

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

MEGANNE NATALE and CHELSEA  
CHENG, individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

9199-4467 QUEBEC INC., d/b/a EARTH  
RATED,

Defendant.

Case No. 2:21-cv-6775-JS-SIL

Hon. Joanna Seybert

**DECLARATION OF RYAN BAHRY REGARDING SETTLEMENT  
ADMINISTRATION**

I, RYAN BAHRY, declare and state as follows:

1. I am a Director at JND Legal Administration (“JND”). JND is a legal administration service provider with its headquarters in Seattle, Washington. JND has extensive experience with all aspects of legal administration and has administered settlements in hundreds of class action matters.

2. JND is serving as the Settlement Administrator<sup>1</sup> in the above-captioned litigation (the “Action”), pursuant to the Court’s Order Granting Preliminary Approval of Class Action Settlement Agreement, dated May 14, 2024 (“Order”).

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<sup>1</sup> Capitalized terms used and otherwise not defined in this Declaration shall have the meanings given to such terms in the Class Action Settlement Agreement.

3. This Declaration is based on my personal knowledge and information provided to me by experienced JND employees and, if called on to do so, I could and would testify competently thereto.

**CAFA NOTICE**

4. In compliance with the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1715, JND compiled a CD-ROM with the following documents (collectively, the “CAFA Notice Packet”):

- a. Class Action Complaint, filed December 7, 2021;
- b. First Amended Class Action Complaint, filed May 6, 2022;
- c. Plaintiffs’ Notice of Unopposed Motion for Preliminary Approval of Class Action Settlement, filed March 14, 2024;
- d. Memorandum of Law in Support of Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Action Settlement, filed March 14, 2024;
- e. Class Action Settlement Agreement, filed March 14, 2024;
- f. [Proposed] Settlement Claim Form, filed March 14, 2024;
- g. [Proposed] Email Notice, filed March 14, 2024;
- h. [Proposed] Class Notice, filed March 14, 2024; and
- i. [Proposed] Order Granting Preliminary Approval of Class Action Settlement, filed March 14, 2024.

5. The CD-ROM was mailed on March 22, 2024 to the appropriate Federal and State officials identified in the attachment with an accompanying cover letter, a copy of which is attached hereto as **Exhibit A**.

### **DIGITAL NOTICE EFFORT**

6. JND implemented a six-week digital campaign through the Google Display Network (“GDN”), Facebook, and Instagram. Digital ads appeared from Thursday, June 13, 2024 through Wednesday, July 24, 2024. In total, 212,436,459 digital impressions were served, 1,436,459 million more than originally planned.

7. The GDN impressions were targeted to adults 18 years of age or older (“Adults 18+”) and an affinity audience of dog lovers, dog pet care, dogs, pet waste removal tools and services, and/or those in-market for dog food and supplies. A portion of the GDN impressions were also allocated to websites that featured keywords such as biodegradable dog poop bags, dog poop service, biodegradable poop bags, dog poo bags, dog poop bags, dog bags, doggie bags, and dog waste.

8. The Facebook and Instagram impressions were targeted to Adults 18+ who were interested in dog behavior, dog breeds, dog food, dog grooming, dog lovers, dog training, dog walking, dogs (animals).

9. Multiple targeting strategies were used, including the following techniques:

- a. Predictive Targeting (GDN only) uses multiple data points (search queries, sites visited, and digital behavior trends) to make inferences regarding future behavior/performance for a given campaign;
- b. Audience Targeting optimizes efforts based on demographics, behavior, and interests of potential Settlement Class Members;
- c. Contextual targeting is the practice of displaying a digital ad based on a website’s content.

- d. Geotargeting optimizes efforts based on the location of potential Settlement Class Members;
- e. Keyword Targeting based on user search queries, recent social media posts or engagement with websites or posts that feature specific keywords; and
- f. Machine Learning is used across all digital media platforms to optimize campaigns in real time based on placements, times of day and sub-targets within the larger demo and geo target that are likely to drive claim form submissions.

10. The digital activity was served across all devices (desktop, laptop, tablet and mobile), with a heavy emphasis on mobile devices. The digital ads directly linked to the Settlement website, where Settlement Class Members could access more information about the Settlement, including the Website Notice, as well as file a claim electronically.

11. Screenshots of the digital ads as they appeared on GDN, Facebook, and Instagram are attached as **Exhibit B**.

### **ADDITIONAL EFFORTS**

12. JND implemented additional efforts including an internet search effort, the distribution of a national press release, and class action website sponsorships to extend notice exposure further.

#### ***Internet Search***

13. From Thursday, June 13, 2024 through Wednesday, July 24, 2024, JND caused 7,146 impressions to be served through a Google search effort. When purchased keywords related to the Settlement were searched, a paid Responsive Search Ad (“RSA”) with a hyperlink to the Settlement website would sometimes appear on the search engine results page. When the RSA

was clicked on, the visitor was redirected to the Settlement website where they could get more information about the Settlement, as well as file a claim electronically. The search effort was monitored and optimized throughout the campaign.

14. Screenshots of the RSAs as they appeared online are attached as **Exhibit C**.

#### ***Press Release***

15. To further assist in getting “word of mouth” out about the Settlement, JND caused a press release to be distributed on Thursday, June 13, 2024. The release was picked up 539 times with a total potential audience of 170 million.

16. A copy of the press release as distributed is attached as **Exhibit D**.

#### ***Class Action Site Sponsorships***

17. JND implemented sponsorship efforts through TopClassActions.com and ClassAction.org starting on June 13, 2024. Activity included exposure on their featured settlement pages and in electronic newsletters, as well as on their social media channels (e.g., Facebook, Instagram, X).

18. Screenshots of the different sponsorship placements on the class action sites are attached as **Exhibit E**.

#### **REACH**

19. To calculate media reach, JND used an MRI Dog Owner population base and a Comscore reach and frequency platform. According to this reputable media reach platform, the Notice Plan as implemented reached more than 70% of potential Settlement Class Members an average of three times each. The internet search campaign, distribution of the national press release, and class action website sponsorships extended notice exposure further. The provided

reach is similar to that of other court approved programs and meets the standard set forth by the FJC.<sup>2</sup>

### **SETTLEMENT WEBSITE**

20. On May 28, 2024, JND established a Settlement Website ([www.ERCompostableSettlement.com](http://www.ERCompostableSettlement.com)), which hosts copies of important case documents, answers to frequently asked questions, and contact information for the Administrator. The Settlement Website also provided an online Claim Form for Settlement Class Members to submit a claim electronically.

21. As of the date of this Declaration, the Settlement website has tracked 1,717,211 unique visitors and 8,493,623 page views. JND will continue to maintain and update the website throughout the administration process.

### **TOLL-FREE INFORMATION LINE**

22. On May 15, 2024, JND established a case-specific toll-free number (1-877-495-3332) which provides information about the Settlement through an automated Interactive Voice Response (IVR) system as well as the option to speak with a live agent. The toll-free number is available 24 hours a day, seven (7) days a week.

