

NOTICE OF PENDING CLASS ACTION AND PROPOSED SETTLEMENT

The Superior Court of the State of California for the County of Alameda has authorized this Notice; it is not a solicitation from a lawyer.

A proposed settlement has been reached in this class action lawsuit. You may be a member of the Settlement Class if (a) you purchased a new Orbit Baby, Inc. infant or toddler car seat between April 26, 2012 and February 23, 2018 (the “Class Period”) while residing in the State of California and (b) you have not yet received a full monetary refund from Orbit Baby, Inc. for your purchase(s) during the Class Period.

INTRODUCTION

The Court has ordered this Notice be provided to potential members of the Class.

The purpose of this Notice is to: (a) provide a brief description of this lawsuit; (b) inform you of the proposed Joint Stipulation of Class Action Settlement and Release of Claims (“Settlement Agreement”); and (c) discuss your rights and options.

1. What is this lawsuit about?

The lawsuit that is being settled is entitled *Kopin v. Orbit Baby, Inc. and The ERGO Baby Carrier, Inc.*, Alameda County Superior Court Case No. RG16813239. The case is a “class action.” That means that the Named Plaintiff, Jordana Lee Kopin, is an individual who represents all members of the class described in this Notice.

In the lawsuit, Plaintiff asserts claims against Orbit Baby, Inc. and The ERGO Baby Carrier, Inc. (“Defendants”) for alleged deceptive and misleading representations that Orbit Baby, Inc. infant and toddler car seat products (including the Orbit Baby, Inc. stroller system, car seat, bassinet, travel system, and including the individual components or accessories for each product) are free of certain types of chemicals, such as brominated and chlorinated flame retardants or other unsafe chemicals. Defendants deny all of Plaintiff’s allegations in the lawsuit, and deny that they did anything wrong.

The parties agreed to a proposed settlement. Based on their own independent investigations and evaluations, the parties and their respective counsel are of the opinion that settlement for the consideration and on the terms set forth in the Settlement Agreement reached by the parties is fair, reasonable, and adequate and is in the best interests of the Class and the Defendants in light of all known facts and circumstances and the expenses and risks inherent in litigation.

The Court has made no ruling on the merits of the Plaintiff’s claims or Defendants’ defenses. The Court has only preliminarily approved the proposed Settlement Agreement. The Court will decide whether to give final approval to the settlement at a hearing scheduled for June 15, 2018 at 11:00 a.m. in Department 21 of the Alameda Superior Court, located at 1225 Fallon Street, Oakland, California 94612.

2. Who are the attorneys representing the parties?

Attorneys for the Class (“Class Counsel”) in this lawsuit are: Counsel for Defendants Orbit Baby, Inc. and The ERGO Baby Carrier, Inc.

LTL ATTORNEYS LLP

Heather F. Auyang (SBN 191776)
James M. Lee (SBN 192301)
Timothy S. Fox (SBN 280918)
David A. Crane (SBN 305999)
300 South Grand Ave. 14th Floor
Los Angeles, California 90071
Tel: (213) 612-8900

DOWNEY BRAND LLP

Janlynn R. Fleener (SBN 169385)
Meghan M. Baker (SBN 243765)
621 Capitol Mall, 18th Floor
Sacramento, CA 95814-4731
Tel: (916) 444-1000

ZIAEE LAW

Rana S. Ziaee (SBN 226238)
620 Newport Center Drive, Suite 1100
Newport Beach, CA 92660
Tel: (949) 544-1260

The Court ordered that the lawyers and their law firms referred to in this notice as “Class Counsel” will represent you and the other Class Members.

THE SETTLEMENT

3. What is the proposed settlement?

The Settlement Agreement provides that Defendants will pay \$995,000.00 to a Settlement Fund for Class Members. This amount includes allocations for: (i) settlement payments to members of the Settlement Class; (ii) class representative service awards to be requested from the Court to Plaintiff Kopin in an amount up to \$7,500.00, which will be paid from the Settlement Fund for her participation in and assistance with the Action (iii) all costs incurred by the Claims Administrator not to exceed \$52,000 to be requested from the Court; and (iv) Class Counsel’s attorneys’ fees and costs to be requested from the Court of up to thirty-three percent (33%) of the Settlement Fund (i.e., \$328,350.00) and up to \$35,000.00 in costs. The Court will be asked to approve the amount of attorneys’ fees at the Final Approval Hearing. Class Counsel will file an application for fees and costs which the Court will review. You may review the fee application at the Office of the Clerk of the Alameda County Superior Court, which is located at the Rene C. Davidson Courthouse, 1225 Fallon Street, Oakland, California 94612.

Attorneys’ fees, litigation costs, a service payment to the Named Plaintiff, and the costs paid to a third party Claims Administrator to administer the settlement, including mailing this notice (the total of these amounts will hereinafter be referred to as “Litigation Fees and Costs”) will be paid out of the Settlement Fund. The Settlement Fund less the Litigation Fees and Costs will hereinafter be referred to as the “Net Settlement Fund.”

The Settlement Agreement provides that upon final approval by the Court, and except as to such rights or claim as may be created by the Settlement Agreement, the Named Plaintiff and each of the Class Members who do not opt out of this settlement, will be releasing Defendants and other Defendant Releasees, as described in the Settlement Agreement, from any and all claims that was or reasonably could have been alleged in this case, whether known or unknown. Copies of the

Settlement Agreement containing the release are available at www.OrbitBabyClassAction.com. The release is on page 16 of the Settlement Agreement.

This Notice contains a summary of the Settlement Agreement. The specific and complete terms are stated in the Settlement Agreement, a copy of which is filed with the Alameda County Superior Court and posted on www.OrbitBabyClassAction.com.

