

**If You Purchased Scotts Turf Builder EZ Seed®,
You May Be Eligible to Get \$15 Or More Per Package from a Class
Action Settlement**

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

- A Settlement has been reached in a class action lawsuit. Purchasers of Scotts Turf Builder EZ Seed® (“Scotts EZ Seed”) sued The Scotts Miracle-Gro Company, Inc. and The Scotts Company LLC (collectively “Scotts”), alleging fraud-based, warranty, contract, and unjust enrichment claims alleging that EZ Seed® does not grow grass “50% Thicker With Half The Water* *Versus ordinary seed when each was watered at half the recommended rate. Results may vary.” (“50% Thicker Claim”) as advertised. Defendants deny the allegations in the lawsuit. The Court has not decided whether Scotts did anything wrong. The parties agreed to the Proposed Settlement to resolve the lawsuit.
- You are eligible to participate in this Settlement if you purchased any variety of Scotts EZ Seed bearing the 50% Thicker Claim in California or New York from January 1, 2009 through September 30, 2014. To receive payment under the Settlement, you must submit a Claim Form. Settlement Class Members who do not exclude themselves from the Settlement will be bound by the Settlement even if they do not submit Claim Forms.
- For Settlement Class Members who submit valid Claim Forms without Proof of Purchase, Scotts will pay up to \$45.00, *i.e.*, \$15.00 each for up to three packages of Scotts EZ Seed bearing the 50% Thicker Claim bought in California or New York from January 1, 2009 through September 30, 2014.
- The Settlement also allows Settlement Class Members who submit valid Claim Forms, along with Proof of Purchase showing the purchase price of their Scotts EZ Seed bearing the 50% Thicker Claim, to receive a full refund of the purchase price for six packages of product. Settlement Class Members who submit valid Claim Forms with Proof of Purchase showing a purchase of Scotts EZ Seed bearing the 50% Thicker Claim that does not reveal the purchase price will receive a payment of \$15.00 for each such package up to and including six packages.
- The Parties have further agreed that Scotts will pay the costs to administer this Settlement, plus reasonable attorneys’ fees, costs and expenses, and a payment to the seven named Plaintiffs.

**Please read this Notice carefully and in its entirety.
Your rights may be affected by the Proposed Settlement of this Lawsuit,
and you have a choice to make now about how to act:**

**Questions? Visit www.GrassSeedSettlement.com
or contact the Settlement Administrator at 1-844-271-4786**

Your Legal Rights and Options

What is this?	A Settlement has been reached in a class action lawsuit. The lawsuit alleges fraud-based, warranty, contract, and unjust enrichment claims alleging that Scotts EZ Seed does not grow grass “50% Thicker With Half The Water” *Versus ordinary seed when each was watered at half the recommended rate. Results may vary.” as advertised. Defendants deny the allegations.
Submit a Claim Form On-line Or Postmarked By December 4, 2018	This is the only way to receive a monetary payment from the Proposed Settlement. By remaining in the Settlement, whether or not you submit a claim, you will give up any rights to sue Scotts separately about the same legal claims in this lawsuit. Claim Forms are available at www.GrassSeedSettlement.com . For more detail about the claim process, please see questions 5, 6 and 7 below.
Exclude Yourself From The Class By October 19, 2018	If you opt out of the Proposed Settlement, you will not be eligible to receive the monetary payment, but you will keep your right to sue Scotts about the same legal claims in this lawsuit. Requests for exclusion must be postmarked by October 19, 2018 and mailed to Scotts EZ Seed Litigation, c/o Claims Administrator, PO Box 8748, Philadelphia, PA 19101-8748. For more detail about excluding yourself from the Class, please see questions 9 and 11 below.
Object Or Comment By October 19, 2018	You may write to the Court about why you do, or do not, like the Settlement. You must remain in the class to comment in support of or in opposition to the Settlement. Objections and comments must be filed with the Court and served on the Parties by October 19, 2018. For more detail about objecting or commenting, please see questions 10 and 11 below.
Appear in the Lawsuit or Attend a Hearing on December 19, 2018 at 9:30 a.m. Eastern Time	You may ask to speak in Court about the fairness of the Settlement. Written notice of your intent to appear in the Lawsuit must be filed with the Court and served on the Parties by November 28, 2018 . You may enter your appearance in Court through an attorney at your own expense if you so desire. For more detail about appearing in this lawsuit or attending the final hearing, please see questions 10, 14, 15 and 16 below.
Do Nothing	By doing nothing, you will not receive the monetary payment. You will also give up any rights to sue Scotts separately about the same legal claims in this lawsuit.