23. As of the date of this declaration, the toll-free number has received 89 calls. JND will continue to maintain the toll-free telephone number throughout the administration process.

### **REQUESTS FOR EXCLUSION**

24. Settlement Class Member who wanted to exclude themselves from the proposed Settlement (“opt-out”) were required to mail a letter to JND stating that they desire to be excluded

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<sup>2</sup> Federal Judicial Center, *Judges’ Class Action Notice and Claims Process Checklist and Plain Language Guide* (2010), p. 3 states: “...the lynchpin in an objective determination of the adequacy of a proposed notice effort is whether all the notice efforts together will reach a high percentage of the class. It is reasonable to reach between 70–95%.”

from the class or otherwise not participate in the Settlement, postmarked on or before September 23, 2024.

25. As of the date of this declaration, JND has received nine (9) timely requests for exclusion. A list of the names of the Settlement Class Members who requested exclusion is attached hereto as **Exhibit F**.

### **OBJECTIONS**

26. Settlement Class Member who wanted to object to the approval of the proposed Settlement were required to submit a written statement to the Court (with copies to JND, Class Counsel, and Defense Counsel), postmarked on or before September 23, 2024, stating that they are a Class Member and identifying their reasons for objection.

27. As of the date of this declaration, JND has not received any objections.

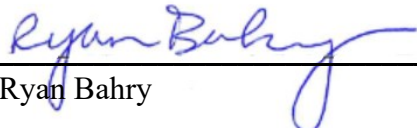
### **CLAIMS RECEIVED**

28. Settlement Class Members were required to file a Claim Form by mail or electronically on the Settlement Website in order to participate in the Settlement and receive a cash payment, postmarked or submitted on or before December 9, 2024.

29. As of the date of this declaration, JND has received a total of 1,478,451 Claim Forms (1,478,292 Claim Forms were submitted electronically and 159 Claim Forms were submitted by mail). As discussed with the Parties, JND used an hCaptcha score to preliminarily determine the validity of the electronically submitted Claim Forms (to date, JND has preliminarily identified 123,682 potentially valid electronic claims). The Parties and JND anticipate that additional review may be necessary to evaluate the existing potentially valid claims. JND is in the process of receiving, reviewing, and validating additional Claim Form submissions.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 9, 2024, in Seattle, Washington.

  
\_\_\_\_\_  
Ryan Bahry



# **EXHIBIT A**



March 22, 2024

United States Attorney General  
and the Appropriate Officials  
Identified in Attachment A

**RE: CAFA Notice of Proposed Class Action Settlement**

Dear Sir or Madam:

This Notice is being provided to you in accordance with the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1715, on behalf of 9199-4467 Quebec Inc., d/b/a Earth Rated, the defendant in the below-referenced class action (“the Action”). Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Action Settlement, the Settlement Agreement between the Parties to the Action, and other related settlement documents were filed with the Court on March 14, 2024.

**Case Name:** *Meganne Natale and Chelsea Cheng v. 9199-4467 Quebec Inc., d/b/a Earth Rated*  
**Case Number:** *2:21-cv-6775-JS-SIL*  
**Jurisdiction:** *United States District Court for the Eastern District of New York*  
**Date Settlement filed with Court:** *March 14, 2024*

As of the date of this Notice, the Court has not scheduled an approval hearing or other judicial hearing related to the settlement in the Action.

Copies of all materials filed in the Action are electronically available on the Court’s PACER website found at <https://pcl.uscourts.gov>. Additionally, the enclosed CD-ROM contains copies of the following documents filed in the Action:

**01 - Complaint**

Class Action Complaint, filed December 7, 2021

**02 - Amended Complaint**

First Amended Class Action Complaint, filed May 6, 2022

**03 - Motion for Preliminary Approval**

Plaintiffs’ Notice of Unopposed Motion for Preliminary Approval of Class Action Settlement, filed March 14, 2024

**04 - Memorandum in Support**

Memorandum of Law in Support of Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Action Settlement, filed March 14, 2024

**05 - Settlement Agreement**

Class Action Settlement Agreement, filed March 14, 2024

**06 - Claim Form**

[Proposed] Settlement Claim Form, filed March 14, 2024

**07 - Email Notice**

[Proposed] Email Notice, filed March 14, 2024

**08 - Class Notice**

[Proposed] Class Notice, filed March 14, 2024

**09 - Preliminary Approval Order**

[Proposed] Order Granting Preliminary Approval of Class Action Settlement, filed March 14, 2024

It is not possible to provide a breakdown of the Settlement Class in accordance with 28 U.S.C. § 1715 (b)(7) at this time. However, we anticipate that the Settlement Class is sufficiently numerous as to include Class Members residing in numerous U.S. states, as well as the District of Columbia, and may include Class Members residing in U.S. territories and associated states.

There are no other settlements or agreements made between plaintiffs' counsel and defendant's counsel, and, as of the date of this Notice, no Final Judgment or notice of dismissal has been entered in this case.

If you have any questions regarding the details of the case and settlement, please contact defendant's counsel at:

Jahmy S. Graham  
Nelson Mullins Riley & Scarborough, LLP  
19191 South Vermont Ave., Suite 900  
Torrance, CA 90502  
Phone: (424) 221-7426  
Email: jahmy.graham@nelsonmullins.com

For questions regarding this Notice, please contact JND at:

JND Class Action Administration  
1100 2nd Ave, Suite 300  
Seattle, WA 98101  
Phone: 800-207-7160

Regards,

JND Legal Administration

Encl.

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Ste 1  
Pierre, SD 57501

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Nashville, TN 37219

CAFA Notice - Attachment A - Service List

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Office of the Attorney General  
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Washington, DC 20001

Merrick Garland  
Office of the U.S. Attorney General  
U.S. Department of Justice  
950 Pennsylvania Ave NW  
Washington, DC 20530

# **EXHIBIT B**



petMD by chewy

Search:

Chat free with Chewy's vet team [↗](#)

Dogs ▾ Cats ▾ Other Pets ▾ Medications ▾ Discover ▾ Product Reviews ▾ Health Tools ▾ About Us ▾

LEGAL NOTICE

Purchasers of **Earth Rated Certified Compostable Poop Bags** may be entitled to a payment from a class action settlement

[LEARN MORE](#)



[Home](#) / [Care & Healthy Living](#)

# 10 Summer Dog Walking Tips



By [Georgina Ushi, DVM](#) on Jul. 11, 2023



## How Does It Work?



LEGAL NOTICE



Purchasers of **Earth Rated Certified Compostable Poop Bags** may be entitled to a payment from a class action settlement

[LEARN MORE](#)



PHOTOGRAPH: RUFFWEAR

### Our Favorite Dog Boots

Grip-Trex Dog Boots

Dog boots can help protect your pup's paws. Here are a few we like, though you must train them to walk with the shoes before going outside (give them lots of treats with every step!).

