

NOTICE OF CLASS ACTION SETTLEMENT

THIS NOTICE MAY AFFECT YOUR RIGHTS PLEASE READ IT CAREFULLY

A federal court authorized this notice. This is not a solicitation from a lawyer.

- The settlement provides \$8,750,000 to pay claims from those who have purchased Feel Free Wellness Tonic.
- To qualify, you must have purchased Feel Free Wellness Tonic in the United States Between March 28, 2019, to March 5, 2025.
- **Your rights are affected by this action whether you act or don't act. Read this notice carefully.**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:	
SUBMIT A CLAIM FORM	To participate in the settlement, you <i>must</i> return the Claim Form. This is the only way to get payment.
EXCLUDE YOURSELF	Get no payment but preserve your right to pursue separate legal action against Botanic Tonics Defendants asserting the claims that were pleaded in this lawsuit.
OBJECT	Write to the Settlement Administrator or appear in Court to explain why you do not like the settlement.
DO NOTHING	Get no payment. Give up rights.

- These rights and options **and the deadlines to exercise** them are explained below.
- The Court in charge of this case still has to decide whether to approve this settlement. Payment will be made if the Court approves the settlement and after appeals are resolved.

I. WHY DID I RECEIVE THIS NOTICE?

You or someone in your family may have purchased Feel Free Wellness Tonic and could be an eligible member of the settlement class. You are a class member if you fit the following description:

All persons nationwide who purchased the kratom-containing “Feel Free” product anytime from March 28, 2019, through and including March 5, 2025.

Questions? Call the Settlement Administrator Toll Free at 1-800-339-2392

This class action lawsuit (entitled “*In Re Botanic Tonics Litigation*”) is the consolidation of two actions, *Torres et al., v. Botanic Tonics, LLC*, N.D. Cal. Case No. 3:23-cv-01460-VC and *C.C. v. Botanic Tonics*, C.D. Cal. Case 2:23-cv-03687-HDV-AFM designated together as *In Re Botanic Tonics Litigation*, Case No. 3:23-cv-01460-VC and is currently pending in United States District Court, Northern District of California (collectively, the “Action”). The Action alleges that Defendants Botanic Tonics, LLC and Hydra623 Holdings, LLC (“Defendants”) did not comply with state and common laws in California, New York and New Jersey, with respect to how it sold, marketed and advertised its “Feel Free Wellness Tonic” product. The lawsuit claimed that Botanic Tonics made, marketed, and sold Feel Free products containing kratom without disclosing the harmful impacts from consuming the beverage. The suit claimed that kratom contained in the Feel Free tonics increased health risks of anyone who drank them. Defendants deny they did anything wrong.

The Court did not decide in favor of Plaintiffs or Defendants. Instead, both sides agreed to a settlement. That way, they avoid the cost of trial, and the people affected can get compensated. The Class Representative and the attorneys agree settlement is best for everyone who was injured.

The full Settlement Agreement and other key documents from the Action are available for review on the Settlement Website at www.FeelFreeClassAction.com.

II. WHAT WILL I RECEIVE FROM THE SETTLEMENT?

The following are benefits provided by the settlement:

- Defendants will fund \$8,750,000 to pay: (1) reimbursements to Class Members who submit timely and valid claims; (2) Class Counsel’s attorneys’ fees (up to 1/3rd of the Gross Settlement Amount, i.e., approximately \$2,916,666) and costs (up to an additional \$35,000), subject to Court approval; (3) service payments to the Class Representatives of up to \$5,000 each, subject to Court approval; and (4) Settlement administration costs (estimated to be no more than \$222,169).
- Your payment will be based on the claim form you submit for reimbursement. You must timely submit a valid and complete claim form to receive payment.
- Your payment will be based on a *pro rata* share of the \$8,750,000 fund, less costs, fees, and awards as approved by the Court, and on a per-bottle basis, until the entirety of the Common Fund is exhausted. The fund will be divided among Class Members as follows:
 - Claims for reimbursement of 10 bottles or fewer of Feel Free purchased within the Class Period do not require proofs of purchase.
 - Claims for reimbursement of 10 bottles or more of Feel Free purchased within the Class Period require submission of proofs of purchase.

