

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

Natale et al. v. 9199-4467 Quebec Inc. d/b/a Earth Rated, Case No. 2:21-cv-6775

**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.**

A court authorized this notice. You are not being sued. This is not a solicitation from a lawyer.

- A settlement has been reached in a class action lawsuit against 9199-4467 Quebec Inc. d/b/a Earth Rated (“Earth Rated”). 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. Thus, Earth Rated denies all allegations of wrongdoing, and 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.
- You are included if you purchased one or more units of Certified Compostable Poop Bags between October 28, 2015, and June 13, 2024.
- Those included in the settlement will be eligible to receive a payment from the Settlement Fund of \$2.00 per unit of Certified Compostable Poop Bag purchased, up to \$6.00 for those Class Members without proof of purchase, and \$2.00 per unit of Certified Compostable Poop Bag purchased, subject to no cap for those with proof of purchase.
- Read this notice carefully. Your legal rights are affected whether you act, or don’t act.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
FILE A CLAIM BY DECEMBER 9, 2024	The only way to receive a payment. By participating in the settlement, you will be bound by the terms of the Settlement Agreement and will give up certain rights.
EXCLUDE YOURSELF BY SEPTEMBER 23, 2024	You will receive no benefits, but you will retain any rights you currently have to sue the Defendant about the claims in this case.
OBJECT BY SEPTEMBER 23, 2024	Write to the Court explaining why you don’t like the settlement.
GO TO THE FINAL APPROVAL HEARING ON OCTOBER 23, 2024 AT 10:30 A.M. EST	Ask to speak in Court about your opinion of the settlement.
DO NOTHING	You will not get a share of the settlement benefits and will give up your rights to sue Defendant about the issues in this case.

These rights and options—and the deadlines to exercise them—are explained in this Notice.

Questions? Call (877) 495-3332 or visit www.ERCompostableSettlement.com

BASIC INFORMATION

1. Why was this Notice issued?

A Court authorized this notice because you have a right to know about a proposed settlement of this class action lawsuit and about all of your options, before the Court decides whether to give final approval to the settlement. This Notice explains the lawsuit, the settlement, and your legal rights.

The Honorable Joanna Seybert, of the United States District Court Eastern District of New York, is overseeing this case. The case is 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.

2. What is a class action?

In a class action, one or more people called class representatives (in this case, Meganne Natale and Chelsea Cheng) sue on behalf of a group or a “class” of people who have similar claims. In a class action, the court resolves the issues for all class members, except for those who exclude themselves from the Settlement Class.

3. What is this lawsuit about?

In this lawsuit, Plaintiffs Meganne Natale and Chelsea Cheng (collectively, the “Class Representatives”) allege that they were misled into believing the Certified Compostable Poop Bags were “compostable.” Earth Rated claims that its products are compostable and were properly labeled. Thus, Earth Rated denies all allegations of wrongdoing, and 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.

4. Why is there a settlement?

The Court has not decided whether the Plaintiffs or the Defendant should win this case. Instead, both sides agreed to a settlement. That way, they avoid the uncertainties and expenses associated with ongoing litigation, and Settlement Class Members will get compensation sooner rather than, if at all, after the completion of a trial.

WHO IS INCLUDED IN THE SETTLEMENT?

5. How do I know if I am in the Settlement Class?

The Court decided that everyone who fits the following description is a member of the **Settlement Class**:

All persons in the United States who purchased one or more units of Earth Rated Certified Compostable Poop Bags (the “Certified Compostable Poop Bags”) during the class period which extends from October 28, 2015 to June 13, 2024, excluding persons who purchased for the purpose of resale or for purposes other than personal use.

THE SETTLEMENT BENEFITS

6. What does the settlement provide?

Monetary Relief: If approved, a Settlement Fund will be created totaling \$825,000.00 Settlement Class Member payments, and the cost to administer the settlement, the cost to inform people about the settlement, attorneys' fees, costs and expenses, and awards to the Class Representatives will also come out of this fund (*see* Question 12).

A detailed description of the settlement benefits can be found in the Settlement Agreement, a copy of which is accessible on the Settlement Website by clicking [here](#).

