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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re VNGR Beverage, LLC Litigation

Case No. 24-cv-03229-HSG

CLASS ACTION

**DECLARATION OF JANETH ANTONIO
RE: NOTICE PROCEDURES**

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I, Janeth Antonio, declare and state as follows:

1. I am a Director with Verita formerly known as KCC Class Action Services, LLC (“KCC”), located at 1 McInnis Pkwy, San Rafael, CA 94903. Pursuant to Order Granting Preliminary Approval (the “Preliminary Approval Order”) dated May 23, 2025, the Court appointed Verita as the Claims Administrator in connection with the proposed Settlement of the above-captioned Action.¹ I have personal knowledge of the matters stated herein and, if called upon, could and would testify thereto.

CAFA NOTIFICATION

2. In compliance with the Class Action Fairness Act (“CAFA”), 28 U.S.C. Section 1715, Verita compiled a CD-ROM containing the following documents: Class Action Complaint; First Amended Class Action Complaint; Second Amended Class Action Complaint; Defendant VNGR Beverage, LLC’s Notice of Motion and Memorandum of Points and Authorities in Support of Defendant’s Motion to Dismiss the Consolidated Amended Complaint; Motion for Preliminary Approval; Proposed Order re Preliminary Approval Hearing; Declaration of T. Fisher; Declaration Of M. McCrary; Declaration of C. Reed; Bursor & Fisher Resume; Long Form Notice; Short Form Notice; Publication Notice; Claim Form; Settlement Agreement; Proposed Final Judgment, and a cover letter (collectively, the “CAFA Notice Packet”). A copy of the cover letter is attached hereto as Exhibit A.

3. On March 21, 2025, Verita caused 57 CAFA Notice Packets to be mailed via Priority Mail from the U.S. Post Office in Memphis, Tennessee to the parties listed on Exhibit B, i.e., the U.S. Attorney General, the Attorneys General of each of the 50 states in which Settlement Class Members reside and the District of Columbia, as well as the parties of interest to this Action. The list of parties that received the CAFA Notice Packet is attached as Exhibit B.

¹ All capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Settlement Agreement and Release, dated March 14, 2025 (the “Stipulation”) and/or the Preliminary Approval Order.

1 soda, gut healthy soda, gut health support, Poppi, soft drinks, probiotics, etc., and a portion of
2 impressions were targeted to adults 18-44 years of age who have expressed an interest in nutrition,
3 wellness, and healthy diet. A total of 30,545,759 impressions were delivered, resulting in an
4 additional 1,130,759 impressions at no extra charge. Confirmation of the Digital Media Notices as
5 they appeared on a variety of websites and on Facebook and Instagram is attached hereto as Exhibit
6 E.

7 **SETTLEMENT WEBSITE**

8 10. On or about March 20, 2025, Verita established a website
9 www.poppisettleemnt.com dedicated to this matter to provide information to the Class Members
10 and to answer frequently asked questions. The website URL was set forth in the Notice, Publication
11 Notice, Long Form Notice and Claim Form. Visitors of the website can download copies of the
12 Notice, Claim Form, and other case-related documents. True and correct copies of the Long Form
13 Notice and Claim Form are attached hereto as Exhibit F and G.

14 11. Visitors can also submit claims online, and, if applicable, upload supporting
15 documentation. As of October 2, 2025, there have been 6,511,859 users, 6,777,912 sessions/hits
16 (active visits to the website) and 18,933,517 page views of the Settlement Website.
17

18 **TELEPHONE HOTLINE**

19 12. Verita established and continues to maintain a toll-free telephone number 1-833-
20 586-8111 for potential Class Members to call and obtain information about the Settlement, and/or
21 request a Notice Packet. The telephone hotline became operational on July 15, 2025, and is
22 accessible 24 hours a day, 7 days a week. As of October 2, 2025, Verita has received a total of 291
23 calls to the telephone hotline.
24

25 **CLAIM FORMS**

26 13. The postmark deadline for Class Members to file claims in this matter was
27 September 26, 2025. To date, Verita has received 4,608,337 online submissions, and
28

1 approximately 4,382 paper claim forms. Verita expects additional claim forms to arrive over the
2 next few weeks.

3 14. Verita is currently processing paper claim forms, reviewing supporting
4 documentation, and analyzing claims to identify fraudulent submissions, duplicates, and household
5 claims. To date, Verita has been able to identify 137,942 duplicates, and 1.8 million fraudulent
6 submissions based on, but not limited to, IP addresses, and patterns in names, addresses, and/or
7 email addresses.

9 15. Of the remaining claims that have not yet been identified as fraud or duplicate,
10 2,531,168 claims were submitted without receipts/proof. This group will receive no more than \$16,
11 depending on the number of Approved Claims and the amount of the Settlement Fund devoted to
12 other costs. However, Verita will continue to analyze these claims to try to identify additional fraud
13 or duplicate submissions or to determine their validity. There were also 38,542 claimants who
14 provided receipts/proof of purchase that require review.

16 16. Verita will continue to review and complete a thorough analysis of the claim
17 submissions to determine whether the information provided on each Claim Form is complete and
18 valid. The updated figures will be immediately provided to counsel for the Parties.

19 **REPORT ON EXCLUSION REQUESTS RECEIVED TO DATE**

20 17. The Notice informs Class Members that requests for exclusion from the Class must
21 be postmarked no later than September 26, 2025. As of the date of this declaration, Verita has
22 received six (6) requests for exclusion. A list of the Class Members requesting to be excluded is
23 attached hereto as Exhibit H.

24 **OBJECTIONS TO THE SETTLEMENT**

25 18. The postmark deadline for Class Members to object to the settlement was September
26 26, 2025. As of the date of this declaration, Verita has not received any objections to the settlement.
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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 17, 2025 at San Rafael, CA.

Janeth Antonio

JANETH ANTONIO

Exhibit A



«First» «Last»
March 21, 2025
Page 2

Defendant denies any wrongdoing or liability whatsoever but has decided to settle this action solely in order to eliminate the burden, expense, and uncertainties of further litigation. In compliance with 28 U.S.C. § 1715(b), the documents referenced below are included on the CD that is enclosed with this letter:

1. **28 U.S.C. § 1715(b)(1) – Complaint and Related Materials:** Copies of the *Class Action Complaint, First Amended Class Action Complaint, Second Amended Class Action Complaint, Third Amended Class Action Complaint, and Defendant VNGR Beverage, LLC’s Notice of Motion and Memorandum of Points and Authorities in Support of Defendant’s Motion to Dismiss the Consolidated Amended Complaint* are included on the enclosed CD.
2. **28 U.S.C. § 1715(b)(2) – Notice of Any Scheduled Judicial Hearing:** As of March 21, 2025, the Court has not yet scheduled a final fairness hearing in this matter. Plaintiff filed a *Motion for Preliminary Approval* requesting that the Honorable Haywood S Gilliam, Jr. preliminarily approve the proposed Settlement. Copies of the *Motion for Preliminary Approval, Proposed Order re Preliminary Approval Hearing, the respective Declarations of T Fisher, M. McCrary, and C. Reed, and the Resume of Bursor & Fisher* are included on the enclosed CD.
3. **28 U.S.C. § 1715(b)(3) – Notification to Class Members:** Copies of the *Long Form Notice, Short Form Notice, Publication Notice, and the Claim Form* to be provided to the class are included on the enclosed CD.
4. **28 U.S.C. § 1715(b)(4) – Class Action Settlement Agreement:** A copy of the *Settlement Agreement* is included on the enclosed CD.
5. **28 U.S.C. § 1715(b)(5) – Any Settlement or Other Agreement:** As of March 21, 2025, no other settlement or agreement has been entered into by the Parties to this Action with each other, either directly or by and through their respective counsel.
6. **28 U.S.C. § 1715(b)(6) – Final Judgment:** No Final Judgment has been reached as of March 21, 2025, nor have any Notices of Dismissal been granted at this time. A copy of the *Proposed Final Judgment* is included on the enclosed CD.



«First» «Last»
March 21, 2025
Page 3

7. **28 U.S.C. § 1715(b)(7)(A)-(B) – Names of Class Members/Estimate of Class Members:** While Defendant and Verita are in the process of gathering information on this issue, pursuant to 28 U.S.C. § 1715(b)(7)(A), at this time a complete list of names of class members as well as each State of residence is not available, because the parties do not presently know the names or current addresses of all the proposed settlement class members and will not learn this information until the Settlement is preliminarily approved and the Court authorizes dissemination of information about the Settlement through the Class Notice.
8. **28 U.S.C. § 1715(b)(8) – Judicial Opinions Related to the Settlement:** As the proposed Settlement is still pending final approval by the Court, there are no other opinions available at this time. As of March 21, 2025, there has been no written judicial opinion related to the settlement.

If for any reason you believe the enclosed information does not fully comply with 28 U.S.C. § 1715, please contact the undersigned immediately so that Defendant can address any concerns or questions you may have.

Thank you.

