

United States District Court for the Southern District of New York
Hesse, et al. v. Godiva Chocolatier, Inc., Case No. 1:19-cv-00927-AJN

**If You Purchased Godiva Chocolate Products,
You May Be Eligible to Receive Payment from a Class Action Settlement**

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

- A Settlement has been reached in a class action lawsuit. Purchasers of Godiva Chocolate Products sued Godiva Chocolatier, Inc. (“Godiva”), alleging violations of various laws based on representations that the Godiva Chocolate Products are made in Belgium when Plaintiffs claim they are not. Godiva denies the allegations in the lawsuit. The Court has not decided that Godiva did anything wrong. The Parties agreed to the Settlement to resolve the lawsuit. For instructions on how to view the Settlement Agreement, please see question 16.
- This Notice explains the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them. Judge Alison J. Nathan of the United States District Court for the Southern District of New York is overseeing the Settlement.
- You are eligible to participate in this Settlement if you purchased any Godiva Chocolate Product from January 31, 2015 through October 26, 2021. To receive payment under the Settlement, you must submit a timely and valid Claim Form. Settlement Class Members who do not exclude themselves from the Settlement will be bound by the Settlement even if they do not submit Claim Forms.
- For Settlement Class Members who submit timely and valid Claim Forms **with** Proof of Purchase, Godiva will pay up to \$25, depending on the number of Godiva Chocolate Products purchased.
- For Settlement Class Members who submit timely and valid Claim Forms **without** Proof of Purchase, Godiva will pay up to \$15, depending on the number of Godiva Chocolate Products purchased.
- The Parties have further agreed that Godiva will pay the costs to administer this Settlement, plus reasonable attorneys’ fees and costs, and a service payment to the two Plaintiffs.

**Please read this Notice carefully and in its entirety.
Your rights may be affected by the proposed Settlement of this lawsuit,
and you have a choice to make now about how to act:**

YOUR LEGAL RIGHTS AND OPTIONS	
SUBMIT A CLAIM FORM BY FEBRUARY 23, 2022	<p>This is the only way to receive a monetary payment from the Settlement. By remaining in the Settlement, whether or not you submit a Claim Form, you will give up any rights to sue Godiva separately about the same legal claims in this lawsuit.</p> <p>Claim Forms are available at www.godivachocolatesettlement.com or by calling 1-833-765-2229. For more detail about the claim process, please see questions 4 and 7 below.</p>
EXCLUDE YOURSELF FROM THE CLASS BY MARCH 7, 2022	<p>If you request to be excluded from the Settlement, you will not be eligible to receive the monetary payment, but you will keep your right to sue Godiva about the same legal claims in this lawsuit. Requests for Exclusion must be submitted by March 7, 2022. For more detail about excluding yourself from the Settlement, please see questions 9 and 11 below.</p>
OBJECT BY MARCH 7, 2022	<p>You may write to the Court to object to the proposed Settlement. You must remain in the Settlement (i.e., not exclude yourself) in order to object to the Settlement. Objections must be submitted to the Court by March 7, 2022. For more detail about objecting to the Settlement, please see questions 10 and 11 below.</p>
ATTENDING THE FINAL APPROVAL HEARING AT 10:00 A.M. ON MARCH 28, 2022	<p>You may ask to speak in Court about the fairness of the Settlement at the final approval hearing. Written notice of your intent to appear at the final approval hearing in the lawsuit must be filed with your Objection and submitted to the Court by March 7, 2022. You may enter your appearance in Court through an attorney at your own expense if you so desire. For more detail about attending the final approval hearing, please see questions 10, 11, and 15 below.</p>
DO NOTHING	<p>By doing nothing, you will <i>not</i> receive any monetary payment, but you will also give up any rights to sue Godiva separately about the same legal claims in this lawsuit.</p>

- Your rights and options – **and the deadlines to exercise them** – are further explained in this Notice.
- The Court in charge of this case still has to decide whether to approve the Settlement. The Settlement Benefit (*i.e.*, the monetary payments described herein) will be made available if the Court approves the Settlement, and after any appeals are resolved, if they are resolved in favor of settlement approval.
- If you have any questions, please visit www.godivachocolatesettlement.com or contact Class Counsel, or the Settlement Administrator, listed in question 16 below.

