

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

NOTICE OF CLASS ACTION SETTLEMENT

If you purchased, acquired or were exposed to baby wipes manufactured by Nutek Disposables, Inc. and sold under various brand names between October 25, 2013 and October 25, 2014, you could get a payment from a class action settlement.

A federal court ordered this Notice. This is not a solicitation from a lawyer.

- The Settlement will provide a total of \$650,000 in additional funds to fully settle and release claims of all persons who purchased or acquired (or are the caretaker, parent or guardian of a minor child who purchased or acquired) or were exposed to certain Recalled Baby Wipes sold between October 25, 2013 and October 25, 2014 in the United States, excluding any person who excludes themselves from the Settlement.
- The Settlement resolves lawsuits brought against Nutek Disposables, Inc., First Quality Enterprises, Inc., First Quality Consumer Products, LLC, Wal-Mart Stores, Inc., Family Dollar Stores, Inc., Walgreen Co. dba Walgreens, Fred’s, Inc., and Fred’s of Tennessee, Inc., (together “Defendants”). The lawsuits allege that Defendants sold, manufactured, distributed, or marketed certain Baby Wipes products that may have been contaminated with the bacteria, *Burkholderia cepacia*, which allegedly caused certain users to suffer skin infections or irritation, bacterial genitourinary tract infections, or other symptoms. Defendants vigorously deny these allegations, deny wrongdoing of any kind, and believe the lawsuits are without merit. However, to avoid the cost of litigation, and potential risks for both sides, the Parties have reached a Stipulation of Class Action Settlement, which was preliminarily approved by the United States District Court for the Eastern District of New York on June 15, 2017.
- Your legal rights are affected whether you act or don’t act. Read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:	
SUBMIT A CLAIM FORM	The only way to get a payment.
EXCLUDE YOURSELF	Get no payment. This is the only option that allows you to be part of another lawsuit against the Defendants involving the Recalled Baby Wipes.
OBJECT	Write to the Court about why you don’t like the Settlement.
DO NOTHING	Get no payment. Give up rights to assert an action against Defendants involving the Recalled Baby Wipes.

- 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. Payments will be made if the Court approves the Settlement and after any appeals are resolved. Please be patient.

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BASIC INFORMATION

1. What are these lawsuits about?

Plaintiffs filed lawsuits in various federal district courts claiming that Defendants sold, manufactured, distributed, or marketed certain previously recalled Baby Wipes products that may have been contaminated with the bacteria, *Burkholderia cepacia*, which allegedly caused certain users to suffer skin infections or irritation, bacterial genitourinary tract infections, or other symptoms. Several of these lawsuits were voluntarily dismissed and refiled in Federal District Court for the Eastern District of New York as *Jones et al. v. Wal-Mart Stores, Inc. et al., Case No. 14-cv-06305-LDW-ARL (E.D.N.Y.)*. Defendants deny these allegations and deny any wrongdoing of any kind.

2. Why is this a class action?

In a class action, one or more people called Class Representatives sue on behalf of themselves and other people with similar claims. All of these people together are the “Settlement Class” or “Settlement Class Members.” One Court resolves the claims asserted for all Settlement Class Members at one time, except for those who exclude themselves from the Settlement Class. Here, the Court has preliminarily certified a Class for settlement purposes only. United States District Court Judge Leonard D. Wexler is in charge of this class action.

3. Why is there a settlement?

The Court has not decided in favor of Plaintiffs or Defendants. Instead, Plaintiffs and Defendant Nutek Disposables, Inc. agreed to this Settlement. This way, all parties avoid the potential risks and cost of a trial and related appeals, while providing benefits to members of the Settlement Class. The Class Representatives and counsel for the Class (“Class Counsel”) believe the Settlement is best for all Settlement Class Members considering the risks of going forward to trial.

WHO IS IN THE SETTLEMENT?