Sincerely,

/s/
Fred Webb,
Case Coordinator

Enclosure – CD ROM

Exhibit B

Last	First	Company 1	Company 2	Address 1	Address 2	City	State	Zip
Bondi	Pamela	Attorney General of the United States		United States Department of Justice	950 Pennsylvania Avenue, NW	Washington	DC	20535-0001
Taylor	Tracy	Office of the Alaska Attorney General		1031 W. 4th Avenue, Suite 200		Anchorage	AK	99501-1594
Marshall	Steve	Office of the Alabama Attorney General		501 Washington Avenue	PO Box 300152	Montgomery	AL	36130-0152
Griffin	Tim	Arkansas Attorney General Office		323 Center Street, Suite 200		Little Rock	AR	72201-2610
Mayes	Kris	Office of the Arizona Attorney General		2005 N. Central Avenue		Phoenix	AZ	85004
CAF-A Coordinator		Office of the Attorney General		Consumer Law Section		San Francisco	CA	94102
Wieser	Phil	Office of the Colorado Attorney General		Ralph L. Carr Colorado Judicial Center	455 Golden Gate Ave., Suite 11000	Denver	CO	80203
Tong	William	State of Connecticut Attorney General		165 Capitol Avenue	1300 Broadway, 10th Floor	Hartford	CT	06106
Schwab	Brian	District of Columbia Attorney General		400 6th St., NW		Washington	DC	20001
Jennings	Kathy	Delaware Attorney General		Carvel State Office Building	820 N. French Street	Wilmington	DE	19801
Ullmeyer	James	Office of the Attorney General of Florida		The Capitol, PL 01		Tallahassee	FL	32399-0501
Carr	Chris	Office of the Georgia Attorney General		40 Capitol Square, SW		Atlanta	GA	30334-1300
Lopez	Anne E.	Office of the Hawaii Attorney General		425 Queen Street		Honolulu	HI	96813
Bird	Brenna	Iowa Attorney General		Hoover State Office Building	1305 E. Walnut Street	Des Moines	IA	50319
Labrador	Raul	State of Idaho Attorney General's Office		700 W. Jefferson Street, Suite 210	P.O. Box 83720	Boise	ID	83720-1000
Ricci	Kwame	Illinois Attorney General		James R. Thompson Center	100 W. Randolph Street	Chicago	IL	60601
Rokiah	Todd	Indiana Attorney General's Office		Indiana Government Center South	302 West Washington Street, 5th Floor	Indianapolis	IN	46204
Kobach	Kris	Kansas Attorney General		120 S.W. 10th Ave., 2nd Floor		Topeka	KS	66612-1597
Coleman	Russell	Office of the Kentucky Attorney General		700 Capitol Ave	Capitol Building, Suite 118	Frankfort	KY	40601-3449
Murrill	Liz	Office of the Louisiana Attorney General		1885 North Third Street		Baton Rouge	LA	70802
Campbell	Andrea	Attorney General of Massachusetts		1 Ashburton Place	20th Floor	Boston	MA	02108-1688
Brown	Anthony G.	Office of the Maryland Attorney General		200 St. Paul Place		Baltimore	MD	21202-2202
Frey	Aaron	Office of the Maine Attorney General		State House Station 6		Augusta	ME	04333
Nessel	Dana	Office of the Michigan Attorney General		P.O. Box 30212	525 W. Ottawa Street	Lansing	MI	48909-0212
Keith Ellison	Attorney General	Attention: CAF-A Coordinator		445 Minnesota Street	Suite 1400	St. Paul	MN	55101-2131
Bailey	Andrew	Missouri Attorney General's Office		Supreme Court Building	207 W. High Street	Jefferson City	MO	65101
Fitch	Lynn	Mississippi Attorney General's Office		Department of Justice	P.O. Box 220	Jackson	MS	39205
Knudsen	Austin	Office of the Montana Attorney General		Justice Bldg.	215 N. Sanders Street	Helena	MT	59620-1401
Jackson	Jeff	North Carolina Attorney General		Department of Justice	P.O. Box 629	Raleigh	NC	27602-0629
Hilgers	Mike	Office of the Nebraska Attorney General		State Capitol P.O. Box 98920		Lincoln	NE	68509-8920
Ford	Aaron	Nevada Attorney General		Old Supreme Ct. Bldg.	100 North Carson St.	Carson City	NV	89701
Formella	John	New Hampshire Attorney General		Hew Hampshire Department of Justice	33 Capitol St.	Concord	NH	03301-6397
Platkin	Matthew J.	Office of the New Jersey Attorney General		Richard J. Hughes Justice Complex	25 Market St., P.O. Box 080	Trenton	NJ	08625-0080
Torrez	Raul	Office of the New Mexico Attorney General		P.O. Drawer 1508		Santa Fe	NM	87504-1508
James	Letitia	Office of the New York Attorney General		Dept. of Law - The Capitol	2nd Floor	Albany	NY	12224-0341
Wrigley	Drew H.	North Dakota Office of the Attorney General		State Capitol	600 E. Boulevard Ave., Dept. 125	Bismarck	ND	58505-0040
Yost	Dave	Ohio Attorney General		Rhodes State Office Tower	30 E. Broad St., 14th Flr.	Columbus	OH	43215
Drummond	Gentner	Oklahoma Office of the Attorney General		313 NE 21st St.		Oklahoma City	OK	73105
Rayfield	Dan	Office of the Oregon Attorney General		Justice Building	1182 Court St., NE	Salem	OR	97301-4096
Sunday	Dave	Pennsylvania Office of the Attorney General		16th Flr., Strawberry Square		Harrisburg	PA	17120
Neronha	Peter	Rhode Island Office of the Attorney General		150 South Main St.		Providence	RI	02903
Wilson	Alan	South Carolina Attorney General		Rembert C. Dennis Office Bldg.	P.O. Box 11549	Columbia	SC	29211
Jackley	Marty	South Dakota Office of the Attorney General		1302 East Highway 14, Suite 1		Pierre	SD	57501-6501
Skrmetli	Jonathan	Tennessee Attorney General and Reporter		425 5th Avenue North		Nashville	TN	37243
Paxton	Ken	Attorney General of Texas		Capitol Station	P.O. Box 12548	Austin	TX	78711-2548
Brown	Derek	Utah Office of the Attorney General		P.O. Box 142320		Salt Lake City	UT	84114-2320
Clark	Charly R.	Office of the Attorney General of Vermont		109 State St.		Montpelier	VT	05609-1001
Miyares	Jason	Office of the Virginia Attorney General		202 North Ninth St.		Richmond	VA	23219
Brown	Nick	Washington State Attorney General		1125 Washington St. SE	P.O. Box 40100	Olympia	WA	98504-0100
McCuskey	J.B.	West Virginia Attorney General		State Capitol Complex, Bldg. 1, Rm. E-26	1900 Kanawha Blvd. E.	Charleston	WV	25305
Kaul	Josh	Office of the Wisconsin Attorney General		Dept. of Justice, State Capitol	Rm. 114 East, P.O. Box 7857	Madison	WI	53707-7857
Hill	Bridget	Office of the Wyoming Attorney General		109 State Capitol		Cheyenne	WY	82002
Hall Jr.	Roy J.D.	American Samoa Gov't (Acting)		Dept. of Legal Affairs, c/o Attorney General	P.O. Box 7	Lituele	AS	96799
Moylan	Douglas	Office of the Attorney General, ITC Building		500 S. Marine Corps Dr.	Suite 708	Tamuning	Guam	96913
Manibusan	Edward	Northern Mariana Islands Attorney General		Administration Building	P.O. Box 10007	Saipan	MP	96950-8007
Parra-Mercado	Janet	Puerto Rico Attorney General		Torre Chardón, Suite 1201	350 Carlos Chardón Ave.	San Juan	PR	00918
Rhea	Gordon C.	Virgin Islands Acting Atty. General, DOJ		3438 Kronprindsens Gade	GERs Complex, 2nd Floor	St. Thomas	VI	00802

Exhibit C

If you purchased Poppi Products, a class action Settlement may affect you.

[**CLICK HERE TO FILE YOUR CLAIM FORM**](#)

YOUR CLAIM ID	<<ClaimID>>
YOUR PIN	<<PIN>>
USE THESE UNIQUE NUMBERS WHEN FILING YOUR CLAIM FORM TO RECEIVE A CLASS PAYMENT	

A proposed class action Settlement has been reached in cases alleging Poppi beverages (the “Products”) were improperly labeled as “gut healthy.” Poppi contends that the label claims are expressly true and denies that it did anything wrong. Notwithstanding, the parties have agreed to settle the cases on a nationwide basis, and Defendant has agreed to provide Class Payments to Class Members. The cases are *In re VNGR Beverage, LLC Litigation*, No. 4:24-cv-03229-HSG filed in the United States District Court for the Northern District of California; *Cobbs v. VNGR Beverage, LLC*, No. 4:24-cv-03229 filed in the United States District Court for the Northern District of California; *Lesh, et al. v. VNGR Beverage, LLC*, No. 3:24-cv-03612 filed in the United States District Court for the Northern District of California; and *Wheeler v. VNGR Beverage, LLC*, No. 4:24-cv-04396 filed in the United States District Court for the Northern District of California.

Does The Class Include Me?

You are a Class Member if you purchased any flavor or package sizes of Poppi beverage for household use and not for resale or distribution in the United States between January 23, 2020 and July 18, 2025.

What Are The Settlement Benefits?

To settle the case, Defendant will create a Settlement Fund of \$8,900,000. This fund will be used to pay Class Payments for Approved Claims as well as Administrative and Notice Costs, Attorneys’ Fees and Costs, and Service Awards to the Class Representatives. If you make an Approved Claim in the Settlement, you will receive a Class Payment for each unit of any Product that you purchased, subject to the maximums and minimums set forth below. “Single Can Unit” means a single quantity of a 12-ounce or 16-ounce can of the Products as sold at retail; “4-pack Unit” means a single quantity of a 4-pack of the Products as sold at retail; “8-pack Unit” means a single quantity of an 8-pack of the Products as sold at retail; “12-pack Unit” means a single quantity of a 12-pack of the Products as sold at retail; and “15-pack Unit” means a single quantity of a 15-pack of the Products as sold at retail.

If you make an Approved Claim, you are entitled to a Class Payment up to as follows: seventy-five cents (\$0.75) per Single Can Unit of the Product purchased; three dollars (\$3.00) per 4-pack Unit of the Product purchased; six dollars (\$6.00) per 8-pack Unit of the Product purchased; and nine dollars (\$9.00) per 12-pack or 15-pack Unit of the Product purchased. Each Approved Claim shall receive a Minimum Class Payment of five dollars (\$5.00), though the Class Payment may be less or more depending upon, among other things, the number of Approved Claims received, the amount of Attorneys’ Fees and Costs paid to the Plaintiffs’ lawyers, the amount of Service Awards paid to the Plaintiffs, and the costs of providing notice and administering the Settlement. If you do not have Proof of Purchase, you may obtain a maximum Class Payment of up to sixteen dollars (\$16.00) per Household. A “Household” means any number of persons occupying the same dwelling unit. If multiple Claims are submitted from the same Household, those Claims shall be treated as a single Claim, including for purposes of determining the maximum Class Payment without Proof of Purchase. “Proof of Purchase” means a receipt or other documentation from a

third-party commercial source (*i.e.*, a store or online retailer) that reasonably establishes the fact and date of purchase of Products by a Class Member between January 23, 2020 and July 18, 2025.

If there is money left over in the Settlement Fund after payment of all Class Payments, Attorneys' Fees and Costs, Service Awards to the Class Representatives, and Administrative and Notice Costs, the money will be donated to a charity.

How Do I Make A Claim?

To file a Claim, click [here](#) and fill out the form. You can also obtain a Claim Form by contacting the Settlement Administrator.

What Are My Rights?

You may make a Claim, Object, Opt Out, or do nothing. **To receive a Class Payment, you must [submit a Claim](#)**, online or by mail, by the Claims Deadline, which is September 26, 2025. If you **Opt Out of the Settlement**, you may pursue a separate lawsuit, but you will receive no Class Payment. Your Opt-Out request must be mailed to the Settlement Administrator and postmarked by the Objection and Exclusion Deadline, which is September 26, 2025. If you do not Opt Out, you give up your right to bring a separate lawsuit. **To Object**, you must file a written Objection that complies with the requirements in the long-form notice available at www.poppisettlement.com. Your Objection must be filed with the Court by the Objection and Exclusion Deadline, which is September 26, 2025. **Do nothing**, and you will not receive a Class Payment and you will release the Released Claims against Defendant that relate to the allegations in the lawsuits.

