

CIRCUIT COURT OF THE STATE OF OREGON
MULTNOMAH COUNTY

NOTICE OF CLASS ACTION SETTLEMENT

Stewart et al. v. Albertsons Cos., Inc., Case No. 16CV15125 (Mult. Cty. Cir. Ct.)

The Court has authorized this notice. This is not a solicitation from a lawyer.

You may be a class member entitled to payment of approximately \$200 if you purchased certain meat products at Safeway stores located within Oregon, offered on a “Buy One, Get One Free” or “Buy One, Get Two Free” promotion, using a Safeway Club Card between May 4, 2015, and September 7, 2016.

THIS NOTICE CONCERNS YOUR LEGAL RIGHTS, WHICH ARE AFFECTED WHETHER YOU ACT OR DON'T. PLEASE READ IT CAREFULLY.

SUMMARY OF LEGAL RIGHTS & OPTIONS	
In response to this notice, you may do one of the following:	
Do nothing	Stay in the class, receive a direct payment, and give up certain rights. By doing nothing, you will stay in the class and, if the settlement is approved, you will receive a payment of approximately \$200. You will give up any right you may have to sue the defendants separately regarding any claims that this settlement resolves. If you received a notice by mail or email, you will receive a direct payment in the amount of approximately \$200. If you did not receive a notice by mail or email, but believe you are a class member, you may file a claim. Claims must be filed on or before June 16, 2023 .
Ask to be excluded	Opt out of the settlement, receive no benefits from it, and retain your claims. You may ask to be excluded from the settlement, in which case you will not receive a settlement payment, and your individual claims will not be released. But if you ask to be excluded, you cannot obtain compensation from the settlement. Opt-out forms must be submitted online at www.SafewayBOGOClassAction.com , or mailed or emailed to the Settlement Administrator, postmarked or received by June 16, 2023 .
Object	Tell the Court why you believe the proposed settlement is unfair, unreasonable, or inadequate. You may mail to the Settlement Administrator or file with the Court a written objection, postmarked no later than June 16, 2023 , and/or appear at the Final Approval Hearing on July 10, 2023, at 9:00 AM , to tell the Court why you believe the proposed settlement is unfair, unreasonable, or inadequate.

Questions? Visit www.SafewayBOGOClassAction.com or call toll-free 1-855-475-1347

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BASIC INFORMATION

1. Why is there a notice?

This notice is to inform you of a proposed settlement in the class action called *Stewart et al. v. Albertsons Cos., Inc.*, State of Oregon, Multnomah County Case No. 16CV15125. If you purchased certain meat products at Safeway stores located within Oregon, offered on a “Buy One, Get One Free” or “Buy One, Get Two Free” promotion, using a Safeway Club Card between May 4, 2015, and September 7, 2016, you may be entitled to compensation.

Because you may be a member of the class, you have the right to know about a proposed settlement of the class action lawsuit, and about your options, before the Court decides whether to approve the settlement.

2. What is this lawsuit about?

The court in charge of this case is the Multnomah County Circuit Court in Multnomah County, Portland, Oregon (the “Court”). The case is called *Stewart et al. v. Albertsons Cos., Inc.*, Case No. 16CV15125. The case is assigned to Judge Angela Franco Lucero.

In this case, Jason Stewart and Schearon Stewart have sued Safeway Inc. and its parent company, Albertsons Companies, Inc., (“the defendants”) claiming that the defendants violated Oregon laws by raising the price of certain meat products sold in their “Buy One, Get One Free” and “Buy One, Get Two Free” promotions to prices above the regular retail prices of those products. Safeway and Albertsons Companies deny any wrongdoing and have asserted various defenses that they believe are meritorious. The Court has not made any rulings on the merits of the parties’ claims or defenses.

3. Why is this a class action?

In a class action, one or more people called Class Representatives (in this case, Jason Stewart and Schearon Stewart), sue on behalf of other people who have similar claims, all of whom are known as “the Class” or “class members.” Bringing a case as a class action allows a court to resolve many similar claims that might be economically too small to bring in individual actions. One court resolves the issues for all class members, except for those who decide to exclude themselves from the Class.

4. Why is there a settlement?

After years of litigation, the parties agreed to settle the case. The settlement is subject to Court approval. Safeway and Albertsons Companies deny that they did anything wrong. The Court has not decided the case in favor of the Class or the defendants. The Class Representatives and their attorneys believe that the settlement is best for the Class.

WHO IS INCLUDED IN THE SETTLEMENT?