- Your rights and options – **and the deadlines to exercise them** – are further explained in this notice.
- The Court in charge of this case still has to decide whether to approve the Settlement. The Settlement Benefit (*i.e.*, the monetary payments described herein) will be made available if the Court approves the Settlement, and after any appeals are resolved, if they are resolved in favor of settlement approval.
- If you have any questions, please read on and/or visit www.GrassSeedSettlement.com.

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or contact the Settlement Administrator at 1-844-271-4786**

BASIC INFORMATION

1. Why did I get this notice?

If you purchased any variety of Scotts EZ Seed bearing the 50% Thicker Claim in California or New York from January 1, 2009 through September 30, 2014, as described on page 1 of this Notice, you have a right to know about the proposed Settlement of a class action lawsuit and your options. If you have received word of this Notice in the mail or by e-mail, you have been identified from available records as a possible purchaser of the Scotts EZ Seed at issue in the lawsuit. You also may have received this Notice because you requested more information after reading the Settlement Website. If the Court approves it, and if objections and all appeals are resolved in favor of settlement approval, an administrator approved by the Court will oversee the distribution of the Settlement Benefits that the Proposed Settlement allows. You will be informed of the progress of the Proposed Settlement on the settlement website.

This Notice explains the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them. Judge Vincent L. Briccetti of the United States District Court for the Southern District of New York is overseeing the lawsuit, which is known as *In re Scotts EZ Seed Litigation*, Case No. 12-cv-4727. The persons who sued are called the Plaintiffs, and the companies they sued, The Scotts Miracle-Gro Company, Inc. and The Scotts Company LLC, are called the Defendants.

2. What is this lawsuit about?

This lawsuit alleges advertising, warranty, contract, and unjust enrichment claims contending that EZ Seed® does not grow grass “50% Thicker With Half The Water* *Versus ordinary seed when each was watered at half the recommended rate. Results may vary.” as advertised. Scotts denies the allegations. The Court has not determined which side is right. Rather, the Parties have agreed to settle the lawsuit to avoid the uncertainties, expenses and expenditure of resources associated with ongoing litigation.

3. What is a class action and who is involved?

In a class action lawsuit, one or more people called “Class Representatives” (in this case, Plaintiffs Michael Arcuri, David A. Browne, Gwen Eskinazi, Stacy D. Lombardo, Lance Moore, Vance Smith, and Nancy Thomas) sue on behalf of other people who have similar claims. The people together are a “Class” or “Class Members.” The named plaintiffs who sued – and all the Class Members like them – are called the Plaintiffs. The companies they sued (in this case, Scotts) are called the Defendants. One court resolves the issues for everyone in the Class – except for those people who choose to exclude themselves from the Class.

4. Am I part of this Class?

If you purchased any variety of Scotts EZ Seed® bearing the claim “50% Thicker With Half The Water* *Versus ordinary seed when each was watered at half the recommended rate. Results may vary.” in California or New York from January 1, 2009 through September 30, 2014, inclusive, then you are a Class Member.

Questions? Visit www.GrassSeedSettlement.com
or contact the Settlement Administrator at 1-844-271-4786

THE SETTLEMENT BENEFITS

5. What does the Settlement provide?

Monetary Relief. The Proposed Settlement allows Settlement Class Members who submit valid Claim Forms, along with Proof of Purchase showing the purchase price of Scotts EZ Seed to receive a full refund of the purchase price for up to six packages of product. Settlement Class Members who submit valid Claim Forms with Proof of Purchase that does not reveal the purchase price will receive a payment of \$15.00 for each such package up to six packages of product. For Settlement Class Members who submit valid Claim Forms without Proof of Purchase, Scotts will pay up to \$45.00, *i.e.*, \$15.00 each for up to three packages of Scotts EZ Seed. The Parties have further agreed that Scotts will pay the costs to administer this Proposed Settlement, reasonable attorneys' fees, costs and expenses, and a payment to the named Plaintiffs (see question 13 below). A detailed description of the settlement benefits can also be found in the [Settlement Agreement](#).