What Will Happen Next?

The Court will hold a hearing on November 20, 2025 at 2:00 p.m. to consider whether to finally approve the Settlement. Class Counsel will ask the Court to award them no more than 30% of the Settlement Fund in attorneys' fees and approximately \$35,000 in out-of-pocket expenses and up to \$15,000 total in Service Awards to the three individuals who pursued the lawsuit, out of the Settlement Fund. Note that the hearing date may change without further notice to you. Consult the Website at www.poppisettlement.com, or for a fee, through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>, for updated information on the hearing date and time.

How Can I Get More Information?

For more information, please visit www.poppisettlement.com, or contact the Settlement Administrator at *In re VNGR Beverage, LLC Litigation*, Settlement Administrator, P.O. Box 301134, Los Angeles, CA 90030-1134, or by telephone at 1-833-586-8111. Please do not telephone the Court or the Court's Clerk's Office to inquire about this Settlement.

Exhibit D

Week in review

Recapping the most important and talked about news this week from around the world – ICYMI

NEWS

Education cuts loom large

The U.S. Supreme Court ruled on July 14 that the Trump administration could move forward with laying off more than 1,300 Education Department workers. The staffers, whose responsibilities included helping protect students and teachers from discrimination, assisting college financial aid offices and compiling data about the nation's schools, were laid off in March. The Supreme Court's green light came with caveats, though: The justices didn't rule on the merits of the case. They only allowed the agency to carry out the layoffs while a legal challenge proceeds.

Queen bonded with presidents

A new book aims to show Britain's Queen Elizabeth II wasn't just a woman in a colorful hat. The Queen, whose 70-year reign made her the nation's longest-ruling monarch, met 13 sitting U.S. presidents, more than any other American or foreign head of state. "The Queen and Her Presidents" will be published by HarperCollins on April 14, just days before the 100th anniversary of the queen's birth. It is written by Susan Page, USA TODAY's Washington bureau chief. It will chronicle her transformation from a shy, anxious princess to a powerful leader and will provide candid assessments of America's presidents.

MONEY

Saying I do to higher costs

Wedding season is in full swing and if invites are stacking up, celebrating friends and family can turn into a budgeting problem fast. Between travel, accommodations, gifts, and attire, guests spent \$610 on average to attend a wedding in 2024, according to a study by The Knot, a wedding resources website. The amount guests spend depends on whether they need to travel. On average, guests spend \$270 for a local wedding, \$840 when they drive to an out-of-town wedding, and \$1,680 when flights are required. The average wedding gift cost guests \$150 in 2024, \$10 less than in previous years.



IMAGE OF THE WEEK

Juggling juggernaut

Participants attempt new tricks in the gym during the 2025 International Jugglers' Association Festival in Evansville, Indiana, on July 15. The festival runs through July 20.

MACABE BROWN/
USA TODAY NETWORK

LIFE

'Severance' leads Emmy nominations

The Emmy nominations are here! Apple TV+'s drama "Severance" leads the mentions with an impressive 27 nods, followed by HBO Max's "The Penguin" with 24. Apple's "The Studio" and HBO's "The White Lotus" tied for third place with 23 honors, and HBO's "The Last of Us" earned 16 nominations. "The Studio" also tied the record set in 2024 by "The Bear" for most nominations for a comedy series. Harrison Ford, 83, earned his first Emmy nod for his role as the ornery therapist on Apple TV's "Shrinking" (7 nominations).

SPORTS

Rays may be sold for \$1.7B, report says

Tampa Bay Rays principal owner Stuart Sternberg has agreed in principle to sell the MLB team to a group headed by Jacksonville, Florida, developer Patrick Zalupski for roughly \$1.7 billion, according to The Athletic. The agreement comes four months after the Rays backed away from a deal to build a stadium in St. Petersburg, Florida, near the site of their longtime home, Tropicana Field. The deal should be completed as soon as September, an unnamed source told The Athletic, with the club remaining in the Tampa Bay area. — *Compiled by Michael B. Smith, copy editor*

WHAT IS THE POINT OF GIVING YOU NEW, VIBRANT WAYS TO CONNECT WITH TOPICS YOU CARE ABOUT?

The point is getting to the point. Fast. With news that helps you get more from reading less.

The point is hearing the nation on your morning commute.

The point is life is complicated, dinner shouldn't be.

The point is having couchside feel like courtside.

The point is seeing the big picture and all of the little ones too.

The point is journalism that gets right to the point of the story and why it matters to you.

USA TODAY | To the point

LEGAL NOTICE

If You Purchased Poppi Products, A Class Action Settlement May Affect You.

A proposed class action Settlement has been reached in cases alleging Poppi beverages (the "Products") were improperly labeled as "gut healthy." Poppi contends that the label claims are expressly true and denies that it did anything wrong. Notwithstanding, the parties have agreed to settle the cases on a nationwide basis, and Defendant has agreed to provide Class Payments to Class Members. The cases are *In re VNGR Beverage, LLC Litigation*, No. 4:24-cv-03229-HSG filed in the United States District Court for the Northern District of California; *Cobbs v. VNGR Beverage, LLC*, No. 4:24-cv-03229 filed in the United States District Court for the Northern District of California; *Lesh, et al. v. VNGR Beverage, LLC*, No. 3:24-cv-03612 filed in the United States District Court for the Northern District of California; and *Wheeler v. VNGR Beverage LLC*, No. 4:24-cv-04396 filed in the United States District Court for the Northern District of California.

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Week in review

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NEWS

RFK shakes up vaccines again

Health and Human Services Secretary Robert F. Kennedy Jr. took another step toward overhauling vaccine policy when he approved the removal of thimerosal, a mercury-based preservative, from all flu vaccines despite widespread agreement in the medical community that the preservative is safe. He signed off on a recommendation from the Advisory Committee on Immunization Practices, a panel he replaced with his own appointed members, to stop distributing flu shots containing thimerosal, which has long been targeted by anti-vaccine groups.

An operatic honor for Melania

Republican lawmakers are working on a Kennedy Center production of their own – renaming the center's Opera House the "First Lady Melania Trump Opera House." The House Appropriations Committee, whose spending bill funds the iconic performing arts venue, voted 33-25 for the change. More than \$256.7 million already has been approved for improvements to the center sought by President Donald Trump, who ousted much of the Kennedy Center's board and appointed himself chairman. He has criticized the center's performances and said in one visit that he "never liked 'Hamilton' very much."

MONEY

Cola wars take a sweet shift

Cane sugar: It's the real thing. A Coca-Cola made with cane sugar – not high-fructose corn syrup – is coming to the United States this fall, the company announced, just like the Coke you find abroad, including Mexico. (The long-running debate over which tastes better, U.S. Coke or Mexican Coke, has been a fierce one). The news doesn't come as a compete surprise; President Donald Trump had made a case for cane sugar Coke on social media in mid-July – "You'll see. It's just better!" Now, not to be outdone, Pepsi is launching Pepsi Prebiotic Cola, in Original Cola and Cherry Vanilla, containing 5 grams of cane sugar and 3 grams of prebiotic fiber.



IMAGE OF THE WEEK

A long day's ride in the heartland

Aidan Keen and Mark McGlaughlin stop for a rest on Day 1 of RAGBRAI, an annual weeklong bicycle tour across Iowa. The ride – it's not a contest – is the world's largest recreational bicycle touring event.

AYRTON BRECKENRIDGE/
USA TODAY NETWORK

LIFE

'Prince of Darkness,' Ozzy Osbourne, dies

Heavy metal has lost one of its most beloved characters, Ozzy Osbourne, at age 76, only weeks after he and his original band, Black Sabbath, reunited in England for a farewell show. Osbourne, infamous for his hard living (and for biting the head off a bat), went on to a solo career, then took on reality TV with "The Osbournes." In 2020, he revealed he had Parkinson's disease. In a new memoir, "Last Rites," out Oct. 7, he says: "Look, if it ends tomorrow, I can't complain. ... I've done good, and I've done bad. But right now, I'm not ready to go anywhere."

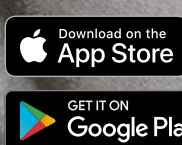
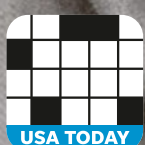
SPORTS

All bets for 2026 are on Scottie Scheffler

Scottie Scheffler, fresh off dominating the British Open on July 20, is at the top of his game, and you can expect he'll be there for awhile. Scheffler, 29, who also captured the PGA Championship in May and now needs only a U.S. Open victory to enter the elite group of golfers who have won the sport's grand slam of four major championships, is now the odds-on favorite to win every major in 2026, according to BetMGM. Said the gaming venture's Matt Wall: "The comparisons with Tiger Woods certainly don't look out of place right now." – *Compiled by Robert Abitbol*

USA TODAY CROSSWORD

BECAUSE
UNLIKE
SOME PEOPLE,
CROSSWORDS
HAVE A CLUE



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NEWS

A humongous wave of relief

Fears of a devastating tsunami swept through Japan and across the Pacific to Hawaii, the West Coast and Alaska after an 8.8-magnitude earthquake struck off Russia, but panic was replaced by relief as the threat eased and evacuation orders were lifted. Alarms blared in Hawaii and coastal populations were warned to seek higher ground, bringing gridlock to evacuation routes. Not everyone was so quick to flee; a live camera feed showed surfers in the ocean off Waikiki Beach a little more than an hour before the tsunami was predicted to hit.

Lightning bolt spans 515 miles

Nature is powerful – and big. Scientists reviewing old satellite data announced they had recorded a 515-mile-long lightning bolt that blasted across the central United States, from Dallas to Kansas City, in October 2017. The world-record bolt was a single, continuous discharge that stretched across the sky and never hit the ground. “It’s likely that even greater extremes still exist,” Arizona State University geographer Randall Cerveny told USA TODAY. Most lightning bolts extend less than 10 miles, but scientists have a name for monster discharges that stretch beyond 60 miles: a “megaflash.”

MONEY

Sydney’s jeans are on a tear

If American Eagle wanted to get people talking with its new Sydney Sweeney denim ad campaign, it has succeeded wildly. In one of the ads, the actress and Hollywood “it” girl intones: “Genes are passed down from parents to offspring, often determining traits like hair color, personality and even eye color. My jeans are blue.” Some have said the allusion to “great genes” for a blond, blue-eyed woman rang of eugenics; others claimed the ads promote white supremacy. Still others don’t see what the fuss is all about – among them, no doubt, American Eagle itself. Since the ads launched, shares in the company’s stock have soared.



