

NOTICE OF SETTLEMENT IN HILL'S DOG FOOD CLASS ACTION

This Notice is for all Persons who purchased Hill's Prescription Diet or Hill's Science Diet canned dog foods between September 1, 2018 to May 31, 2019.

Lindhout et al. v. Hill's Pet Nutrition Inc. et al.
(Court File No. CV-19-00629786-00CP)

You may be eligible for compensation.

A Court authorized this notice. You are not being sued.

- You are receiving this notice because a Settlement has been approved by the Ontario Superior Court of Justice in a certified class action lawsuit on behalf of individuals who purchased certain Hill's products that allegedly contained excessively high levels of vitamin D.
- If you purchased one of the Products listed in this notice in Canada between September 1, 2018, to May 31, 2019, you could be eligible to make a claim for compensation.
- All claim forms must be submitted before **March 26, 2024**. If you do not make a claim by **March 26, 2024**, you will not be eligible for any compensation as part of this lawsuit.
- **The online claim form is available here: www.Dogfoodclassactionsettlement.com. You can also request a copy of the claim form to be mailed to you by contacting the Settlement Administrator by phone (833) 512-2301 or by mail at Lindhout v. Hill's Pet Nutrition c/o Kroll Settlement Administration PO Box 5324 New York, NY 10150-5324.**
- If you do not wish to participate in the class action and Settlement, you must remove yourself by completing an Opt-Out Request (available here: www.Dogfoodclassactionsettlement.com) and send it to the Settlement Administrator, no later than the Opt-Out Deadline November 20, 2023.

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BASIC INFORMATION

1. Why is there a Notice?

The Ontario Superior Court of Justice has approved this Notice to let you know that the Settlement of this class action lawsuit has been approved and that a claims process is available for compensation.

2. What is this Action about?

This class action lawsuit concerns a list of 33 Hill's Prescription Diet or Hill's Science Diet canned dog food products that allegedly contained excessively high levels of vitamin D, which may be dangerous for dogs to consume. Vitamin D toxicity can result in dog illness, hospitalization, and death. Hill's recalled Products which may have contained excessive vitamin D from January to May 2019. Hill's denies the allegations made in the claim.

3. Am I a member of the Settlement Class?

The class action includes everyone who meets the following Settlement Class definition:

All persons and entities that purchased "Products" in Canada from September 1, 2018, to May 31, 2019.

Excluded from this Settlement Class are those who have been provided other compensation by a Defendant and have executed a release, have purchased Products for resale or resold the Products, are an entity in which the Defendants have a controlling interest, or Opt-Out before the Opt-Out Deadline.

The "Products" are all Hill's Prescription Diet and Science Diet canned dog foods listed below and sold to consumers in Canada from September 1, 2018, to May 31, 2019, and any other pet food product sold in Canada by Hill's, regardless of brand name, to which the allegations in this action could pertain.

The specific "Products" are:

- i. Hill's Prescription Diet k/d with Lamb Canine 13oz (SKU number 2697, Date/Lot Code 102020T25);
- ii. Hill's Prescription Diet c/d Multicare Canine Chicken & Vegetable Stew 12.5oz (SKU number 3384, Date/Lot Codes 092020T29, 102020T10, 102020T25);
- iii. Hill's Prescription Diet c/d Multicare Canine Chicken & Vegetable Stew 5.5oz (SKU number 3388, Date/Lot Code 102020T18);
- iv. Hill's Prescription Diet i/d Canine Chicken & Vegetable Stew 12.5oz (SKU number 3389, Date/Lot Codes 092020T28, 102020T24, 102020T25, 102020T04, 102020T10, 102020T19, 102020T20, 102020T21);
- v. Hill's Prescription Diet i/d Low Fat Canine Rice, Vegetable & Chicken Stew 5.5oz (SKU number 3391, Date/Lot Code 092020T27);
- vi. Hill's Prescription Diet r/d Canine 12.3oz (SKU number 7014, Date/Lot Codes 092020T28, 102020T27, 102020T28);
- vii. Hill's Science Diet Adult Perfect Weight Chicken & Vegetable Entrée Dog Food 13oz (SKU number 2975, Date/Lot Code 092020T28);
- viii. Hill's Science Diet Adult Beef & Barley Entrée Dog Food 13oz (SKU number 7039, Date/Lot Codes 092020T31, 102020T21);
- ix. Hill's Science Diet Mature Adult Healthy Cuisine Chicken & Carrots Stew Dog Food 12.5oz (SKU number 10449, Date/Lot Codes 092020T28);
- x. Hill's Science Diet Adult Healthy Cuisine Braised Beef, Carrots & Peas Stew Dog Food 12.5oz (SKU number 10451, Date/Lot Codes 102020T28);