4. How much payment will I receive if I Submit a Claim Form?

The actual amount you will receive depends on the Litigation Fees and Costs and the number of Class Members who are identified as class members and/or who make a claim. You will receive your *pro rata* share of the Net Settlement Fund based on the number of units of Orbit Baby, Inc. infant or toddler car seats you purchased while a resident of California during the Class Period and for which you submit a Claim Form and proof of purchase (a receipt for each purchase during the relevant period).

5. Do I have to do anything if I want to participate in the settlement?

Yes, you must submit a Claim Form and proof of purchase in order to receive a settlement payment.

Unless you remove yourself from the settlement, you will be considered a part of the class (whether or not you receive a settlement payment), and you will give up claims against Defendants for the conduct alleged in this lawsuit.

YOUR OPTIONS

6. What options do I have with respect to the Settlement?

You have the option of doing one of the following three things:

(i) You can complete and submit a Claim Form and proof of purchase.

To get money from the settlement, you **MUST** timely submit a completed Claim Form. A Claim Form accompanies this Notice. If you are a Class Member and you submit a valid Claim Form and proof of purchase, you will receive a settlement payment. You **MUST** indicate the number of Orbit Baby, Inc. infant and/or toddler car seats that you purchased while a resident of California during the Class Period and provide your receipt for each purchase as proof. The Claim Form and your proof of purchase must be completed and submitted via www.OrbitBabyClassAction.com on or before May 7, 2018 or by mail to the Claims Administrator postmarked on or before May 7, 2018. In order to provide proof of your purchase, you will need to provide a receipt for *each* purchase of an Orbit Baby, Inc. infant and/or toddler car seat. If you do not make a timely claim, you will not receive a settlement payment. You will remain a Class Member and release your claims against Defendants even if you do not make a timely claim and do not receive a settlement payment.

(ii) You can exclude yourself from the settlement (“opt out” of it) if you do not want to remain a member of the Class.

If you do not want to receive a payment, or if you want to keep any right you may have to sue Defendants for the claims alleged in this lawsuit, then you must exclude yourself or “opt out.” You can use the *Request for Exclusion* form provided at www.OrbitBabyClassAction.com or send a letter which states that you wish to be excluded from the settlement in the *Kopin v. Orbit Baby, Inc.* class action. Be sure to include your name, address, telephone number, and email address. Your exclusion or opt out request must be **postmarked on or before May 7, 2018** and sent to:

*Orbit Baby Settlement Exclusions
c/o Dahl Administration
PO Box 3614
Minneapolis, MN 55403-0614*

If you opt out of the settlement, you will preserve and not give up any of your rights to sue Defendants for the claims alleged in the lawsuit. If you opt out, you will not be entitled to a payment from this settlement. If you opt out, you will not be entitled to object to the settlement.

(iii) You can object to the settlement if you are a Class Member who does not opt out of the Class.

If you are a Class Member, and you do not exclude yourself from the Settlement Class (opt out), you may object to the settlement before final approval of the Settlement by the Court. If you choose to object to the settlement, you may enter an appearance *in propria persona* (meaning you choose to represent yourself), or through an attorney that you hire and pay for yourself. To object, you must file a written document with the Court at the address below and also send a copy of your objection to the Claims Administrator at the address listed below. Your objection should say that you are a Class Member; that you object to the settlement; and the reasons why you object. In your objection, you must include your name, address, telephone number, email address (if applicable) and your signature.

All objections must be **postmarked on or before May 7, 2018** and must be mailed as follows:

Alameda County Superior Court
1225 Fallon Street
Oakland, California 94612

Orbit Baby Settlement Objections
c/o Dahl Administration
PO Box 3614
Minneapolis, MN 55403-0614

THE COURT’S FINAL APPROVAL HEARING

7. 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 June 15, 2018** in Department 21 of the Alameda County Superior Court. At this hearing, the Court will consider whether the settlement is fair, reasonable and adequate. If there are objections, the Court will consider them. The Court may also decide how much to award Class Counsel for attorneys’ fees and expenses and how much Plaintiff Kopin should get as a “service payment” for acting as the class representative.

8. Do I have to come to the hearing? And, what do I need to do if I want to speak at the hearing?

You do not have to attend the Final Approval Hearing; Class Counsel will answer any questions the Court may have. You may, however, attend and speak at the hearing if you desire to do so.

If you have submitted an objection, then you may want to attend. However, you must first ask the Court for permission to speak at the hearing. To do so, you should include with your objection the statement, "I hereby give notice that I intend to appear at the Final Approval Hearing." If you intend to have any witnesses testify or to introduce any evidence at the Final Approval Hearing, then you must list the witnesses and evidence in your objection.

GETTING MORE INFORMATION

This Notice only summarizes the proposed settlement. More details are contained in the Settlement Agreement, which can be accessed at www.OrbitBabyClassAction.com or viewed/obtained at the Office of the Clerk of the Alameda County Superior Court, which is located at 1225 Fallon Street, Oakland, California 94612.

For additional information about the Settlement and/or to obtain copies of the Settlement Agreement you can contact the Claims Administrator as follows:

Orbit Baby Settlement
c/o Dahl Administration
PO Box 3614
Minneapolis, MN 55403-0614

Email:
info@OrbitBabyClassAction.com

Telephone:
1-877-413-6077

To change your address for purposes of receiving a payment, you should contact the Claims Administrator.

PLEASE DO NOT CONTACT THE COURT OR ANY REPRESENTATIVE OF THE DEFENDANTS CONCERNING THIS NOTICE OR THE SETTLEMENT