

## **If You Purchased Certain Hyland's Products, You Could Receive a Cash Payment as Part of a Proposed Class Action Settlement**

*A federal court authorized this Notice. This is not solicitation from a lawyer.*

- A Proposed Settlement has been reached in a class action lawsuit. The lawsuit claims that Hyland's Inc., Standard Homeopathic Laboratories Inc., and Standard Homeopathic Company ("Hyland's") made false and misleading statements about the effectiveness of some of its homeopathic products for children and babies. Hyland's denies these claims.
- You are a Class Member if you purchased any of the following Hyland's products from March 8, 2008 through March 30, 2017: (i) Cold 'n Cough 4 Kids, (ii) Cough Syrup with 100% Natural Honey, (iii) Sniffles 'n Sneezes 4 Kids, (iv) Cold Relief Strips 4 Kids with Zinc, (v) Nighttime Cold 'n Cough 4 Kids, (vi) Complete Flu Care 4 Kids, (vii) Baby Teething Gel, (viii) Baby Cough Syrup, (ix) Baby Gas Drops, (x) Baby Infant Earache Drops, and (xi) Baby Nighttime Tiny Cold Syrup (the "Class Products").
- If you are eligible to participate in this Proposed Settlement because you purchased one or more of the Class Products from March 8, 2008 through March 30, 2017, you can submit a claim for a full refund. You may submit a claim for a full refund of either:
  - (a) a maximum of two units of the Class Products that you bought but do not have a proof of purchase for; and/or
  - (b) each product you purchased that you can provide a proof of purchase for.

**Please read this Notice carefully and in its entirety.**

**Your rights may be affected by the  
Proposed Settlement of this Lawsuit,  
and you have a choice to  
make now about how to act:**

## YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

|   |  |
|---|--|
| <b>WHAT IS THIS?</b>  | A Proposed Settlement has been reached in a class action lawsuit. The lawsuit alleges that Hyland’s made false and misleading statements about the effectiveness of products for children and babies in violation of state and federal laws. |
| <b>SUBMIT A CLAIM FORM POSTMARKED BY JUNE 28, 2017</b>              | <b>This is the only way to receive the Settlement Benefit of a full refund.</b> By submitting a claim, you will give up any rights to sue Hyland’s separately about the same legal claims in this lawsuit.                                   |
| <b>EXCLUDE YOURSELF FROM THE CLASS BY JUNE 28, 2017</b>             | If you opt out of the Proposed Settlement, you will not be eligible to receive the Settlement Benefit, but you will keep your right to sue Hyland’s about the same legal claims in this lawsuit.   |
| <b>OBJECT OR COMMENT BY JUNE 28, 2017</b>                           | You may write to the Court about why you do, or do not, like the Proposed Settlement. You must remain in the class to comment in support of or in opposition to the Proposed Settlement.   |
| <b>APPEAR IN THE LAWSUIT OR ATTEND A HEARING ON AUGUST 14, 2017</b> | You may ask to speak in Court about the fairness of the Proposed Settlement. You may enter your appearance in Court through an attorney at your own expense if you so desire.  |
| <b>DO NOTHING</b>   | If you do nothing, you will receive no Settlement Benefit. You also give up your right to sue Hyland’s on your own regarding any claims that are part of the Proposed Settlement.  |

- These rights and options, **and the deadlines to exercise them**, are further explained in this Notice.
- The Court in charge of this case still has to decide whether to approve the Proposed Settlement. The Settlement Benefit will be made available if the Court approves the Proposed Settlement and after any appeals are resolved.
- If you have any questions, please read on and visit [www.hylandslawsuit.com](http://www.hylandslawsuit.com).
- Para una notificación en Español, visite nuestro sitio de Web, [www.hylandslawsuit.com](http://www.hylandslawsuit.com).

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## BASIC INFORMATION

### 1. Why did I get this Notice?

If you purchased one or more of the Class Products from March 8, 2008 through March 30, 2017, as described on page 1 of this Notice, you have a right to know about a Proposed Settlement of a class action lawsuit and your options. If you have received Notice in the mail or by e-mail, you have been identified from available records as a possible purchaser of the Class Products. You also may have received Notice because you requested more information after reading the Short Form Notice, or the Postcard Notice. If the Court approves it, and after objections and appeals are resolved, an administrator approved by the Court will oversee the distribution of the Settlement Benefits that the Proposed Settlement allows. You will be informed of the progress of the Proposed Settlement.