- xi. Hill's Prescription Diet i/d Canine Chicken & Vegetable Stew 5.5oz (SKU number 3390, Date/Lot Codes 102020T11, 112020T23, 122020T07);
- xii. Hill's Prescription Diet g/d Canine 13oz (SKU number 7006, Date/Lot Codes 112020T19, 092020T22, 112020T20);
- xiii. Hill's Prescription Diet i/d Canine 13oz (SKU number 7008, Date/Lot Codes 092020T21, 092020T30, 102020T07, 102020T11, 112020T22, 112020T23);
- xiv. Hill's Prescription Diet j/d Canine 13oz (SKU number 7009, Date/Lot Codes 112020T20);
- xv. Hill's Prescription Diet k/d Canine 13oz (SKU number 7010, Date/Lot Codes 102020T10, 102020T11);
- xvi. Hill's Prescription Diet w/d Canine 13oz (SKU number 7017, Date/Lot Codes 102020T24, 102020T25, 112020T09, 112020T10, 092020T30, 102020T11, 102020T12);
- xvii. Hill's Prescription Diet z/d Canine 13oz (SKU number 7018, Date/Lot Codes 102020T04, 112020T22);
- xxviii. Hill's Prescription Diet Metabolic + Mobility Canine Vegetable & Tuna Stew 12.5oz (SKU number 10086, Date/Lot Codes 102020T05, 102020T26);
- xix. Hill's Prescription Diet w/d Canine Vegetable & Chicken Stew 12.5oz (SKU number 10129, Date/Lot Codes 112020T05, 112020T11, 102020T04, 102020T21);
- xx. Hill's Prescription Diet i/d Low Fat Canine Rice, Vegetable & Chicken Stew 12.5oz (SKU number 10423, Date/Lot Codes 092020T27, 092020T28, 102020T17, 102020T19, 112020T04);
- xxi. Hill's Prescription Diet Derm Defense Canine Chicken & Vegetable Stew 12.5oz (SKU number 10509, Date/Lot Codes 102020T05);
- xxii. Hill's Science Diet Puppy Chicken & Barley Entrée 13oz (SKU number 7036, Date/Lot Codes 102020T12);
- xxiii. Hill's Science Diet Adult Chicken & Barley Entrée Dog Food 13oz (SKU number 7037, Date/Lot Codes 092020T22, 102020T13, 102020T14, 112020T23, 112020T24);
- xxiv. Hill's Science Diet Adult Turkey & Barley Dog Food 13oz (SKU number 7038, Date/Lot Codes 102020T06);
- xxv. Hill's Science Diet Adult Chicken & Beef Entrée Dog Food 13oz (SKU number 7040, Date/Lot Codes 112020T10, 112020T11, 102020T13);
- xxvi. Hill's Science Diet Adult Light with Liver Dog Food 13oz (SKU number 7048, Date/Lot Codes 112020T19);
- xxvii. Hill's Science Diet Adult 7+ Chicken & Barley Entrée Dog Food 13oz (SKU number 7055, Date/Lot Codes 092020T31, 102020T13);
- xxviii. Hill's Science Diet Adult 7+ Beef & Barley Entrée Dog Food 13oz (SKU number 7056, Date/Lot Codes 102020T28, 092020T31, 112020T20, 112020T24);
- xxix. Hill's Science Diet Adult 7+ Healthy Cuisine Braised Beef, Carrots & Peas Stew dog food 12.5oz (SKU number 10452, Date/Lot Codes 102020T28, 102020T14, 102020T21);
- xxx. Hill's Science Diet Adult 7+ Youthful Vitality Chicken & Vegetable Stew dog food 12.5oz (SKU number 10763, Date/Lot Codes 102020T04, 102020T05, 112020T11);
- xxxi. Hill's Prescription Diet z/d Canine 5.5oz (SKU 5403, Date/Lot Code 102020T17, 112020T22);
- xxxii. Hill's Science Diet Adult 7+ Small & Toy Breed Chicken & Barley Entrée Dog Food 5.8oz (SKU 4969, Date/Lot Code 102020T18); and
- xxxiii. Hill's Science Diet Adult 7+ Turkey & Barley Entrée 13oz (SKU 7057, Date/Lot Code 112020T19).

