

Purchasers of Kirkland Signature Moist Flushable Wipes Between July 1, 2011 and May 31, 2017 A Proposed Class Action Settlement May Affect Your Rights

WHO IS AFFECTED?

A settlement (the “Settlement”) has been reached in a class action lawsuit involving Costco Wholesale Corporation’s (“Costco”) flushable wipes sold under the Kirkland Signature Moist Flushable Wipes brand (the “Product”). The lawsuit claims that the Product is not actually flushable. Costco denies this allegation and maintains that the Product performs as advertised. You may be included in a class certified by the Court for purposes of settlement only (the “Settlement Class”) if you purchased the Product in the State of New York between July 1, 2011 and May 31, 2017.

WHAT DOES THE SETTLEMENT PROVIDE?

In connection with this Settlement, each Settlement Class Member who currently maintains a Costco membership and who does not opt out of the Settlement, and each Settlement Class Member who does not currently maintain a Costco membership but submits a valid claim, shall receive a payment of one dollar and thirty cents (\$1.30) for each Product unit purchased during the Settlement Class Period (July 1, 2011 and May 31, 2017), regardless of the price the Settlement Class Member paid for the Product or the number of wipes contained in each package, subject to the following: (i) a minimum of seven dollars and fifty cents (\$7.50) will be paid to each Settlement Class Member, regardless of the number of Product units purchased by that Settlement Class Member; (ii) a maximum of fifty-five dollars and ninety cents (\$55.90) (*i.e.*, a maximum of 43 Product units) shall be paid to any one Household (“Household” means, without limitation, all persons who share a single physical address) for such purchases; and (iii) only one claim may be submitted per Household (Household shall be determined based on residential address). Settlement Class Members will be eligible to receive their settlement sums regardless of whether their claims are corroborated by proofs of purchase. Because there is a \$2 million cap on payments to Settlement Class Members, inclusive of class settlement administration costs, depending on the number of Valid Claims, individual cash payment amounts may be reduced *pro rata* (proportionately) so that the total amount of all payments to Settlement Class Members and class settlement administration costs does not exceed the cap.

WHAT ARE MY OPTIONS?

If you are not a current Costco member, you must **submit a claim** online by **August 9, 2024** or by mail so that it is received (not merely postmarked) no later than **August 9, 2024** to receive a payment. You can **opt out of the Settlement Class** and keep your right to sue Costco on the released claims by submitting an opt-out request by **August 9, 2024**. The Settlement will release all claims related to Plaintiff’s contentions that Costco’s marketing, advertising, and sale of the Product was false or misleading. There is no release of claims for personal injury arising out of the use of the Product. You can also **object to the Settlement** by filing an objection by **August 9, 2024**, which does not affect your ability to file a claim. If you opt out, you may not submit a claim or object to the Settlement and you will receive no payment from this Settlement. For details on how to opt out, object, or to file a claim, please visit www.costcoflushablewipesettlement.com or contact the Claims Administrator. If you **do nothing**, you will not receive a payment and you will be bound by the decisions of the Court.

FINAL APPROVAL HEARING AND ATTORNEYS’ FEES

On **August 30, 2024, at 10:00 a.m. ET**, the Court will hold a hearing to consider whether to finally approve the Settlement. If the Settlement is approved, the attorneys for the Settlement Class will ask the Court for an award from Costco and non-party Nice-Pak Products, Inc. of up to \$3,000,000 in attorneys’ fees and expenses, and a payment of \$10,000 for Plaintiff Dr. D. Joseph Kurtz. Note that the hearing date may change without further notice to you although any such change will be reflected on the Settlement website (www.costcoflushablewipesettlement.com). You may attend the hearing, but you do not have to. Plaintiff’s motion for final approval of the Settlement and Settlement Class Counsel’s application for an award of attorneys’ fees and expenses and award to Plaintiff will be posted on the Settlement website after they are filed.

MORE INFORMATION

This is only a summary. For more information, please visit: www.costcoflushablewipessettlement.com or contact the Claims Administrator by calling 1-877-514-0201 or writing to P.O. Box 301134, Los Angeles, CA 90030-1134. You may also contact Class Counsel Vincent M. Serra at Robbins Geller Rudman & Dowd LLP, 58 South Service Road, Suite 200, Melville, New York 11747. The case name is *Kurtz v. Kimberly-Clark Corp., et al.*, 1:14-cv-1142-PKC-RML (E.D.N.Y.).