IMAGE OF THE WEEK

Lots of balloons at this party

Hattie Green packs up Al Appenzeller’s balloon Hidden Surprises at the annual National Balloon Classic outside Milo, Iowa. More than 100 hot-air balloons took to the skies.

AYRTON BRECKENRIDGE/
USA TODAY NETWORK

LIFE

Ozzy Osbourne gets a poignant send-off

Hundreds of fans and friends gathered in Birmingham, England, for a funeral procession to say farewell to Ozzy Osbourne as a hearse accompanied by a brass band carried the metal icon’s casket through the streets of his hometown. Sharon Osbourne, his wife of more than 40 years, wept as she held the hands of the couple’s three children, Kelly, Aimee and Jack. Osbourne, 76, who had been battling Parkinson’s disease, died in Birmingham just weeks after he reunited with his band that started it all, Black Sabbath, for a farewell concert.

SPORTS

New fairway bunker: ‘Golf Force One’

Some golf carts are bigger than others, but you might call this buggy a beast. A hulking all-black vehicle was spotted trailing President Donald Trump’s group at the Trump Turnberry golf course in Scotland; the British media promptly dubbed it “Golf Force One.” What set it apart: side panels, doors and a windscreen that appear to be armored. Security experts told the British newspaper The Telegraph the vehicle shares features with the president’s official limousine, aka “The Beast,” adding: “The windscreen is a giveaway.”

– Compiled by Robert Abitbol

WHAT IS THE POINT OF GIVING YOU NEW, VIBRANT WAYS TO CONNECT WITH TOPICS YOU CARE ABOUT?

The point is getting to the point. Fast. With news that helps you get more from reading less.

The point is hearing the nation on your morning commute.

The point is life is complicated, dinner shouldn’t be.

The point is having couchside feel like courtside.

The point is seeing the big picture and all of the little ones too.

The point is journalism that gets right to the point of the story and why it matters to you.

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Titan doomed from the start

The catastrophic implosion that killed all five crew members on the submersible Titan on a voyage to the wreck of the Titanic in June 2023 could have been prevented had it not been for broad failures of the company that built and operated it, a long-awaited Coast Guard report found. It cited Ocean-Gate's "inadequate design, certification, maintenance and inspection," along with a "toxic workplace environment" that sought to silence any safety concerns. The sub's carbon-fiber hull imploded at 11,000 feet, killing the occupants instantaneously.

Farewell to Musk's 'five things'

If federal employees could name one thing they could do without, it very well could be an end of those "5 things" memos. The Trump administration has announced it is doing away with the weekly emails that came courtesy of Elon Musk's Department of Government Efficiency, starting in February, that directed federal workers to outline their five accomplishments for the past week. (Musk had said failure to respond to the email amounted to a resignation.) Musk, of course, has since split with the White House and laid out an accomplishment target of his own: launching a third political party.

MONEY

Americans' hang-up: Money

When Snoop Dogg sang "with my mind on my money and my money on my mind" in "Gin & Juice" in the 1990s, he might as well have been singing about 2025. Americans today spend nearly four hours a day on average thinking about money – or lack of it – according to a study from the financial services company Empower. Seventeen percent of Americans check their financial accounts multiple times a day; 24% check their bank accounts every day; and 36% say they have lost sleep over their financial worries. It's no small-time obsession: Four hours a day thinking about money, said Empower's Rebecca Rickert, is like "a part-time job."



IMAGE OF THE WEEK

A late-summer plunge in Arizona

Jace Marsh, 18, leaps into Arizona's Canyon Lake as temperatures soared into triple digits in the western United States, even as the East basked in almost fall-like weather.

JOSEPH RONDONE/
USA TODAY NETWORK

LIFE

Loni Anderson, siren of 'WKRP,' dies at 79

Loni Anderson, who starred as Jennifer Marlowe on the 1970s and early '80s CBS sitcom "WKRP in Cincinnati" only after insisting she not play a dumb blonde, has died. She was 79. Her portrayal of the smart, sexy receptionist at a last-place radio station proved to be the right call: It was her breakout role and turned her into a sex symbol in a decades-long career in Hollywood. Friend and fellow actress Barbara Eden posted on social media: "She was a real talent, with razor-smart wit. ... Loni was a darling lady. I am truly at a loss for words."

SPORTS

Speedway Classic crosses finish line

A little rain couldn't stop baseball history. The Cincinnati Reds and the Atlanta Braves made it only to the bottom of the first inning before the inaugural MLB Speedway Classic at Bristol Motor Speedway was declared a washout. The game – sponsored by NASCAR and the first regular-season contest ever played in Tennessee – resumed the next day after setting an all-time MLB attendance record of 91,032. The Braves won 4-2. Baseball has done big things before, but at Bristol, said MLB's Jeremiah Yolcut, "we knew we could go really big." – *Compiled by Robert Abitbol*

The point is stories you can get through before they're yesterday's news.

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What Will Happen Next?

The Court will hold a hearing on November 20, 2025 at 2:00 p.m., to consider whether to finally approve the Settlement. Class Counsel will ask the Court to award them no more than 30% of the Settlement Fund in attorneys' fees and approximately \$35,000.00 in out-of-pocket expenses and up to \$15,000.00 total in Service Awards to the three individuals who pursued the lawsuit, out of the Settlement Fund. Note that the hearing date may change without further notice to you. Consult the Website at www.PoppiSettlement.com or for a fee, through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>, for updated information on the hearing date and time.

How Can I Get More Information?

For more information, please visit www.PoppiSettlement.com, or contact the *In re VNGR Beverage, LLC Litigation* Settlement Administrator at P.O. Box 301134, Los Angeles, CA 90030-1134 or by telephone at 1-833-586-8111. Please do not telephone the Court or the Court's Clerk's Office to inquire about this Settlement.

If You Purchased Poppi Products, A Class Action Settlement May Affect You.

A proposed class action Settlement has been reached in cases alleging Poppi beverages (the “Products”) were improperly labeled as “gut healthy.” Poppi contends that the label claims are expressly true and denies that it did anything wrong. Notwithstanding, the parties have agreed to settle the cases on a nationwide basis, and Defendant has agreed to provide Class Payments to Class Members. The cases are *In re VNGR Beverage, LLC Litigation*, No. 4:24-cv-03229-HSG filed in the United States District Court for the Northern District of California; *Cobbs v. VNGR Beverage, LLC*, No. 4:24-cv-03229 filed in the United States District Court for the Northern District of California; *Lesh, et al. v. VNGR Beverage, LLC*, No. 3:24-cv-03612 filed in the United States District Court for the Northern District of California; and *Wheeler v. VNGR Beverage LLC*, No. 4:24-cv-04396 filed in the United States District Court for the Northern District of California.

Does The Class Include Me?

You are a Class Member if you purchased any flavor or package sizes of Poppi beverage for household use and not for resale or distribution in the United States between January 23, 2020, and July 18, 2025.

What Are The Settlement Benefits?

To settle the case, Defendant will create a Settlement Fund of \$8,900,000.00. This fund will be used to pay Class Payments for Approved Claims as well as Administrative and Notice Costs, Attorneys’ Fees and Costs, and Service Awards to the Class Representatives. If you make an Approved Claim in the Settlement, you will receive a Class Payment for each unit of any Product that you purchased, subject to the maximums and minimums set forth below. “Single Can Unit” means a single quantity of a 12-ounce or 16-ounce can of the Products as sold at retail; “4-pack Unit” means a single quantity of a 4-pack of the Products as sold at retail; “8-pack Unit” means a single quantity of an 8-pack of the Products as sold at retail; “12-pack Unit” means a single quantity of a 12-pack of the Products as sold at retail; and “15-pack Unit” means a single quantity of a 15-pack of the Products as sold at retail.

If you make an Approved Claim, you are entitled to a Class Payment up to as follows: seventy-five cents (\$0.75) per Single Can Unit of the Product purchased; three dollars (\$3.00) per 4-pack Unit of the Product purchased; six dollars (\$6.00) per 8-pack Unit of the Product purchased; and nine dollars (\$9.00) per 12-pack or 15-pack Unit of the Product purchased. Each Approved Claim shall receive a Minimum Class Payment of five dollars (\$5.00), though the Class Payment may be less or more depending upon, among other things, the number of Approved Claims received, the amount of Attorneys’ Fees and Costs paid to the Plaintiffs’ lawyers, the amount of Service Awards paid to the Plaintiffs, and the costs of providing notice and administering the Settlement. If you do not have Proof of Purchase, you may obtain a maximum Class Payment of up to sixteen dollars (\$16.00) per Household. A “Household” means any number of persons occupying the same dwelling unit. If multiple Claims are submitted from the same Household, those Claims shall be treated as a single Claim, including for purposes of determining the maximum Class Payment without Proof of Purchase. “Proof of Purchase” means a receipt or other documentation from a third-party commercial source (i.e., a store or online retailer) that reasonably establishes the fact and date of purchase of Products by a Class Member between January 23, 2020, and July 18, 2025.

If there is money left over in the Settlement Fund after payment of all Class Payments, Attorneys’ Fees and Costs, Service Awards to the Class Representatives, and Administrative and Notice Costs, the money will be donated to a charity.

How Do I Make A Claim?

To file a Claim, click www.PoppiSettlement.com and fill out the form. You can also obtain a Claim Form by contacting the Settlement Administrator.

What Are My Rights?

You may make a Claim, Object, Opt Out, or do nothing. To receive a Class Payment, you must submit a Claim, online www.PoppiSettlement.com or by mail, by the Claims Deadline, which is September 26, 2025. If you Opt Out of the Settlement, you may pursue a separate lawsuit, but you will receive no Class Payment. Your Opt-Out request must be mailed to the Settlement Administrator and postmarked by the Objection and Exclusion Deadline, which is September 26, 2025. If you do not Opt Out, you give up your right to bring a separate lawsuit. To object, you must file a written Objection that complies with the requirements in the Long-Form Notice available at www.PoppiSettlement.com. You may object to the Settlement itself as well as the awards to the named Plaintiffs and attorneys’ fees. Your Objection must be filed with the Court by the Objection and Exclusion Deadline, which is September 26, 2025. Do nothing, and you will not receive a Class Payment and you will release the Released Claims against Defendant that relate to the allegations in the lawsuits.

What Will Happen Next?

