

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

JACOB PETERSEN, *et al.*,

Named-Plaintiffs,

v.

COSTCO WHOLESALE CO., INC., a  
Washington corporation doing business in  
California, TOWNSEND FARMS, INC., an  
Oregon corporation doing business in  
California, *et al.*,

Defendants.

Case No.: SA CV-13-01292 DOC (JCGx)

**CLASS ACTION**

**NOTICE OF PENDENCY OF A CLASS ACTION**

**A CLASS ACTION MAY AFFECT YOUR RIGHTS IF YOU:**

1. Are a resident of Arizona, California, Colorado, Idaho, Hawaii, Nevada, New Mexico, Oregon or Washington; **and**
2. Consumed Townsend Farms Organic Anti-Oxidant Blend frozen berry-mix that was **both**:
  - Purchased at Costco **and**
  - Recalled on either June 4, 2013 or June 28, 2013; **and**
3. Within 14 days of consuming the recalled Townsend Farms Organic Anti-Oxidant Blend frozen berry-mix you **both**:
  - Learned of the need for preventive treatment **and**
  - Received preventive medical treatment, including a hepatitis-A vaccine or immune globulin (IG).

*A Federal Court authorized this Notice. This is not a solicitation from a lawyer.*

QUESTIONS? CALL 1-800-692-0130 TOLL FREE  
OR VISIT [WWW.COSTCOHEPATITISSHOTCLASSACTION.COM](http://WWW.COSTCOHEPATITISSHOTCLASSACTION.COM)

## I. Why You Should Read This Notice?

The purpose of this notice is to inform you that the Court has allowed, or “certified,” a class action lawsuit that may affect you. The lawsuit is known as *Petersen et al. v. Costco Wholesale Co. et al.*, Civil Action No. CV-13-01292, and it is currently pending before the Honorable David O. Carter in the U.S. District Court for the Central District of California, Southern Division. This Notice is to also to inform you about the nature of the lawsuit, to describe who is eligible to participate in the lawsuit, and to explain how participation may affect your legal rights and options. This Notice also describes how you can be excluded if you do not want to participate in this lawsuit.

## II. Description of the Lawsuit.

This class action lawsuit asserts that Costco Wholesale Co., Inc. and Townsend Farms, Inc. (the “Defendants”) are liable in connection with the sale of Townsend Farms Organic Anti-Oxidant Blend frozen berry-mix, which are alleged to be defective and not reasonably safe for consumption and which were subject to a recall. The lawsuit seeks to recover damages on behalf of persons who consumed the berry-mix and, within 14 days of the last consumption and first learning of the need for treatment, received preventive medical treatment, including an injection of hepatitis-A vaccine or immune globulin, blood tests, and other associated preventive care. The Defendants have denied the lawsuit’s allegations. The Court has not decided if the defendants are liable or if the allegations in the lawsuit are true; however, it has decided the case can proceed as a class action, and that a trial shall occur. The Court also ruled that, if liability is shown, there can be recovery for the “costs, inconvenience, and pain associated with obtaining” the shot, but no recovery for “emotional distress due to fear of disease.” No payment to Class Members is available at this time.

## III. Definition of the Class.

The Class consists of all residents of Arizona, California, Colorado, Idaho, Hawaii, Nevada, New Mexico, Oregon, or Washington who: (1) consumed the recalled product—that is, Townsend Farms Organic Anti-Oxidant Blend frozen berry-mix purchased at Costco and subject to the recall that was announced in press releases that the Townsend Farms issued on June 4 and 28, 2013, and (2) received preventive medical treatment, including an injection of hepatitis-A vaccine or immune globulin, (3) within fourteen days of learning of the need for preventive treatment and the last date of consumption of the recalled product. **To clarify if you are a class member, visit the web-site below to complete a questionnaire to determine if you meet the above requirements.**

**If you are a Class Member as defined above, you will be bound by the outcome of this lawsuit unless you request in writing that the Court exclude you, which can be done by following the instructions below at Section V.**

## IV. Class Counsel.

The Court appointed Class Counsel as follows: William Marler and Denis Stearns of the law firm Marler Clark, LLP, PC, 1012 1st Avenue, 5th Floor, Seattle, WA 98104. If Class Counsel gets money or benefits for the Class, they may ask the Court for fees and expenses. You will not have to pay these fees and expenses. If the Court grants Class Counsel’s request, the fees and expenses would be either deducted from any money obtained for the Class or paid separately by the Defendants.

## V. Rights of a Class Member.

In its January 25, 2016 Order, the Court certified this lawsuit as a class action for the purposes of determining the liability of the Defendants. This certification means that, as long as the

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OR VISIT WWW.CLAIMHEPA.COM

case is not resolved by settlement or otherwise, Class Counsel will have to prove the claims at trial. The trial is scheduled to start on JULY 10, 2018 at 8:30 a.m. in the U.S. District Court for the Central District of California, 411 West Fourth Street, Santa Ana, California, in Courtroom 9D. You do NOT need to attend the trial. Class Counsel will present the case for the Class. During the trial, a Jury or the Judge will hear all of the evidence to reach a decision about whether the Defendants are liable. There is no guarantee that any money or other relief will be awarded to the Class.

***How to Remain a Class Member.*** To remain a Class Member, you are not required to do anything. If you remain a class member, you will be legally bound by the rulings of the Court. Class Members will be notified how to claim their share of a monetary award if Class Counsel prevails. If you remain in the Class, you may not pursue a lawsuit on your own against the Defendants for legal claims that are the subject of this lawsuit. By remaining in the Class, you will be represented by Class Counsel; however, if you prefer, you may have your own attorney appear on your behalf to represent you in the Class Action, at your own expense.

***How to Be Excluded From This Lawsuit.*** If you do not wish to be a Class Member, and thus want to be excluded, which is sometimes referred to as “opting out,” you must make your request in writing. The court will exclude from the Class any member who requests exclusion. A request for exclusion must include your full name and address, the statement “I want to be excluded from Petersen v. Costco,” and be dated and signed by you or your legal representative. Your request must be postmarked on or before **April 13, 2018**, and sent to the claims administrator at the address below:

Costco Exclusions  
c/o The Notice Company  
P.O. Box 455  
Hingham, MA 02043

If you choose to opt-out of the Class Action, the decisions of the Court and the results of trial will not be binding on you; in the event of a favorable result at trial, you will not be eligible to submit a claim to share in any award.

**DO NOT REQUEST EXCLUSION IF YOU WISH TO REMAIN A CLASS MEMBER.**

## **VI. Further Information.**

This Notice does not fully describe all of the claims, defenses, or allegations of the parties. If you have any questions about this Notice of the Class Action, or if you want to review the Complaint or other important filings in the lawsuit, you may:

- go to [www.ClaimHepA.com](http://www.ClaimHepA.com),
- call 1-800-692-0130, or
- contact Class Counsel at the address provided in Section IV above.

**Please do NOT telephone or contact the Court or the Clerk of the Court about this notice.**

Dated: February 22, 2018

By Order of the Court  
The Honorable David O. Carter  
United States District Court Judge

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