

EXHIBIT A

CLASS NOTICE AND ADMINISTRATION

1. The key purpose of this document is to provide the Court with Digital Settlement Group's qualifications and experience regarding this Class Action Notice Plan and to provide additional details and background on what will be executed per the Service Agreement.
2. As the Class Action Settlement Administrator for the Settlement, our duties and responsibilities for administering the Settlement includes the following (1) arranging for the distribution of the Class Notice and Claim Forms to Settlement Class Members; (2) arranging for publication of the Publication Notice; (3) answering written inquiries from Settlement Class Members and/or forwarding such inquiries to Class Counsel or their designee; (4) receiving and maintaining on behalf of the Court and the Parties any Settlement Class Member correspondence regarding requests for exclusion to the Settlement; (5) establishing the Settlement Website that posts notices, Claim Forms and other related documents; (6) establishing a toll-free telephone number; (7) receiving and processing claims; (8) submitting a declaration attesting to the dissemination of the Class Notice and the number of claims received; (9) providing timely reporting and analytics to Counsel throughout the noticing and claims process to allow for thorough oversight.

EXPERIENCE

3. Digital Settlement Group has served as a court-approved notice provider in over a dozen state and federal court class actions and has worked in the class action category for over eight years and provided expertise in Internet notice to some of the largest class action administration companies in the industry, including the following class actions: *Keller v. Gaspari Nutrition*, No. CV11-06158 (U.S. Dist. Ct., Central Dist. Cal.); *Taromina, v. Gaspari Nutrition*, No. CV12-05424 (U.S. Dist. Ct., Central Dist. Cal.); *Wike v. HCG Platinum, LLC*, No. BC451080 (Los Angeles County Superior Court). Most recently, We managed notice and administration for *Garcia v. Iovate Health Sciences USA Inc.* (Santa Barbara Superior Court) (National indirect purchaser class of a consumer product at retail).
4. In approving *In Re: Wellnx Marketing & Sales Practices* (a national, 18 state multidistrict class action litigation with a substantial indirect purchaser class), the Court noted: "the effort to provide notice to the class went well beyond what due process would require at its minimum. In fact, it was both an intelligent and effusive, if I can use that word, notification process, which has given me new some ideas for similar cases in the future for the proper way of giving notice in a case like this where it is hard to otherwise ascertain the identity of the class members."
5. Additionally, Digital Settlement Group has over twenty years of marketing experience with a specialty in television and Internet advertising, including managing the official online sites for 20th Century

Fox on behalf of News Corporation from 1993 to 1996. Our founders have served as a marketing consultant to a variety of consumer product companies, where responsibilities included creative directing national marketing campaigns and producing and directing national television commercials (which have been featured in trade magazines, like *Advertising Age*, and generated hundreds of millions of dollars in retail revenue). Digital Settlement Group personally managed tens of millions of dollars in Internet advertising for consumer products. Due to the extensive Internet marketing experience, our area of specialty is providing class notice in cases where the identities of individual Class Members is not known, including classes comprised of purchasers of consumer products. *See Arreguin v. Telebrands*, No. CIVRS1307798 (Superior Court of California, San Bernardino County) (Indirect purchaser class of nationwide Pocket Hose consumer product.); and *Eggnatz et al v. The Kellogg Company et al*, S.D. Fla., Case No. 1:12-cv-21678. (Indirect purchaser class of nationwide Kashi products with no direct mail component.)

OVERVIEW OF THE NOTICE PLAN

6. This Litigation¹ involves-Products sold predominantly at movie theater locations and retail, so the identity of purchasing Class Members is not readily known. In such cases, Internet and publication notice is the best way to inform Class Members about the Settlement. Digital Settlement Group relies heavily on recommendations from the Federal Judicial Center's Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide ("Claims Guide") in designing its notice plans.
7. DSG developed a comprehensive notice program consisting of efficient media vehicles with the objective of reaching a substantial portion of Class Members. A detailed breakout of the notice plan is outlined in the Service Agreement. DSG believes this provides the best practicable methods to reach potential class members and has seen successful results in similar plans with similar class members.
8. Before any of the notices begin, DSG will review all materials and work with Counsel to help comply with Claims Guide recommendations and timelines. All the advertisements will direct potential Class Members to the Settlement Website, where they will be able to download all important documents, review frequently asked questions, and file a claim either online and/or postal as stated in the agreement. Administration will notify claimants of any missing or invalid claim information after the Approval Hearing. The print advertisements will also have address, email and phone in case individuals cannot access a computer. A toll-free number with an Interactive Voice Response ("IVR") system will also be available to answer potential questions.

¹ All defined terms contained herein shall have the same meanings as set forth in the Settlement Agreement and Release between the parties.

9. One of the concerns noted in the Claims Guide is that claims administrators are “often accountants by training and may lack personal knowledge or the training to conduct reach analyses.” Digital Settlement Group, however, has extensive expertise in marketing and media-planning that is essential to conducting reach analysis that has been approved by Courts in similar cases with a large indirect purchaser class.

10. The notice plan is supported by “unbiased evidence supporting the plan's adequacy”² as recommended by the Claims Guide. DSG uses industry-standard reporting tools from GfK MRI and comScore. GfK MRI is part of the GfK Group, the fourth largest market research organization worldwide. They're a leader in supplying the audience data for almost all national print campaigns in the country and their Survey of the American Consumer produces one of the country's largest and most current database of consumer behavior, media usage and consumer motivations. comScore is the leading cross-platform measurement company that provides independent data, metrics, products and services to clients in the media, advertising and marketing industries. They provide digital media analytics that help advertisers understand the composition, reach, and frequency of consumer media audiences. The accuracy of reporting from both GfK MRI and comScore has been approved by Courts in previous notice plans we've developed.

