

**CIRCUIT COURT OF THE CITY OF ST. LOUIS  
STATE OF MISSOURI**

JULIE GEORGE, HEATHER ERWIN,	)	
JANET CHILDERS, AND FRANK LEVITT,	)	
individually, and on behalf of all others	)	
similarly-situated,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 1822-CC11811
	)	
KEURIG DR PEPPER INC., and	)	Div. 5
DR PEPPER/SEVEN UP, INC.,	)	
	)	
Defendants.	)	

**PLAINTIFFS’ CONSENT MOTION TO APPROVE REVISED PUBLICATION NOTICE**

On December 18, 2018, Plaintiffs JULIE GEORGE, HEATHER ERWIN, JANET CHILDERS, and FRANK LEVITT, Individually and as Class Representatives on Behalf of All Similarly Situated Persons and a proposed Settlement Class (“Plaintiffs”), moved this Court for an order granting preliminary approval to a forty-nine-state Settlement Agreement. Plaintiffs attached a Publication Notice as Exhibit B3 to the Settlement Agreement publicly filed with the Court. On December 19, 2018, the Court granted Preliminary Approval of the Settlement, attached to which, as Exhibit B3, was a modified Publication Notice.

The parties have since been informed that the Publication Notice must be shortened to comply with the notice publishers’ publication rules. Accordingly, the parties have drafted a Revised Publication Notice, attached hereto as **Exhibit A**. By making minor edits to the Publication Notice, the parties were able to preserve all of the substance of previously-approved notice, while also meeting the requirements of the notice publishers.

Defendants have consented to the filing of this motion, and Plaintiffs respectfully ask that the Court grant the motion and enter the proposed order (a copy of which is attached hereto as **Exhibit B**), approving the Revised Publication Notice.

Dated: December 31, 2018

Julie George, Heather Erwin, Janet Childers, and  
Frank Levitt, Individually, and on Behalf of a Class  
of Similarly Situated Individuals, Plaintiffs

By: /s/ Matthew H. Armstrong  
Matthew H. Armstrong (MO 42803)  
ARMSTRONG LAW FIRM LLC  
8816 Manchester Rd., No. 109  
St. Louis MO 63144  
Tel: 314-258-0212  
Email: matt@mattarmstronglaw.com

David C. Nelson (MO 46540)  
NELSON & NELSON, ATTORNEYS AT LAW, P.C.  
420 North High Street  
Belleville IL 62220  
Tel: 618-277-4000  
Email: dnelson@nelsonlawpc.com

Craig D. Cherry  
HALEY OLSON, P.C.  
100 Ritchie Road, Suite 200  
Waco TX 76712  
Tel: 254-776-3336  
Email: ccherry@haleyolson.com

Joshua H. Eggnatz  
Michael J. Pascucci  
EGGNATZ|PASCUCCI  
5400 S. University Drive, Suite 417  
Davie FL 33328  
Tel: 954-8890-3359  
Email: jeggnatz@justiceearned.com  
mpascucci@justiceearned.com

*Attorneys for Plaintiffs and the Putative Class*

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing document was served upon all parties of record in this cause enrolled in the Missouri E-filing System by electronic service on December 31, 2018.

/s/ Matthew H. Armstrong  
Matthew H. Armstrong

## **If you purchased certain Canada Dry Ginger Ale Products, other than in California, a class action Settlement may affect your rights.**

A proposed class action Settlement has been reached concerning Keurig Dr Pepper Inc., f/k/a Dr Pepper Snapple Group, Inc., and Dr Pepper/Seven Up, Inc.'s labeling. The case is known as *George, et al. v. Keurig Dr Pepper Inc., et al.*, Case No. 1822-CC11811, and it has been filed in the Circuit Court of the City of St. Louis, Missouri.

### **What is this about?**

The lawsuit alleges that the packaging on certain Canada Dry Ginger Ale Products was false and deceptive in that the Products are labeled as "Made from Real Ginger." As part of the Settlement, Defendants will change this label and compensate customers. Defendants deny any wrongdoing.

### **Who is a Class Member?**

You may be an eligible Settlement Class Member if you purchased certain Canada Dry Ginger Ale Products in the United States, except in California, between January 1, 2013, and December 19, 2018, that contained the terms "Made from Real Ginger" on the label.

### **What are the Benefits?**

Settlement Class Members without a Proof of Purchase may elect a Benefit of \$0.40 per Unit purchased, up to 13 Units or \$5.20 per Household. The minimum payment will be \$2.00 per eligible Household. Settlement Class Members with Proof of Purchase may receive up to \$0.40 per Unit purchased, up to one hundred (100) Units or \$40.00 per Household. However, Settlement Class Members could receive less than \$0.40 per Unit, or the \$2.00 minimum, depending on a number of factors, including how many Valid Claims are actually submitted. The total Benefit for all class members is capped at \$11,200,000. The Settlement also provides for a permanent injunction requiring Defendants to remove the label claim "Made from Real Ginger" and permitting the labeling of Canada Dry Ginger Ale to include statements such as, "real ginger taste," "made with real ginger extract," "real ginger flavor," "flavor from real ginger extract," "natural ginger flavor," "ginger flavor," and combinations of those label claims.

### **What are my rights?**

You have the right to make a Claim, file an Objection to the Settlement, Opt-Out from the Settlement, or do nothing. **To receive a payment, you must submit a Claim**, either online or by mail by March 19, 2019. If you **Opt-Out of the Settlement**, you preserve your right to pursue a separate lawsuit, but you will receive no payment. Your Opt-Out request must be received by the Settlement Administrator by March 19, 2019. Unless you Opt-Out, you will be bound by the terms of this Settlement. **To object**, you must submit an Objection in writing that complies with the requirements in the Settlement Notice available at [www.CDGAsettlement.com](http://www.CDGAsettlement.com). Your Objection must be filed with the Clerk of the Court and received by the Settlement Administrator, Class Counsel, and counsel for Defendants on or before March 19, 2019.

The Court will hold a Fairness Hearing in the Circuit Court of the City of St. Louis, Missouri, before Honorable Mark H. Neill, in the Civil Courts Building, 10 N. Tucker Blvd, St. Louis, Missouri 63101, in the courtroom on the 5th Floor, on April 8, 2019, at 10:00 a.m., to decide whether to approve the Settlement and to award Attorneys' Fees and Expenses of up to \$1,200,000, to be paid by Defendants plus \$1,000 per named Plaintiff as the Class Representative Service Awards. The Application for Attorneys' Fees and Expenses will be posted on the website below after they are filed. You may attend this hearing, but you don't have to. Benefit Checks will be issued to the Settlement Class only if the Court approves the Settlement and Objections, if any, are resolved. Please be patient.

For more information, please visit [www.CDGAsettlement.com](http://www.CDGAsettlement.com), or contact the Settlement Administrator at 1-833-305-3916 or by writing to Heffler Claims Group, *George v. Keurig Dr Pepper Inc.*, P.O. Box 58097, Philadelphia, PA 19102-8097. Please do not call the Court.