

## PRE-APPROVAL NOTICE

### Vita Coco® coconut water Settlement Program in Canada

#### NOTICE OF UPCOMING COURT HEARING ON THE APPROVAL OF A CLASS ACTION SETTLEMENT AGREEMENT

**PLEASE READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR LEGAL RIGHTS**

#### **THE CLASS:**

A proposed settlement has been reached with respect to the class action commenced against All Market Inc. by Gianni Del Zoppo before the Superior Court of Quebec under docket number 500-06-000597-126 on behalf of the Class defined as:

All Persons residing in Canada who have purchased in Canada between February 28, 2009 and September 1, 2012, Vita Coco® coconut water.

Excluded from the Class are all Persons who timely and validly request exclusion from the Class pursuant to the Pre-Approval Notice disseminated and published in accordance with the Approval Order.

#### **SUMMARY:**

All Market Inc. has agreed to provide for three types of compensation, as follows:

#### **(a) Direct compensation**

All Market Inc. will provide to each Class Members that qualify Compensation in the following manner:

- a) Class Members who sign and solemnly declare under penalty of perjury that they have purchased Vita Coco® coconut water in Canada between February 28, 2009 and September 1, 2012: \$6;
- b) Class Members who sign and solemnly declare under penalty of perjury that they have purchased Vita Coco® coconut water in Canada between February 28, 2009 and September 1, 2012 AND have proof of purchase will be entitled to receive an amount between \$6 and \$25, depending on the following:
  - If the proof or proofs of purchase show total purchase(s) during the Class period of less than \$6, the Class Member is entitled to \$6;
  - If the proof or proofs of purchase show purchase(s) between \$6 and \$25 during the Class period, then the Class Member is entitled to this amount of purchase;
  - If the proof or proofs of purchase show purchase(s) above \$25, during the Class period, then the Class Member is entitled to \$25.

For Quebec residents, it is understood that the *Fonds d'aide aux recours collectifs* will be entitled to claim a percentage of 2% on each individual amount of Compensation paid in money to Class Members. This means that Class Members will actually receive 98% of the amount between \$6 to \$25 that is applicable to them.

**(b) *Indirect compensation***

Starting at the latest on September 1, 2012, All Market Inc. will modify the labels of its Vita Coco® coconut water sold in Canada and the communications surrounding this product, to more clearly describe the variable nature of coconut water.

**(c) *Award for Representative Plaintiff Gianni Del Zoppo***

All Market Inc. will pay an incentive award of \$ 500 to Representative Plaintiff Gianni Del Zoppo in consideration for the time and efforts he has put into the Litigation and its preparation.

**CLASS COUNSEL FEES:**

In addition, All Market Inc. has agreed to pay the legal fees and disbursements of class counsel (plus taxes) as more fully described in the Settlement Agreement. This amount is paid over and above any compensation to Class Members and will not come out of or in any way reduce the settlement payments to Class Members under the proposed settlement.

**IMPORTANT DATES – APPROVAL, OPT OUT AND OBJECTION:**

A motion to approve the settlement will be heard by the Superior Court of Quebec, 1 Notre Dame Street East, Montréal, Québec on **January 15, 2013 at 2:00 pm in room 2.11.**

If the proposed settlement is approved, it will be binding on all Class Members except those who timely and properly opt out.

If you wish to opt out, you must no later than **March 15, 2013**: i) complete and submit by mail the Opt Out Form; OR ii) send by e-mail the Opt Out Form with your signature; OR iii) on the Claim Web Site **[www.classaction.vitacoco.com](http://www.classaction.vitacoco.com)**, complete the electronic Opt Out Form Claim Form and attach a signature. Class Members who want to opt out and who are residents of Quebec must IN ADDITION give notice to the Clerk of the Superior Court of Quebec. The Opt Out Form is available at **[www.classaction.vitacoco.com](http://www.classaction.vitacoco.com)**.

If you wish to object to the proposed settlement, you must send a written notice of objection to Class Counsel and Defence Counsel by no later than **January 5, 2013**. Your written objection should include (a) your name, address, e-mail address and telephone number; (b) a brief statement of the reasons for your objection; and (c) whether you plan to attend at the hearing in person or through a lawyer, and if by lawyer, the name, address, e-mail address and telephone number of the lawyer. Class Members who do not oppose the proposed settlement need not appear at the settlement approval hearing or take any other action at this time.

**IMPORTANT DATES – WHEN TO MAKE A CLAIM:**

A Claim Form must be postmarked, sent by e-mail or completed on the Claim Web Site **[www.classaction.vitacoco.com](http://www.classaction.vitacoco.com)** no later than 60 days after the date the Superior Court of

Quebec has approved the settlement agreement. There will be no further notice in the newspapers of this settlement agreement.

**FURTHER INFORMATION:**

A complete copy of the Settlement Agreement, and detailed information on how to obtain or file a Claim are available on Class Counsel's website at **www.clg.org** and on the following Claims Web Site: **www.classaction.vitacoco.com**. To obtain a paper copy, please call All Market Inc. at **212-924-4809**.

The Class Counsel, or law firm representing the petitioner, is the following:

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If there is a conflict between the provisions of this Notice and the Settlement Agreement and any of its Schedules, the terms of the Settlement Agreement shall prevail.

This notice has been approved by the Superior Court of Quebec.