This Notice explains the lawsuit, the Proposed Settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them. The Court in charge of the case is the United States District Court for the Central District of California, and the case is known as *Forcellati v. Hyland's Inc.*, Case No. 12-cv-1983 ODW (MRW). The people who sued are called Plaintiffs, and the company they sued, Hyland's, is called the Defendant.

### 2. What is this lawsuit about?

The lawsuit alleges that Hyland's made false and misleading statements about the effectiveness of the Class Products, in violation of state and federal law.

The Court has not made any ruling on Hyland's liability, if any.

### 3. What is a class action and who is involved?

In a class action lawsuit, one or more people, called "Class Representatives" (in this case Plaintiff Enzo Forcellati and Plaintiff Lisa Roemmich) sue on behalf of other people who have similar legal claims, and represent the interests of those people. All of these people together are called a "Class" or "Class Members." The named plaintiffs who sued are called the Plaintiffs. The company they sued (in this case, Hyland's) is called the Defendant. One court resolves the issues for everyone in the Class – except for those people who choose to exclude themselves from the Class.

### 4. Why is there a Proposed Settlement?

The Court has not decided in favor of either side in the case. Hyland's denies all allegations of wrongdoing or liability against it, and contends that its conduct was lawful. Hyland's is settling to avoid the expense, inconvenience, and inherent risk of litigation, as well as the related disruption of its business operations. The Class Representatives and their attorneys assert that the Proposed Settlement is in the best interests of the Class, because it provides an appropriate recovery now while avoiding the risk, expense, and delay of pursuing the case through trial and any appeals.

## WHO IS IN THE PROPOSED SETTLEMENT

To see if you will be entitled to the Settlement Benefit from this Proposed Settlement, you first have to decide if you are a Class Member.

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

You are a Class Member if you purchased any of the following Hyland's Products from March 8, 2008 through March 30, 2017: (i) Cold 'n Cough 4 Kids, (ii) Cough Syrup with 100% Natural Honey, (iii) Sniffles 'n Sneezes 4 Kids, (iv) Cold Relief Strips 4 Kids with Zinc, (v) Nighttime Cold 'n Cough 4 Kids, (vi) Complete Flu Care 4 Kids, (vii) Baby Teething Gel, (viii) Baby Cough Syrup, (ix) Baby Gas Drops, (x) Baby Infant Earache Drops, and (xi) Baby Nighttime Tiny Cold Syrup.

Excluded from the Class are: (a) Hyland's employees, officers and directors, (b) persons or entities who purchased the Products for the purpose of re-sale, (c) retailers or re-sellers of the Products, (d) governmental entities, (e) persons who timely and properly exclude themselves from the Class as provided herein, and (f) the Court, the Court's immediate family, and Court staff.

## THE PROPOSED SETTLEMENT BENEFITS

### 6. What does the Proposed Settlement provide if I submit a claim?

The Proposed Settlement provides full refunds paid in cash to eligible Class Members who complete and send in a valid Claim Form.

- **With Proof of Purchase:** For Settlement Class Members who submit a valid Claim Form with a Proof of Purchase, **Hyland's will issue a full cash refund of the actual price paid for every Class Product purchased.** If you have acceptable Proof of Purchase that does not reveal the actual price paid, you will receive the manufacturer's suggested retail price ("MSRP") of each product purchased.
  - "Proof of Purchase" means a receipt, packaging from one of the Class Products, bottles or other containers of the Class Products, or other documentation from a third-party source, such as a credit card statement, that could prove you purchased a Class Product.
- **Without Proof of Purchase:** For Settlement Class Members who submit a valid Claim Form without Proof of Purchase, **Hyland's will issue a full cash refund in the amount of the MSRP for a maximum of two Class Products.**
  - You do not need a receipt or other proof of purchase to submit a claim for one or two purchases of the Class Products. You will, however, be required to submit a Claim Form confirming under penalty of perjury that you purchased one or two of the Class Products from March 8, 2008 through March 30, 2017.
- "MSRP" means Hyland's average suggested retail price for the Settlement Class Products as follows:

|  |         |
|--|---------|
| (i) Cold 'n Cough 4 Kids                 | \$8.94  |
| (ii) Cough Syrup with 100% Natural Honey | \$8.89  |
| (iii) Sniffles 'n Sneezes 4 Kids         | \$8.09  |
| (iv) Cold Relief Strips 4 Kids with Zinc | \$6.99  |
| (v) Nighttime Cold 'n Cough 4 Kids       | \$9.42  |
| (vi) Complete Flu Care 4 Kids            | \$6.96  |
| (vii) Baby Teething Gel                  | \$7.59  |
| (viii) Baby Cough Syrup                  | \$10.66 |
| (ix) Baby Gas Drops                      | \$12.99 |
| (x) Baby Infant Earache Drops            | \$10.39 |
| (xi) Baby Nighttime Tiny Cold Syrup      | \$11.99 |