5. How do I know if I am part of the settlement?

The Class includes all persons who purchased certain meat products at Safeway stores located within Oregon, offered on a “Buy One, Get One Free” or “Buy One, Get Two Free” promotion, using a Safeway Club Card between May 4, 2015, and September 7, 2016.

6. What if I am still not sure if I am included in the settlement?

If you are not sure whether you are a class member, or have any other questions about the settlement, you should visit www.SafewayBOGOClassAction.com or call the Settlement Administrator toll-free at 1-855-475-1347.

SETTLEMENT TERMS

7. What types of relief does the settlement provide?

The settlement provides monetary relief to all class members. All class members will be entitled to a payment from the settlement fund in the amount of approximately \$200.

8. What is the settlement fund?

Safeway and Albertsons Companies, Inc. have agreed to pay a total of \$107,000,000 as part of the settlement. That amount will be used to pay all settlement expenses, including the costs of class notice and administration, attorneys’ fees and costs, and payments to class members.

9. How do I get a payment?

If you received a mailed or email notice, you are entitled to a direct payment of approximately \$200, and you do not need to file a claim or take any further action. You will receive a direct payment from the Settlement Administrator.

If you did not receive a mailed or email notice but believe you are a class member, you must make a valid and timely claim in order to receive a payment. To file a claim online or to download a claim form, visit www.SafewayBOGOClassAction.com. **If you did not receive a notice, you must file a claim form, and it must be postmarked or received no later than June 16, 2023.**

10. What am I giving up to get a settlement payment?

If you are a class member and do not seek to exclude yourself from the settlement, you cannot sue, continue to sue, or be a part of any other lawsuit against Safeway or Albertsons Companies about the claims released in this settlement. It also means that all decisions by the Court in this case will bind you.

The Released Claims and Released Parties are defined in the settlement agreement. The Released Claims relate to the claims filed in the lawsuit, which are set forth in the First Amended Complaint. Both the settlement agreement and the First Amended Complaint are available on the settlement website, www.SafewayBOGOClassAction.com.

Questions? Visit www.SafewayBOGOClassAction.com or call toll-free 1-855-475-1347

PARTICIPATING IN THE SETTLEMENT

11. How do I update my contact information?

If you received a mailed or email notice and would like to update your contact information, you must contact the Settlement Administrator at www.SafewayBOGOClassAction.com, call 1-855-475-1347, or mail to:

Safeway BOGO Class Action Settlement Administrator
P.O. Box 1031
Baton Rouge, LA 70821

12. When will I get my settlement payment?

Payments will be made after the Court grants “final approval” to the settlement, and after any appeals are resolved. If the Court approves the settlement, there may be appeals. It is always uncertain when these appeals will be resolved and resolving them can take time.

13. Do I need to make a claim to receive a settlement payment?

If you received a mailed or email notice, you are entitled to a direct payment of approximately \$200, and you do not need to file a claim. You will receive a direct payment from the Settlement Administrator.

If you did not receive a mailed or email notice but believe you are a class member, you must make a valid and timely claim in order to receive a payment. To file a claim online or to download a claim form, visit www.SafewayBOGOClassAction.com. **If you did not receive a notice, you must file a claim form, and it must be postmarked or received no later than June 16, 2023.**

EXCLUDING YOURSELF FROM THE SETTLEMENT

14. How do I get out of the settlement?

If you do not want to be bound by the settlement, you **must** request to be excluded from the settlement. If you request to be excluded, you will retain any individual rights you have against Safeway or Albertsons Companies, and you will not be deemed to have individually “released” any of the defendants from any of the Released Claims. However, you will **not** be eligible to receive compensation under the settlement, as described above. You also may not object to the settlement if you request to be excluded.

To exclude yourself (or “opt out”) from the settlement, you must visit the settlement website, www.SafewayBOGOClassAction.com, and either complete and submit the Opt-Out Form online, or print, complete, and mail the Opt-Out Form to the Settlement Administrator at the following address:

Safeway BOGO Class Action Settlement Administrator
P.O. Box 1031
Baton Rouge, LA 70821

Questions? Visit www.SafewayBOGOClassAction.com or call toll-free 1-855-475-1347

To be excluded from the settlement, you must submit the Opt-Out Form online before June 16, 2023 or print and mail the Opt-Out Form to the Settlement Administrator, postmarked on or before June 16, 2023. You may also email your Opt-Out Form to the Settlement Administrator at info@SafewayBOGOCClassAction.com.

