

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON
SIMONIN V. WINCO FOODS, LLC, CASE No. 3:19-CV-02094-AR

If you were charged and paid a surcharge on certain non-grocery items at a WinCo store located within the City of Portland, Oregon between June 1, 2019 and May 8, 2022, you could get compensation from a class action settlement.

An Oregon federal 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 with WinCo Foods, LLC (“WinCo”), the Defendant in this case (the “Settlement”). Plaintiff Virginia Simonin (the “Class Representative”) alleges that WinCo improperly collected a surcharge by omitting the amount of the surcharge as itemized on its customer receipts in its advertised prices, at its point-of-sale registers at its stores located within the City of Portland, Oregon between June 1, 2019 and May 8, 2022. WinCo denies these allegations.
- You may be a Settlement Class Member if you purchased certain non-grocery items at a WinCo store located within the City of Portland, Oregon and paid a surcharge on those non-grocery items between June 1, 2019 and May 8, 2022.
- Those individuals included in the Settlement will be eligible to make a claim to receive up to \$200 cash payment.
- You have to take action on or before July 9, 2024 in order to exercise certain legal rights and options in the Settlement, which are set forth in this Notice. Your legal rights are affected whether you act or don’t act. Read this Notice carefully.

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THE SETTLEMENT	
FILE A CLAIM BY JULY 9, 2024	<ul style="list-style-type: none">• The only way to receive a cash payment is to submit a timely and valid Claim.
EXCLUDE YOURSELF BY JULY 9, 2024	<ul style="list-style-type: none">• Excluding yourself means you will get no payment from this Settlement, but you will retain any rights you currently have to sue the Defendant about the claims in this case.
OBJECT TO THE SETTLEMENT BY JULY 9, 2024	<ul style="list-style-type: none">• If you do not exclude yourself, you may write to the Court about why you do not like this Settlement.
GO TO THE FINAL APPROVAL HEARING ON AUGUST 8, 2024	<ul style="list-style-type: none">• Ask to speak in Court about your opinion of this Settlement.
DO NOTHING	<ul style="list-style-type: none">• If you do nothing, you will get no payment from this Settlement and will give up your rights to sue the Defendant about the claims in this case.

BASIC INFORMATION

1. Why did I get this Notice?

You are receiving this Notice because your rights may be affected by the settlement of a class action lawsuit.

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 to give final approval to the Settlement. This Notice explains the lawsuit, the Settlement and your legal rights.

The lawsuit is *Simonin v. WinCo Foods, LLC*, Case No. 3:19-cv-02094-AR (the “Lawsuit”), currently pending in U.S. District Court for the District of Oregon. The Court has granted preliminary approval of the Settlement and has conditionally certified the Settlement Class for purposes of settlement only.

2. What is this lawsuit about?

The Class Representative alleges that WinCo improperly collected a surcharge by omitting the amount of the surcharge as itemized on its customer receipts in its advertised prices, at its point-of-sale registers at its stores located within the City of Portland, Oregon between June 1, 2019 and May 8, 2022. WinCo 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.

3. Why is this lawsuit a class action?

In a class action lawsuit, one or more people, called “Class Representatives” (in this case, Plaintiff Virginia Simonin), sue on behalf of people who have similar claims. All these people together are a “Class” or “Class Members.” In a settlement of a class action, one court resolves the issues for all Class Members, except for those who choose to exclude themselves from the Class.

4. Why is there a settlement?

The Court has not determined who is right. Rather, both sides have agreed to settle the Lawsuit to avoid the uncertainties and expenses of continuing the Lawsuit. By agreeing to settle, both sides avoid the cost and risk of a trial, and Settlement Class Members will get a chance to receive benefits sooner rather than, if at all, after the completion of a trial. The Class Representative and her attorneys think this Settlement is best for all Settlement Class Members. This Settlement does not mean that WinCo did anything wrong.

WHO IS IN THE SETTLEMENT

5. How do I know if I am part of this Settlement?

If you purchased certain non-grocery items at a WinCo store located within the City of Portland, Oregon between June 1, 2019 and May 8, 2022, and were charged a surcharge on non-grocery items, then you may be member of the Settlement Class.