- All payments to Settlement Class Members who submit Valid Claims will be made within forty-five (45) days after the Settlement Approval Order and Final Judgment becomes final (“Final Settlement Approval Date”). All Settlement Class Members who do not opt out of the Proposed Settlement and who submit a Valid Claim shall receive either a cash award or voucher, as set forth above.

In addition, Hyland’s will pay for Notice to the Class and administration costs related to this lawsuit. Subject to Court approval, Hyland’s will also pay an incentive award not to exceed \$5,000 to each of the two Class Representatives in this lawsuit. The cost of Notice and claims administration, the incentive awards, and the fee award will not affect the payment to Class Members in any respect. In other words, you will get any refund you are entitled to under the settlement regardless of the costs of notice, incentive awards, and attorneys’ fee awards.

## HOW YOU GET A CASH PAYMENT — SUBMITTING A CLAIM FORM

### 7. How can I get a cash payment from the Proposed Settlement?

Class Members who wish to receive a payment must submit claims.

To submit a claim, you must complete a Claim Form.

You can get a Claim Form on the Internet at [www.hylandslawsuit.com](http://www.hylandslawsuit.com). Read the instructions carefully, and submit it online on or before June 28, 2017.

Alternatively, you may also submit your Claim Form by mailing it to the following address: Hyland’s Products Litigation Administrator, P.O. Box 43462, Providence, RI 02940-3462. It must be postmarked no later than June 28, 2017.

**TO BE VALID, ALL CLAIMS MUST BE POSTMARKED OR SUBMITTED NO LATER THAN JUNE 28, 2017.**

### 8. What do I do if I didn’t get a Claim Form in the mail or by e-mail?

If you did not receive a Claim Form in the mail or by e-mail, you can obtain the Claim Form in one of three ways:

- (1) **Online:** You can download the Claim Form at [www.hylandslawsuit.com](http://www.hylandslawsuit.com). You can also submit a Claim Form online through the same website.
- (2) **By Phone:** Call toll-free, 1-888-356-9108.
- (3) **By Mail:** Write to Hyland’s Products Litigation Administrator, P.O. Box 43462, Providence, RI 02940-3462. Be sure to include your name and mailing address.

## YOUR RIGHTS AND CHOICES - EXCLUDING YOURSELF FROM THE PROPOSED SETTLEMENT

If you do not want to receive the Settlement Benefits from this Proposed Settlement, but you want to keep the right to sue Hyland’s, on your own, about the subject matter of this lawsuit, then you must take steps to get out of the Proposed Settlement. This is called excluding yourself – or is sometimes referred to as opting out of the Class.

### **9. How do I exclude myself from the Proposed Settlement?**

To exclude yourself from the Proposed Settlement, which is sometimes called “opting out” of the Class, you must send a letter by mail saying that you want to be excluded from this lawsuit.

To exclude yourself from the Class, you must postmark a written Request for Exclusion to Hyland’s Products Litigation Administrator, P.O. Box 43462, Providence, RI 02940-3462. The written Request for Exclusion must be postmarked no later than June 28, 2017.

Your written Request for Exclusion must contain: (1) the name of this lawsuit, *Forcellati v. Hyland’s Inc.*, Case No. 12-cv-1983 ODW (MRW); (2) your full name and current address; (3) a clear statement of intention to exclude yourself such as “I wish to be excluded from the Class”; and (4) your signature.

You cannot exclude yourself on the phone or by e-mail. If you ask to be excluded, you will not get any Settlement Benefit, and you cannot object to the Proposed Settlement. You will not be legally bound by anything that happens in this lawsuit. You may be able to sue (or continue to sue) Hyland’s in the future.