**Best overall:** WIRED senior associate editor Adrienne So says she rarely goes camping without dog boots after an incident where she and her husband had to carry two 70-pound dogs back to the car after discovering bits of sharp, volcanic glass on a trail in Oregon. Her dog will wear [Ruffwear's Grip-Trex boots \(\\$40\)](#) instead of flopping

LEGAL NOTICE

Purchasers of **Earth Rated Certified Compostable Poop Bags** may be entitled to a payment from a class action settlement

LEARN MORE



MOST POPULAR



Get the best of WIRED in your inbox every day. [Sign Up](#)





4. A **self-cleaning slicker brush** over 68,000 (!!)  
folks have given 5 stars for its effectiveness at  
gently detangling and removing all that loose fur  
on short- or long-haired animals — then, with the  
press a button on top, you can retract the bristles  
to wipe that excess fur away.



[www.amazon.com](http://www.amazon.com), [www.amazon.com](http://www.amazon.com)

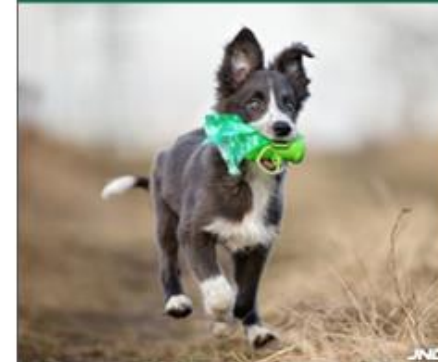
**Promising review:** "This brush is my favorite to use on my dogs. We have a German Shepherd mix and a Springer Spaniel, and this works great on each of them **My favorite part is how easy it is to clean** — just push the button

ADVERTISEMENT

LEGAL NOTICE

Purchasers of  
**Earth Rated Certified  
Compostable Poop  
Bags** may be entitled  
to a payment from a  
class action settlement

[LEARN MORE](#)



10:36



they may have trouble going in the appropriate place.

### Diet Change

Sudden changes in your dog's diet can lead to gastrointestinal upset. Whether it's because you bought a new brand of food or treats or if your dog got into the trash can, a dog's intestinal tract does not handle this kind of abrupt change well.

The change in diet can cause a massive shift in the microflora biome (good and bad bacteria) that make up your dog's intestinal tract. This imbalance can cause loose stools, leading to accidents in the house.

ADVERTISEMENT

LEGAL NOTICE

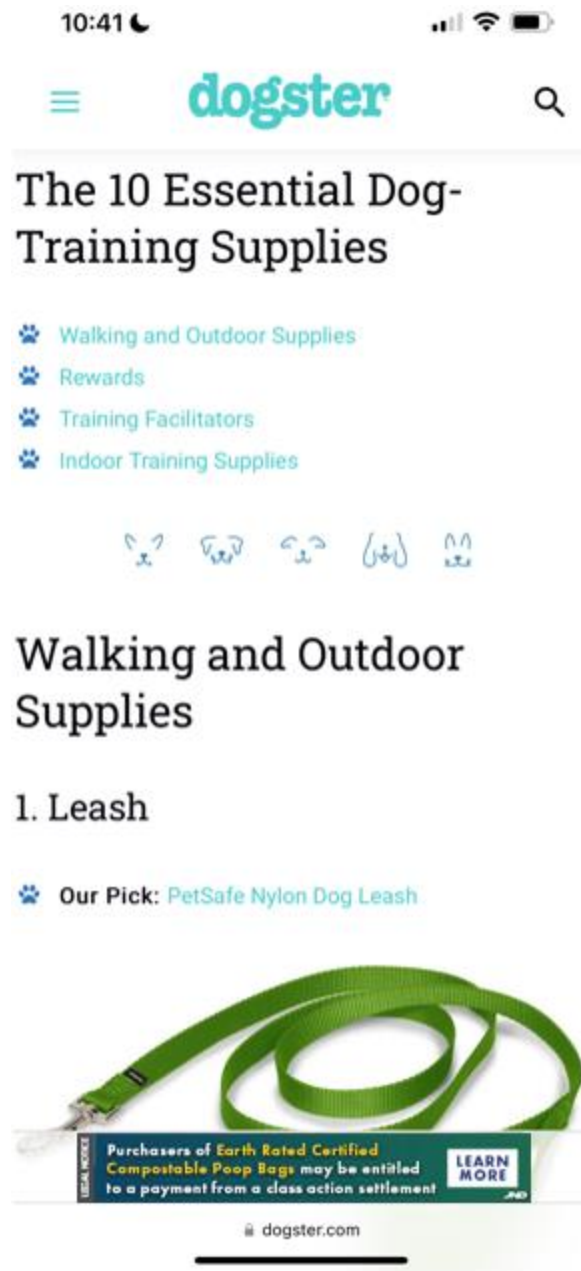


Purchasers of **Earth Rated Certified Compostable Poop Bags** may be entitled to a payment from a class action settlement

[LEARN MORE](#)

## How To Stop a Dog From Pooping in the House

petmd.com





5:55

Class Action Notice  
Sponsored

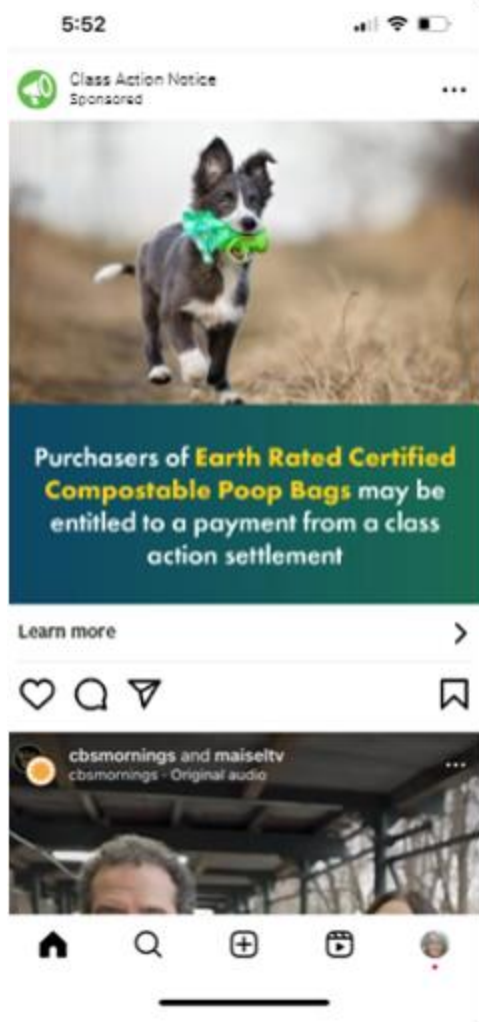
**Purchasers of Earth Rated  
Certified Compostable  
Poop Bags** may be  
entitled to a payment from  
a class action settlement



[Learn more](#)

The image is a mobile advertisement for a class action settlement. It features a dark green header with white text and a yellow-green dog. The main text is white on a dark green background. Below the text is a photograph of a dog holding a green poop bag. At the bottom is a white button with a blue link icon and the text 'Learn more'.