**Questions? Visit www.godivachocolatesettlement.com
or contact the Settlement Administrator at 1-833-765-2229.**

BASIC INFORMATION

1. Why did I get this notice?

If you purchased any Godiva Chocolate Products from January 31, 2015 through October 26, 2021, you may be a Settlement Class Member. If you have received Notice of this Settlement by e-mail, you have been identified from available records as a possible purchaser of the Godiva Chocolate Products at issue in the lawsuit. You also may have received this Notice because you requested more information after reading the Settlement Website or other Notice. If the Court approves the Settlement, and if objections and all appeals are resolved in favor of settlement approval, Kroll Settlement Administration, the settlement administrator will oversee the distribution of the Settlement Benefits. You can follow the progress of the Settlement on the settlement website, www.godivachocolatesettlement.com.

2. What is this class action lawsuit about?

The persons who sued are called the Plaintiffs, and the company they sued, Godiva Chocolatier, Inc., is called the Defendant or “Godiva.” Plaintiffs and Godiva are collectively referred to as “the Parties.” Plaintiffs brought this lawsuit on behalf of all other consumers in the U.S. who similarly purchased Godiva Chocolate Products during the time period of January 31, 2015 through October 26, 2021 (“Class Members”). This lawsuit alleges that Godiva Chocolate Products were advertised as being made in Belgium when they are not exclusively manufactured there. Godiva denies the allegations. The Court has not determined which side is right. Rather, the Parties have agreed to settle the lawsuit to avoid the uncertainties, expenses and expenditure of resources associated with ongoing litigation.

3. Am I part of the Class?

If you purchased any Godiva Chocolate Products from January 31, 2015 through October 26, 2021, in the United States, you may be a Settlement Class Member.

“Godiva Chocolate Products” include all chocolate products manufactured and sold by Godiva, or sold under the Godiva brand, which contain chocolate. For a list of Godiva Chocolate Product examples, please visit the settlement website at www.godivachocolatesettlement.com.

You are *not* a member of the Settlement Class if: (a) you timely and properly exclude yourself from this Settlement, explained in Question 9 below, (b) you are a retailer or distributor of Godiva Chocolate Products or purchased Godiva Chocolate Products for the purpose of re-sale, (c) you are an employee of Godiva or the law firms of the law firms representing the Parties, (d) you are governmental entity or part of the Court’s immediate family or the Court’s staff, or (e) you are part of the mediator’s staff or immediate family.

THE SETTLEMENT BENEFITS

4. What does the Settlement provide?

The Settlement provides monetary compensation to Class Members who submit valid and timely Claim Forms.

Class Members who submit timely and valid Claim Forms, *with* Proof of Purchase, can recover **up to \$25**, depending on the number of eligible Godiva Chocolate Products purchased from January 31, 2015 through October 26, 2021.

Class Members who submit timely and valid Claim Forms, *without* Proof of Purchase, can recover **up to \$15**, depending on the number of eligible Godiva Chocolate Products purchased from January 31, 2015 through October 26, 2021.

“Proof of Purchase” means a receipt, copies of receipts, paid invoice, or other similar types of documentation evidencing your purchase of Godiva Chocolate Products from either Godiva or a retail establishment.

Class Members residing in the same household (i.e., the same mailing address) who each submit a Claim Form shall only be entitled to a collective maximum payment of \$15 or \$25 per household, depending on whether Proof of Purchase is submitted.

If the aggregate total monetary value of valid Claim Forms submitted by all Class Members exceeds \$15,000,000, your Settlement Benefit will be reduced *pro rata*.

5. What happens to any unclaimed funds?

Your Settlement Benefit will be issued to you in the form of a paper check or electronic payment, whichever method you select on the Claim Form. Settlement Class Members have 180 days from the date of issuance to cash their checks, to the extent required. Any funds remaining after this 180-day deadline shall be distributed to Public Justice Foundation (subject to Court approval). Neither the Parties nor their counsel have any interest in the governance or work of Public Justice Foundation.

