

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA

TO: All those persons who purchased Weighted Goods from Walmart in the United States from February 13, 2015 to August 26, 2020 whose Weighted Goods' unit sale price was not accurately reflected in the final sale price.

A federal court authorized this notice. This is not a solicitation from a lawyer.

Si desea recibir esta notificación en español, llámenos o visite nuestra página web.

Vassilios Kukorinis, et al. v. Walmart Inc.

Case Name: *Vassilios Kukorinis, et al. v. Walmart, Inc., Case No. 1:19-cv-20592-JEM*

Class Period: February 13, 2015 through August 26, 2020

Deadlines:

- **Objections:** November 4, 2020
- **Exclusions:** November 4, 2020
- **Claim Filing:** January 8, 2021
- **Court Hearing on Fairness of Settlement:** February 26, 2021

More Information:

Walmart Weighted Goods Settlement Toll Free: 1-855-424-1334
c/o Claims Administrator www.WalmartWeightedGoodsSettlement.com
PO Box 3015
Portland, OR 97208-3015

Your Legal Rights and Options in this Settlement:

Submit a Claim Form	In order to receive a monetary benefit from the Settlement, you must complete a Claim Form and mail it to the Claims Administrator or submit an online Claim Form on the settlement website on or before the Claim Filing Deadline.
Exclude Yourself	You have the right to exclude yourself from this Settlement. If you exclude yourself you will receive no payment, but you will not be giving up your legal claims against the Defendant.
Object to the Settlement	Write to the Court about why you don't like the Settlement. You may also appear at the fairness hearing. The Court will consider your objections whether or not you appear at the fairness hearing.
Go to the Fairness Hearing	Ask to speak in Court about the fairness of the Settlement.
Do Nothing	Get no payment. Give up rights.

These rights and options and the deadlines to exercise them are explained below.

QUESTIONS? CALL 1-855-424-1334 OR VISIT WWW.WALMARTWEIGHTEDGOODSETTLEMENT.COM

BASIC INFORMATION

1. What is the purpose of this Notice?

The Court has granted preliminary approval of a class action settlement.

To be a part of this Settlement, you must meet the following definition of the Settlement Class:

All persons who purchased Weighted Goods from Walmart in the United States from February 13, 2015 to August 26, 2020 whose Weighted Goods' unit sale price was not accurately reflected in the final sale price.

“Weighted Goods” means beef, pork, poultry, fish and other types of goods marked with unit pricing and sold accordingly thereto.

This notice explains the lawsuit, the settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them. The Court in charge of the case is the United States District Court for the Southern District of Florida, Miami Division, and the case is known as *Vassilios Kukorinis, et al. v. Walmart, Inc.*, Case No. 1:19-cv-20592-JEM.

The Court authorized this notice because Settlement Class Members have a right to know about the proposed Settlement of the lawsuit, and about their rights and options, before the Court decides whether to approve the Settlement. If the Court approves it and after objections and appeals are resolved, an administrator appointed by the Court will disburse Settlement benefits allowed under the Settlement Agreement between the parties.

2. What is this lawsuit about?

The lawsuit claims that at times Walmart improperly labeled “Weighted Goods” when it reduced the price of those goods as they neared their expiration dates, allegedly causing instances where Plaintiff and other customers were overcharged for certain reduced-priced perishable goods and did not receive the full value of the goods purchased.

Walmart denies the Plaintiff’s allegations and denies any and all wrongdoing or liability with respect to the claims asserted in the lawsuit.

Neither the Court nor a jury have considered or decided the merits of the allegations in the lawsuit. The parties have negotiated and entered into the proposed Settlement to avoid the risk, uncertain outcome, expense and distraction of continued litigation.

3. Why is this a class action?

In a class action, a person (or multiple people) called the “Class Representative” (in this case, Vassilios Kukorinis) sues on behalf of a “class” of all people who have the same or similar claims, depending on how the class is defined. One court resolves all the claims of the people who are or would be members of the class. When, as here, the class action settles, the members of the class become Settlement Class Members, except for those who elect to exclude themselves from the Settlement Class.

4. Why is there a settlement?

The Court did not decide in favor of the Plaintiff or Defendant. Instead, both sides agreed to a settlement in order to avoid the cost of a trial and the risk, expense and distraction of continued litigation. The Class Representative and the attorneys think the Settlement is best for everyone involved.

WHO IS INCLUDED IN THE SETTLEMENT

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

The Court has decided that, for settlement purposes, any person who purchased Weighted Goods from Walmart in the United States from February 13, 2015 to August 26, 2020 whose Weighted Goods' unit sale price was not accurately reflected in the final sale price, is considered a Settlement Class Member. "Weighted Goods" means beef, pork, poultry, fish and other types of goods marked with unit pricing and sold accordingly thereto.

6. I'm still not sure if I am included.

If you are still not sure if you are included in the Settlement Class, you may speak with a claims specialist by calling the Claims Administrator toll-free at 1-855-424-1334.