4. How do I know if I am part of the Settlement?

You are a Settlement Class Member and affected by the Settlement if you fit this description:

All Persons in the United States who (a) purchased or acquired (including by gift) Recalled Baby Wipes on October 25, 2013 and through to October 25, 2014 for or on behalf of themselves or a third party or minor child over whom they have custody and control as a caregiver, parent or guardian, or to be given as a gift to another Person; (b) are the parent or guardian of a minor child who purchased or acquired (including by gift) Recalled Baby Wipes on October 25, 2013 and through to October 25, 2014; or (c) was exposed to the Recalled Baby Wipes purchased between October 25, 2013 and through to October 25, 2014 whereby such exposure resulted in a Qualifying Symptom, including any Guardian, Executor, Administrator or other representative of any Person exposed to the Recalled Baby Wipes whereby such exposure resulted in a Qualifying Symptom.

“Recalled Baby Wipes” means the baby wipes manufactured by Nutek that were sold in the United States and subject to the Recall including, but not limited to, those under the brand names Cuties, Diapers.com,

Fred's, Kidgets, Member's Mark, Simply Right, Sunny Smiles, Tender Touch, and Well Beginnings, as well as feminine wipes manufactured under the Femtex brand.

“Qualifying Symptom(s)” means any one or more of the following symptoms or conditions, including any associated emotional distress or mental anguish, caused by *Burkholderia cepacia* from the use of, or exposure to, the Recalled Baby Wipes: (a) skin infections or irritation including dermatitis, folliculitis, rash, abscess, or boil caused by *Burkholderia cepacia*; (b) bacterial genitourinary tract infections caused by *Burkholderia cepacia*; (c) recovery of *Burkholderia cepacia* from any location on a Settlement Class Member's body where he or she experienced an infection from the use of, or exposure to, the Recalled Baby Wipes; or (d) pneumonia or bacteremia in persons with a primary or secondary immunodeficiency disorder or who have a chronic lung disease such as cystic fibrosis, bronchiectasis or chronic granulomatous disease where the condition is caused by *Burkholderia cepacia*.

5. If I purchased Recalled Baby Wipes but did not suffer any Qualifying Symptoms, am I included?

Yes. Settlement Class Members who purchased Recalled Baby Wipes and who did not experience Qualifying Symptoms, but who sustained unspecified economic damages or injury resulting from their purchase, use of, or exposure to, the Recalled Baby Wipes, may submit a “Category 1” claim and/or “Category 2” claim or timely exclude themselves from the Settlement. See Question 9 for more details about the six types of claims that may be submitted under Claims Categories 1 and 2.

6. Are there exceptions to being included?

The following categories of people are not included in the Settlement Class even if they purchased or acquired Recalled Baby Wipes between October 25, 2013 and October 25, 2014:

- Persons or entities who purchased the Recalled Baby Wipes for the purpose of resale or distribution;
- Persons who are directors and officers of Nutek or its parent, subsidiary, or affiliate companies;
- Governmental entities;
- Persons who timely and properly exclude themselves from the Class as provided in the Settlement Agreement;
- Persons who signed a release of any Defendant for compensation for the claims covered by the Settlement; and
- Any judicial officer hearing this Litigation, as well as their immediate family members and employees.

7. I'm still not sure if I'm included.

If you are still not sure whether you are eligible to submit a claim, you can call 1-888-218-0349 or visit <http://jonesvnutekclasssettlement.com> for more information.

THE SETTLEMENT BENEFITS—WHAT YOU GET

8. What does the Settlement provide?

Defendant Nutek Disposables, Inc. has agreed to settle this matter through the creation of a Settlement Fund of \$650,000.00, which will be used to pay valid claims.

There are three categories of claims:

- Claims Category 1: Any person who purchased or acquired Recalled Baby Wipes may file one or more claims under Claims Category 1 to potentially receive a combined maximum payment of up to \$9.00. Up to \$100,000 of the Settlement Fund will be allocated to pay Claims under Claims Category 1, which amount may be increased to the extent there are residual unclaimed Claims Category 2 or 3 funds available.
- Claims Category 2: Any person who suffered bodily injury or Qualifying Symptoms of a *de minimis* (meaning minor or insignificant) nature as a result of their use of the Recalled Baby Wipes may file a Claim under Claims Category 2 to potentially receive a payment of up to \$15.00. Up to \$250,000 of the Settlement Fund will be allocated to pay Claims under Claims Category 2.
- Claims Category 3: Any person who suffered Qualifying Symptoms of a transitory nature as a result of their use of the Recalled Baby Wipes may file a Claim under Claims Category 3 to potentially receive a payment of up to \$750.00. Persons who suffered Qualifying Symptoms of a non-transitory nature may file a Claim under Claims Category 3 to potentially receive a payment of up to \$8,000.00. Up to \$300,000 of the Settlement Fund will be allocated to pay Claims under Claims Category 3.