The Court will hold a hearing on November 20, 2025 at 2:00 p.m., to consider whether to finally approve the Settlement. Class Counsel will ask the Court to award them no more than 30% of the Settlement Fund in attorneys’ fees and approximately \$35,000.00 in out-of-pocket expenses and up to \$15,000.00 total in Service Awards to the three individuals who pursued the lawsuit, out of the Settlement Fund. Note that the hearing date may change without further notice to you. Consult the Website at www.PoppiSettlement.com or for a fee, through the Court’s Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>, for updated information on the hearing date and time.

How Can I Get More Information?

For more information, please visit www.PoppiSettlement.com, or contact the *In re VNGR Beverage, LLC Litigation* Settlement Administrator at P.O. Box 301134, Los Angeles, CA 90030-1134 or by telephone at 1-833-586-8111. Please do not telephone the Court or the Court’s Clerk’s Office to inquire about this Settlement.

Exhibit E

Digital Media PoP

In re VNGR Beverage, LLC Litigation
Settlement Notice



CBSNews.com | 300x250

Latest ▾ Local News ▾ Live ▾ Shows ▾ ... **CBS NEWS** Q

U.S. Bryan Kohberger Sentenced Crooks Investigation World Politics HealthWatch MoneyWatch Entertainment Crime Sports

House Speaker Johnson says Jeffrey Epstein case is "not a hoax"

"We want full transparency," House Speaker Mike Johnson told CBS News, as the Jeffrey Epstein case fuels GOP infighting.

2H AGO

Top DOJ official Todd Blanche will meet with Ghislaine Maxwell
House committee votes to subpoena DOJ for Epstein files
House committee subpoenas Epstein associate Ghislaine Maxwell

Top DOJ official is meeting with Ghislaine Maxwell about Epstein case

UPDATED 9M AGO

Plane crashes in Russia, killing all 48 on board, officials say

5H AGO

DHS, HHS among agencies hacked in Microsoft Sharepoint breach

2H AGO

AI-related job postings are on the rise. Here's where to find them.

UPDATED 7M AGO

UnitedHealth says it's under federal investigation for civil fraud

4H AGO

Trump's Scotland visit to feature golf resorts, trade talks and protests

2H AGO

Pro wrestling legend Hulk Hogan dies at 71

UPDATED 0M AGO

Chilling details emerge about strange incidents before Idaho murders

2H AGO

If You Purchased Poppi Products, A Class Action Settlement May Affect You.

FILE A CLAIM

PoppiSettlement.com

DiscoverHealth.Today | 728x90

The screenshot displays the Discover Health website interface. At the top, there is a navigation bar with the logo "DISCOVER HEALTH" and menu items: GENERAL HEALTH, WEIGHT LOSS, BEAUTY, FITNESS, and MORE. Social media icons for Facebook, Twitter, and a search icon are also present.

The main content area features several article cards:

- Why Every Step in Your Running Journey Counts** (FITNESS) by Simon Michaels, dated July 23, 2025. The image shows a person's hands tying a running shoe.
- Transform Your Heart Health: 8 Fun Cardio Hacks For Fitness Skeptics** (FITNESS) by Simon Michaels, dated July 22, 2025. The image shows a glowing heart on a human silhouette.
- Dumbbells, Kettlebells, Or Barbells: Which Is Best For Building Strength?** (FITNESS) by Simon Michaels, dated July 18, 2025. The image shows various gym equipment.

Below these cards, there are navigation options for "LATEST", "TRENDING", and "VIDEOS". An "ADVERTISEMENT" placeholder is visible.

A "Trending" section highlights:

- Stop Believing These 5 Protein Powder Myths That Could Be Hurting Your Gains** (FITNESS)
- Discover 5 Companies That Can Reduce Your Pharmacy Automation Costs** (GENERAL HEALTH)
- 6 Surprisingly Cool** (FITNESS)

At the bottom, a yellow banner contains a promotional message: "If You Purchased Poppi Products, A Class Action Settlement May Affect You." with a "FILE A CLAIM" button and the website "PoppiSettlement.com".

Health.USNews.com | 728x90

The screenshot displays the Health.USNews.com website interface. At the top, a dark navigation bar contains the USNews logo, a 'HEALTH' menu with sub-items like Hospitals, ASCs, Doctors, Senior Living, Diets & Nutrition, Medicare, Health & Wellness, and Medical Review, a search icon, a 'Sign In' button, and a hamburger menu icon.


The main content area is divided into several sections:

- HEALTH ADVICE**: Contains two articles:
 - What Is Luxury Senior Living?** by Elaine K. Howley, July 21, 2025. Text: "Learn more about high-end senior retirement communities and whether they're right for you."
 - What Is the Medicare Part D Penalty?** by Cheyenne Buckingham, July 18, 2025. Text: "Follow these tips to avoid incurring a lifetime late enrollment penalty for Medicare Part D."
- OTC MEDICINE & HEALTH PRODUCTS**: A featured article titled **What Is the Medicare Grocery Allowance** by Elaine K. Howley, July 21, 2025. It includes an image of a person shopping in a grocery store and a sub-headline: "A Medicare grocery allowance can help older adults maintain a healthy diet and save money. Learn who's eligible and how this benefit works."
- SENIOR LIVING**: Article titled **Does Medicaid Affect Care?** by Geoff Williams, July 21, 2025. Text: "Unfortunately, Medicaid recipients may receive a lower quality of care, though the reasons are complicated. Ensuring quality and access remains a challenge, particularly with increasing demand and potential funding limitations."
- MIND**: Article titled **Smartphones and Mental Health** by Taylor Young, July 21, 2025. Text: "Smartphones are everywhere, and they can have good and bad effects on our mental health and well-being. Read below to understand how to leverage them as tools to improve your life while avoiding harmful effects."
- Health Rankings**: A section titled "2024-2025 Best Hospitals" with a sub-headline "Life's Decisions Made Here." It lists various hospital rankings: Best Hospitals Honor Roll, Best Hospitals Specialty Ranking, Best Hospitals Regional Rankings, Best Children's Hospitals Honor Roll, Best Children's Hospitals Specialty Rankings, and Best Children's Hospitals Regional Rankings. A "SEE ALL RATINGS »" link is provided.
- All Health Rankings and Ratings**: A grid of links for: Best Hospitals, Best Diets, Best Ambulatory Surgery Centers, Doctors, Best Children's Hospitals, Best Nursing Homes, and Best OTC.

At the bottom, there is a yellow promotional banner for Poppi products: "If You Purchased Poppi Products, A Class Action Settlement May Affect You." with a "FILE A CLAIM" button and the website PoppiSettlement.com.

HuffPost.com | 300x600


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Costco Shoppers Say This Under Cabinet Lighting Actually Works...

HomeLife

LATEST NEWS







Trump Flips Out Over WSJ Report Detailing 1 Piece Of Advice He Got From Scott Bessent

TRENDING


LUNACY: Trump Posts Deranged A.I. Video Of Obama Arrest




Speaker Mike Johnson Won't Allow House Vote On Jeffrey Epstein Files




Alina Habba Makes 'Emotional' Move After Shattering Morale As U.S. Attorney: NYT




Trump Has Turned One Of His Strongest Issues Into A Major Vulnerability



AOC Drops Biggest Hint Yet About A Potential 2028 Presidential Run




New CEO Addresses Coldplay Affair Scandal To Astronomer Employees, Customers



'This Is Not Normal': Plane Does 'Aggressive Maneuver' To Avoid Midair Collision


If You Purchased Poppi Products, A Class Action Settlement May Affect You.

[FILE A CLAIM](#)



PoppiSettlement.com

SHOPPING



I Used To Dread Shopping For Jeans — Until I Found These Plus-Size Picks That Actually Fit

MensHealth.com | 300x250

The screenshot displays the Men's Health website interface. At the top, the navigation bar includes the Men's Health logo, menu items for FITNESS, HEALTH, GEAR, GROOMING, TRAINING LAB, and NUTRITION, and buttons for SUBSCRIBE and SIGN IN. A search icon is also present. Below the navigation, a red square icon precedes the word "FITNESS". The main content area features two large images: on the left, a shirtless, muscular man in black shorts; on the right, a man in a blue tank top and black shorts performing a barbell exercise in a gym. To the right of these images is a yellow advertisement for a Poppi class action settlement, with the text "If You Purchased Poppi Products, A Class Action Settlement May Affect You." and a "FILE A CLAIM" button. Below the images, the article title reads "This Workout Program Will Help You Build Max Muscle at (and Over) 50" by "THE EDITORS OF MH". At the bottom of the article preview, there are four small images showing various fitness exercises: a man holding a dumbbell, a man on a leg press machine, a man in a squatting position, and a man performing a seated dumbbell exercise.

WomensHealthMag.com | 300x600

The screenshot shows the Women's Health website homepage with a black background. At the top, there is a navigation bar with the Women's Health logo and menu items: Fitness, Beauty, Sports, WH+, Nutrition, Health, Relationships, and Challenges. On the right side of the navigation bar are buttons for 'Subscribe' and 'Sign In'. The main headline is 'Summer Strength' in large white font. Below the headline are four article thumbnails. The top-left thumbnail shows a woman running on a pier with the text 'Your 4-Week Summer Workout Plan To Build Muscle' and authors 'Kristine Thomason and Andi Breitowich'. The top-right thumbnail shows a woman in a yellow top and red pants with the text 'Run Your Next Race Faster With This 4-Week Plan' and author 'Olivia Luppino'. The bottom-left thumbnail shows a woman in a green outfit performing a squat. The bottom-right thumbnail shows a woman sitting on a railing. On the right side of the page is a yellow advertisement for Poppi Settlement.com. The ad text reads: 'If You Purchased Poppi Products, A Class Action Settlement May Affect You.' Below the text is a red button that says 'FILE A CLAIM'. At the bottom of the ad is an image of several Poppi cans and the website URL 'PoppiSettlement.com'.

Facebook Feed | Desktop

The screenshot shows a Facebook post from 'Poppi Class Action Settlement'. The post header includes the name 'Poppi Class Action Settlement', the status 'Sponsored (demo)', and a notification icon. Below the header is the text 'If You Purchased Poppi Products, A Class Action Settlement May Affect You.' The main content area features a yellow background with the text 'Poppi Class Action Settlement' in large red font, a red button labeled 'FILE A CLAIM', and a photograph of several condensation-covered Poppi cans. At the bottom of the yellow area, the website 'PoppiSettlement.com' is displayed in red. Below the yellow area, the post is attributed to 'POPPISSETTLEMENT.COM' with a 'Learn more' button. The text below reads 'Poppi Class Action Settlement' and 'This website has been established to provide general information related to ...'. The engagement section shows '1' like and '1 share'. At the bottom are icons for 'Like', 'Comment', and 'Share'.