11. Our notice programs create the best practicable plan because they are designed in the same way a company would design an advertising campaign to sell that very same product. Specifically, we used industry standard advertising tools to identify media properties where purchasers of candy were most likely to be located. In addition, the methods used have been approved in multiple cases with a substantial indirect purchaser class (See *Arreguin v. Telebrands* and *Eggnatz et al v. The Kellogg Company*).

SETTLEMENT WEBSITE

Digital Settlement Group will create and maintain a dedicated web site for the Class Members to learn about the Settlement. It will feature the ability to download all relevant documents (in industry standard PDF format), including Claim Forms, Important Dates, Frequently Asked Questions, Long Form Notice, and the Short Form notice. The site will be designed for broad compatibility with browsers and platforms using best practices.

All traffic to the site will be monitored with proprietary fraud detection systems, similar to those used on e-commerce platforms, to help ensure legitimate Class Members receive the maximum benefit. A 3rd party monitoring service will check the site at regular intervals to ensure the site is functioning properly and, if required, provide an independent report on the total up-time of the site. The Settlement Web Site will be

2 See Claims Guide.

updated in a timely manner, based upon the Court-approved schedule. For example, when the deadline for filing a claim has passed, that option will be removed from the site.

CONSUMER PUBLICATION

12. Print publications were selected for their efficiency and reach with the targeted class. While the Internet has a high saturation of consumer product customers (and continues to grow), a targeted print publication element has been proposed to ensure potential class members with limited Internet access or usage aren't neglected. To develop the print notice, both proprietary data from previous notice plans and GfK MRI was used to evaluate the reach to the class. As noted earlier, the goal of the campaign is to reach the defined class. In addition to raw data, an extensive marketing analysis was performed to ensure publications targeted this class. By targeting widely read publications with a high index the print publication portion is designed to effectively supplement the Internet notice portion of the plan and help provide additional reach especially to consumers that are less likely to be online.

13. The print publications selected include: *Soap Opera Digest*, *Life & Style*, and the *National Enquirer*. All of these publications are more likely than average to have “candy consumers” as readers. They will be presented in 1/3 page vertical format.

14. DSG will release a press release, with language to be agreed upon by Counsel, through PR Newswire. PR Newswire is the industry’s largest content distribution network reaching nearly 4,500 US websites, more than 33,000 member journalists and 48 industry-specific Twitter feeds.

INTERNET ADVERTISEMENTS

15. The Internet is an extremely powerful tool for reaching potential class members and driving them to the settlement website. According to Pew Research (2016)³, 89% of all adults in the United States use the Internet, up from 79% in 2010. Over a decade of Internet marketing experience has been leveraged to design the most effective plan.

16. DSG will target Class Members with impressions on the *ComScore Ranked Tier 1 websites* over the course of 30 days defined in the agreement. An impression is defined as when the internet ad is shown or loaded on a Website. The sites selected for the Internet notice reach at least 75% or higher of the Internet population

³

Data Source: <http://www.pewinternet.org/fact-sheet/internet-broadband/>

and are the most popular on the United States Internet, based upon comScore data. This notice plan will deliver impressions using interest and/or behavioral targeting. Whenever possible and cost effective, behavioral and “transactional targeting” from the site, networks or 3rd party data sources will be used to deliver banner advertisements to users who have purchased the product or shown interest in a specific product or category. Digital Settlement Group will also use targeted native ads to help provide information to those individuals that may not fall into the other behaviorally targeted segments. Unlike traditional media (like print publications), this allows a notice plan to target potential class members more accurately with significantly less “wasted” impressions.

In addition, targeted “search terms” advertisements on popular search engines and networks will be incorporated into the plan. Per the *Claims Guide*, this is to help satisfy “extra effort” where the class is “highly concentrated.” Whenever possible and cost effective, settlement notice advertisements will be targeted based on past user behavior. In addition, contextual, in-market, topic and affinity targeting are used to ensure the most relevant audience is reached. This type of advertising targets the right potential class members at the right time.

17. The notice program will consist of over 52 million targeted Internet impressions on Tier 1 properties (e.g. Yahoo, Google, Facebook), using 3rd party tools to verify reach and frequency. Behaviors, interests, and topics will be used to target the notice in the most efficient manner. For example, targeting will include adults in the United States who are known to have purchased “gum or candy,” while excluding “health and fitness” consumers.

18. The notice advertisements are designed to “command class members' attention” and “are written in a clear, concise and easily understood language.”⁴ Clicking on the links will direct the Class Member to the Settlement Website where they will have quick access to a printable and online Claim Form. Examples of the Internet advertisements can be seen in Exhibit 1. Digital Settlement Group will regularly report detailed statistics to Counsel and adjust the notice plan on an as needed basis.

28 U.S.C. § 1715 NOTICE TO ATTORNEYS GENERAL

19. After entry of the preliminary approval order, notice of the proposed class action settlement shall be given to the appropriate state officials (i.e. each state attorney general) pursuant to 28 U.S.C. § 1715.

⁴ See *Claims Guide* at 1, 5.

SUMMARY

20. The notice plan has been designed to reach the largest target audience in a cost-efficient and timely manner. Furthermore, the notice plan provides the best notice practicable, with similar reach to other Court-approved notice plans in the same product category. It has been designed to reach at least 70% of the class, allowing for duplication across medium and utilizing 3rd party-reporting tools that have been accepted in similar cases.

21. Based on Digital Settlement Group's class action notice planning experience, described above in Paragraphs above the methods utilized in this Notice Program will be consistent with other effective class action settlement notice plans that our team has developed. And It is my professional opinion that the Class Action Notice Plan will provide the best notice practicable and meets the desire to actually inform. Furthermore, it provides the same reach and frequency evidence that Courts have approved in previous settlements.