In the event that Settlement Class Members file valid Claims seeking relief exceeding the maximum amount allocated to one or more Claims Categories, payments may be made on a pro rata basis up to the maximum amount as specified in the Settlement Agreement.

9. Claims Category 1 – Liquidated Damages for Purchasing Recalled Baby Wipes

Claims Category 1 includes Settlement Class Members who purchased Recalled Baby Wipes between October 25, 2013 and October 25, 2014, who did not experience any Qualifying Symptoms, and who did not timely opt-out of the Settlement. Claims Category 1 includes three sub-categories defined as follows:

Category 1(A) – Settlement Class Members who:

- purchased Recalled Baby Wipes manufactured between **July 1, 2014 and October 25, 2014**, and
- who did not experience Qualifying Symptoms but sustained unspecified economic damages or injury resulting from their purchase, use of, or exposure to, the Recalled Baby Wipes, and
- who did not return them pursuant to the Recall prior to July 31, 2017, and
- who do not timely opt out.

Category 1(A) claimants may receive up to \$3.00 per purchase of Recalled Baby Wipes, capped at a total of \$6.00.

Category 1(B) – Settlement Class Members who:

- purchased Recalled Baby Wipes manufactured between **October 25, 2013 and June 30, 2014**, and
- who did not experience Qualifying Symptoms but sustained unspecified economic damages or injury resulting from their purchase, use of, or exposure to, the Recalled Baby Wipes, and
- who did not return them pursuant to the Recall prior to July 31, 2017, and
- who do not timely opt out.

Category 1(B) claimants may receive up to \$2.00.

Category 1(C) – Settlement Class Members who:

- returned Recalled Baby Wipes to any Defendant pursuant to the Recall prior to July 31, 2017 to receive a full refund,
- purchased Recalled Baby Wipes manufactured between October 25, 2013 and October 25, 2014, and
- who did not experience Qualifying Symptoms but sustained unspecified economic damages or injury resulting from their purchase, use of, or exposure to, the Recalled Baby Wipes, and
- who do not timely opt out.

Category 1(C) claimants may receive up to \$1.00.

10. Claims Category 2 – Non-Qualified Bodily Injury Claims.

Claims Category 2 includes Settlement Class Members who purchased or acquired Recalled Baby Wipes between October 25, 2013 and October 25, 2014 and who suffered – or are the caretaker, parent or legal guardian of a minor child who suffered - bodily injury or Qualifying Symptoms of a *de minimis* (meaning minor or insignificant) nature as a result of their use of the Recalled Baby Wipes. Category 2 claimants may receive up to \$15.00 without the need to submit a Declaration of Injury, provided that a timely and valid Category 2 Claim Form is signed under the penalty of perjury. If you submit a claim for a Category 3 injury but are denied, you will be automatically considered for a Category 2 claim.

11. Claims Category 3 – Qualified Medical Reimbursement Claims.

Claims Category 3 includes Settlement Class Members who purchased or acquired Recalled Baby Wipes between October 25, 2013 and October 25, 2014, and who experienced Qualifying Symptoms of either a transitory or non-transitory nature, and who did not timely opt-out of the Settlement. Claims Category 3 includes two sub-categories defined as follows:

Category 3(A) – Transitory Qualifying Symptoms

Transitory Qualifying Symptoms are those that (a) did not result in admission to a hospital, or (b) resulted in a hospital admittance lasting less than 24 hours but the symptom or condition lasted less than 15 days. Category 3(A) claimants who submit a valid and timely Claim Form and Declaration of Injury that reasonably demonstrates Costs of Treatment incurred as a result of experiencing a transitory Qualifying Symptom are eligible to claim and receive reimbursement of such Costs of Treatment up to a maximum of \$500.00. In addition, Category 3(A) Settlement Class Members will be entitled to an additional Settlement Proceeds payment of up to \$250.00 as compensation for pain and suffering.