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- You have until **June 3, 2025** to submit a claim with proof of purchase(s).
- Based on a class size of 30,000 to 50,000, the average payment could range from \$291.66 to \$175.00 per Participating Class Member if all funds were distributed evenly and all Class Members participated.
- You will get your payment after the Court holds a Final Hearing on June 26, 2025, at 2:00 p.m., in the United States District Court for the Northern District of California, via Zoom, to decide whether to approve the settlement or not. The date and time of the Final Hearing may be changed without further notice to you. You can check the date and time of the Final Hearing at www.FeelFreeClassAction.com or by contacting Class Counsel (see below).
- A check will be mailed to you after the Final Hearing if the Court approves the settlement. You will have ninety (90) days to cash your check. Any payment check that is not cashed within the ninety (90) calendar day period will expire.
- If there are any remaining funds in the Net Settlement Amount after the Effective Date, the Settlement Administrator shall remit those funds to Western Center on Law and Poverty.
- Defendants also agreed to disclose potential side effects of Feel Free on all product labels that contain kratom, as well as on social media advertising, including Instagram posts. The disclosure will read:

Warning: This product contains leaf kratom which can become habit-forming and cause serious adverse health effects. Consider avoiding this product if you have a history of substance abuse.

III. SUBMITTING A CLAIM FORM

If you wish to participate in the Settlement, you must submit a claim form. It is also available to be downloaded or printed from the Settlement Website www.FeelFreeClassAction.com or you may complete and submit the claim form electronically via the Settlement Website. If you complete a hard-copy of the claim form, you must mail it to the Settlement Administrator at the below address:

Botanic Tonics Litigation
c/o RG/2 Claims Administration
P.O. Box 59479
Philadelphia, PA 19102-9479
Email: FeelFreeClassAction@rg2claims.com

Claim forms must be submitted or postmarked (if mailed) no later than **June 3, 2025**. Your claim form will be filed with the Court by counsel for the Parties.

If you do NOT timely opt in to the Settlement, you will not receive a portion of the Settlement.

IV. WHAT AM I GIVING UP TO GET PAYMENT OR STAY IN THE CLASS?

Unless you exclude yourself, you are staying in the class and that means that you cannot sue, continue to sue, or be part of any other lawsuit against Defendants Botanic Tonics, LLC and Hydra623 Holdings, LLC regarding the legal issues in *this* case. It also means that the Court's orders apply to you and bind you legally. If you sign the claim form, you are agreeing to a "Release of Claims." This "Release of Claims" states exactly:

All Participating Settlement Class Members, understanding that there is a *bona fide* dispute regarding reimbursement they may be owed, among other things, will irrevocably release and discharge the Released Parties, including Defendant, from any and all claims, rights, demands, liabilities and causes of action of any nature or description, arising directly or indirectly from the facts that were alleged or could have been alleged in the Action, including in particular, causes of action relating to: violation of Cal. Bus. Prof. Code §§ 17200, *et seq.*; violation of Cal. Bus. Prof. Code §§ 17500, *et seq.*; common law fraud; breach of implied warranty of merchantability; unjust enrichment; violations of Cal. Civ. Code § 1750, *et seq.*; violations of the New Jersey Consumer Fraud Act; violations of New York GBL §§ 349 or 350; or any federal, state, or administrative rules applicable to the sale of the Botanic Tonics products known as Feel Free and all derivative claims (including liquidated damages, attorneys' fees, costs, and expenses) that were or could have been asserted against Defendant or any other Released Parties. This release shall apply to every claim which properly belonged to the subject of this Action, and which the Settlement Members, exercising reasonable diligence, might have brought forward against the Released Parties. This Release does not release any claims that the law does not permit each Settlement Member to release.