7. How much will my payment be?

You **must** submit a Claim Form (see instructions below) 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 Bag purchased, subject to no cap.** Those awards may be subject to *pro rata* adjustment depending on the number of valid claims that are filed.

8. When will I get my payment?

The hearing to consider the fairness of the settlement is scheduled for October 23, 2024, at 10:30 a.m. PST. If the Court approves the settlement, eligible Class Members will receive their payment 30 days after the settlement has been finally approved and/or after any appeals process is complete. The payment will be made in the form of a check (unless an emailed virtual debit card is selected), and all checks will expire and become void 180 days after they are issued.

HOW TO GET BENEFITS

9. How do I get a payment?

You **must** complete and submit a Claim Form to receive a payment from the Settlement Fund. You may submit a Claim Form either electronically on the Settlement Website by clicking [here](#), or by printing and mailing in a paper Claim Form, copies of which are available for download [here](#). Claim Forms must be submitted online by **11:59 p.m. EST on December 9, 2024** or postmarked and mailed by **December 9, 2024**.

REMAINING IN THE SETTLEMENT

10. What am I giving up if I stay in the Class?

If the settlement becomes final, you will give up your right to sue the Defendant and other Released Parties for the claims being resolved by this settlement. The specific claims you are giving up against the Defendant are described in the Settlement Agreement. You will be “releasing” the Defendant and certain of its affiliates, employees, distributors, retailers, representatives, and others as described in Section 1.24 of the Settlement Agreement. Unless you exclude yourself (*see* Question 13), you are “releasing” the claims, regardless of whether you submit a claim or not. The Settlement Agreement is available through the Settlement Website by clicking [here](#).

The Settlement Agreement describes the released claims with specific descriptions, so read it carefully. If you have any questions you can talk to the lawyers listed in Question 11 for free or you can, of course, talk to your own lawyer if you have questions about what this means.

THE LAWYERS REPRESENTING YOU

11. Do I have a lawyer in the case?

The Court has appointed Bursor & Fisher, P.A. to be the attorneys representing the Settlement Class. They are called “Class Counsel.” They believe, after conducting an extensive investigation, that the Settlement Agreement is fair, reasonable, and in the best interests of the Settlement Class. You will not be charged for or by these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

12. How will the lawyers be paid?

The 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. The fee petition will seek no more than one-third (1/3) of the Settlement Fund in attorneys’ fees as well as reimbursement of Class Counsel’s costs and expenses incurred on behalf of Plaintiffs and the Class. The Court may award less than this amount.

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.

EXCLUDING YOURSELF FROM THE SETTLEMENT

13. How do I get out of the settlement?

To exclude yourself from the settlement, you must submit a request for exclusion by **11:59 p.m. EST on September 23, 2024**. Requests for exclusion may be submitted either on the Settlement Website (via the online form accessible [here](#)) or by mailing or otherwise deliver a letter (or request for exclusion) stating that you want to be excluded from the *Natale et al. v. 9199-4467 Quebec Inc. d/b/a Earth Rated*, Case No. 2:21-cv-6775 settlement. Your letter or request for exclusion must also include your name, your address, that you purchased Certified Compostable Poop Bags from October 28, 2015 to June 13, 2024, your signature, the name and number of this case, and a statement that you wish to be excluded. If you choose to submit a request for exclusion by mail, you must mail or deliver your exclusion request, postmarked no later than **September 23, 2024**, to the following address:

Earth Rated Compostable Settlement
c/o JND Legal Administration
P.O. Box 91398
Seattle, WA 98111

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

No. Unless you exclude yourself, you give up any right to sue the Defendant for the claims being resolved by this settlement.

Questions? Call (877) 495-3332 or visit www.ERCompostableSettlement.com

15. If I exclude myself, can I get anything from this settlement?

No. If you exclude yourself, you will not receive a payment from the Settlement Fund.

