

# **EXHIBIT E**

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

STEVE HESSE, *et al.*,  
Plaintiffs,

v.

GODIVA CHOCOLATIER, INC., *et al.*,  
Defendants.

CASE NO.: 1:19-cv-00972-AJN

**STIPULATION CLARIFYING SCOPE OF  
RELEASED CLAIMS**

Plaintiffs Steve Hesse and Adam Buxbaum (“Plaintiffs”) and Defendant Godiva Chocolatier, Inc. (“Defendant” and together with Plaintiffs, the “Parties”), by and through their respective counsel of record, hereby stipulate as follows:<sup>1</sup>

**WHEREAS**, on February 8, 2022, Plaintiffs’ counsel received a communication from a person inquiring whether the scope of the Class Members’ release is limited to country of origin claims alleged in the Action or whether it involves a release of other unrelated (non-country of origin or non “Belgium 1926”) claims pertaining to the marketing and sale of the Products.

**WHEREAS**, Plaintiffs understood and intended at the time of execution of the Settlement Agreement that the Released Claims are limited to claims that are based on, arise out of, or relate to the allegations or claims asserted in this Action – i.e., namely, that the Products have been promoted, labeled, marketed, or sold under false or deceptive country of origin claims or related to the “Belgium 1926” claim.


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<sup>1</sup> Unless otherwise indicated, all capitalized terms herein shall have the same meaning as those defined in the Settlement Agreement.

**WHEREAS**, as with Plaintiffs, Defendant understood and intended at the time of execution of the Settlement Agreement that the Released Claims are limited to claims that are based on, arise out of, or relate to the allegations or claims asserted in this Action – i.e., namely, that the Products have been promoted, labeled, marketed, or sold under false or deceptive country of origin claims or related to the “Belgium 1926” claim.

**WHEREAS**, the Parties understanding and intent regarding the scope of Released Claims is and always has been what is set forth above. *See, e.g.*, unopposed Motion for Preliminary Approval, ECF No. 66, page 5 (“The Parties have negotiated a class-wide release that is tailored to the allegations in this Action.”).

**WHEREAS**, in an abundance of caution, and for the purposes of clarifying the existing intent and meaning of the Released Claims as set forth in the Settlement Agreement only, which remains unchanged, the Parties hereby stipulate that Released Claims are limited to any claims that are based on, arise out of, or relate to the allegations or claims asserted by Plaintiffs in the Action—namely, that the Products have been promoted, labeled, marketed, or sold under false or deceptive country of origin claims or based on the “Belgium 1926” claim.

By:   
Timothy J. Peter  
Faruqi & Faruqi, LLP

Date: 2/16/22

*Counsel for Plaintiffs*

By:   
Aubry Wand  
The Wand Law Firm, P.C.

Date: 2/16/2022

*Counsel for Plaintiffs*



By: \_\_\_\_\_

Date: 2/16/2022

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