### **10. If I don’t exclude myself, can I sue Hyland’s for the same things later?**

No. If you do not properly and timely submit a written Request for Exclusion, you waive your right to opt out and will be deemed to be a member of the Class. Unless you exclude yourself, you give up the right to sue Hyland’s for the claims that this Proposed Settlement resolves, and you will be bound by the terms of this Proposed Settlement. If you have a pending lawsuit against Hyland’s, other than this class action, speak to your lawyer in that lawsuit immediately. You must exclude yourself from *this* Class to continue your own lawsuit. Remember, any exclusion request must be signed, mailed, and postmarked by June 28, 2017.

### **11. If I exclude myself, can I get Settlement Benefits from this Proposed Settlement?**

No. If you exclude yourself, do not send in a Claim Form to ask for any money. But, you may sue, continue to sue, or be part of a different lawsuit against Hyland’s.

## **YOUR RIGHTS AND CHOICES - OBJECTING TO THE PROPOSED SETTLEMENT**

You can tell the Court that you do not agree with the Proposed Settlement or some part of it.

### **12. How do I tell the Court that I don’t like the Proposed Settlement?**

If you are a Class Member, you can object to the Proposed Settlement if you do not like any part of it, including the proposed plan to reimburse Class Members, Class Counsel’s fee award, or the Class Representatives incentive awards. You can give reasons why you think the Court should not approve it. The Court will consider your views.

To object, you must send a letter that contains the following:

- Your name, current address and telephone number, or your lawyer’s name, address and telephone number if you are objecting through counsel;
- The name of the lawsuit, *Forcellati v. Hyland’s Inc.*, Case No. 12-cv-1983 ODW (MRW);
- A statement of your objections and the reasons for each objection you make, including the facts supporting your objection and the legal grounds on which your objection is based;

- A list of any documents you may give the Court to support your objection, if any;
- A list of legal authorities you want the Court to consider;
- The names and addresses of any witness you want to call to testify, and a summary of the witnesses' expected testimony;
- If you (or your lawyer) want to appear and speak at the Fairness Hearing, a statement that you wish to appear and speak;
- Documents sufficient to establish your membership in the Settlement Class, such as verification under oath as to the date and location of your purchase of a Settlement Class Product, or a Proof of Purchase;

*and*

- Your signature (or your lawyer's signature).

To object, you must file a written objection with the Clerk of the Court for the Central District of California **no later than June 28, 2017**. The Clerk of the Court is located at:

Clerk of Court  
U.S. District Court  
Central District of California  
U.S. Courthouse  
255 East Temple Street  
Los Angeles, CA 90012

You must also send copies of your objection along with any supporting documents **that is received no later than June 28, 2017** to the following two addresses:

Counsel for the Class:

L. Timothy Fisher  
Bursor & Fisher, P.A.  
1990 North California Blvd.  
Suite 940  
Walnut Creek, CA 94596  
Telephone: (925) 300-4455  
E-Mail: [ltfisher@bursor.com](mailto:ltfisher@bursor.com)

Counsel for Defendant Hyland's:

Jeffrey Margulies  
Norton Rose Fulbright LLP  
555 South Flower Street  
Forty-First Floor  
Los Angeles, CA 90071  
Telephone: (213) 892-9200  
E-Mail: [jeff.margulies@nortonrosefulbright.com](mailto:jeff.margulies@nortonrosefulbright.com)

If you object through a lawyer, you will have to pay for the lawyer yourself. Importantly, only Class Members who submit timely, written objections may voice their objections at the hearing.

**13. What's the difference between objecting and excluding?**

Objecting is simply telling the Court you do not like something about the Proposed Settlement. You can object only if you stay in the Class. Excluding yourself is telling the Court you do not want to be part of the Class. If you exclude yourself, you have no basis to object because the case no longer affects you.



## YOUR RIGHTS AND CHOICES – APPEARING IN THE LAWSUIT

### 14. Can I appear or speak in this lawsuit and Proposed Settlement?

As long as you do not exclude yourself, you can (but do not have to) participate and speak for yourself in this lawsuit and Proposed Settlement. This is called making an appearance. You can also have your own lawyer appear in court and speak for you, but you will have to pay for the lawyer yourself.

### 15. How can I appear in this lawsuit?

If you want yourself or your own lawyer (instead of Class Counsel) to participate or speak for you in this lawsuit, you must include in your written objection that you plan to attend and/or speak at the Fairness Hearing.

## IF YOU DO NOTHING

### 16. What happens if I do nothing at all?

If you do nothing, you will get no Settlement Benefit from this Proposed Settlement. But, unless you exclude yourself, you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Hyland's about the subject matter of this lawsuit, ever again.