6. When will I get my monetary payment?

The hearing to consider the fairness of the Settlement is scheduled for March 28, 2022. If the Court approves the Settlement, and you submit a timely and valid Claim Form, you will receive payment within approximately 45 days after the Settlement has been finally approved and/or after any appeals process is complete approving the Settlement.

HOW TO GET THE SETTLEMENT BENEFITS

7. How do I get my monetary payment?

If you are a Class Member and want to receive a payment under the Settlement, you must complete and submit a Claim Form. Claims Forms can be found and submitted through the Settlement Website: www.godivachocolatesettlement.com by no later than February 23, 2022 or they can be mailed and postmarked to *Hesse, et al. v. Godiva Chocolatier, Inc.* c/o Settlement Administrator, PO Box 225391 New York, NY 10150-5391 by no later than February 23, 2022. To submit a Claim Form on-line or to request a paper copy, go to www.godivachocolatesettlement.com or call toll free, 1-833-765-2229.

YOUR RIGHTS AND OPTIONS

8. What happens if I do nothing at all?

If you do nothing, then you will remain in the Settlement Class and will not receive any payment from this Settlement. If the Court approves the Settlement, you will be bound by its terms, you will no longer have the ability to sue with respect to the claims being resolved by the Settlement, and your claims will be released and dismissed.

The Settlement Agreement describes the released claims in more detail, so please read it carefully. If you have any questions, you can contact the lawyers listed in question 16 for free to discuss, or you can talk to another lawyer of your own choosing if you have questions about what this means.

9. How do I exclude myself from the Settlement?

If you exclude yourself from the Settlement – which is sometimes called “opting-out” – you will not get any money from the Settlement. However, you will not release any rights you may have to separately sue or continue to sue Godiva for the legal claims that are the subject of the lawsuit.

To exclude yourself from the Settlement, you must submit a valid and timely Request for Exclusion to the Settlement Administrator. In order to be valid, your Request for Exclusion must state that you “want to be excluded from the Settlement in *Hesse, et al. v. Godiva Chocolatier, Inc.*, Case No. 1:19-cv-00927-AJN” or words to similar effect that make clear your intention to be excluded from the Settlement. Your written Request for Exclusion must also include your name, current address, and telephone number. The request must also be signed and dated by you personally. In order to be timely, your request for exclusion must be submitted by March 7, 2022 at www.godivachocolatesettlement.com or by U.S. Mail, postmarked on or before that date, to the following address:

Hesse, et al. v. Godiva Chocolatier, Inc.
c/o Settlement Administrator
PO Box 225391
New York, NY 10150-5391

10. How do I object to the Settlement?

If you are a Settlement Class Member, you can object to the Settlement if you do not think it is fair. The Court will consider your views. However, you cannot ask the Court to order a different settlement; the Court can only approve or reject the Settlement. If the Court denies approval, no settlement payments will be sent out and the lawsuit will continue. If this is what you want to happen, you must object.

To object, you must submit to the Court a written objection entitled “Objection to Class Settlement in *Hesse, et al. v. Godiva Chocolatier, Inc.*, Case No. 1:19-cv-00927-AJN” that identifies all the reasons for your objections and any legal and factual support for those reasons. Your written objection must be signed and also include (1) your name, address, telephone number, email address if available, and if represented by counsel, the foregoing information for your counsel; (2) whether you or your counsel intend on appearing at the Final Approval Hearing; (3) whether the objection applies only to you, to a specific subset of the Settlement Class, or the entire Settlement Class; (4) information/documents showing that you are a Settlement Class Member (i.e. Proof of Purchase or a verification under penalty of perjury as to purchase of Godiva Chocolate Products during the Class Period); and (5) a list of any other objections submitted by you, or your lawyer, to any class actions in any state or federal court in the United States in the previous five (5) years (or affirmatively stating that no such prior objection has been made).