The definition of the Products specifically excludes any cat foods, dry dog food products, treats, Ideal Balance products or Healthy Advantage products, or other products produced by Hill's that are not specifically described.

4. What is the status of this Action?

The Action was certified to proceed as a class action for Settlement purposes on September 21, 2023. The Notice Approval Order approving the Settlement Approval Hearing, which described the Settlement Agreement was previously distributed. The Court approved the Settlement and claims process described below, on September 21, 2023.

THE SETTLEMENT

5. What does the Settlement offer?

The Settlement provides for a Settlement Fund of \$575,000 USD. The following benefits are available to Settlement Class Members from the Settlement Fund:

1. financial compensation for claims relating to the injury of a dog,
2. financial compensation for claims relating to the death of a dog; and
3. financial compensation for the purchase price of the recalled products.

To make a claim, the Settlement requires Settlement Class Members to complete an online or paper claim form and provide relevant documentation within a 180-day Claims Period.

The Settlement also provides a process through which all claims will be assessed, by a Court-appointed Settlement Administrator. To prove a claim under the Settlement, Settlement Class Members will not need to testify in Court or be cross-examined. The Settlement Administrator may, if necessary, contact the treating veterinarian of the Settlement Class Member's dog.

All payments of Settlement compensation to Settlement Class Members shall be made from the Settlement Fund after costs of Settlement Administration and the Fee and Disbursements Award are deducted from the Settlement Fund. If the total of the timely, valid and approved claims is less than the available relief, minus any covered costs and expenses, each Settlement Class Member's award shall be pro rata increased to no more than two-times the value of the timely, valid and approved claim absent any further written agreement by the Parties. If the total of the timely, valid and approved claims submitted exceeds the available relief, each Settlement Class Member's award shall be reduced on a pro rata basis.

If any Unpaid Funds remain after the distribution, they will be paid to Humane Canada, or an otherwise mutually agreed upon organization.

The Settlement also allows individuals to "Opt-Out" after the Settlement is approved. If the number of Settlement Class Members who Opt-Out is higher than the Opt-Out Threshold number agreed to by the Parties, the Settlement will be automatically terminated and ineffective.

6. How much money can I get?

Settlement Class Members can claim for the following types of compensation:

Claim	Amount	Type	Documentation Required
Dog Injury Claims	up to \$500	any amounts incurred in screening, diagnosing, and treating the dog*	documentation showing screening or treatment of the dog for symptoms consistent with consumption of excess vitamin D as a result of the use or consumption of the Products
	\$5,000	damages relating to the death of the dog	(i) documentation showing screening or treatment of the dog for symptoms consistent with consumption of excess vitamin D following the use or consumption of the Products,

			(ii) documentation showing that the dog died after the date of these documented symptoms, and (iii) documentation showing that the dog died or was euthanized as a result of these symptoms.
Consumer Food Purchase Claims	full purchase price	purchase of the Products	attestation with valid proof of purchase
	suggested retail purchase price up to \$20	purchase of the Products	attestation without valid proof of purchase

Acceptable forms of documentation include: veterinary notes, veterinary records, test or laboratory reports, or statements and/or letters from the veterinarian, hospital or clinic.

Dog Injury Claims may also include claims for screening and testing costs that were reasonably necessary based on concern for having a dog that consumed the Products. Such screening/testing shall have been performed by or upon the recommendation or referral of the veterinarian to screen for illness from the consumption of the Products.

Settlement Class Members can make both types of Dog Injury Claims, but only one type of Consumer Food Purchase Claim.

Only one claimant per Household will be eligible.

To receive any compensation, you must submit a claim form by March 26, 2024.

You must submit your claim form directly to the claims office known as the Settlement Administrator. You can do so by completing the online and secure claim form available here: www.dogfoodclassactionsettlement.com.