Facebook Feed | Mobile

The image is a screenshot of a Facebook mobile feed. At the top, there is a sponsored advertisement for a "Poppi Class Action Settlement". The ad features a yellow background with the text "Poppi Class Action Settlement" in red. Below this, there is a red button that says "FILE A CLAIM". The ad also includes an image of several Poppi cans. At the bottom of the ad, the website "PoppiSettlement.com" is listed. Below the ad, the Facebook interface shows the name "poppisettlement.com" and "Poppi Class Action Settlement" with a "Learn more" button. There is also a notification for "1 share" and icons for "Like", "Comment", and "Share".

Poppi Class Action Settlement ... X
Sponsored · 🌐

If You Purchased Poppi Products, A Class Action Settlement May Affect You.

Poppi Class Action Settlement

FILE A CLAIM

PoppiSettlement.com

poppisettlement.com
Poppi Class Action Settlement Learn more

1 share

Like Comment Share

| Facebook Feed | Stories



| Instagram Feed | Desktop



The image shows a desktop view of an Instagram post. The post features a yellow background with a central image of several condensation-covered Poppi cans. The text 'Poppi Class Action Settlement' is written in large red font at the top. Below it is a red button with the text 'FILE A CLAIM'. At the bottom of the image area, the website 'PoppiSettlement.com' is displayed in red. To the right of the image is the Instagram post interface, including the profile name 'Poppi Class Action Settlement', a 'Follow' button, the post text 'If You Purchased Poppi Products, A Class Action Settlement May Affect You.', and interaction icons for likes, comments, shares, and saves. The post shows '1 like' and '5 days ago'.

Poppi Class Action Settlement

FILE A CLAIM

PoppiSettlement.com

Poppi Class Action Settlement [Follow](#)

poppi.classaction.s 5d
If You Purchased Poppi Products, A Class Action Settlement May Affect You.

No comments yet.
Start the conversation.

1 like
5 days ago

Add a comment...

| Instagram Feed | Mobile



| Instagram Feed | Stories



Thank you

Legal Notification



Exhibit F

In re VNGR Beverage, LLC Litigation
 Settlement Administrator
 P.O. Box 301134
 Los Angeles, CA 90030-1134



VNB

VISIT THE SETTLEMENT WEBSITE BY
 SCANNING THE PROVIDED QR CODE

IN RE VNGR BEVERAGE, LLC LITIGATION

UNITED STATES DISTRICT COURT FOR THE
 NORTHERN DISTRICT OF CALIFORNIA

Case No. 4:24-cv-03229-HSG

**Must Be Postmarked
 No Later Than
 September 26, 2025**

«Barcode»

Post Service: Please do not mark or cover barcode
 VNB: ClaimID: «ClaimID»
 «First1» «Last1»
 «CO»
 «Addr1» «Addr2»
 «City», «St» «Zip»
 «Country»

Claim Form

General Instructions:

You can submit a Claim for a Class Payment under this Settlement if you purchased any Poppi beverage in the United States **between January 23, 2020 and July 18, 2025. A maximum of one Claim Form may be submitted for a single Household.**

To obtain a Class Payment from the Settlement, you must complete and return this Claim Form. Completed Claim Forms must be mailed to the Settlement Administrator at *In re VNGR Beverage, LLC Litigation*, Settlement Administrator, P.O. Box 301134, Los Angeles, CA 90030-1134, or can be submitted via the Settlement Website, www.poppisettlement.com. **Claim Forms must be POSTMARKED or SUBMITTED ONLINE NO LATER THAN SEPTEMBER 26, 2025.**

Before you complete and submit this Claim Form by mail or online, you should read and be familiar with the Settlement notice available at www.poppisettlement.com. Defined terms (with initial capitals) used in these General Instructions have the same meaning as set forth in the Settlement. By submitting this Claim Form, you acknowledge that you have read and understand the Settlement notice at issue, and you agree to release the Released Claims which is included as a material term of the Settlement.

If you fail to timely submit a Claim Form, you will be precluded from any recovery from the Settlement. If you are a member of the Class and you do not timely and validly seek to opt out from the Class, you will be bound by any judgment entered by the Court approving the Settlement regardless of whether you submit a Claim Form. To receive the most current information and receive regular updates, please visit the Settlement Website at www.poppisettlement.com.

The information you provide will not be disclosed to anyone other than the Court, the Settlement Administrator, and the Parties in this case, and will be used only for purposes of administering this Settlement (such as to audit and review a Claim for completeness, truth, and accuracy).

Claimant Information:

First Name	M.I.	Last Name
Primary Address		
Primary Address Continued		
City	State	ZIP Code
Email Address		
Area Code	Telephone Number (Home) (Optional)	Area Code
		Telephone Number (Work) (Optional)



FOR CLAIMS PROCESSING ONLY	OB	CB	<input type="radio"/> DOC <input type="radio"/> LC <input type="radio"/> REV	<input type="radio"/> RED <input type="radio"/> A <input type="radio"/> B
----------------------------------	----	----	--	---

Class Payment Information:

All claimants may receive a Class Payment of up to the following: seventy-five cents (\$0.75) per Single Can Unit of the Product purchased; three dollars (\$3.00) per 4-pack Unit of the Product purchased; six dollars (\$6.00) per 8-pack Unit of the Product purchased; and nine dollars (\$9.00) per 12-pack or 15-pack Unit of the Product purchased. All Claimants that submit a valid Claim are entitled to a Minimum Class Payment of five dollars (\$5.00). However, the actual Class Payment received may be reduced or increased pro rata depending on the number of valid Claims and the cost of other expenses paid out of the Settlement Fund.

If you **do not** provide Proof of Purchase, you can claim a maximum Class Payment of **\$16.00** per Household. A “Household” means any number of persons occupying the same dwelling unit. If multiple Claims are submitted from the same Household, those Claims shall be treated as a single Claim. If multiple Claims are submitted from the same Household, those Claims shall be treated as a single Claim, including for purposes of determining the maximum Class Payment without Proof of Purchase.

“Proof of Purchase” means a receipt or other documentation from a third-party commercial source (*i.e.*, a store or online retailer) that reasonably establishes the fact and date of purchase of Products by a Class Member between January 23, 2020 and July 18, 2025.

“Single Can Unit” means a single quantity of a 12-ounce or 16-ounce can of the Products as sold at retail; “4-pack Unit” means a single quantity of a 4-pack of the Products as sold at retail; “8-pack Unit” means a single quantity of an 8-pack of the Products as sold at retail; “12-pack Unit” means a single quantity of a 12-pack of the Products as sold at retail; and “15-pack Unit” means a single quantity of a 15-pack of the Products as sold at retail.

Purchase Information:

1. Did you purchase any Poppi beverages in the United States between January 23, 2020 and July 18, 2025?
 Yes No
2. How many Single Can Unit(s) did you purchase? _____
3. How many 4-pack Unit(s) did you purchase? _____
4. How many 8-pack Unit(s) did you purchase? _____
5. How many 12-pack Unit(s) did you purchase? _____
6. How many 15-pack Unit(s) did you purchase? _____

To provide Proof of Purchase, attach it to this form.

If you **are not** providing Proof of Purchase, you must answer question 7:

7. Please provide the following information about specific Product(s) you purchased. (Complete this section if you are not including proof of purchase.) You may attach additional sheets of paper if necessary to provide all requested information.

Poppi Product purchased (Single Can Unit, 4-pack Unit, 8-pack Unit, 12-pack Unit, or 15-pack Unit)	Approximate Month & Year of Purchase	Place of Purchase	Number of Units Purchased



If you want to receive your Class Payment by PayPal, Venmo, or ACH, you must file your claim directly through the Settlement website at www.poppisettlement.com. Otherwise a check will be mailed to the address provided above.

Certification under Penalty of Perjury

I hereby certify under penalty of perjury that:

1. The information provided in this Claim Form is accurate and complete to the best of my knowledge, information, and belief;
2. Any additional documentation information I provided with this Claim Form to support my Claim is original or else a complete and true copy of the original(s);
3. I am not: (a) a person who purchased or acquired the Product for resale or distribution; (b) a government entity; nor (c) a judge to whom this Action is assigned, or any member of the judge's immediate family;
4. I have not submitted any other Claim for the same purchases and have not authorized any other person or entity to do so, and know of no other person or entity having done so on my behalf;
5. I understand that by not opting out of the Settlement, I have given a complete release of all Released Claims; and
6. I understand that Claims will be audited for veracity, accuracy, and fraud. Claims Forms that are not valid and/or illegible can be rejected.

I hereby certify under penalty of perjury, under the laws of the United States, that the above is correct.

Signature: _____

Dated (mm/dd/yyyy): _____

Print Name: _____



Exhibit G

**Attention purchasers of Poppi sodas
Between January 23, 2020 and July 18, 2025**

**This notice may affect your rights. Please read it carefully.
A court has authorized this notice. This is not a solicitation from a lawyer.**

- The notice concerns the following cases: *In re VNGR Beverage, LLC Litigation*, No. 4:24-cv-03229-HSG filed in the United States District Court for the Northern District of California; *Cobbs v. VNGR Beverage, LLC*, No. 4:24-cv-03229 filed in the United States District Court for the Northern District of California; *Lesh, et al. v. VNGR Beverage, LLC*, No. 3:24-cv-03612 filed in the United States District Court for the Northern District of California; and *Wheeler v. VNGR Beverage, LLC*, No. 4:24-cv-04396 filed in the United States District Court for the Northern District of California.
- This class action Settlement will completely resolve this lawsuit against VNGR Beverage, LLC d/b/a Poppi (“Defendant”), on behalf of all individuals in the United States who purchased any flavor or package size of Poppi beverages (the “Products”) for household use and not for resale or distribution between January 23, 2020 and July 18, 2025. The Settlement affects all persons in that category (the “Class Members”).
- To settle the case, Defendant has agreed to pay \$8,900,000 into a Settlement Fund.
- Each member of the Class who submits an Approved Claim will receive a Class Payment up to as follows: seventy-five cents (\$0.75) per Single Can Unit of the Product purchased; three dollars (\$3.00) per 4-pack Unit of the Product purchased; six dollars (\$6.00) per 8-pack Unit of the Product purchased; and nine dollars (\$9.00) per 12-pack or 15-pack Unit of the Product purchased. A Class Member who does not provide valid Proof of Purchase shall recover a maximum of sixteen dollars (\$16.00). The Minimum Class Payment for any Approved Claim shall be five dollars (\$5.00) per Household. A “Household” means any number of persons occupying the same dwelling unit. If multiple Claims are submitted from the same Household, those Claims shall be treated as a single Claim, including for purposes of determining the maximum Class Payment without Proof of Purchase. However, the Class Payment amount may be reduced or increased pro rata depending on the number of Approved Claims and the cost of other expenses paid out of the Settlement Fund. Any leftover funds after payment of Administrative and Notice Costs, Attorneys’ Fees and Expenses, payments to the Class Representatives, and payment of Approved Claims will go to a charitable organization.
- The lawyers who brought the lawsuit will ask the Court to set aside some of the Settlement Fund for reimbursement of their out-of-pocket expenses of up to \$35,000 and no more than 30% of the Settlement Fund in attorneys’ fees for investigating the facts, litigating the case, and negotiating the Settlement. They will additionally ask for up to \$15,000 in total for the three named Plaintiffs who brought this lawsuit. These payments are called “Service Awards.” If the Court approves, these amounts would be paid to Plaintiffs and the lawyers out of the Settlement Fund.
- The parties will also ask the Court to set aside an initial amount of the Settlement Fund to pay the Settlement Administrator, Verita Global LLC, for its services and costs for administering the Settlement (e.g., disseminating notice of the Settlement, processing Claims, and distributing Class Payments).
- Your legal rights are affected whether you act or don’t act. Read this notice carefully.