SETTLEMENT BENEFITS

7. What does the settlement provide?

The settlement provides for the following relief:

A. Walmart will fund a Qualified Settlement Fund of a minimum floor amount of \$4,500,000 and, depending on the number of valid claims submitted, up to a maximum of \$9,500,000. The Qualified Settlement Fund will be used to provide Settlement Class Members with the opportunity to submit a claim for a monetary payment and to pay for the costs of notice and administration of the settlement, attorneys' fees and litigation expenses, and a service award to the Class Representative.

B. In exchange for these settlement benefits, the Class Representative and each Settlement Class Member who has not validly and timely requested exclusion from the settlement shall be deemed to have fully, finally, and forever released any and all claims against the Defendant relating to the nature of the lawsuit.

8. How much will my payment be?

Each Settlement Class Member is entitled to a monetary payment under the Settlement, but the actual amount will not be known until the Claims Administrator has received and processed all of the timely and valid Claims after the close of the Notice period. The Settlement Class Members will be sorted into three groups: 1) those who attest to the number of Weighted Goods they purchased, but do not have any receipts, packaging, or other documentation (the monetary payment for this group will be capped at a total of \$10.00); 2) those who attest to the number of Weighted Goods they purchased and have receipts, but no packaging or other documentation to demonstrate how much they were overcharged (the monetary payment for this group will be capped at a total of \$40.00); and 3) those who attest to the number of Weighted Goods they purchased and have receipts, packaging, and other documentation to demonstrate how much they were overcharged (the monetary payment for this group will not be capped). Individual payments will be calculated on a pro rata basis, meaning the amount could be higher or lower depending on the number of claims submitted and ultimately approved. Each Settlement Class Member may only choose one of the three groups and receive only one payment no matter how many Weighted Goods they may have purchased during the Settlement Class Period.

HOW YOU GET A PAYMENT

9. How can I get a payment?

To qualify for a payment from the Settlement, you must be a Settlement Class Member and submit a Claim Form. A Claim Form is included with the mailed Notice, and you also may obtain a Claim Form on the settlement website www.WalmartWeightedGoodsSettlement.com. To submit your Claim Form, you may submit an electronic Claim Form online at the settlement website www.WalmartWeightedGoodsSettlement.com or mail a physical Claim Form to the Claims Administrator. Claim Forms must be **postmarked or submitted online on or before January 8, 2021**. Failure to provide complete and accurate information could result in a denial of your claim.

10. When would I get my payment?

The Court will hold a hearing on February 26, 2021 to decide whether to approve the settlement. If the settlement receives final approval, a payment in the form of a check will be mailed to approved claimants in a timely manner, provided there are no appeals of the Court's decision. The checks will be mailed to the residential addresses provided on the submitted Claim Forms. Please be patient – the process can take weeks or even months before the checks are ready to be mailed.

11. What am I giving up to stay in the Class?

Unless you exclude yourself, you are staying in the Settlement Class, regardless of whether or not you submit a Claim Form. This means that you will be bound by the release of claims set forth in the Settlement Agreement and can't sue, continue to sue, or be part of any other lawsuit against Walmart that pertains to the same legal issues in *this* case. It also means that all of the Court's orders will apply to you and legally bind you.

EXCLUDING YOURSELF FROM THE SETTLEMENT

12. How do I exclude myself from the settlement?

If you do not want a payment and do not want to be legally bound by the terms of the Settlement, you must exclude yourself by sending a timely and valid "Opt Out Letter" to the Claims Administrator. To be timely and valid, the letter must include the Settlement Class Member's full name and a statement that the Settlement Class Member requests to be excluded from the Settlement Class, and must also be signed and dated by the Settlement Class Member. The request for exclusion must be mailed to the address below, **postmarked no later than November 4, 2020**:

Walmart Weighted Goods Settlement
c/o Claims Administrator
PO Box 3015
Portland, OR 97208-3015

You cannot exclude yourself on the phone or by e-mail. If you ask to be excluded, you are not eligible to receive any settlement payment, and you cannot object to the settlement; however you will not be legally bound by anything that happens in this lawsuit.

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

No. Unless you exclude yourself, you give up the right to sue Walmart for the same claims that this settlement resolves. If you have a pending lawsuit, speak to your lawyer in that lawsuit immediately. You must exclude yourself from this Settlement Class to continue your own lawsuit.

14. If I exclude myself, can I receive payment from this settlement?

No. If you exclude yourself from the settlement, you will no longer be entitled to payment. Do not send in a Claim Form if you also exclude yourself.

THE LAWYERS REPRESENTING YOU

15. Do I have a lawyer in this case?

The Court has appointed attorneys John A. Yanchunis, Esq. and Ryan J. McGee, Esq. of the Morgan & Morgan law firm in Tampa, Florida as Settlement Class Counsel to represent you and other members of the Settlement Class. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

16. How will the lawyers be paid?

Settlement Class Counsel will ask the Court to award them reasonable attorneys' fees in an amount not to exceed \$2,375,000.00 (which is calculated from the Ceiling, of \$9,500,000.00) from the Qualified Settlement Fund, and litigation expenses not to exceed \$100,000.00, also to be paid from the Qualified Settlement Fund. If approved by the Court, Walmart will pay the attorneys' fees and litigation expenses as part of the Qualified Settlement Fund.