If you wish to complete a paper claim form, you must submit your claim form to:

Email:

info@dogfoodclassactionsettlement.com

OR

Mailing Address:

Lindhout v. Hill's Pet Nutrition
c/o Kroll Settlement Administration
PO Box 5324
New York, NY 10150-5324

The Settlement Administrator shall decide whether each claimant is eligible to receive compensation.

A full copy of the Settlement Agreement is available for download at: <https://kmlaw.ca/cases/hills-toxic-dog-food/>
You can also request a copy by calling (833) 512-2301, or emailing: info@dogfoodclassactionsettlement.com.

HOW TO CLAIM

7. Where can I get a claim form?

The claim form can be submitted online at: www.dogfoodclassactionsettlement.com.

You can also request a copy by calling (833) 512-2301, or emailing: info@dogfoodclassactionsettlement.com.

8. My dog was injured after consuming the Products. How do I make a Dog Injury Claim?

To make a Dog Injury Claim for the veterinary expenses you paid related to your dog's injury (or concern for injury) from the consumption of the Hill's Products, you must complete Section B of the claim form, check all relevant boxes and provide the required documentation.

Your claim form must be submitted by March 26, 2024.

To make a claim for amounts incurred in screening, diagnosing and treating your dog, you must provide documentation that shows screening or treatment of your dog for symptoms consistent with the consumption of excess vitamin D as a result of the use or consumption of the relevant Products.

To make a claim for compensation relating to the death of your dog, you must provide:

- i. documentation showing screening or treatment of the dog for symptoms consistent with consumption of excess vitamin D following the use or consumption of the Products,
- ii. documentation showing that the dog died after the date of these documented symptoms, and
- iii. documentation showing that the dog died or was euthanized as a result of these symptoms.

You will be required to provide your permission to allow the Settlement Administrator to contact your dog's treating veterinarian to make a determination as to the validity of the claim you submitted based on the documentation submitted and any other materials determined to be relevant.

9. My dog did not suffer any injury. Can I still make a claim?

Yes. The Settlement also allows for Consumer Food Purchase Claims. You can seek reimbursement of the costs associated with the purchase of the Products if you have not been reimbursed for such costs to date, including through the return or exchange of the Products. If you have proof of purchase, you should include it with your Claim Form.

To make a Consumer Food Purchase Claim, you do not need to provide documentation, but you will not be eligible for the full purchase price paid without documentation. You will also need to provide confirmation, under penalty of perjury, that you purchased the Products and have not already received payment or a refund for the Products, if you do not have proof of purchase.

Your claim form must be submitted by March 26, 2024.

10. I do not wish to be a part of the Settlement

If you do not want to be bound by the Settlement, you must remove yourself from the class action i.e., “**Opt-Out**”. The Parties have agreed that the Opt-Out Period will be **60 days from the Approval Date** (the date the court issues an order approving the Settlement). The Opt-Out Deadline is November 20, 2023.

If you Opt-Out, you will *not* be entitled to *any* financial compensation from the Settlement, but you will keep your right to sue Hill’s in relation to the dog food Products described above, subject to any time or other legal limitations applying to your claim.

To Opt-Out, you must complete an Opt-Out Request, which can be obtained here: www.Dogfoodclassactionsettlement.com and send it to the Settlement Administrator, no later than the Opt-Out Deadline November 20, 2023. The Opt-Out Request may be sent to the following addresses:

By email:

info@dogfoodclassactionsettlement.com

By mail:

Lindhout v. Hill's Pet Nutrition
c/o Kroll Settlement Administration
PO Box 5324
New York, NY 10150-5324

THE LAWYERS REPRESENTING YOU

11. Do I have a lawyer in the case?

Yes. The Court has appointed Koskie Minsky LLP from Toronto and McKenzie Lake Lawyers LLP from London to represent you and all other Settlement Class Members as “Class Counsel.” You may contact these lawyers with any questions about the claims process. The contact information of the law firm is:

Koskie Minsky LLP
20 Queen Street West
Suite 900, Box 52
Toronto, Ontario
M5H 3R3
Email: dogfoodclassaction@kmlaw.ca
Phone: 1-855-595-2628

McKenzie Lake Lawyers LLP
Suite 1800, 140 Fullarton Street
London, ON N6A 5P2
Email: danielle.sparks@mckenzielake.com
Phone: 1-844-672-5666

You will not be charged for contacting these lawyers with questions.