THE SETTLEMENT BENEFITS—WHAT YOU GET IF YOU QUALIFY

6. What does this Settlement provide?

If approved, a Settlement Fund will be created totaling up to \$3,365,000. Settlement Class Member cash payments will come out of this Settlement Fund. The Defendant will also pay up to \$235,000 for the costs to administer the Settlement and to inform people about the Settlement. Any additional costs to administer the Settlement and to inform people about the Settlement will be paid from the Settlement Fund. Class Counsel’s attorney’s fees, up to \$1,009,500 (30% of the Settlement Fund) and costs, up to \$150,000, and a service award to the Class Representative, up to \$10,000, will be paid from the Settlement Fund, as approved by the Court.

A detailed description of the settlement benefits can be found in the Settlement Agreement, a copy of which is accessible on the Settlement Website at www.OregonClassActionSettlement.com.

In exchange for these benefits, Settlement Class Members will release (i.e., discharge) WinCo from all claims of liability relating to the surcharge that were made or could have been made in the Lawsuit or in other legal proceedings or forums. These releases are set forth in specific detail in the Settlement Agreement.

7. How will payments be calculated?

You **must** submit a Claim Form (see instructions below) to receive a share of the Settlement Fund. You may be entitled to receive a cash payment up to \$200, if you paid a surcharge at least once on certain non-grocery items at a WinCo store located within the City of Portland, Oregon between June 1, 2019 and May 8, 2022. This cash payment may be subject to a pro rata adjustment depending on the number of valid claims that are filed.

If the Settlement is approved by the Court, then, in accordance with the settlement terms set forth in the Settlement Agreement and summarized above, each Settlement Class Member who makes a timely and valid claim is entitled to a cash payment.

8. How much will my payment be?

The exact amount of cash payments cannot be calculated until: (a) the Court approves the Settlement; (b) the number of valid Claims are determined; and (c) amounts are deducted from the Settlement Fund for attorney's fees and costs and any additional notice and administration costs.

HOW YOU GET A PAYMENT—PARTICIPATING IN THE SETTLEMENT

9. How can I get a payment?

You must submit a Claim Form to receive a payment from the Settlement Fund. You may submit a Claim Form either electronically on the Settlement Website www.OregonClassActionSettlement.com, or by printing and mailing in a paper Claim Form, a copy of which is available for download at www.OregonClassActionSettlement.com. Claim Forms must be submitted online by 11:59 p.m. Pacific Time on July 9, 2024 or postmarked and mailed by July 9, 2024.

10. When will I get my payment?

The hearing to consider the fairness of the Settlement is scheduled for August 8, 2024. If the Court approves the Settlement, Settlement Class Members who have submitted timely and valid Claims, will receive their payment after the Settlement has been finally approved and/or any appeals process is complete. The payment will be made in the form selected when submitting a Claim (e.g., paper check, Paypal/Venmo, ACH/Direct Deposit, etc.), and all forms of payment will expire and become void 180 days after they are issued.

11. What am I giving up to get benefits and stay in the Settlement?

If this Settlement receives final approval from the Court, this Settlement will be legally binding on all Settlement Class Members, including Settlement Class Members who object, unless you exclude yourself from the Settlement. This means you will not be able to sue WinCo for the claims being released in this Settlement. This Notice is only a summary. The specific claims that you are giving up against WinCo are described in detail in the Settlement Agreement. You will be “releasing” WinCo and all related entities (the “Released Parties”) as described in the Settlement Agreement, regardless of whether you submit a claim or not. Again, the Settlement Agreement is available at www.OregonClassActionSettlement.com or by calling 1-888-272-3064.

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

12. How do I get out of the Settlement?

To exclude yourself from the Settlement, you must mail a letter by July 9, 2024. Your letter must state that you want to be excluded from the *Simonin v. WinCo Foods, LLC*, Case No. 3:19-cv-02094-AR Settlement. Your letter must also include

your name, mailing address, and email or telephone number, must be personally signed by you and must be mailed and postmarked by July 9, 2024, to:

WinCo Surcharge Settlement
Attention: Exclusion Requests
c/o CPT Group, Inc.
50 Corporate Park
Irvine, CA 92606

13. If I do not exclude myself, can I sue the Defendant for the same thing later?

No. Unless you exclude yourself from the Settlement, you give up any right to sue the Defendant for the claims that are resolved by the Settlement.

