

KEURIG K-CUP RECYCLING CANADIAN CLASS ACTION

NOTICE OF CERTIFICATION AND SETTLEMENT APPROVAL HEARING

Read this notice carefully as it may affect your rights.

THIS NOTICE IS DIRECTED TO:

All persons in Canada who purchased Keurig® K-Cup Pods and/or Keurig® coffee machines or brewing systems sold in Canada from June 8, 2016 to present (“Settlement Class”).

I. Nature of the Class Action

The plaintiff commenced a proposed class proceeding in the Ontario Superior Court of Justice alleging that the defendant sold Keurig® K-Cup single-serve coffee pods (“**Pods**”) and brewing machines in Canada beginning on June 8, 2016 that contained misleading representations as to the recyclability of the Pods contrary to the *Competition Act* and the common law. The defendant has denied all liability for this conduct and asserted that their conduct was lawful. The Ontario Superior Court of Justice has not decided who is right. The plaintiff and defendant have reached a proposed settlement to avoid the uncertainties, risks, and costs of further litigation. The representative plaintiff and class counsel believe this settlement is in the best interests of the Settlement Class.

The class action has been certified by the Ontario Superior Court of Justice by consent order of the Honourable Regional Senior Justice C. MacLeod on October 22, 2025. The certification is conditional on the settlement approval being granted by the Ontario Superior Court of Justice. Ms. Buis has been appointed as representative plaintiff for the Settlement Class.

The Ontario Superior Court of Justice still has to decide whether to finally approve the settlement. Payments to eligible Settlement Class members will be made only after the Ontario Superior Court of Justice approves the Settlement and after any appeals are resolved, and after the Ontario Superior Court of Justice approves a distribution plan to distribute the settlement funds.

II. Settlement Benefits

If the proposed settlement is approved, the defendant will pay a total settlement amount of CAD \$1,850,000 into a settlement fund. After deductions for administration expenses, class counsel fees and disbursements, the balance will be distributed to eligible Settlement Class members.

Settlement Class members who properly and timely submit a valid and approved Claim Form in respect of Pods and/or Brewers would be eligible to receive a cash payment as set out below.

1. In respect of a valid and approved Claim Form containing a claim concerning Representations on the packaging of Pods:
 - (a) Settlement Class members who do not provide a proof of purchase of a Pod during the Class Period may receive a maximum of CAD \$7.00 per claim for Pod(s) submitted; and

- (b) Settlement Class members who provide a proof of purchase of at least one Pod during the Class Period may receive the greater of: (i) a maximum of CAD \$0.50 for every 10 Pods (rounded up to the nearest 10 Pod increment) up to a maximum of CAD \$50.00 per claim; or (ii) CAD \$7.00 per claim for Pod(s) submitted.
- 2. In respect of a valid and approved Claim Form containing a claim concerning Representations on the packaging of Brewers:
 - (a) Settlement Class members who submit a proof of purchase of at least one Brewer and a proof of purchase of at least one Pod subsequent to the purchase of the Brewer, both during the Class Period, may receive a maximum of CAD \$25.00 per claim for Brewer(s) submitted.

A Settlement Class member may submit a Claim Form making a claim in respect of both Pods and Brewers. **All Claim Forms must be submitted within 180 days of the Effective Date of the Settlement Agreement, which date will be provided in the Notice of Settlement Approval.**

The credited value of any timely and valid claim will be calculated and distributed in accordance with a distribution protocol which will be considered by the Court for approval at the settlement approval hearing. The process and timelines for submitting a claim to receive a payment will be described in the distribution protocol that will be filed in connection with the settlement approval hearing. A subsequent notice will be issued which will summarize the claims process if the settlement is approved.

If the proposed settlement is approved, this settlement will resolve the class action for all Settlement Class members as against the defendant and a full release of all claims in the class action will be granted to the defendant and its affiliates. This settlement represents a resolution of disputed claims and the defendant and its affiliates do not admit any wrongdoing or liability.

III. Settlement Approval Hearing and Objecting to the Settlement

The settlement remains subject to approval by the Ontario Superior Court of Justice. The motion for approval of the settlement will be heard by the Ontario Superior Court of Justice in the City of Ottawa on **December 8, 2025 at 10:00 A.M.** At this hearing, the Ontario Superior Court of Justice will determine whether the settlement is fair, reasonable and in the best interests of the Settlement Class.