5:53

Class Action Notice  
Sponsored

Purchasers of **Earth Rated Certified Compostable Poop Bags** may be entitled to a payment from a class action settlement



[LEARN MORE](#)

The image is a mobile advertisement for a class action settlement. It features a dark green header with a speaker icon, the text 'Class Action Notice Sponsored', and a close button. The main text, in white and yellow, states that purchasers of Earth Rated Certified Compostable Poop Bags may be entitled to a payment from a class action settlement. Below the text is a photograph of a dog running in a field, holding a green poop bag in its mouth. At the bottom of the image is a white button with a link icon and the text 'LEARN MORE'.

# EXHIBIT C



"Earth Rated Compostable poop bags"



Cycle Dog Earth Friendly Pick-Up...

**\$8.00**

REI, 5+  
2.9 mi · In stock  
4.8 ★★★★★ (316)



Earth Rated Unscented Poop...

**\$3.88**

Walmart, 2+  
\$16.94 same-day  
8.0 mi · In stock  
4.6 ★★★★★ (235)



Earth Rated 315 Unscented Bags

**\$21.49**

Target, 10+  
\$5.99 by 6/16  
Also nearby  
4.7 ★★★★★ (227)



Earth Rated Poop Bags, Unscente...

**\$14.99** ~~\$24~~

Petco.com, 10+  
Free same-day  
2.3 mi · In stock  
4.6 ★★★★★ (1.2K)

**Sponsored**

[www.earthratedsettlement.com/](http://www.earthratedsettlement.com/)


### Earth Rated Settlement - Compostable Poop Bags Impacted

File a claim if you bought certain Earth Rated poop bags believed to be compostable.  
Purchasers of Earth Rated Certified Compostable Poop Bags may be entitled to a payment.  
[File a Claim](#) · [Key Dates](#) · [FAQ](#)

11:18

Popular products

5% OFF




Earth Rated Dog Poop Bags, Guaranteed...

\$13.29 ~~\$14~~

Amazon.com, 10+

4.7 ★★★★★ (1.8K)




Earth Rated Poop Bags

\$8.59

Target, 10+

1.8 mi · In stock

4.7 ★★★★★ (3.9K)



Earth Rated Rubber Chew Dog Toy

\$17.99

Chewy.com

Also nearby

3.9 ★★★★★

Sponsored


[www.earthrated.com/](http://www.earthrated.com/)

### Earth Rated Settlement - File a claim for Payment

Purchasers of Earth Rated Certified Compostable Poop Bags may be entitled to a payment. File a claim if you bought certain Earth Rated poop bags believed to be compostable.

[File a Claim](#) [Key Dates](#) [FAQ](#)

Videos



Earth Rated Dog Products are The Best: Eco-Friendly & Pet-Friendly

# Q "earth rated"

# **EXHIBIT D**

# If you purchased one or more units of Earth Rated Certified Compostable Poop Bags between October 28, 2015 and June 13, 2024, you may be entitled to a payment from a class action settlement

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NEWS PROVIDED BY

**JND Legal Administration** →

Jun 13, 2024, 09:23 ET

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SEATTLE, June 13, 2024 /PRNewswire/ -- JND Legal Administration

A proposed settlement has been reached in a class action lawsuit called *Natale et al. v. 9199-4467 Quebec Inc. d/b/a Earth Rated*, Case No. 2:21-cv-6775. The people who sued are called the Plaintiffs. The Defendant is 9199-4467 Quebec Inc. d/b/a Earth Rated ("Earth Rated").

## **What is this about?**

Plaintiffs Meganne Natale and Chelsea Cheng (collectively, the "Class Representatives") allege that they were misled into believing that Earth Rated Certified Compostable Poop Bags (the "Certified Compostable Poop Bags") were "compostable." Earth Rated claims these particular products are compostable and denies all allegations of wrongdoing. The Court has not determined who is right. Rather, the Parties have agreed to settle the lawsuit to avoid the uncertainties and expenses associated with ongoing litigation.

## **What does the settlement provide?**

If approved, a \$825,000.00 Settlement Fund will be created to pay Settlement Class Member benefits, the cost of notice and settlement administration, attorneys' fees, costs and expenses, and Class Representative awards. Details of the settlement benefits can be found in the Settlement Agreement available at [www.ERCompostableSettlement.com](http://www.ERCompostableSettlement.com).

### **Am I a Settlement Class Member?**

You are a Settlement Class Member if you purchased one or more units of the Certified Compostable Poop Bags during the class period which extends from October 28, 2015 to June 13, 2024.

### **Your legal rights and options.**

- **File A Claim Form by December 9, 2024.** If you are a member of the Settlement Class, you must submit a Claim Form to receive a share of the Settlement Fund. If you submit a Claim Form without proof of purchase, you will receive a payment of \$2.00 per unit of Certified Compostable Poop Bag purchased, up to \$6.00. If you submit a Claim Form with proof of purchase, you will receive a payment of \$2.00 per unit of Certified Compostable Poop Bags purchased, subject to no cap. Those awards may be subject to *pro rata* adjustment depending on the number of valid claims that are filed.

Claim Forms may be submitted electronically at [www.ERCompostableSettlement.com](http://www.ERCompostableSettlement.com) or by printing and mailing a paper Claim Form, available for download at [www.ERCompostableSettlement.com](http://www.ERCompostableSettlement.com). By filing a claim, you will give up your right to sue Defendant for the claims being resolved by this settlement.



- **Do Nothing.** If you do nothing and the Settlement becomes final, you will not receive a payment and you will give up your right to sue Defendant for the claims being resolved by this settlement.
- **Exclude Yourself by September 23, 2024.** If you exclude yourself from the settlement (also called "opting out"), you will not receive a payment, but you will keep your right to sue Defendant for the claims being resolved by this settlement. To exclude yourself from the settlement, submit a request for exclusion either at [www.ERCompostableSettlement.com](http://www.ERCompostableSettlement.com) (via the online form) or by mailing a letter (or request for exclusion) to: Earth Rated Compostable Settlement, c/o JND Legal Administration, P.O. Box 91398, Seattle, WA 98111. Your exclusion request must include your name, your address, a statement that you purchased Certified Compostable Poop Bags from October 28, 2015 to June 13, 2024, your signature, the name and number of this case (*Natale et al. v. 9199-4467 Quebec Inc. d/b/a Earth Rated*, Case No. 2:21-cv-6775), and a statement that you wish to be excluded.
- **Object by September 23, 2024.** If you are a Settlement Class Member and you do not exclude yourself from the settlement, you may object to the settlement if you don't like any part of it. The Court will consider your views. Go to [www.ERCompostableSettlement.com](http://www.ERCompostableSettlement.com) for details on how to file an objection.

### Who represents me?

The Court has appointed Bursor & Fisher, P.A. to be the attorneys representing the Settlement Class as Class Counsel. Defendant has agreed that Class Counsel attorneys' fees and costs may be paid out of the Settlement Fund in an amount to be determined by the Court, but no more than one-third (1/3) of the Settlement Fund.