15. If I don't exclude myself, can I sue the defendants for the same thing later?

No. Unless you exclude yourself, you give up any right to sue Safeway or Albertsons Companies for the claims that this settlement resolves. If you have a pending lawsuit, speak to your lawyer in that lawsuit to determine whether you must exclude yourself from this settlement to continue your own lawsuit. If you properly exclude yourself from the settlement, you will not be bound by any orders or judgments entered in this case relating to this settlement.

16. If I exclude myself, can I still get a settlement payment?

No. You will not get any money from the settlement if you exclude yourself.

OBJECTING TO THE SETTLEMENT

17. How do I tell the Court if I do not like the settlement?

If you are a class member, you can object to the settlement if you do not think it is fair, reasonable, or adequate. This includes Class Counsel's motion for an award of attorneys' fees, costs, and expenses. Please note that the Court cannot order a larger settlement or award you more based on your individual circumstances; the Court can only approve or deny the settlement as it is presented.

If you wish to object, your objection must contain the following:

- (a) The name of this action (*Stewart et al. v. Albertsons Cos., Inc.*, Case No. 16CV15125 (Mult. Cty. Cir. Ct.)), and a statement that the document is an "objection";
- (b) Your full name, address, and telephone number and, if objecting through an attorney, your attorney's name, address, and telephone number;
- (c) A statement attesting that you purchased at least one meat product at a Safeway store located within Oregon, offered on "Buy One, Get One Free" or "Buy One, Get Two Free" promotion, using a Safeway Club Card between May 4, 2015 and September 7, 2016;
- (d) A statement identifying the Safeway store address(es) at which you made the purchase(s) between May 4, 2015, and September 7, 2016, and your Safeway Club Card account number;
- (e) A description, in clear and concise terms, of the specific factual and legal grounds for each objection, including why you have chosen to object;
- (f) A statement indicating whether you would like to appear at the Final Approval Hearing;
- (g) A list of and copies of all documents that you may seek to use at the Final Approval Hearing, and a list of the names of any witnesses that you may want to present at the Final Approval Hearing;
- (h) A list of all other objections to class settlements that you or your attorney have submitted to any Court within the United States within the last 5 years, if any,

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including the total number of such objections and the case and court information in which each such objection was asserted; and

- (i) Your (and, if applicable, your attorney's) signature.

To be considered by the Court, your objection must be either filed with the Court or mailed to the Settlement Administrator, postmarked no later than **June 16, 2023**. The objection may be mailed to the Settlement Administrator at the following address:

Safeway BOGO Class Action Settlement Administrator
P.O. Box 1031
Baton Rouge, LA 70821

If you do not comply with these procedures and the deadline for objections, you may waive your opportunity to have your objection considered at the Final Approval Hearing or otherwise to contest the approval of the settlement or to appeal from any orders or judgments entered by the Court in connection with the proposed settlement. You will still be eligible to receive settlement benefits if the settlement becomes final, even if you object to the settlement.

Objecting class members may appear at the Final Approval Hearing but are not required to do so. Class members who wish to appear are requested, but not required, to mail to the Settlement Administrator or file with the Court a Notice of Intent to Appear.

For objecting class members who are represented by an attorney, the attorney must file with the Court a notice of appearance and Points and Authorities in support of the objection, which shall contain any and all legal authority upon which the objector will rely and confirm whether the attorney intends to appear at the Final Approval Hearing. Copies of these documents must be filed with the Court and delivered to Class Counsel and Defendants' Counsel no later than **June 16, 2023**.

Further instructions and requirements for objecting are set forth in the Court's Preliminary Approval Order, which is available on the settlement website at www.SafewayBOGOClassAction.com.

18. What is the difference between objecting and excluding myself?

Objecting is simply telling the Court that you do not like something about the settlement. You can object to the settlement only if you do not exclude yourself from the settlement. Excluding yourself from the settlement means telling the Court that you do not want to be part of the settlement at all. If you exclude yourself from the settlement, you have no basis to object to the settlement because it no longer affects you.

THE LAWYERS REPRESENTING YOU

19. Do I have a lawyer in this case?

Yes. The Court has appointed the lawyers at Sugerman Dahab and Tim Quenelle, PC as the lawyers for the Class ("Class Counsel"). The lawyers representing you will be paid, only with the Court's approval, from the settlement fund, as explained below. If you want to be represented by your own lawyer, you may hire one at your own expense.

20. How will the lawyers be paid?

Class Counsel spent considerable time and effort prosecuting this matter on a purely contingent

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fee basis and advanced the expenses of the litigation, with the expectation that they would receive a fee, and have expenses reimbursed, only if there was a benefit created for the Class. Class Counsel will file a motion on or before **June 2, 2023**, seeking an award of fees of no more than 20 percent of the settlement fund, and reimbursement of case expenses to date, plus any expenses incurred after preliminary approval. If the Court grants the motion and approves the settlement, each class member will receive approximately \$200.