In summary, you are releasing all claims that are based on or relate to the same factual predicate as the allegations in this case. However, you are not releasing any claims for personal injury.

The "Release of Claims" does not apply to you only if you do not timely and properly submit a claim form *and* you exclude yourself from the settlement (see Section VI below).

V. OBJECTING TO THE SETTLEMENT

You can ask the Court to deny approval by filing an objection. You cannot ask the Court to order a different settlement—the Court can only approve or reject the Settlement the parties have reached. If you exclude yourself from the settlement (see next section), you cannot object to the settlement.

If you wish to object to the settlement, you may do so in writing by sending a letter to the Settlement Administrator and/or you (or your own attorney acting on your behalf) may appear at the Final Approval Hearing (either in person or virtually) to state your objections. If you appear through your own attorney, you are responsible for hiring and paying that attorney.

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Written objections must include the following (a) the name and case number of the Action “In Re Botanic Tonics Litigation, case no. 3:23-cv-01460-VC”; (b) the full name, address, and mobile telephone number of the person objecting (email address is optional); (c) the words “Notice of Objection” or “Formal Objection”; and (d) in clear and concise terms, the objection and legal and factual arguments supporting the objection; (e) facts showing that the person objecting is a Class Member; (f) copies of any papers, briefs, or other documents upon which the objection is based or upon which the objector or his or her counsel intends to rely; and (g) the identification of the case name, case number, and court for any prior class action lawsuit in which the objector, and the objector’s attorney (if applicable), has objected to a proposed class action settlement. This written objection must be signed and dated and declare: “I declare under penalty of perjury under the laws of the United States of America that the foregoing statements regarding class membership are true and correct to the best of my knowledge.”

Written objections should be submitted to the Settlement Administrator at the below address, on or before **June 3, 2025**:

Botanic Tonics Litigation
c/o RG/2 Claims Administration
P.O. Box 59479
Philadelphia, PA 19102-9479

IF YOU SUBMIT A WRITTEN OBJECTION, IT WILL BE FILED WITH THE COURT BY COUNSEL FOR THE PARTIES. THE COURT WILL TAKE YOUR OBJECTION INTO CONSIDERATION.

FAILURE TO MAKE A WRITTEN OBJECTION WILL BE EXCUSED IF YOU MAKE A SHOWING OF GOOD CAUSE TO THE COURT.

IF THE COURT GRANTS FINAL APPROVAL, YOU WILL BE BOUND BY THE TERMS OF THE SETTLEMENT.

VI. EXCLUDE YOURSELF FROM THE SETTLEMENT

You may elect to not be part of the Class and to not to be bound by this settlement.

To exclude yourself from this settlement and not release your legal rights, you must send a letter via mail or email stating that you want to be excluded from *In Re Botanic Tonics Litigation*. You must include the following:

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- the name and case number of the Action (*In Re Botanic Tonics Litigation*, No. 3:23-cv-01460-VC);
- your full name, address, and mobile telephone number; and
- a statement that you do not wish to participate in the settlement, postmarked or sent no later than the Response Deadline.

Written exclusions requests should be submitted to the Settlement Administrator at the below address, on or before **June 3, 2025**:

Botanic Tonics Litigation
ATTN: Exclusion
c/o RG/2 Claims Administration
P.O. Box 59479
Philadelphia, PA 19102-9479
Email: FeelFreeClassAction@rg2claims.com

You can't exclude yourself by phone. If you ask to be excluded, you will not get any settlement payment, and you cannot object to the settlement. You will not be legally bound by anything that happens in this lawsuit. You may be able to sue (or continue to sue) Defendants in the future.

VII. WHO REPRESENTS THE PROPOSED SETTLEMENT CLASS?

A. Class Representatives.

Plaintiffs Romulo Torres, Sam Rosenfield, Paul Teitler, and Christopher Corday are the Class Representatives.

B. Class Counsel.

The Court has approved the following attorneys to represent you and the Class. These attorneys are called Class Counsel. You will not be charged for these attorneys. If you want to be represented by your own lawyer, you may hire one at your own expense.