Subject to approval by the Court, Defendant has also agreed that the Class Representatives may be paid a Service Award of \$5,000 each from the Settlement Fund for their services in helping to bring and resolve this case.

### When will the Court consider the Settlement?

The Court will hold a Final Approval Hearing at 10:30 a.m. EST on October 23, 2024. At that hearing, the Court will determine whether to approve the settlement as fair, reasonable, adequate, and in the best interests of the Settlement Class; consider Class Counsel's request for attorneys' fees and expenses; and consider the request for Service Awards to the Class Representatives. If you filed and mailed a written objection on time, the Court will also consider it. You do not have to attend the Final Approval Hearing, but you are welcome to come at your own expense.

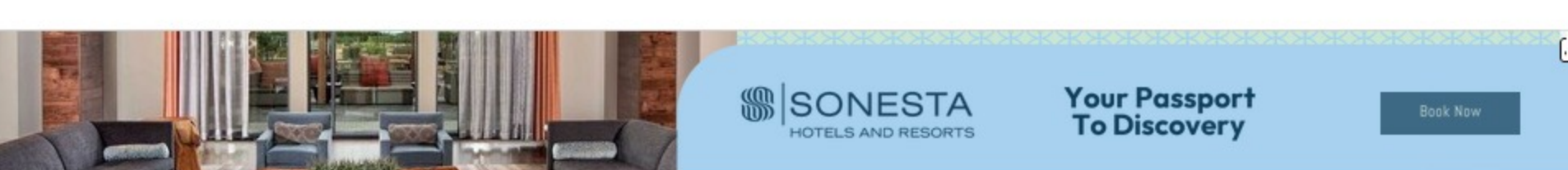
### Where can I get more information?



A more detailed notice and important case documents are at [www.ERCompostableSettlement.com](http://www.ERCompostableSettlement.com). You may also call (877) 495-3332 with questions.

SOURCE JND Legal Administration

# **EXHIBIT E**



# \$825K Earth Rated compostable poop bags class action settlement

Top Class Actions | June 13, 2024

Category: Legal News

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Consumers could benefit from an \$825,000 class action settlement to resolve claims that Earth Rated compostable poop bags were not actually compostable as promised.

The Earth Rated settlement benefits consumers who purchased one or more units of Earth Rated Certified Compostable Poop Bags between Oct. 28, 2015, and June 13, 2024.

Plaintiffs in the class action lawsuit claim Earth Rated's poop bags were falsely advertised as compostable to mislead purchasers. In reality, these poop bags do not break down in compost, the consumers claim.

**Earth Rated** is a sustainable dog supply brand that sells poop bags and other supplies.

Earth Rated denies any wrongdoing but agreed to pay \$825,000 to resolve the false advertising class action lawsuit.

Under the terms of the Earth Rated class action settlement, class members can receive \$2 per purchased product and claim a maximum of three products for up to \$6; and class members with proof of purchase can receive \$2 per purchased product and are not limited in the number of products they can claim from the settlement.

The deadline for exclusion and objection is Sept. 23, 2024.

The final approval hearing for the settlement is scheduled for Oct. 23, 2024.



To receive an Earth Rated settlement payment, class members must submit a valid claim form by Dec. 9, 2024.

### Who's Eligible

Consumers who purchased one or more units of Earth Rated Certified Compostable Poop Bags between Oct. 28, 2015, and June 13, 2024.

### Potential Award

Up to \$6 without proof of purchase, varies with proof of purchase

### Proof of Purchase

Receipts, invoices, order confirmations and other documentation

### Claim Form

[CLICK HERE TO FILE A CLAIM](#)

**NOTE:** If you do not qualify for this settlement do NOT file a claim.

Remember: you are submitting your claim *under penalty of perjury*. You are also harming other eligible Class Members by submitting a fraudulent claim. If you're unsure if you qualify, please read the FAQ section of the Settlement Administrator's website to ensure you meet all standards (Top Class Actions is not a Settlement Administrator). If you don't qualify for this settlement, check out our database of other [open class action settlements](#) you may be eligible for.

### Claim Form Deadline

12/09/2024

### Case Name

*Natale, et al. v. 9199-4467 Quebec Inc. d/b/a Earth Rated*, Case No. 2:21-cv-05775-JS-SIL, in the U.S. District Court for the Eastern District of New York

### Final Hearing

10/23/2024

### Settlement Website

[ERCompostableSettlement.com](http://ERCompostableSettlement.com)

### Claims Administrator

Earth Rated Compostable Settlement  
c/o JND Legal Administration  
P.O. Box 91398  
Seattle, WA 98111  
info@ERCompostableSettlement.com  
877-495-3332

### Class Counsel

L Timothy Fisher  
Brittany S Scott  
Max S Roberts  
BURSOR & FISHER PA

### Defense Counsel

Jahmy S Graham  
NELSON MULLINS RILEY & SCARBOROUGH LLP

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Please note: Top Class Actions is not a settlement administrator or law firm. Top Class Actions is a legal news source that reports on class action lawsuits, class action settlements, drug injury lawsuits and product liability lawsuits. Top Class Actions does not process claims and we cannot advise you on the status of any class action settlement claim. You must contact the settlement administrator or your attorney for any updates regarding your claim status, claim form or questions about when payments are expected to be mailed out.

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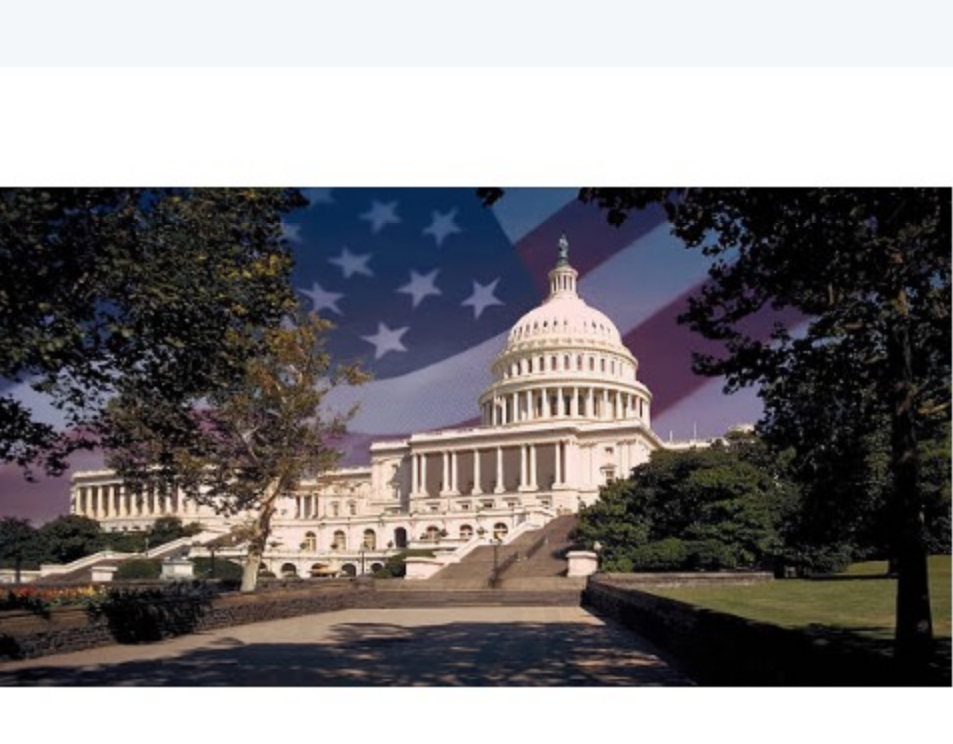
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class action settlement**