Category 3(B) – Non-Transitory or Lasting Qualifying Symptoms

Non-Transitory or Lasting Qualifying Symptoms are those that have an enduring, persisting, long-term or lasting physical effect, injury or condition that required or requires hospitalization for over 24 hours and the symptom or condition does not subside after 15 days after exposure to the Recalled Baby Wipes. Category 3(B) claimants who submit a valid and timely Claim Form and Declaration of Injury that reasonably demonstrates Costs of Treatment incurred as a result of experiencing a non-transitory or lasting Qualifying Symptom are eligible to claim and receive reimbursement of such Costs of Treatment up to a maximum of \$4,000.00. In addition, Category 3(A) Settlement Class Members will be entitled to an additional Settlement Proceeds payment of up to \$4,000.00 as compensation for pain and suffering.

If you submit a claim for a Category 3 injury but are denied, you will be automatically considered for a Category 2 claim.

HOW YOU GET A PAYMENT—SUBMITTING A CLAIM

12. How can I get a payment?

To qualify for payment under any of the three Claims Categories, Settlement Class Members must complete and submit the appropriate Claim Form, signed under penalty of perjury by the Settlement Class Member, or if a minor, by a caretaker, parent or legal guardian, along with any required supporting documents, which are described in Question 13 and in the appropriate Claim Form.

Settlement Class Members who received an email or postcard notice have been assigned a unique Claimant ID number – which is associated with the account at the retailer from which they purchased product and therefore will assist in validating Settlement Class Members' claims – and may file a claim online at <http://jonesvnutekclasssettlement.com>. The Claimant ID number appears at the top of the email notice and above the Settlement Class Member's name and address on the postcard notice. Settlement Class Members who do not have an assigned Claimant ID or who otherwise choose to file by mail must download and print the appropriate Claim Form from the settlement website at JonesvNutekClassSettlement.com and complete and submit it according to the Claim Form instructions. Claim Forms can also be received by mail upon request by calling 1-888-218-0349.

Read the instructions carefully, complete the online or paper Claim Form, include all the documents it asks for, sign it and submit it with the supporting documents no later than **January 29, 2018**, as explained in the Claim Form instructions.

13. What supporting documents am I required to submit with my Claim Form?

CLAIMS CATEGORY 1:

Category 1(A) claimants who did not receive an email or postcard notice including a unique Claimant ID number – which is associated with the account at the retailer from which they purchased product and therefore will assist in validating Settlement Class Members' claims -- must submit a receipt evidencing a Recalled Baby Wipes purchase date between July 1, 2014 and October 25, 2014. Category 1(A) claimants who received a unique Claimant ID number do not need to provide proof of purchase documentation, but will be required to certify they are eligible Category 1(A) claimants.

Category 1(B) claimants who did not receive an email or postcard notice including a unique Claimant ID number – which is associated with the account at the retailer from which they purchased product and therefore will assist in validating Settlement Class Members' claims -- must submit a receipt evidencing a Recalled Baby Wipes purchase date between October 25, 2013 and June 30, 2014. Category 1(B) claimants who received a unique Claimant ID number do not need to provide proof of purchase documentation, but will be required to certify they are eligible Category 1(B) claimants.

Category 1(C) claimants who did not receive an email or postcard notice including a unique Claimant ID number – which is associated with the account at the retailer from which they purchased product and therefore will assist in validating Settlement Class Members' claims -- must provide documentation evidencing he or she returned and received a refund for Recalled Baby Wipes between October 3, 2014 and July 31, 2017.. Category 1(C) claimants who received a unique Claimant ID number do not need to provide proof of purchase documentation, but will be required to certify they are eligible Category 1(C) claimants.