Settlement Class members who do not oppose the settlement are not required to appear at the settlement approval hearing or take any other action at this time. Settlement Class members who consider it desirable or necessary to seek the advice and guidance of their own lawyers may do so at their own expense.

At the settlement approval hearing, the Ontario Superior Court of Justice will consider objections to the settlement by individual Settlement Class members if the objections are submitted in writing, by prepaid mail or email to Class Counsel's address below postmarked **no later than November 28, 2025, being 30 days after the date of this Notice of Certification and Settlement Approval Hearing.**

A written objection must contain the following information:

- a) a caption or title that identifies the document as an objection to the settlement;

- b) information sufficient to identify the objecting Settlement Class member and contact information for the Settlement Class member (or his or her counsel, if any), such as the Settlement Class member's name, address, email address, and telephone number;
- c) a clear statement of the nature and reasons for the Settlement Class member's objection, as well as documents sufficient to establish the basis for the objecting Settlement Class member's standing as a Settlement Class member; and
- d) a declaration under the penalty of perjury that the foregoing information provided by the objecting Settlement Class member in the objection is true and correct.

Any Settlement Class member who has delivered an objection and wishes to appear at the hearing to approve the settlement, whether self-represented or through a lawyer, must send a notice of intention to appear in writing to the Claims Administrator at least ten (10) days prior to the hearing to approve the settlement. Such notice of intention to appear should include the name, address, and telephone number of the Settlement Class member and any lawyer who will appear on his or her behalf, if applicable.

IV. Excluding Yourself from the Settlement

If you do not want to participate in the Class Action, you must complete and send an Opt-Out Form by **November 28, 2025**, being 30 days after the date of this Notice of Certification and Settlement Approval Hearing (the "**Opt-Out Deadline**"), to the Claims Administrator.

If you opt-out by the Opt-Out Deadline, you may be able to bring your own lawsuit against the defendant, but you will not be entitled to participate in the settlement.

Opt-Out Forms are available at www.kcupsrecyclingsettlement.ca or by contacting the Claims Administrator at the following contact information:

Equitas Class Action Claims Administration Services

P.O. Box 402

3484 Sources Blvd.

Montreal, Quebec H9B 1Z9

Telephone: 1-866-413-9973

Email: kcup@eqitas.org

Opt-Out Forms may be submitted to the Claims Administrator through electronic means on www.kcuprecyclingsettlement.ca, or via mail at the address set out on the Opt-Out Form.

All Settlement Class members will be bound by the terms of the settlement, unless they opt-out of this class action.

You can only object to the settlement if you do not opt-out from the settlement. If you opt-out from the settlement, you have no standing to object because the settlement no longer affects you.

IV. The Lawyers Representing You

The law firm of Consumer Law Group represents the Settlement Class. The law firm can be reached at:

Jeff Orenstein
Consumer Law Group P.C.
150 Elgin Street, 10th Floor
Ottawa, Ontario K2P 1L4
Telephone: 1-888-909-7863
Email: jorenstein@clg.org

If you wish to remain a Settlement Class member, you do not need to hire your own lawyer because class counsel is working on your behalf. You do not have to pay class counsel. Class counsel will seek payment of their fees and costs out of the settlement fund and the amount is subject to the approval of the Ontario Superior Court of Justice.

If you wish to pursue your own case separate from this one, or if you exclude yourself from the Settlement Class, these lawyers will no longer represent you. You may need to hire your own lawyer if you wish to pursue your own lawsuit against the defendant.

IV. More Information

This notice is given to you on the basis that you may be a Settlement Class member whose rights could be affected by the class action. This notice should not be understood as an expression of any opinion of the Ontario Superior Court of Justice as to the merits of any claims or defences asserted in the class action. Its sole purpose is to inform you of the class action so that you may decide what steps to take in relation to it.

This notice contains a summary of the class action and the settlement. Further details regarding the class action and the settlement can be found on the following website:
www.kcupsrecyclingsettlement.ca.

If you have questions that are not answered online, please contact the Claims Administrator identified above.

This notice contains a summary of some of the terms of the settlement agreement. If there is a conflict between the provisions of this notice and the settlement agreement, including the schedules to the settlement agreement, the terms of the settlement agreement and/or the Court orders shall prevail.

DO NOT CONTACT THE COURT FOR INFORMATION.

THIS NOTICE HAS BEEN APPROVED BY THE ONTARIO SUPERIOR COURT OF JUSTICE
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