This notice summarizes the proposed Settlement. For the precise terms and conditions of the Settlement, please see the Settlement Agreement available at www.poppisettlement.com. Alternatively, you can contact the Settlement Administrator at: *In re VNGR Beverage, LLC Litigation* Settlement Administrator, P.O. Box 301134, Los Angeles, CA 90030-1134, or Class Counsel:

Gutride Safier LLP
100 Pine Street, Suite 1250
San Francisco, CA 94111
poppi@gutridesafier.com

Bursor & Fisher, P.A.
1990 N. California Boulevard, 9th Floor
Walnut Creek, CA 94596
info@bursor.com

**PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK’S OFFICE TO INQUIRE ABOUT THIS
SETTLEMENT OR THE CLAIM PROCESS.**

YOUR RIGHTS AND OPTIONS IN THIS SETTLEMENT		DEADLINE
Submit a Claim Form	The only way to receive a Class Payment under the Settlement for your purchases.	September 26, 2025
Opt Out	Exclude yourself from the lawsuit and the Settlement. This is the only option that allows you to ever bring or join another lawsuit raising the same legal claims against Defendant. You will receive no payment from this Settlement. (If you wish to exclude yourself from the Settlement, you must submit a completed Opt-Out by postal mail to the Settlement Administrator by the Objection and Exclusion Deadline.)	September 26, 2025
File Objection	Write to the Court about any aspect of the Settlement you do not like or you do not think is fair, adequate, or reasonable. (If you object to any aspect of the Settlement, you must file a written Objection with the Court by the Objection and Exclusion Deadline.)	September 26, 2025
Go to a Hearing	Speak in Court about the Settlement. (Only if you submit a written Objection by the deadline noted above.)	November 20, 2025 at 2:00 p.m.
Do Nothing	You will not receive any Class Payment; also, you will have no right to sue later for the claims released by the Settlement.	

- These rights and options—and the deadlines to exercise them—are explained in this notice.
- The Court in charge of this case still has to decide whether to approve the Settlement. Class Payments will be sent to Class Members only if the Court approves the Settlement. If there are appeals, Class Payments will not be made until the appeals are resolved and the Settlement becomes effective. Please be patient and continue to check the Website for updates.
- **Final Approval Hearing:** On November 20, 2025 at 2:00 p.m., the Court will hold hearings to determine: (1) whether the proposed Settlement is fair, reasonable, and adequate and should receive final approval; (2) whether to grant the applications for Attorneys' Fees and Costs brought by the Class Counsel; and (3) whether to grant the application for Service Awards to the Plaintiffs who brought the lawsuit. The hearing will be held in the United States District Court of the Northern District of California, before the Honorable Judge Haywood S. Gilliam, Jr., in the Oakland Courthouse, Courtroom 2 – 4th Floor, located at 1301 Clay Street, Oakland, CA 94612. This hearing date may change without further notice to you. Consult the Settlement Website at www.poppisettlement.com, or the Court docket in this case available through Public Access to Court Electronic Records (“PACER”) (<http://www.pacer.gov>), for updated information on the hearing date and time.

Important Dates

September 26, 2025	Claims Deadline
September 26, 2025	Objection Deadline
September 26, 2025	Opt-Out Deadline
November 20, 2025 at 2:00 p.m.	Final Approval Hearing

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1. How Do I Know If I Am Affected By The Settlement?

This case involves all Poppi beverages, including all flavors and package sizes (the “Products”) purchased for household use and not for resale or distribution in the United States between January 23, 2020 and July 18, 2025.

For purposes of Settlement only, the Court has conditionally certified the following Settlement Class: “All persons in the United States who, between January 23, 2020 and July 18, 2025, purchased in the United States, for household use and not for resale or distribution, one or more of the Products.” Excluded from the Class are: (1) the Honorable Judge Haywood S. Gilliam, Jr., the Honorable Maxine M. Chesney, Magistrate Judge Sallie Kim, the Honorable Jay C. Gandhi (Ret.), and any member of their immediate families; (2) any government entity; (3) Poppi; and (4) any persons who timely opt-out of the Settlement.

If the Settlement does not become effective (for example, because it is not finally approved, or the approval is reversed on appeal), then this lawsuit will continue.

2. What Is The Lawsuit About?

Plaintiffs brought this lawsuit alleging Defendant improperly marketed and labeled the Products with “gut healthy” representations. Plaintiffs allege that, as a result, consumers purchased Products that they would not have otherwise purchased and/or paid more for the Products as a result of the “gut healthy” claims.

Defendant denies there is any factual or legal basis for Plaintiffs’ allegations. Defendant contends that its Product labeling is truthful and accurate, denies making any misrepresentations and, therefore, denies any liability. Defendant also denies that Plaintiffs or any other members of the Class have suffered any injury or are entitled to monetary or other relief.

The Court has not determined who is correct.

3. Why Is This Case Being Settled?

This lawsuit was originally filed on May 29, 2024, in the Northern District of California. Defendant filed a motion to dismiss Plaintiffs’ claims on September 23, 2024. The Plaintiffs opposed. The Court has not decided the motion to dismiss.

Counsel for both Plaintiffs and Defendant have determined, as with any lawsuit, that there is risk in continuing the litigation. Among the risks of continued litigation for Plaintiffs are the risks of failing to prove liability or restitution and damages on a class-wide or individual basis. In particular, there may be difficulties establishing: (1) that Defendant’s statements on the Product labels (and other advertising and marketing materials), as challenged by Plaintiffs, were likely to deceive reasonable persons; (2) that the alleged misrepresentations and omissions were material to reasonable persons; and (3) that damages or restitution should be awarded or, if so, that the amount of the award would be more than nominal.

On December 4, 2024, the Parties participated in an all-day mediation conducted by Honorable Jay Gandhi (Ret.), at JAMS. After considering the risks and costs of further litigation, the Parties have concluded that it is desirable to settle Plaintiffs’ claims on the terms of the Settlement Agreement.

Plaintiffs and their counsel believe that the terms and conditions of the Settlement are fair, reasonable, adequate, and equitable, and that the Settlement is in the best interest of the Class Members. The Settlement creates a Settlement Fund of \$8,900,000 and allows Class Members to file a Claim to obtain a Class Payment up to as follows: seventy-five cents (\$0.75) per Single Can Unit of the Product purchased; three dollars (\$3.00) per 4-pack Unit of the Product purchased; six dollars (\$6.00) per 8-pack Unit of the Product purchased; and nine dollars (\$9.00) per 12-pack or 15-pack Unit of the Product purchased. This exceeds the damages that might be recovered at trial on a per-Unit basis. Furthermore, even if Plaintiffs succeeded at trial, it would be necessary for Class Members to make claims, because Defendant does not have records identifying the Class Members.

4. What Can I Get In The Settlement?

Class Members may file Claims to obtain a Class Payment for Products purchased between January 23, 2020 and July 18, 2025, regardless of the price the Class Member paid. All Approved Claims will be paid according to the following procedures:

- (a) Settlement Class Members who submit an Approved Claim shall receive up to the following: seventy-five cents (\$0.75) per Single Can Unit of the Product purchased; three dollars (\$3.00) per 4-pack Unit of the Product purchased; six dollars (\$6.00) per 8-pack Unit of the Product purchased; and nine dollars (\$9.00) per 12-pack or 15-pack Unit of the Product purchased, subject to the restrictions set forth below, though the Class Payment may be reduced or increased depending upon the number of Approved Claims and the amount of the Settlement Fund devoted to other costs, such as Administrative and Notice Costs, Attorneys’ Fees and Costs, and Service Awards to the Class Representatives. “Single Can Unit” means a single quantity of a 12-ounce or 16-ounce can of the Products as sold at retail; “4-pack Unit” means a single quantity of a 4-pack of the Products as sold at retail; “8-pack Unit” means a single quantity of an 8-pack of the Products as sold at retail; “12-pack Unit” means a single quantity of a 12-pack of the Products as sold at retail; and “15-pack Unit” means a single quantity of a 15-pack of the Products as sold at retail.

- (b) A Class Member who does not provide valid Proof of Purchase may recover a maximum Class Payment of sixteen dollars (\$16.00), per Household. A “Household” means any number of persons occupying the same dwelling unit.
- (c) All Claims submitted from the same Household shall be treated as a single Claim including for purposes of determining the maximum Class Payment without Proof of Purchase.

“Proof of Purchase” means a receipt or other documentation from a third-party commercial source (*i.e.*, a store or online retailer) that reasonably establishes the fact and date of purchase of Products by a Class Member between January 23, 2020 and July 18, 2025.

Claims will be paid as a Class Payment only if the claim is deemed valid and only after the Court approves the Settlement.

5. **How Do I Make A Claim?**

To make a Claim, you must fill out the Claim Form available on this Website, www.poppisettlement.com. You can submit the Claim Form online, or you can print it and mail it to the Settlement Administrator at: *In re VNGR Beverage, LLC Litigation* Settlement Administrator, P.O. Box 301134, Los Angeles, CA 90030-1134. If submitted online, Claim Forms must be submitted no later than September 26, 2025. If mailed, Claim Forms must be postmarked no later than September 26, 2025. Class Payments for Approved Claims will be issued only if the Court gives final approval to the proposed Settlement and after the final approval is no longer subject to appeal. Please be patient as this may take months or even years in the event of an appeal.

6. **When Do I Get My Class Payment?**

Filing a Claim does not provide a guaranteed Class Payment to you. A Final Approval Hearing will be held on November 20, 2025 at 2:00 p.m. If the Court approves the Settlement and there are no appeals, then Class Payments on Approved Claims will be distributed within 90 days after the Settlement is no longer subject to appeal or review, unless otherwise ordered by the Court. If the Court does not approve the Settlement, or if the Settlement is overturned on appeal, no Class Payments will be issued.