CLAIMS CATEGORY 2:

Category 2 claimants who did not receive an email or postcard notice including a unique Claimant ID number must provide a receipt showing a Recalled Baby Wipes purchase date between October 25, 2013 and October 25, 2014. Category 2 claimants who received a unique Claimant ID number do not need to provide proof of purchase documentation, but will be required to certify they are eligible Category 2 claimants.

CLAIMS CATEGORY 3:

All Category 3 claimants must provide documentation for treatment costs, including:

- dated medical bills evidencing payments related to the Settlement Class Member's claimed Qualifying Symptom(s),
- dated receipts for out-of-pocket expenses,
- dated credit card statements evidencing payment of the Settlement Class Member related to the Settlement Class Member's claimed Qualifying Symptom(s), or
- dated bank statements evidencing payment of out-of-pocket expenses related to the Settlement Class Member's claimed Qualifying Symptom(s).

Dated receipts and/or declarations supplied by, for example, a medical provider confirming the amount spent to redress a claimed Qualifying Symptom(s) will also be considered.

14. When would I get my payment?

The Court will hold a hearing at 11:00 a.m. on February 28, 2018 to decide whether to grant final approval to the Settlement. If the judge finally approves the Settlement, any Settlement Class Member who filed a timely objection has the right to file an appeal. Payments under the Settlement will be made only after any appeals have been resolved in favor of the Settlement. Payments to eligible Settlement Class Members who submit valid and timely Claims will be distributed only after the Claims Administrator evaluates all of the Claims. Please be patient.

15. What am I giving up to get a payment or stay in the Class?

Unless you exclude yourself, you are a member of the Settlement Class, and that means that you cannot sue, continue to sue, or be part of any other lawsuit against the Released Parties arising from or relating to the Recalled Baby Wipes. The Released Parties are: the Defendants (Nutek Disposables, Inc., First Quality Enterprises, Inc., First Quality Consumer Products, LLC, Wal-Mart Stores, Inc., Family Dollar Stores, Inc., Walgreen Co. dba Walgreens, Fred's, Inc., and Fred's of Tennessee, Inc.) as well as any entity or Person that manufactured, tested, inspected, audited, certified, purchased, distributed, licensed, transported, marketed, advertised, donated, promoted, sold or offered for sale at wholesale or retail any Recalled Baby Wipes, or any part thereof, including all of their respective predecessors, successors, assigns, parents, subsidiaries, divisions, departments, and affiliates, and any and all of their past, present and future officers, directors, employees, stockholders, partners, agents, servants, successors, attorneys, insurers, representatives, licensees, licensors, customers, subrogees and assigns.

Staying in the Class means that you will have the right to submit a Claim Form, and will also mean that you release all claims against the Released Parties arising out of or relating in any way to Recalled Baby Wipes, regardless of whether such claim known or unknown, asserted or un-asserted, latent or patent, that is, has been, could reasonably have been or in the future might reasonably be asserted under any body of law by the

Releasing Party either in the Court or any other court or forum, regardless of legal theory or relief claimed, and regardless of the type of relief or amount of damages claimed, against any of the Released Parties and arising from, or in any way relating to, the design, sale, marketing, advertising, express or implied warranties, representations made, manufacture, distribution, donation, purchase, withdrawal from sale, possession, handling, touching or contact of any kind, or use of Recalled Baby Wipes. Staying in the Class also means that all of the Court's orders will apply to you and legally bind you.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you don't want to submit a claim for payment from the Settlement, and you want to keep the right to sue or continue to sue Defendants (or any of the other Released Parties) in the future about the Recalled Baby Wipes then you must take steps to remove yourself from the Class. This process is sometimes called "opting out" of the Settlement Class.

16. How do I get out of the Settlement?

To exclude yourself from the Settlement, you must send a letter by mail saying that you want to be excluded from the Settlement. Be sure to include the case name and number, *Jones et al. v. Wal-Mart Stores, Inc. et al.*, Case No. 14-cv-06305-LDW-ARL (E.D.N.Y.), your name, address, telephone number, and your signature. You must mail your exclusion request postmarked no later than **January 29, 2018**, to Recalled Baby Wipes Exclusions, c/o Dahl Administration, P.O. Box 3614, Minneapolis, MN 55403-0614.

