-Out Form from the Settlement Website (www.RoundupConcentrateSettlement.com), fill out and sign the Opt-Out Form, and mail it to the class action administrator, postmarked on or before March 6, 2018, at the following address:

Roundup Concentrate Settlement
c/o Dahl Administration
PO Box 3614
Minneapolis, MN 55403-0614

3. Object to the Settlement

If you want to express an objection to part or all of the Settlement, you may appear at the Final Approval Hearing and/or object to the proposed Settlement. If the Settlement is approved, you will still receive the Settlement compensation and be bound by the Settlement Release.

If you wish to object, you must, no later than March 27, 2018, electronically file via the Court’s Electronic Case Filing (ECF) system, or deliver to the Clerk of the Court by mail, express mail, or personal delivery, and serve on Class Counsel and counsel for Monsanto at the addresses set forth below, a written objection. The objection must contain (a) a caption or title clearly identifying the action, and that the document is an objection, (b) information sufficient to identify and contact the objecting Class Member or his or her attorney, and (c) a clear and concise statement of the Class Member’s objection, as well as any facts and law supporting the objection.

If you wish to appear at the Final Approval Hearing, you should, no later than March 27, 2018, file with the Court and serve on Class Counsel and Defense Counsel at the addresses set forth below, a Notice of Intent to Appear, either in person or through an attorney.

Class Counsel

Jack Fitzgerald
The Law Office of Jack Fitzgerald, PC
3636 4th Ave., Ste. 202
San Diego, CA 92103

Defense Counsel

John Rosenthal
Winston & Strawn LLP
1700 K Street, N.W.
Washington, DC 20006

For more information: www.RoundupConcentrateSettlement.com

Class Counsel

Sidney W. Jackson, III
Jackson & Foster LLC
75 St. Michael Street
Mobile, AL 36602

4. Do Nothing

If you do nothing, you will get no money from the Settlement. But, unless you exclude yourself, if the Settlement is approved, you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Monsanto about the claims in this case.

RELEASE OF CLAIMS

If the Court approves the Settlement and you have not excluded yourself as described above, you will be bound by the Settlement and will be forever barred from suing Monsanto and related entities for the claims released in the Settlement. This applies whether you currently know about the existence of such claims or not.

Here, the claims you will give up are:

any and all claims, demands rights, suits, liabilities, injunctive and/or declaratory relief, and causes of action of every nature and description whatsoever, including costs, expenses, penalties, and attorneys' fees, whether known or unknown, matured or unmatured, at law or in equity, existing under federal or state law, that any Class Member has or may have against Monsanto and The Scotts Company, LLC ("Scotts"), Monsanto's exclusive marketing and distribution agent for Roundup® consumer products (including, without limitation, all current or former agents, employees, contractors, affiliates, heirs, attorneys, insurers, and assignees thereof) arising out of or related in any way to the transactions, occurrences, events, behaviors, conduct, practices, and policies alleged in the Action, which have been, or which could have been asserted in the Action, and in connection with the conduct of the Action, that have been brought, could have been brought, or are currently pending in any forum in the United States.

The release and full resolution of all matters relating to the marketing, sale and distribution of the Concentrates during the Class Period, includes, but is not limited to, the marketing, sale and distribution of the Roundup® products as it relates to the allegations and substance of the Class Complaint that was or could have been alleged relating to the "Makes Up to" certain number of gallons claims, the amount of product that the Roundup® Concentrate products makes, comparisons of the amount of product or active ingredient in Roundup® Concentrate products to Roundup® Ready-to-Use products, or any similar statements on any part of the bottle, label, packaging, instructions, or associated advertising, on any size bottle of the Roundup® Concentrates. The release does not release any alleged personal injury claims relating to the use of Roundup® Concentrates.

In addition, Each Settlement Class Member shall be deemed to have waived and relinquished, to the fullest extent permitted by law, the provisions, rights and benefits of California Civil Code section 1542 (and equivalent, comparable, or analogous provisions of the laws of the United States or any state or territory thereof, or of the common law). **Section 1542 provides:**

“A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his settlement with the debtor.”

Notwithstanding Cal. Civ. Code § 1542 or any other federal or state statute or rule of law of similar effect, this Agreement shall be given full force and effect according to each and all of its expressed terms and provisions, including those related to any unknown or unsuspected claims, liabilities, demands, or causes of action which are based on, arise from, or are in any way connected with the Action.

FINAL APPROVAL HEARING

The Court has scheduled a Final Approval Hearing (also referred to as a “Fairness Hearing”) to determine whether the Court should approve the Settlement as fair, reasonable, and adequate to the Class, and whether Judgment should be entered in accordance with the Settlement Agreement. The Court will also consider at the Final Approval Hearing the request of Class Counsel for an award of attorneys’ fees and reimbursement of expenses, as well as the request of the Class Representatives for incentive awards for services rendered on behalf of the Class.

The Final Approval Hearing will occur on **April 17, 2018 at 9:30 a.m. in Courtroom 12S of the Thomas F. Eagleton U.S. Courthouse, 111 South 10th Street, St. Louis, Missouri 63102.**

Your attendance at the Final Approval Hearing is not required. However, you may be heard orally at the hearing in opposition to the proposed Settlement if you wish. You may also enter an appearance through an attorney retained at your own expense. If you do not enter an appearance through an attorney, and do not object, Class Counsel will represent you at the hearing.

The Court may adjourn the date of the Final Approval Hearing without further notice to the members of the Settlement Class, in which case the new date of the Final Approval Hearing will be posted on the Settlement Website, www.RoundupConcentrateSettlement.com.

WHERE CAN I GET MORE INFORMATION?

The Notice’s description of the case and Settlement is general. For more details of the matters involved in this lawsuit and the Settlement, you may review the Settlement Agreement and related pleadings as set forth below.

If you want more detailed information about the lawsuit and proposed Settlement, including reviewing the Settlement documents, you may visit the Settlement Website at www.RoundupConcentrateSettlement.com, contact Dahl Administration at 1-855-802-5279, or contact Class Counsel at (619)-692-3840 for Jack Fitzgerald in California or (251)-433-6699 for Sid Jackson in Alabama.

If you wish to review the Court’s docket in this case, you may do so at www.pacer.gov, the Court’s public access website.

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.

For more information: www.RoundupConcentrateSettlement.com