The attorneys' fees and litigation expenses requested will be the only payment to Settlement Class Counsel for their efforts in achieving this settlement and for their risk in undertaking this representation on a wholly contingent basis. To date, Settlement Class Counsel have not been paid for their services in conducting this litigation on behalf of the Class Representative and the Settlement Class, nor for their substantial expenses.

OBJECTING TO THE SETTLEMENT

17. How do I tell the Court that I don't like the settlement?

If you're a Settlement Class Member, and have not excluded yourself from the settlement, you can object to the settlement if you don't like any part of it. You can give reasons why you think the Court should not approve it, and the Court will consider your views. To object, you must send a letter to the Court and the Parties saying that you object to the settlement in *Vassilios Kukorinis, et al. v. Walmart, Inc.*, Case No. 1:19-cv-20592-JEM. To state a valid objection to the Settlement, an objecting Settlement Class Member must personally sign the objection and provide the following information in connection with and as part of any objection: (i) full name, current address, and current telephone number; (ii) documentation sufficient to establish membership in the Settlement Class; (iii) a statement of the position the objector wishes to assert, including the factual and legal grounds for the position and objection; and (iv) copies of any other documents that the objector wishes to submit in support of his/her/its position. In addition, the objecting Settlement Class Member must identify any previously filed objections filed by the Settlement Class Member and his/her/its counsel in any state or federal court. This listing must contain (i) the name of the case; (ii) the case number; (iii) the

court in which the objection was filed; and (iv) the outcome of the objection. This objection must be mailed to these three different places and must be **postmarked no later than November 4, 2020**:

Clerk of the Court	Settlement Class Counsel	Defense Counsel
ATTN: Case No. 1:19-cv-20592-JEM United States District Court Southern District of Florida Miami Division 400 North Miami Ave Miami, Florida 33128	John A. Yanchunis, Esq. Ryan J. McGee, Esq. Morgan & Morgan 201 N. Franklin St. 7 th Floor Tampa, Florida 33602	Naomi Beer GREENBERG TRAURIG, LLP 1144 15th Street, Suite 3300 Denver, CO 80202

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

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

THE COURT'S FAIRNESS HEARING

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

The Court will hold a Fairness Hearing on February 26, 2021, in the United States District Court for the Southern District of Florida, Miami Division Wilkie D. Ferguson, Jr., United States Courthouse, 400 North Miami Avenue, Room 10-1, Miami, Florida 33128. At this hearing, the Court will consider whether the settlement is fair, reasonable and adequate. If there are objections, the Court will consider them. The Judge will listen to people who have asked to speak at the hearing. After the hearing, the Court will decide whether to approve the settlement.

20. Do I have to come to the hearing?

No. Settlement Class Counsel will answer questions the Judge may have. But, you are welcome to come at your own expense. If you submit an objection, you do not have to come to the Court to talk about it. As long as you delivered your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

21. May I speak at the hearing?

You may ask the Court for permission to speak at the fairness hearing. To do so, you must send a letter saying that it is your intention to appear in *Vassilios Kukorinis, et al. v. Walmart, Inc.*, Case No. 1:19-cv-20592-JEM. Be sure to include your name, address, telephone number and your signature. Your notice of intention to appear must be sent to the Clerk of the Court, Settlement Class Counsel, and Defense Counsel, at the addresses listed above by November 4, 2020. You cannot speak at the hearing if you exclude yourself from the Class.

22. What happens if the Court does not approve the Settlement?

If the Court does not enter an Order approving the Settlement, or if the Court enters an Order approving the Settlement but appellate review is sought and the Order is reversed and no final Order approving the Settlement is entered, the Settlement shall become null and void and the case will proceed as if the Settlement was never entered into.

QUESTIONS? CALL 1-855-424-1334 OR VISIT WWW.WALMARTWEIGHTEDGOODSETTLEMENT.COM

GETTING MORE INFORMATION

23. Are there more details about the settlement?

This Notice summarizes the proposed Settlement. More details are in the full version of the Settlement Agreement. You can obtain a copy of the Settlement Agreement from the settlement website, www.WalmartWeightedGoodsSettlement.com, or from the Clerk's office at the United States District Court for the Southern District of Florida, Miami Division Wilkie D. Ferguson, Jr., United States Courthouse, 400 North Miami Avenue, Room 10-1, Miami, Florida 33128, during regular business hours.

24. How do I get more information?

If you would like more information about the Settlement, you can visit the settlement website, www.WalmartWeightedGoodsSettlement.com, or call the Claims Administrator toll free at 1-855-424-1334.

*It is your responsibility to inform the Claims Administrator
of address changes until your benefit is received.*

DO NOT CONTACT THE COURT WITH QUESTIONS ABOUT THIS NOTICE.