Requests for exclusion must be exercised individually, not as or on behalf of a group, class or subclass. You cannot exclude yourself by phone or by email. If you ask to be excluded, you will not get any settlement payment, and you cannot object to the Settlement. You will not be legally bound by anything that happens in this lawsuit. You may be able to sue (or continue to sue) Defendants (or the other Released Parties) in the future, after the Settlement is finally approved. Do not submit both a Claim Form and a request for exclusion. If you submit both, the Court may disregard your request for exclusion.

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

No. Unless you exclude yourself, you give up any right to sue the Defendants (or the other Released Parties) for claims arising from or relating to the Recalled Baby Wipes. If you have a pending lawsuit, speak to your lawyer in that lawsuit immediately. You must exclude yourself from *this* Class to continue with your own lawsuit. Remember, the exclusion deadline is **January 29, 2018**.

18. If I exclude myself, can I get money from this Settlement?

No. If you exclude yourself, do not send in a Claim Form to ask for any benefits from this Settlement. However, you may be able to sue, continue to sue, or be part of a different lawsuit against the Defendants in the future.

THE LAWYERS REPRESENTING YOU

19. Do I have a lawyer in this case?

The Class is represented by the firms of Jones Ward PLC, Law Offices of Paul Whalen, P.C., Sipur P.C. These lawyers have been appointed by the Court to act as Class Counsel. 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.

20. How will the lawyers and other expenses be paid?

Class Counsel will ask the Court for an award of attorneys' fees and expenses not to exceed a total of \$1,150,000.00, which represents fees for their time and for their value to the class, including this Settlement and their lawsuits being a factor in Nutek leaving its refund program open that resulted in millions in refunds previously paid to Settlement Class Members. There is no guarantee the Court will approve this fee and may reduce these fees or approve it in full based on a number of factors. These fees are separate from the Settlement Fund established by this Settlement. Class Counsel will also ask the Court to approve payments of \$1,500 for each named Class Representative and \$250 for each non-named class representative represented by Class Counsel, up to a combined total maximum payment of \$58,450, in recognition of the time, effort and expense incurred by the Class Representatives in assisting with the prosecution of this litigation.

These amounts and the cost of administering the Settlement will be paid separately by Nutek and will not be deducted from the Settlement Fund.

OBJECTING TO THE SETTLEMENT

If you are a Settlement Class Member and do not exclude yourself, you can tell the Court that you don't agree with the Settlement, or some part of it, and request that the Settlement not be approved.

21. How do I tell the Court that I don't like the Settlement?

If you are a Settlement Class Member and do not exclude yourself, you can object to the Settlement. You can provide the Court with the reasons why you think the Court should not approve it. The Court will consider your views. To be effective, any objection must be in writing, and must contain the following information: (a) the title of the Action (*Jones et al. v. Wal-Mart Stores, Inc. et al.*, Case No. 14-cv-06305-LDW-ARL (E.D.N.Y.)); (b) the full name address and telephone number of the Person objecting; (c) an explanation of the basis upon which the Person claims to be a Settlement Class Member; (d) all grounds for the Person's objection (including any legal support for the objection known to the Person or his or her counsel); (e) the identity of any counsel representing the Person who will appear at the Final Fairness Hearing; (f) a list of all persons who will be called to testify at the Final Fairness Hearing in support of the Person's objection, if the Person plans to call witnesses; (g) a statement confirming whether the Person intends to personally appear and/or testify at the Final Fairness Hearing; and (h) the Person's signature or the signature of the Person's duly authorized counsel or other duly authorized representative.

Objections must be filed with the Court, and served on Class Counsel and Nutek's Counsel at the following addresses no later than **January 29, 2018**.

COURT:	CLASS COUNSEL:	NUTЕК'S COUNSEL:
U.S. District Court for the Eastern District of New York Long Island Courthouse 100 Federal Plaza Central Islip, NY 11722	Jasper D. Ward JONES WARD PLC The Pointe 1205 E Washington Street, Suite 111 Louisville, Kentucky 40206	Kevin W. Alexander Craig J. Mariam Thomas R. Watson Gordon & Rees LLP 633 West Fifth Street, 52nd Floor Los Angeles, CA 90071

The right to object to the proposed Settlement Agreement must be exercised individually by a Settlement Class Member, or his or her attorney, and not as a member of a group, class or subclass.