6. When will I get my monetary payment?

The hearing to consider the fairness of the Settlement is scheduled for **December 19, 2018 at 9:30 a.m. Eastern Time**. If the Court approves the Settlement, then eligible Class Members whose claim were approved by the Claims Administrator will receive their payment 30 days after the Settlement has been finally approved and/or after any appeals process is complete. The payment will be made in the form of a check.

HOW TO GET THE SETTLEMENT BENEFITS

7. How do I get my monetary payment?

If you are a Class Member and want to receive a payment under the Settlement, you must complete and submit a Claim Form no later than **December 4, 2018**. Claims Forms can be found and submitted on-line, or they can be mailed and postmarked by **December 4, 2018**. You may have received a link to the Claim Form via e-mail, or in the mail as a postcard notice of the Settlement. To submit a Claim Form on-line or to request a paper copy, go to www.GrassSeedSettlement.com or call toll free, 1-844-271-4786.

YOUR RIGHTS AND OPTIONS

8. What happens if I do nothing at all?

If you do nothing, then you will remain in the Class and not receive any payment from this Settlement. If the Court approves the Settlement, you will be bound by its terms, you will no longer have the ability to sue with respect to the claims being resolved by the Settlement, and your claims will be released and dismissed.

The Settlement Agreement describes the released claims in more detail, so please read it carefully. If you have any questions, you can contact the lawyers listed in question 10 for free to discuss, or you can talk to another lawyer of your own choosing if you have questions about what this means.

Questions? Visit www.GrassSeedSettlement.com
or contact the Settlement Administrator at 1-844-271-4786

9. How do I exclude myself from the Settlement?

If you exclude yourself from the Settlement – which is sometimes called “opting-out” – you won’t get any money or benefits from the Settlement. However, you may then be able to separately sue or continue to sue Scotts for the legal claims that are the subject of the lawsuit. If you bring your own lawsuit against Scotts after you exclude yourself, you will have to hire your own lawyer for that lawsuit, and you will have to prove your claims.

To exclude yourself from the Settlement, you must mail a written request for exclusion to the Claims Administrator, stating that you “want to be excluded from the Settlement in *In re Scotts EZ Seed Litigation*, Case No. 7:12-cv-4727 (VB) (PED).” Your written request for exclusion must also include your name, current address, and telephone number. And the request must be signed and dated by you. Your request for exclusion must be mailed and postmarked on or before **October 19, 2018** to:

Scotts EZ Seed Litigation
c/o Claims Administrator
PO Box 8748
Philadelphia, PA 19101-8748

10. How do I object to the Settlement?

If you are a Class Member, you can object to the Settlement if you don’t like any part of it. You can give reasons why you think the Court should not approve the Settlement. The Court will consider your views. To object, you must file with the Court a written objection entitled “Objection to Class Settlement in *In re Scotts EZ Seed Litigation*, Case No. 7:12-cv-4727 (VB) (PED)” that identifies all the reasons for your objections and any legal and factual support for those reasons. Your written objection must also include your name, address, telephone number, and email address if available, and it must state information showing that you are a Class Member (i.e. Proof of Purchase or a verification under penalty of perjury as to the date and location of your Scotts EZ Seed purchase(s)). It must also state if you are represented by legal counsel, and if so, provide contact information for your lawyer, including his or her email address if available. If you or an attorney assisting you with your objection have objected to any class action settlement in the previous 5 years, then you must include a list of those objections identifying each case by its caption or title. If you or your attorney have not objected to any class action settlements in the previous 5 years, then your objection will state that.

If you intend to appear and speak at the Final Approval Hearing to object to the Settlement, with or without a lawyer (explained below in questions 14, 15 and 16), you must also state your intention to appear in your written objection.

You must file your written objection with the Court and mail a copy to the following persons and places, postmarked no later than **October 19, 2018**.