OBJECTING TO THE SETTLEMENT

16. How do I object to the settlement?

If you are a Class Member, you can object to the settlement if you don't like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must file with the Court a letter or brief stating that you object to the settlement in *Natale et al. v. 9199-4467 Quebec Inc. d/b/a Earth Rated*, Case No. 2:21-cv-6775 and identify all your reasons for your objections (including citations to relevant laws and supporting evidence) and attach any materials you rely on for your objections. Your letter or brief must also include your name, your address, the basis upon which you claim to be a Class Member (either verification under oath of the date and location of a purchase of Certified Compostable Poop Bags within the Settlement Class Period or a receipt reflecting such purchase), the name and contact information of any and all attorneys representing, advising, or in any way assisting you in connection with your objection, and your signature. If you, or an attorney assisting you with your objection, have ever objected to any class action settlement where you or the objecting attorney has asked for or received payment in exchange for dismissal of the objection (or any related appeal) without modification to the settlement, you must include a statement in your objection identifying each such case by full case caption. You must also mail or deliver a copy of your letter or brief to Class Counsel and Defendant's Counsel listed below.

Class Counsel will file with the Court and post on this website its request for attorneys' fees by September 9, 2024.

If you want to appear and speak at the Final Approval Hearing to object to the settlement, with or without a lawyer (explained below in answer to Question Number 20), you must say so in your letter or brief. File the objection with the Court (or mail the objection to the Court) and mail a copy of the objection to Class Counsel and Defendant's Counsel, at the addresses below, postmarked no later than **September 23, 2024**.

Court	Class Counsel	Defendant's Counsel
The Honorable Joanna Seybert Alfonse M. D'Amato Federal Building, 100 Federal Plaza, Courtroom 1030 Central Islip, New York 11722	L. Timothy Fisher Bursor & Fisher P.A. 1990 North California Blvd., Ste 940 Walnut Creek, CA 94596	Jahmy S. Graham Nelson Mullins Riley & Scarborough, LLP 19191 South Vermont Ave., Suite 900 Torrance, CA 90502

17. What's the difference between objecting and excluding myself from the settlement?

Objecting simply means telling the Court that you don't like something about the settlement. You can object only if you stay in the Settlement Class. Excluding yourself from the Class is telling the Court that you don't want to be part of the Settlement Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

Questions? Call (877) 495-3332 or visit www.ERCompostableSettlement.com

THE COURT'S FINAL APPROVAL HEARING

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

The Court will hold the Final Approval Hearing at **10:30 a.m. EST on October 23, 2024** at the Alfonse M. D'Amato Federal Building, 100 Federal Plaza, Courtroom 1030, Central Islip, New York 11722. The purpose of the hearing will be for the Court to determine whether to approve the settlement as fair, reasonable, adequate, and in the best interests of the Settlement Class; to consider the Class Counsel's request for attorneys' fees and expenses; and to consider the request for Service Awards to the Class Representatives. At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the settlement.

The hearing may be postponed to a different date or time without notice, so it is a good idea to check for updates by visiting the Settlement Website at www.ERCompostableSettlement.com or calling (877) 495-3332. If, however, you timely objected to the settlement and advised the Court that you intend to appear and speak at the Final Approval Hearing, you will receive notice of any change in the date of the Final Approval Hearing.

19. Do I have to come to the hearing?

No. Class Counsel will answer any questions the Court may have. But, you are welcome to come at your own expense. If you send an objection or comment, you don't have to come to Court to talk about it. As long as you filed and mailed your written objection on time, the Court will consider it. You may also pay another lawyer to attend, but it is not required.

20. May I speak at the hearing?

Yes. You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must include in your letter or brief objecting to the settlement a statement saying that it is your "Notice of Intent to Appear *Natale et al. v. 9199-4467 Quebec Inc. d/b/a Earth Rated*, Case No. 2:21-cv-6775." It must include your name, address, telephone number and signature as well as the name and address of your lawyer, if one is appearing for you. Your objection and notice of intent to appear must be filed with the Court and postmarked no later than **September 23, 2024**, and be sent to the addresses listed in Question 16.

GETTING MORE INFORMATION

21. Where do I get more information?

This Notice summarizes the settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement at www.ERCompostableSettlement.com. You may also write with questions to Earth Rated Compostable Settlement, c/o JND Legal Administration, P.O. Box 91398, Seattle, WA 98111. You can call the Settlement Administrator at (877) 495-3332 or Class Counsel at (925) 300-4455, if you have any questions. Before doing so, however, please read this full Notice carefully. You may also find additional information elsewhere on the case website.