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🐾🐕 Have you purchased Earth Rated compostable poop bags?! Apparently, they weren't actually compostable as promised. You may qualify for a payment from this \$825,000 class action settlement! 🙌💰

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## **\$825K** Earth Rated compostable poop bags class action **settlement**



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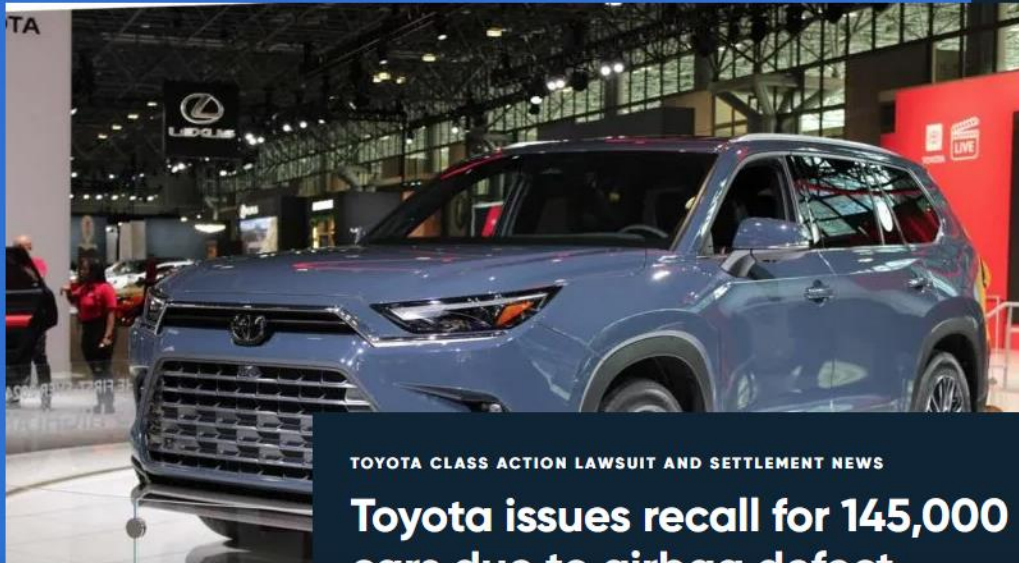


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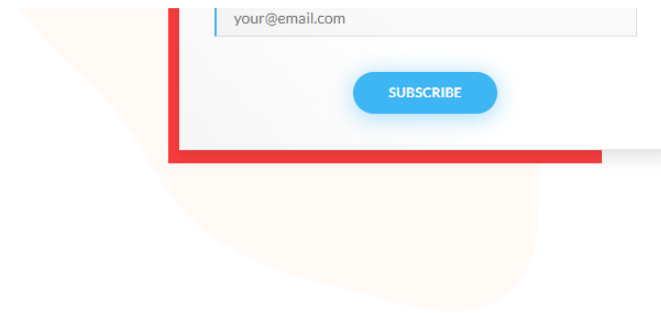
### \$825K Earth Rated compostable poop bags class action settlement



owed unclaimed settlement money – or are confused as to what's involved in staking their claims.

At ClassAction.org, part of our mission is to break some myths about [class action lawsuits](#) and class action settlements to provide insight into what actually goes into the filing – and resolution of – a lawsuit.

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### Suave Antiperspirant

31 Days Left • Featured

TYPICAL SETTLEMENT	DEADLINE	PROOF REQUIRED?
Varies	7/15/24	No

If you purchased Suave 24-Hour Protection Powder Aerosol Antiperspirant or Suave 24-Hour Protection Fresh Aerosol Antiperspirant deodorants since 2018, you could be eligible to receive a payment from a recent \$2 million settlement.

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### Seresto Flea and Tick Collar

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TYPICAL SETTLEMENT	DEADLINE	PROOF REQUIRED?
Varies	7/23/24	No

Did you buy a Seresto flea and tick collar for your pet before July 2024? You may be owed money from a \$15M class action settlement.

[Learn More →](#) [Share](#)

### Earth Rated Poop Bags

178 Days Left • Featured

TYPICAL SETTLEMENT	DEADLINE	PROOF REQUIRED?
Varies	12/9/24	No

If you bought Earth Rated Certified Compostable Poop Bags between October 28, 2015 and June 13, 2024, you may be entitled to money from this settlement.

[Learn More →](#) [Share](#)

CLAIM DEADLINE December 9, 2024

## Earth Rated Poop Bag Class Action Settlement

If you bought Earth Rated Certified Compostable Poop Bags **between October 28, 2015 and June 13, 2024**, you may be able to claim part of a recent class action settlement.



Have a question?

Scroll down to find frequently asked questions and answers about this settlement.

### Earth Rated Poop Bags



Settlement Information

NATALE ET AL. V. 9199-4467 QUEBEC INC. D/B/A EARTH RATED  
Case No. 2:21-cv-6775

TYPICAL SETTLEMENT	PROOF REQUIRED?
<b>Varies</b>	No

CLAIM DEADLINE	SETTLEMENT TOTAL
12/9/24	\$825,000

[File a Claim](#)

\*You will be taken to the claims administrator site designated by the court to handle this claim.