14. If I exclude myself, can I get a payment from the Settlement?

No. If you exclude yourself from the Settlement, you will not be able to get any payments from the Settlement and you cannot object to the Settlement. You will not be legally bound by anything that happens in the Settlement.

THE LAWYERS IN THE CASE

15. Do I have a lawyer in the case?

Class Counsel

The Court has appointed the law firms listed below to represent you and other Settlement Class Members in the Settlement. These lawyers are called Class Counsel. If you want to be represented by your own lawyer, you may hire one at your own expense.

If you want to contact Class Counsel about this Settlement, they can be reached as set out below, or through the Settlement Administrator by calling 1-888-272-3064 or sending an email to WinCoSurchargeSettlement@cptgroup.com.

Please be advised, if you decide to object, which is your right and is explained in more detail below, Class Counsel cannot assist you with your decision to object, and if that is what you choose to do, you should obtain your own lawyer.

Michael Fuller OlsenDaines 111 SW 5th Avenue Suite 3150 Portland, OR 97204 Michael@underdoglawyer.com	Kelly Jones Law Office of Kelly D. Jones 819 SE Morrison Street Suite 255 Portland, OR 97214 kellydonovanjones@gmail.com	Daniel J. Nichols JurisLaw LLP Three Centerpointe Drive Suite 160 Lake Oswego, OR 97035 dan@jurislawyer.com
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16. How are Class Counsel being paid? Are the Class Representatives being paid?

Subject to approval by the Court, Class Counsel will ask the Court for an award of attorney's fees up to a maximum of \$1,009,500 (30% of the Settlement Fund), costs up to a maximum of \$150,000, and a service award for the Class Representative up to a maximum of \$10,000 for her services in helping to bring and resolve this case.

The Court will determine the appropriate amounts to award. The Settlement is *not* conditioned upon Court approval of any of the attorneys' fees and costs or Class Representative service award amounts.

OBJECTING TO THE SETTLEMENT

17. How do I tell the Court that I do not like the Settlement?

If you are a Settlement Class Member and you do not exclude yourself, you may object to the Settlement. To object, you must file your objection with the Court on or before July 9, 2024. The Court's address is

U.S. District Court of Oregon
Clerk of the Court- Civil Division
1000 S.W. Third Avenue
Portland, OR 97204

You must also mail a copy of your objection to the Settlement Administrator at the following address:

WinCo Surcharge Settlement
Attention: Objections
c/o CPT Group, Inc.
50 Corporate Park
Irvine, CA 92606

You must include the following information:

- Your full name, address, and telephone number;
- The word "Objection";
- To show you are a Settlement Class Member and have standing to object:
 - A statement attesting that you purchased at least one of a certain non-grocery items from a WinCo store located within the City of Portland, Oregon between June 1, 2019 to May 8, 2022, and paid a surcharge at least once on a certain non-grocery item; and
 - A statement identifying (1) the WinCo store address at which you claim you purchased certain non-grocery items and paid a surcharge at least once on non-grocery items; (2) the approximate date(s) you claim you purchased non-grocery items and paid a surcharge; and (3) a description of the non-grocery item(s) you purchased on the date provided above and were charged a surcharge;
- A description, in clear and concise terms, of the grounds for objection (what you think is wrong with the proposed settlement, etc.);
- A statement as to whether the Settlement Class Member is represented by counsel, and, if so, that counsel's full name, address and bar number;
- A statement of all other objections to class settlements submitted by the Settlement Class Member or the Settlement Class Member's counsel to any Court within the United States within the last 5 years, if any, including the total number of such objections and the case and court information in which each such objection was asserted;
- A statement indicating whether the Settlement Class Member would like to appear at the Final Approval Hearing;
- A statement identifying the name of the case and the case number (*Simonin v. WinCo Foods, LLC*, Case No. 3:19-CV-02094-AR); and
- Your personal signature.

18. What's the difference between objecting and excluding yourself?

Objecting is telling the Court that you do not like something about the Settlement. You can object to a settlement only if you stay in that settlement. Excluding yourself is telling the Court that you do not want to be part of the Settlement. If you exclude yourself, you have no right to object, because the case no longer affects you. If you object, and the Court approves the Settlement anyway, you will still be legally bound by the result.