You must submit your written objection to the Court, by either (1) mailing it to the Class Action Clerk, United States District Court for the Southern District of New York, 40 Foley Square, Courtroom 906, New York, NY 10007; or (2) filing it in person at any location of the United States District Court for the Southern District of New York or via the ECF electronic filing system. The objection must be submitted by March 7, 2022.

11. What is the difference between objecting and excluding myself from the Settlement?

Objecting means telling the Court that you disagree with something about the Settlement. You can object only if you stay in the Settlement Class. Excluding yourself from the Settlement means that you do not want to be part of the Settlement Class. If you exclude yourself, then you have no basis to object to the Settlement.

THE LAWYERS REPRESENTING YOU

12. Do I have a lawyer in this case?

The Court appointed the law firms of Faruqi & Faruqi, LLP and the Wand Law Firm, P.C. to represent Class Members as “Class Counsel.” Class Counsel believe, after conducting an extensive investigation, that the Settlement is fair, reasonable, and in the best interests of the Class Members. You will not be charged for these lawyers. If you want to be represented by a different lawyer in this case, you may hire one at your own expense. If you have any questions about the Settlement, you can contact Class Counsel at the contact information listed in question 16.

13. How will the lawyers be paid?

Separate and apart from the monetary benefit to be paid to the Class Members, Class Counsel may submit a Fee Application for an award of attorneys’ fees and costs in an amount not to exceed Five Million Dollars (\$5,000,000.00). The Court may award less than this amount. Also, subject to approval by the Court, Godiva has agreed to pay \$5,000 to each of the two Plaintiffs (“Class Representative Service Awards”), in recognition of their efforts on behalf of the Class.

THE COURT’S FINAL APPROVAL HEARING FOR THE SETTLEMENT

14. Where and when will the Court decide whether to approve the Settlement?

The Court will hold the Final Approval at 10:00 a.m. on March 28, 2022 in Courtroom 906 at the Thurgood Marshall Courthouse, located at 40 Foley Square, Courtroom 906, New York, NY 10007. The purpose of the hearing will be for the Court to determine whether to approve the Settlement as fair, reasonable, adequate, and in the best interests of the Class; to consider Class Counsel’s request for attorneys’ fees and costs; and to consider the request for the Class Representative Services Awards for the Plaintiffs. At that hearing, the Court will be available to hear any Objections and arguments concerning the fairness of the Settlement.

The hearing may be postponed to a different date or time without notice, so please check www.godivachocolatesettlement.com or call 1-833-765-2229 from time to time. If, however, you timely objected to the Settlement and advised the Court that you intend to appear and speak at the Final Approval Hearing, you will receive notice of any change in the time and date of such hearing.

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

No. You do not need to attend the Final Approval Hearing in order to receive payment under the Settlement. Class Counsel will answer any questions the Court may have on behalf of the Settlement Class Members. But you are welcome to attend the Final Approval Hearing at your own expense. If you submit an Objection, you do not have to come to Court to talk about it. If you submitted your Objection on time, the Court will consider it. You may also pay to have another lawyer attend on your behalf, but that is not required.

You, or any lawyer you retain, may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must include in your Objection to the Settlement a statement saying that it is your intent to appear at the Final Approval Hearing. Your Objection and notice of intent to appear must be submitted to the Court and postmarked no later than March 7, 2022.

GETTING MORE INFORMATION

16. Are more details available?

Yes. This Notice summarizes the Settlement. For the precise terms and conditions of the Settlement, please see the Settlement Agreement available at www.godivachocolatesettlement.com; by contacting Class Counsel at the information listed below; or by accessing the Court docket in this case, for a fee, through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.nysd.uscourts.gov>; or by visiting the office of the Clerk of the Court for the United States District Court for the Southern District of New York, 40 Foley Square, Courtroom 906, New York, NY 10007. You can also call the Settlement Administrator at 1-833-765-2229.

Class Counsel Contact Information

FARUQI & FARUQI, LLP

10866 Wilshire Boulevard, Suite 1470
Los Angeles, CA 90024
Telephone: (424) 256-2884

THE WAND LAW FIRM, P.C.

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