### Settlements you might be interested in



**Suave Antiperspirant**

TYPICAL SETTLEMENT: **Varies**



**Seresto Flea and Tick Collar**

TYPICAL SETTLEMENT: **Varies**



**Earth Rated Poop Bags**

TYPICAL SETTLEMENT: **Varies**

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<h3>Earth Rated Poop Bags</h3> <p>178 Days Left <span style="float: right;">• Featured</span></p> <table border="1"> <thead> <tr> <th>TYPICAL SETTLEMENT</th> <th>DEADLINE</th> <th>PROOF REQUIRED?</th> </tr> </thead> <tbody> <tr> <td>Varies</td> <td>12/9/24</td> <td>No</td> </tr> </tbody> </table> <p>If you bought Earth Rated Certified Compostable Poop Bags between October 28, 2015 and June 13, 2024, you may be entitled to money from this settlement.</p> <p><a href="#">Learn More →</a> <span style="float: right;"><a href="#">Share</a></span></p>	TYPICAL SETTLEMENT	DEADLINE	PROOF REQUIRED?	Varies	12/9/24	No	<h3>Acella Pharmaceuticals - NP Thyroid</h3> <p>169 Days Left</p> <table border="1"> <thead> <tr> <th>TYPICAL SETTLEMENT</th> <th>DEADLINE</th> <th>PROOF REQUIRED?</th> </tr> </thead> <tbody> <tr> <td>Varies</td> <td>11/30/24</td> <td>N/A</td> </tr> </tbody> </table> <p>If you had a prescription for NP Thyroid dispensed to you between May 12, 2018 and April 30, 2021, you may be included in this settlement.</p> <p><a href="#">Visit Official Settlement Website</a> <span style="float: right;"><a href="#">Share</a></span></p>	TYPICAL SETTLEMENT	DEADLINE	PROOF REQUIRED?	Varies	11/30/24	N/A	<h3>Focus Plumbing - Harassment</h3> <p>109 Days Left</p> <table border="1"> <thead> <tr> <th>TYPICAL SETTLEMENT</th> <th>DEADLINE</th> <th>PROOF REQUIRED?</th> </tr> </thead> <tbody> <tr> <td>Varies</td> <td>10/1/24</td> <td>Yes</td> </tr> </tbody> </table> <p>This settlement covers female Focus Plumbing employees who were harassed based on their gender at any time since October 2017.</p> <p><a href="#">Visit Official Settlement Website</a> <span style="float: right;"><a href="#">Share</a></span></p>	TYPICAL SETTLEMENT	DEADLINE	PROOF REQUIRED?	Varies	10/1/24	Yes
TYPICAL SETTLEMENT	DEADLINE	PROOF REQUIRED?																		
Varies	12/9/24	No																		
TYPICAL SETTLEMENT	DEADLINE	PROOF REQUIRED?																		
Varies	11/30/24	N/A																		
TYPICAL SETTLEMENT	DEADLINE	PROOF REQUIRED?																		
Varies	10/1/24	Yes																		
<h3>New York City Religious Head Coverings</h3> <p>104 Days Left <span style="float: right;">• New</span></p> <table border="1"> <thead> <tr> <th>TYPICAL SETTLEMENT</th> <th>DEADLINE</th> <th>PROOF REQUIRED?</th> </tr> </thead> <tbody> <tr> <td>\$7,824</td> <td>9/26/24</td> <td>N/A</td> </tr> </tbody> </table> <p>You may be covered by this settlement if you were forced to remove a religious head covering for a post-arrest photograph while in custody of the New York City Police Department from March 16, 2014 to August 23, 2021.</p> <p><a href="#">Visit Official Settlement Website</a> <span style="float: right;"><a href="#">Share</a></span></p>	TYPICAL SETTLEMENT	DEADLINE	PROOF REQUIRED?	\$7,824	9/26/24	N/A	<h3>Gifted Healthcare - Data Breach</h3> <p>94 Days Left</p> <table border="1"> <thead> <tr> <th>TYPICAL SETTLEMENT</th> <th>DEADLINE</th> <th>PROOF REQUIRED?</th> </tr> </thead> <tbody> <tr> <td>Varies</td> <td>9/16/24</td> <td>N/A</td> </tr> </tbody> </table> <p>You may be covered by this settlement if you received a data breach notification from Gifted Healthcare regarding a data breach that occurred in 2021.</p> <p><a href="#">Visit Official Settlement Website</a> <span style="float: right;"><a href="#">Share</a></span></p>	TYPICAL SETTLEMENT	DEADLINE	PROOF REQUIRED?	Varies	9/16/24	N/A	<h3>RealPage Utility Management - Fees (Maryland)</h3> <p>80 Days Left</p> <table border="1"> <thead> <tr> <th>TYPICAL SETTLEMENT</th> <th>DEADLINE</th> <th>PROOF REQUIRED?</th> </tr> </thead> <tbody> <tr> <td>Varies</td> <td>9/2/24</td> <td>N/A</td> </tr> </tbody> </table> <p>If RealPage Utility Management sent you a monthly statement pertaining to utilities at a Maryland residence, which included an administration fee, between April 1, 2017 and June 30, 2023, you may be included in this settlement.</p> <p><a href="#">Visit Official Settlement Website</a> <span style="float: right;"><a href="#">Share</a></span></p>	TYPICAL SETTLEMENT	DEADLINE	PROOF REQUIRED?	Varies	9/2/24	N/A
TYPICAL SETTLEMENT	DEADLINE	PROOF REQUIRED?																		
\$7,824	9/26/24	N/A																		
TYPICAL SETTLEMENT	DEADLINE	PROOF REQUIRED?																		
Varies	9/16/24	N/A																		
TYPICAL SETTLEMENT	DEADLINE	PROOF REQUIRED?																		
Varies	9/2/24	N/A																		
<h3>Riverside Medical Clinic - Data Privacy</h3> <p>73 Days Left <span style="float: right;">• New</span></p> <table border="1"> <thead> <tr> <th>TYPICAL SETTLEMENT</th> <th>DEADLINE</th> <th>PROOF REQUIRED?</th> </tr> </thead> <tbody> <tr> <td>Varies</td> <td>8/26/24</td> <td>N/A</td> </tr> </tbody> </table> <p>If you visited the Riverside Medical Clinic website between September 9, 2017 and December 13, 2022, you may be included in this settlement.</p> <p><a href="#">Visit Official Settlement Website</a> <span style="float: right;"><a href="#">Share</a></span></p>	TYPICAL SETTLEMENT	DEADLINE	PROOF REQUIRED?	Varies	8/26/24	N/A	<h3>East Palestine Train Derailment</h3> <p>69 Days Left <span style="float: right;">• New</span></p> <table border="1"> <thead> <tr> <th>TYPICAL SETTLEMENT</th> <th>DEADLINE</th> <th>PROOF REQUIRED?</th> </tr> </thead> <tbody> <tr> <td>Varies</td> <td>8/22/24</td> <td>N/A</td> </tr> </tbody> </table> <p>You may be covered by this settlement if you lived, worked, owned property, or owned or operated a business within 20 miles of the East Palestine, Ohio derailment site between February 3, 2023 and April 26, 2024.</p> <p><a href="#">Visit Official Settlement Website</a> <span style="float: right;"><a href="#">Share</a></span></p>	TYPICAL SETTLEMENT	DEADLINE	PROOF REQUIRED?	Varies	8/22/24	N/A	<h3>Porsche - Communication Management Systems</h3> <p>67 Days Left</p> <table border="1"> <thead> <tr> <th>TYPICAL SETTLEMENT</th> <th>DEADLINE</th> <th>PROOF REQUIRED?</th> </tr> </thead> <tbody> <tr> <td>Up to \$7,500</td> <td>8/20/24</td> <td>Yes</td> </tr> </tbody> </table> <p>This settlement covers those who owned or leased a Porsche vehicle equipped with an XM radio antenna and Porsche Communication Management (PCM) system 3.1 as of May 20, 2020.</p> <p><a href="#">Visit Official Settlement Website</a> <span style="float: right;"><a href="#">Share</a></span></p>	TYPICAL SETTLEMENT	DEADLINE	PROOF REQUIRED?	Up to \$7,500	8/20/24	Yes
TYPICAL SETTLEMENT	DEADLINE	PROOF REQUIRED?																		
Varies	8/26/24	N/A																		
TYPICAL SETTLEMENT	DEADLINE	PROOF REQUIRED?																		
Varies	8/22/24	N/A																		
TYPICAL SETTLEMENT	DEADLINE	PROOF REQUIRED?																		
Up to \$7,500	8/20/24	Yes																		

### Frequently Asked Questions About This Settlement

#### What's Going On?

A settlement has been reached to resolve a class action lawsuit that alleged Earth Rated misled consumers into believing its Certified Compostable Poop Bags were capable of being composted and charged a premium price based on that representation. The case argued that dog waste is too dangerous to compost and that the "compostable" claims on the poop bags were therefore false and misleading.