THE COURT'S FINAL APPROVAL HEARING

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

The Court will hold a Final Approval Hearing to decide whether to finally approve the proposed Settlement. The Final Approval Hearing will be held on **August 8, 2024, at 2:00 p.m.** before Judge Jeffrey Armistead at the U.S. District Court for District of Oregon, Courtroom 9B, 1000 S.W. Third Avenue, Portland, Oregon 97204.

If you want to attend the Final Approval Hearing, keep in mind that the date and/or time may be changed after this Notice is sent and attendance may require compliance with certain measures to maintain social distancing, so you should check the Settlement Website (www.OregonClassActionSettlement.com) before making travel plans.

At the Final Approval Hearing, the Court will consider whether the proposed Settlement and all of its terms are adequate, fair, and reasonable. If there are objections, the Court will consider them. The Court may listen to people who have asked for permission to speak at the Final Approval Hearing. The Court may also decide how much to award Class Counsel for fees and costs, and whether and how much to award the Class Representatives for representing the Settlement Class (the Service Award).

There is no set timeline for either the Court's final approval decision, or for any appeals that may be brought from that decision, so it is impossible to know exactly when the Settlement will become final.

The Court may change deadlines listed in this Notice without further notice to the Settlement Class. To keep up on any changes in the deadlines, please contact the Settlement Administrator or review the Settlement Website.

20. Do I have to come to the Final Approval Hearing?

No. Class Counsel will answer any questions asked by the Court.

If you filed an objection with the Court, you do not have to come to Court to talk about it. So long as you filed your written objection with the Court on time and complied with the other requirements for a proper objection, the Court will consider it. You may also pay another lawyer to attend, but it's not required.

21. May I speak at the Final Approval Hearing?

Yes. You or your lawyer may, at your own expense, come to the Final Approval Hearing and ask the Court for permission to speak. You must also file with the Court a Notice of Intention to Appear, which must also be mailed to the Settlement Administrator so that it is **postmarked no later than July 9, 2024**, and it must be **filed** with the Clerk of the Court by that same date at the address indicated above. If you intend to have a lawyer appear on your behalf, your lawyer must enter a written notice of appearance of counsel with the Clerk of the Court no later than **July 9, 2024**. *See* above for the addresses of the Court and the Settlement Administrator. You cannot speak at the Final Approval Hearing if you excluded yourself.

GETTING MORE INFORMATION

22. How do I get more information about the Settlement?

This Notice is only a summary of the proposed Settlement of this Lawsuit. More details are in the Settlement Agreement which, along with other documents, can be obtained at www.OregonClassActionSettlement.com. You can also contact the attorneys whose information is included in *Question 15* or use the resources listed below.

YOU MAY OBTAIN ADDITIONAL INFORMATION BY	
CALLING	<ul style="list-style-type: none"> • Call the Settlement Administrator toll-free at 1-888-272-3064 to ask questions and receive copies of documents.
E-MAILING	<ul style="list-style-type: none"> • Email the Settlement Administrator at WinCoSurchargeSettlement@cptgroup.com
WRITING	<ul style="list-style-type: none"> • Send your questions by mail to: WinCo Surcharge Settlement, c/o CPT Group, Inc., 50 Corporate Park, Irvine, CA 92606
VISITING THE SETTLEMENT WEBSITE	<ul style="list-style-type: none"> • Visit www.OregonClassActionSettlement.com, where you will find answers to common questions about the Settlement plus other information to help you.
REVIEWING LEGAL DOCUMENTS	<ul style="list-style-type: none"> • You may also review the Court's file during regular court hours at: U.S. District Court, District of Oregon 1000 S.W. Third Avenue Portland, Oregon 97204

PLEASE DO NOT CALL THE JUDGE OR THE COURT CLERK TO ASK QUESTIONS ABOUT THE LAWSUIT, THE SETTLEMENT, OR THIS NOTICE.

THE COURT WILL NOT RESPOND TO LETTERS OR TELEPHONE CALLS. IF YOU WISH TO ADDRESS THE COURT, YOU MUST FILE AN APPROPRIATE PLEADING OR MOTION WITH THE CLERK OF THE COURT IN ACCORDANCE WITH THE COURT'S USUAL PROCEDURES.