## THE LAWYERS REPRESENTING YOU

### 17. Do I have a lawyer in this case?

The Court has appointed Bursor & Fisher, P.A., Vozzolo LLC, and Faruqi & Faruqi, LLP as legal counsel for the Class. Together, the law firms are called Class Counsel. You will not be charged for these lawyers.

### 18. How will the lawyers be paid?

From the inception of the litigation in March 2012 to the date of the Proposed Settlement, Class Counsel has not received any payment for their services in prosecuting the case or obtaining settlement, nor have they been reimbursed for any out-of-pocket expenses they have incurred. When they ask the Court to approve the Proposed Settlement, Class Counsel will also make a motion to the Court for an award of attorneys' fees and reimbursement of expenses, in a total amount not to exceed \$2.9 million. If the Court grants Class Counsel's request for attorneys' fees and expenses, Hyland's will pay those fees and expenses in addition to (and not out of) the settlement relief that is available to Class Members. No matter what the Court decides with regard to the requested attorneys' fees, Class Members will never have to pay anything toward the fees or expenses of Class Counsel. Class Counsel will seek final approval of the Proposed Settlement on behalf of all Class Members. You may hire your own lawyer to represent you in this case if you wish, but it will be at your own expense.

## THE COURT'S FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the Proposed Settlement. You may attend and you may ask to speak, but you do not have to attend or speak.

## **19. When and where will the Court decide whether to approve the Proposed Settlement?**

The United States District Court for the Central District of California (the “Court”) will hold a hearing (the “Fairness Hearing”) at the Federal Courthouse located at the United States District Court for the Central District of California, U.S. Courthouse, First Street Courthouse, 350 W. 1st Street, Los Angeles, CA. 90012 - Courtroom 5D, 5th Floor on August 14, 2017 at 1:30 p.m., to decide whether the settlement is fair, reasonable, and adequate and to determine the amount of attorneys’ fees and costs and incentive fee awards. If there are objections, the Court will consider them. The Court may also discuss Class Counsel’s request for an award of attorneys’ fees and reimbursement of costs. After the hearing, the Court will decide whether to approve the settlement and whether to grant Class Counsel’s request for attorneys’ fees and expenses. We do not know how long these decisions will take.

## **20. Do I have to come to the hearing?**

No. Class Counsel is working on your behalf and will answer any questions the Court may have, but, you are welcome to attend the hearing at your own expense. If you send an objection, you do not have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

## **FINAL SETTLEMENT APPROVAL**

## **21. What is the effect of final settlement approval?**

If the Court grants final approval of the Proposed Settlement, all members of the Class will release and forever discharge any and all claims or causes of action that have been, might have been, are now, or could have been brought relating to the transactions, actions, conduct and events that are the subject of this action or settlement, arising from or related to the allegations in the complaint filed in the Action or Hyland’s marketing, advertising, promoting or distributing of Hyland’s Products.

If the Proposed Settlement is not approved, the case will proceed as if no settlement had been attempted. There can be no assurance that if the Proposed Settlement is not approved and litigation resumes, the Class will recover more than is provided for under the Proposed Settlement, or will recover anything.

## **GETTING MORE INFORMATION**

## **22. Are there more details about the Proposed Settlement?**

This Notice is only intended to provide a summary of the Proposed Settlement. You may obtain the complete text of the settlement at [www.hylandslawsuit.com](http://www.hylandslawsuit.com), by writing to the Claims Administrator (at the address listed above), or from the court file, which is available for your inspection during regular business hours at the Office of the Clerk of the United States District Court for the Central District of California, U.S. Courthouse, 255 East Temple Street, Los Angeles, CA 90012, under Case No. 12-cv-1983 ODW (MRW).

Visit the website, at [www.hylandslawsuit.com](http://www.hylandslawsuit.com), where you will find the Plaintiff’s Complaint, Hyland’s Answer, and a Claim Form. You may also contact Class Counsel by email at [info@bursor.com](mailto:info@bursor.com), or by writing to Hyland’s Products Litigation Administrator, P.O. Box 43462, Providence, RI 02940-3462.

**PLEASE DO NOT CALL OR DIRECT ANY INQUIRIES TO THE COURT.**

Dated: **March 30, 2017**

**BY ORDER OF THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

Questions? Visit [www.HylandsLawsuit.com](http://www.HylandsLawsuit.com) or contact Class Counsel at [info@bursor.com](mailto:info@bursor.com)