Any Settlement Class Member who fails to file and serve timely a written objection and notice of his or her intent to appear at the Final Approval Hearing, as detailed above, will not be permitted to object to the approval of the Settlement at the Final Approval Hearing and shall be foreclosed from seeking any review of the Settlement or the terms of the Agreement by appeal or other means.

22. What is the difference between objecting and excluding?

Objecting is remaining a member of the Settlement Class but telling the Court that you do not like something about the Settlement. You can object only if you stay in the Settlement Class. Excluding yourself is telling the Court that you do not want to be part of the Settlement Class. If you exclude yourself, you have no basis to object because the case no longer affects you. If you submit both a request to be excluded and an objection to the Settlement, the Court will honor your request to be excluded and your objection will be disregarded.

THE COURT'S FINAL APPROVAL HEARING

The Court will hold a hearing to decide whether to give the Settlement Final Approval. You may attend personally or through your own lawyer, at your own expense, and you may ask to speak, but you don't have to do either.

23. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Final Approval Hearing at 11:00 a.m. on February 28, 2018, at the United States District Court for the Eastern District of New York, Long Island Courthouse, 100 Federal Plaza, Central Islip, NY 11722. At this hearing the Court will consider whether the Settlement is fair, reasonable and adequate. If there are objections, the Court will consider them. Judge Wexler will listen to people who have asked to speak at the hearing and who have complied with the requirements for submitting objections set forth in Question 20 above. After the hearing, the Court will decide whether to approve the Settlement. It is unknown how long that decision will take.

24. Do I have to come to the hearing?

No. Class Counsel will answer questions Judge Wexler may have. However, you are welcome to come at your own expense. If you submit an objection, you do not have to come to Court to talk about it. As long as you submitted your objection on time in accordance with the procedures set forth in Question 20 above, the Court will consider it. You may also pay your own lawyer to attend, but it's not necessary.

25. May I speak at the hearing?

You may ask the Court for permission to speak at the Final Approval Hearing, but only in connection with an objection that you have timely submitted in accordance with the procedure set forth in Question 21 above. You cannot speak at the Final Approval Hearing if you have excluded yourself.

IF YOU DO NOTHING

If you do nothing, you will get no money from this Settlement. If you do not submit a Claim Form, your claim will not be considered. If you do not exclude yourself, you will not be able to start a new lawsuit, continue with a lawsuit, or be part of any other lawsuit against any of the Defendants (or the other Released Parties) arising from or relating to the Recalled Baby Wipes ever again.

GETTING MORE INFORMATION

26. Are there more details about the Settlement?

This notice summarizes the proposed Settlement. More details are in the Stipulation of Class Action Settlement (“Stipulation”). You can get a copy of the Stipulation by visiting <http://jonesvnutekclasssettlement.com>, by calling the Settlement Administrator toll free at 1-888-218-0349, or by writing to Class Counsel at either of these addresses:

Jasper D. Ward
JONES WARD PLC
The Pointe
1205 E Washington Street,
Suite 111
Louisville, Kentucky 40206
Telephone: (502) 882-6000
Paul C. Whalen, Esq.
Law Office of Paul C. Whalen
768 Plandome Road,
Suite 301
Manhasset, NY 11030
Telephone: (516) 426-6870
Facsimile: (212) 658-9685

27. How do I get more information?

You can call 1-888-218-0349 toll free, write to the Settlement Administrator at Recalled Baby Wipes Settlement Administrator, c/o Dahl Administration, P.O. Box 3614, Minneapolis, MN 55403-0614, or visit the website at <http://jonesvnutekclasssettlement.com>, where you will find answers to common questions about the Settlement, Claim Forms and instructions for submitting them, important documents filed in the Lawsuit, plus other information to help you determine whether you are a Settlement Class Member and whether you are eligible for a payment.

PLEASE DO NOT CALL THE COURT FOR INFORMATION OR ADVICE