#### How Much Could I Get?

The amount you could receive from the settlement will depend on several factors, including whether you have proof of your purchases, how many units you bought and the total number of claims submitted. Those without proof of purchases can receive \$2 per unit, up to \$4. Consumers with proof can also receive \$2 per unit, but with no cap. Any awards will be subject to a pro-rated adjustment depending on the number of claims filed with the settlement.

#### Who's Eligible to File a Claim with the Settlement?

The settlement covers individuals in the United States who bought one or more units of Earth Rated Certified Compostable Poop Bags for personal use between October 28, 2015 and June 13, 2024.

#### Is the Settlement Website Legit?

Yes, it has been designated by the court as the official website for the settlement and where consumers will need to go if they want to submit a claim online.

#### How Do I File a Claim with the Settlement?

To file a claim, head over to the official settlement website and click "File a Claim."

#### Is There a Deadline for Filing a Claim?


Yes, the deadline for filing a claim with the settlement is December 9, 2024.

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If you bought Earth Rated Certified Compostable Poop Bags between October 28, 2015 and June 13, 2024, you may be able to claim part of a recent class action settlement.

Claim Deadline: Dec. 9, 2024


### Earth Rated Poop Bag Class Action Settlement

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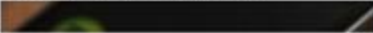
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If you bought Earth Rated Certified Compostable Poop Bags between October 28, 2015 and June 13, 2024, you may be able to claim part of a recent class action settlement.

Claim Deadline: Dec. 9, 2024

**Earth Rated Poop Bag Class Action Settlement**








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JUNE 20, 2024

## Are Weighted Sleep Sacks Safe for Your Child?

We have several new investigations and settlements for you in this week's issue. First up, attorneys are looking into the safety of certain **Dreamland Baby and Nested Bean products**, as they believe the companies' **weighted sleep sacks and swaddles may be unreasonably dangerous**. More on that below.

Plus, attorneys are looking into **Instacart and Norton**: the first over **how certain shoppers (i.e., workers) are being paid** and the second over how the company behind **LifeLock and other security and privacy services may have secretly collected and shared customers' private information**.

As far as settlements go, we'll touch on a deal that covers consumers who bought **Earth Rated Certified Compostable Poop Bags** between October 28, 2015 and June 13, 2024. And, as always, we've got our usual batch of new settlements and a list of those ending soon. Keep reading for the details.

– Ty Armstrong, Writer/Community Manager

## Dreamland Baby, Nested Bean: Are Weighted Sleep Sacks, Swaddles Unsafe?



Attorneys working with ClassAction.org are investigating whether certain **Dreamland Baby and Nested Bean weighted sleep sacks and swaddles** were falsely advertised as safe in light of warnings from experts that **weighted sleep products should never be used for babies.**

If so, it's possible a class action **could be filed to help consumers get back some of the money they spent** and force the companies to issue a recall or make sure their products are appropriately advertised.

If you bought a Dreamland Baby or Nested Bean weighted sleep sack or swaddle in **Illinois, California or New York**, you can [learn more here](#).

## Earth Rated Compostable Poop Bag Settlement: File a Claim



If you bought **Earth Rated Certified Compostable Poop Bags** between October 28, 2015 and June 13, 2024, you may be able to **claim part of a recent class action settlement.**

A deal has been reached to resolve claims that **consumers were misled into believing the poop bags were actually capable of being composted.**

The amount you may be able to claim will depend on a number of factors, including whether you have proof of your purchases and how many units you bought.

For more information on the settlement and how to file your claim, head on over to [this page](#).

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### Focus Plumbing - Harassment

90 Days Left

TYPICAL SETTLEMENT	DEADLINE	PROOF REQUIRED?
Varies	10/1/24	Yes

This settlement covers female Focus Plumbing employees who were harassed based on their gender at any time since October 2017.

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### Mazda - Valve Stems

108 Days Left

New

TYPICAL SETTLEMENT	DEADLINE	PROOF REQUIRED?
Varies	10/19/24	Yes

This settlement covers current and former owners and lessees of 2021-2022 Mazda CX-30, 2021 CX-5, 2021 CX-9, 2021-2022 Mazda3, and 2021 Mazda6 vehicles equipped with 2.5-liter turbocharged engines.

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### Acella Pharmaceuticals - NP Thyroid

150 Days Left

TYPICAL SETTLEMENT	DEADLINE	PROOF REQUIRED?
Varies	11/30/24	N/A

If you had a prescription for NP Thyroid dispensed to you between May 12, 2018 and April 30, 2021, you may be included in this settlement.

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### Earth Rated Poop Bags

159 Days Left

Featured

TYPICAL SETTLEMENT	DEADLINE	PROOF REQUIRED?
Varies	12/9/24	No

If you bought Earth Rated Certified Compostable Poop Bags between October 28, 2015 and June 13, 2024, you may be entitled to money from this settlement.

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### BMW - Defeat Devices

168 Days Left

New

TYPICAL SETTLEMENT	DEADLINE	PROOF REQUIRED?
Varies	12/18/24	N/A

You may be covered by this settlement if you bought or leased a model year 2009-2013 BMW X5 xDrive35d or 2009-2011 BMW 335d that was equipped with a so-called "defeat device."

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### Kia Vehicle Theft

192 Days Left

TYPICAL SETTLEMENT	DEADLINE	PROOF REQUIRED?
Varies	1/11/25	Yes

If you bought or leased one of several Kia vehicles (listed on the settlement website) and it was not equipped with an engine immobilizer, you may be included in this settlement.

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# **EXHIBIT F**

<b>EXCLUSIONS</b>		
Name	City, State	Date
Andy Lin	Baltimore, MD	6/15/2024
Chandler Haukap	Laramie, WY	6/22/2024
Carlton N Sanders	Grayson, GA	6/28/2024
Marva Terry	New Haven, CT	6/30/2024
Frankie Tolentino	Elmhurst, IL	7/10/2024
Eddie Gallon	Madison, FL	7/17/2024
Kathleen Leines	Brockton, MA	8/28/2024
Rosie Rodriguez	Clovis, CA	8/29/2024
David Padilla	Hemet, CA	9/1/2024