Court	Class Counsel	Defendants’ Counsel
The Honorable Vincent L. Briccetti United States District Court for the Southern District of New York 300 Quarropas Street, Room 620 White Plains, NY 10601	Scott A. Bursor Bursor & Fisher, P.A. 888 Seventh Avenue New York, NY 10019	Samuel A. Danon Hunton Andrews Kurth LLP 1111 Brickell Avenue Suite 2500 Miami, FL 33131

**Questions? Visit www.GrassSeedSettlement.com
or contact the Settlement Administrator at 1-844-271-4786**

11. What is the difference between objecting and excluding myself from the Settlement?

Objecting means telling the Court that you don't like something about the Settlement. You can object only if you stay in the Class. Excluding yourself from the Settlement means that you do not want to be part of the Class. If you exclude yourself, then you have no basis to object to the Settlement because the case no longer affects you.

THE LAWYERS REPRESENTING YOU

12. Do I have a lawyer in this case?

The Court appointed the law firms of Bursor & Fisher, P.A. and Faruqi & Faruqi, LLP to represent the Plaintiffs and all Class Members as "Class Counsel." Class Counsel believe, after conducting an extensive investigation, that the Settlement is fair, reasonable, and in the best interests of the Class Members. You will not be charged for these lawyers. If you want to be represented by a different lawyer in this case, you may hire one at your own expense.

13. How will the lawyers be paid?

In addition to the monetary benefit to be paid to the Class Members, Scotts has agreed to pay Class Counsel's fees, costs, and expenses in an amount to be determined by the Court not to exceed \$9,700,000. The Court may award less than this amount. Any fees, costs, and expenses that are awarded to Class Counsel will be paid separately by Scotts and in addition to the monetary benefits to Class Members.

Also, subject to approval by the Court, Scotts has agreed to pay \$10,000 to each of the seven Class Representatives, in recognition of their efforts on behalf of the Class Members throughout this case.

THE COURT'S FINAL APPROVAL HEARING FOR THE SETTLEMENT

14. Where and when will the Court decide whether to approve the Settlement?

The Court will hold the Final Approval Hearing at **December 19, 2018 on 9:30 a.m. Eastern Time** in Courtroom 620 at the Federal Building and Courthouse, Room 620, 300 Quarropas Street, White Plains, NY 10601. The purpose of the hearing will be for the Court to determine whether to approve the Settlement as fair, reasonable, adequate, and in the best interests of the Class; to consider Class Counsel's request for attorneys' fees, costs and expenses; and to consider the request for the incentive awards to the Class Representatives. At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the Settlement.

The hearing may be postponed to a different date or time without notice, so please check www.GrassSeedSettlement.com or call 1-844-271-4786 from time to time. If, however, you timely objected to the Settlement and advised the Court that you intend to appear and speak at the Final Approval Hearing, you will receive notice of any change in the time and date of such hearing.

**Questions? Visit www.GrassSeedSettlement.com
or contact the Settlement Administrator at 1-844-271-4786**

15. Do I have to come to the Final Approval Hearing?

No. You do not need to attend the Final Approval Hearing. Class Counsel will answer any questions the Court may have on behalf of the Class Members. But, you are welcome to attend the Final Approval Hearing at your own expense. If you submit an objection or comment, you do not have to come to Court to talk about it. As long as you filed and mailed your written objection on time, the Court will consider it. You may also pay to have another lawyer attend on your behalf, but that is not required.

16. May I speak at the Final Approval Hearing?

Yes. You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must include in your written objection to the Settlement a statement saying that it is your intent to appear at the Final Approval Hearing in *In re Scotts EZ Seed Litigation*, Case No. 7:12-cv-4727 (VB) (PED). Your written objection and notice of intent to appear must be filed with the Court and postmarked no later than **October 19, 2018** and sent to the addresses listed in question 10.

17. Are more details available?

This Notice summarizes the Settlement. More details are in the Settlement Agreement, which can be found at www.GrassSeedSettlement.com. You may also write with questions to Scotts EZ Seed Litigation, c/o Claims Administrator, PO Box 8748, Philadelphia, PA 19101-8748. You can also call the Claims Administrator at 1-844-271-4786 or Class Counsel at 646-837-7150, if you have questions.