7. **What Do Plaintiffs And Their Lawyers Get?**

To date, Plaintiffs’ lawyers have not been compensated for any of their work on this case. Plaintiffs’ lawyers will present evidence to the Court that they have spent nearly 880 hours litigating this case. In addition, Plaintiffs’ lawyers will present evidence that they have paid out-of-pocket expenses (including filing fees, service costs, and copying costs) of more than \$35,000. None of these expenses has yet been reimbursed. As part of the Settlement, Plaintiffs’ lawyers may apply to the Court to award them up to 30% of the Settlement Fund to pay their attorneys’ fees and approximately \$35,000 in out-of-pocket expenses. Defendant has reserved the right to object to an award of fees, at its discretion.

In addition, each of the named Plaintiffs in this case may apply to the Court for a Service Award of \$5,000 each, for a combined total of not more than \$15,000. These payments are designed to compensate the Plaintiffs for the time, effort, and risks they undertook in pursuing this litigation and for executing a broader release of claims than other Class Members.

Plaintiffs and their lawyers will file a motion with the Court in support of their applications for Attorneys’ Fees and Costs and payment of Service Awards to the Plaintiffs. A copy of that motion will be available on the Website. The Court will determine what amounts of fees, costs, expenses, and Service Awards to award.

The award of Attorneys’ Fees and Costs will be paid to Plaintiffs’ lawyers within 30 days after the Effective Date of the Settlement. You may object to the award of attorneys’ fees by filing an objection not later than **September 26, 2025**, by filing a written objection in the manner described in Section 10 below.

8. **What Happens If I Do Not Opt Out From The Settlement?**

If you are a Class Member and you do not Opt Out from the Settlement, you will be legally bound by all orders and judgments of the Court, and you will also be legally bound to release the Released Claims as provided in the Settlement, even if you do not file an Approved Claim or receive a Class Payment. This means that in exchange for being a Class Member and being eligible for the Class Payment, you will not be able to sue, continue to sue, or be part of any other lawsuit against VNGR Beverage, LLC d/b/a Poppi and/or any of the Released Persons that involves the marketing, labeling, or formulation of the Products from January 23, 2020 to the present.

You will not be responsible for any out-of-pocket costs or attorneys’ fees concerning this case if you stay in the Class.

Staying in the Class means that you agree to the following terms of the Settlement that describe exactly the legal claims that you give up:

- (a) As of the Effective Date, Class Members release and forever discharge and covenant not to sue, and are permanently enjoined from suing the Released Persons, including Poppi and each of its past, or present or future direct or indirect parents, subsidiaries, divisions, affiliates and related entities, stockholders, shareholders, officers, directors, partners, insurers, investors, employees, agents, attorneys, advisors, consultants, joint venturers, independent contractors, wholesalers, resellers, distributors, retailers, related companies, divisions, and any of their legal representatives (and the predecessors, heirs, executors, administrators, successors, purchasers, and assigns of each

of the foregoing) from the Released Claims. “Released Claims” means any and all claims, demands, actions, causes of action, lawsuits, arbitrations, damages, liabilities, or penalties, whether federal or state, known or unknown, asserted or unasserted, regardless of legal theory, legal, equitable, or otherwise, that were or could have been asserted in the Consolidated Action or that arise out of or relate to the labeling, advertising, or formulation of the Products between January 23, 2020 and July 18, 2025. The Released Claims shall not release any Class Member’s rights to enforce this Agreement. The Released Claims shall not release any Class Member’s personal injury claims.

- (b) With respect to the Released Claims, the Class Member expressly waives and relinquishes, to the fullest extent permitted by law, the provisions, rights, and benefits of California Civil Code § 1542, or any other similar provision under federal or state law. The Class Member understands that California Civil Code § 1542 states:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS THAT THE CREDITOR OR RELEASING PARTY DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE AND THAT, IF KNOWN BY HIM OR HER, WOULD HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR OR RELEASED PARTY.

- (c) The Class Member expressly waives and relinquishes any and all rights and benefits that they may have under, or that may be conferred upon them by, the provisions of Section 1542 of the California Civil Code, or any other law of any state or territory that is similar, comparable, or equivalent to Section 1542, to the fullest extent that they may lawfully waive such rights or benefits pertaining to the Released Claims. In connection with such waiver and relinquishment, the Class Member hereby acknowledges that they are aware that they or their attorneys may hereafter discover claims or facts in addition to or different from those that they now know or believe exist with respect to the Released Claims, but that it is their intention to hereby fully, finally, and forever settle and release all of the Released Claims known or unknown, suspected or unsuspected, that they have against the Released Persons. In furtherance of such intention, the release herein given by the Class Member to the Released Persons shall be and remain in effect as a full and complete general release notwithstanding the discovery or existence of any such additional different claims or facts. Each Releasing Person and Released Person expressly acknowledges that he/she/it has been advised by his/her/its attorney of the contents and effect of Section 1542, and with knowledge, each of the Releasing Persons and Released Persons hereby expressly waives whatever benefits he/she/it may have had pursuant to such section. Plaintiffs and Class Members shall be deemed by operation of the Final Approval Order and Final Judgment to have acknowledged that the foregoing waiver was separately bargained for and a material element of the Settlement of which this release is a part.
- (d) The Class Members shall be deemed to have agreed that the release set forth herein will be and may be raised as a complete defense to and will preclude any action or proceeding based on the Released Claims.

9. How Do I Opt Out From The Settlement?

You can opt out if you wish to retain the right to sue Defendant separately for the Released Claims. If you opt out, you cannot file a Claim, receive a Class Payment from the Settlement Fund, or file an Objection to the Settlement. You need **not** exclude yourself if you merely want to retain a right to sue for personal injury arising out of your use of the Products.

To opt out, you must mail an opt-out request to the Settlement Administrator at *In re VNGR Beverage, LLC Litigation* Settlement Administrator, P.O. Box 301134, Los Angeles, CA 90030-1134. The opt-out request must be signed by you, clearly identify the case name and number, *In re VNGR Beverage, LLC Litigation*, No. 4:24-cv-03229-HSG, contain your full name, address, phone number(s), email address, and the following statement: “I/We request to opt out from the Settlement in the Poppi Class Action.” The opt-out request must be postmarked by the Objection and Exclusion Deadline set forth above, which is September 26, 2025.

10. How Do I Object To The Settlement?

You can ask the Court to deny approval of the Settlement by timely filing an Objection with the Court. You cannot ask the Court to order a larger Settlement; the Court can only approve or disallow the Settlement. If the Court denies approval to the entire Settlement, no Class Payments will be sent out, and the lawsuit will continue. If that is what you want to happen, you must object.

You may also object to the attorneys’ fees and/or incentive payments to the named Plaintiffs.

If you file an Objection by September 26, 2025, you may also appear at the Final Approval Hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for paying that attorney.

To file an Objection, you must submit that Objection in writing to the Clerk for the Northern District of California, by the Objection and Exclusion Deadline set forth above. Any Objection must: (1) clearly identify the case name and number, *In re VNGR Beverage, LLC Litigation*, No. 4:24-cv-03229-HSG; (2) include your full name, address, telephone number, and email address; (3) include the full name, address, telephone number, and email address of the all lawyers (if any) who (a) are representing you in making the objection, (b) may be entitled to compensation in connection with your objection, and/or (c) will appear on your behalf at the Final Approval Hearing; (4) include documents or testimony sufficient to establish that you are a member of the Class; (5) provide a detailed statement of your objection(s), including the grounds and legal support for those objection(s); (6) provide a statement as to

whether you are requesting the opportunity to appear and be heard at the Final Approval Hearing; and (7) add your signature as objector, in addition to the signature of your attorney, if an attorney is representing you with the objection. Failure to include this information and documentation may be grounds for overruling and rejecting your objection.

All the information listed above must be filed as a written objection, either electronically via the Northern District of California's electronic filing system no later than 11:59 p.m. PT on September 26, 2025, or via mail to the Clerk of the Northern District of California, postmarked by mail, express mail, or personal delivery on or before the Objection and Exclusion Deadline, which is September 26, 2025. By filing an objection, you consent to the jurisdiction of the Court, including to any order of the Court to produce documents or provide testimony prior to the Final Approval Hearing.

If you file an Objection to the Settlement but still want to submit a Claim in the event the Court approves the Settlement, you must still timely submit a Claim Form according to the instructions described above.

11. When Will The Court Decide If The Settlement Is Approved?

The Court will hold a hearing on November 20, 2025 at 2:00 p.m., to consider whether to approve the Settlement. The hearing will be held in the United States District Court of the Northern District of California, before the Honorable Judge Haywood S. Gilliam, Jr. in the Oakland Courthouse, Courtroom 2 – 4th Floor, located at 1301 Clay Street, Oakland, CA 94612, or such other judge assigned by the Court.

The hearing is open to the public. This hearing date may change without further notice to you. For updated information on the hearing date and time, consult the Website at www.poppisettlement.com, or the Court docket in this case available for a fee through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the Northern District of California, Oakland Courthouse, 1301 Clay Street, Oakland, CA 94612, Suite 400S, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

12. How Do I Get More Information?

You can inspect many of the court documents connected with this case on the Website. Other papers filed in this lawsuit are available by accessing the Court docket in this case available for a fee through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the Northern District of California, Oakland Courthouse, 1301 Clay Street, Oakland, CA 94612, Suite 400S, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.

You can contact the Settlement Administrator at *In re VNGR Beverage, LLC Litigation* Settlement Administrator, P.O. Box 301134, Los Angeles, CA 90030-1134, or by telephone at 1-833-586-8111.

You can also obtain additional information by contacting Class Counsel:

Marie A. McCrary, Esq.
GUTRIDE SAFIER LLP
100 Pine Street, Suite 1250
San Francisco, CA 94111
Tel.: (415) 639-9090
poppi@gutridesafier.com
www.gutridesafier.com

L. Timothy Fisher
BURSOR & FISHER, P.A.
1990 North California Boulevard, 9th Floor
Walnut Creek, CA 94596
Tel.: (925) 300-4455
info@bursor.com
www.bursor.com

Exhibit H



In re VNGR Beverage LLC Litigation Opt Outs

ClaimID	First1	Last1
60487647501	EMMA	MCINTYRE
63022380701	BRITTANY	BLACKWOOD
900002101	ALBERT J	KOCAK
900033901	VANESSA LEE	JACKSON
900083101	THOMAS A	BIGGINS
900084501	GIUSEPPE R	VIZZIELLI