Shounak S. Dharap
Arns Davis Law Firm
515 Folsom St., 3rd Floor
San Francisco, CA 94109
Telephone: (415) 495-7800
Facsimile: (415) 495-7888

Anthony Label
The Veen Firm, LLP
20 Haight Street
San Francisco, CA 94102
Telephone: (415) 673-4800
Fax: (415) 771-584

Questions? Call the Settlement Administrator Toll Free at 1-800-339-2392

Jeremy Krivoshey
Smith Krivoshey PC
166 Geary Street, #1500-1507
San Francisco, CA 94108
Telephone: (415) 839-7000

Matthew R. Mendelsohn
Mazie Slater Katz & Freeman, LLC
103 Eisenhower Parkway, 2nd Floor
Roseland, NJ 07068
Telephone: (973) 228-9898

Neal Deckant
Bursor & Fisher, PA
1990 North California Blvd. 9th Floor
Walnut Creek, CA 94596
Telephone: (925) 300-4455
Facsimile: (925) 407-2700

You may contact the Settlement Administrator should you have questions.

PLEASE DO NOT ADDRESS ANY QUESTIONS TO THE COURT OR TO BOTANIC TONICS.

VIII. ATTORNEYS' FEES AND COSTS

A. Attorneys' Fees, Costs and Expenses.

Class Counsel represented the class on a contingency fee basis. This means attorneys' fees could be paid only if money was recovered for the class, and then only for a reasonable portion of the amount recovered. Here, Class Counsel will ask the Court for an award of fees and expenses not to exceed 1/3rd of the Gross Settlement Amount, or \$2,916,666 in fees and up to an additional \$35,000 in litigation costs ("Fee Motion"). The Fee Motion and supporting documents will be posted on the Settlement Website once it is filed. The Fee Motion will be filed no later than June 12, 2025. You may comment on or object to any part of the Fee Motion by mailing a written statement to the Settlement Administrator at the address listed below, postage prepaid before June 26, 2025, or come to the Final Approval Hearing on June 26, 2025.

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c/o RG/2 Claims Administration
P.O. Box 59479
Philadelphia, PA 19102-9479

Class Counsel will continue to pay the costs of this litigation. Most of those costs will be paid from the Gross Settlement Amount as described elsewhere in these materials, subject to the Court's approval. You are *not* individually responsible for any of those costs.

Questions? Call the Settlement Administrator Toll Free at 1-800-339-2392

B. Class Representative Service Award.

The Class Representatives will ask the Court to grant each of them a service award of up to \$5,000 for their effort on behalf of the settlement class. Granting of any service award is at the Court's discretion.

IX. FINAL APPROVAL HEARING

The Court has set the Final Approval Hearing as follows:

June 26, 2025, at 2:00 PM at the United States District Court for the Northern District of California, via Zoom.

The date, time, and place of the Final Approval Hearing is subject to change. Please check the Settlement Website www.FeelFreeClassAction.com for updated information.

You may attend the hearing and you may ask to speak, but you are not required to do either. You may attend at your own cost. You may pay your own lawyer to attend, but it is not necessary. If you sent an objection, you don't have to attend, but you may. You cannot speak at the hearing if you excluded yourself.

If there are objections, the Court will consider them. The Court will listen to people who have asked to speak at the hearing. The Court will decide how much to pay Class Counsel and Class Representatives. After the hearing, the Court will decide whether to approve the settlement or now. This decision can take a long time.

X. IF YOU DO NOTHING

If you do nothing, you'll get no money from this settlement. But, unless you exclude yourself, you won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Defendants about the legal issues in this case, ever again.

PLEASE DO NOT ADDRESS ANY QUESTIONS TO THE COURT OR TO BOTANIC TONICS DEFENDANTS.

Este aviso también está disponible en español comunicándose con el Administrador de reclamaciones en FeelFreeClassAction@rg2claims.com o llamando gratis al (800) 339-2392.