After Class Counsel's motion for attorneys' fees, costs, and expenses is filed, it will be posted on the settlement website, www.SafewayBOGOClassAction.com, and you will have an opportunity to review and comment on the motion by filing an objection. The Court will then determine the amount of fees, costs, and expenses to be paid from the settlement fund.

NOTICE AND ADMINISTRATION EXPENSES

21. How will notice and administration expenses be paid?

Using the Settlement Administrator's estimates regarding the class size and likely claims rate, notice and administration expenses to be paid from the settlement fund are currently estimated to be approximately \$490,000.

FINAL APPROVAL HEARING

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

The Court will hold a Final Approval Hearing (sometimes called a "fairness hearing") on **July 10, 2023, at 9:00 a.m.**, in Courtroom 11-C of the Multnomah County Circuit Court, 1200 SW First Avenue, Portland, Oregon 97204. At the Final Approval Hearing, the Court will consider whether the settlement is fair, reasonable, and adequate and may also consider how much to award to Class Counsel. If there are objections, the Court will consider them at that time. After the hearing, the Court will decide whether to approve the settlement.

23. Do I have to come to the hearing?

No. Class Counsel will answer any questions that the Court may have, but you may come at your own expense. If you submit an objection, you do not have to come to the Court to talk about it. If you timely mail your written objection to the Settlement Administrator (see above), Class Counsel will submit it to the Court on your behalf for consideration. You may also pay your own attorney to attend, but it is not necessary.

24. May I speak at the hearing?

Yes. You may appear and speak at the Final Approval Hearing. Class members who wish to appear are requested, but not required, to mail to the Settlement Administrator or file with the Court a Notice of Intent to Appear.

For objecting class members who are represented by an attorney, the attorney must file with the Court a notice of appearance and Points and Authorities in support of the objection, which shall contain any and all legal authority upon which the objector will rely and confirm whether the attorney intends to appear at the Final Approval Hearing. Copies of these documents must be filed with the Court and delivered to Class Counsel and Defendants' Counsel no later than **June 16, 2023**.

If you opt out, however, you may not appear and be heard.

Questions? Visit www.SafewayBOGOClassAction.com or call toll-free 1-855-475-1347

WHAT HAPPENS IF YOU DO NOTHING?

25. What happens if I do nothing at all?

If you do nothing, you will be a member of the Class and will be bound by the release of claims in this settlement. If you received a notice by mail or email, you will be issued a settlement payment. If you did not receive a notice by mail or email, but make a timely and valid claim, you may be issued a settlement payment. Unless you exclude yourself, if the settlement is approved, you will not be able to start a lawsuit, or be part of any other lawsuit, against Safeway or Albertsons Companies relating to the claims alleged in this case.

WHERE CAN I GET MORE INFORMATION?

26. How can I get more information?

This notice summarizes the proposed settlement. More details are in the settlement agreement and in case documents, which are available at www.SafewayBOGOClassAction.com. If you have additional questions, you can visit the settlement website or contact the Settlement Administrator:

By Mail: Safeway BOGO Class Action Settlement Administrator
P.O. Box 1031
Baton Rouge, LA 70821

By Email: info@SafewayBOGOClassAction.com

By Phone (Toll Free): 1-855-475-1347

Updates will be posted at the settlement website as information about the settlement process becomes available.

You may also contact Class Counsel with any questions:

David Sugerman
Nadia Dahab
Sarah Osborn
SUGERMAN DAHAB
707 SW Washington Street Ste. 600
Portland, OR 97205
david@sugermindahab.com
nadia@sugermindahab.com
sarah@sugermindahab.com
Tel: (503) 228-6474

Tim Alan Quenelle
TIM QUENELLE, PC
415 North State Street Ste. 132
Lake Oswego, OR 97034
tim.quenelle@gmail.com
Tel: (503) 675-4330

PLEASE DO NOT TELEPHONE OR ADDRESS ANY QUESTIONS ABOUT THE CASE OR SETTLEMENT TO THE CLERK OF THE COURT OR TO THE JUDGE. THEY ARE NOT PERMITTED TO ANSWER YOUR QUESTIONS. THE COURT EXPRESSES NO VIEW AS TO THE MERITS OF ANY CLAIMS OR DEFENSES ASSERTED BY ANY PARTY TO THE ACTION.

Questions? Visit www.SafewayBOGOClassAction.com or call toll-free 1-855-475-1347