

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

If You Purchased Certain Disposable Contact Lenses For Your Own Use From June 1, 2013 to December 4, 2018, this Litigation and Two Class Action Settlements Could Affect Your Rights.

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

Please read this Notice carefully and in its entirety. You may be a member of the Classes described below and your rights may be affected by a pending class action lawsuit. This Notice advises you of your options regarding the class action and the Settlements.

The purpose of this Notice is to provide information regarding settlements with Alcon Vision LLC f/k/a Alcon Laboratories, Inc. (“Alcon”) and Johnson & Johnson Vision Care, Inc. (“JJVCI”), or “Vistakon.”

This litigation concerns alleged antitrust violations by Alcon; JJVCI; Bausch & Lomb, Inc. (“B&L”); and Cooper Vision, Inc. (“CVI”) (collectively the “Manufacturers”), who all adopted “Unilateral Pricing Policies” (or “UPPs”) on certain brands of disposable contact lenses, and their distributor, ABB Optical Group LLC (“ABB”). ABB and the Manufacturers are or were Defendants in antitrust litigation regarding the UPPs.

In 2019, notice was provided regarding settlements with B&L and CVI and the certification of the Litigation Classes. In 2020, notice was provided regarding the settlement with ABB. Alcon and JJVCI have since each agreed to separate settlements. If you are a member of the Settlement Class(es), as defined below, you can participate in the Alcon and JJVCI Settlements regardless of whether you participated in the ABB, B&L, and/or CVI Settlement(s).

If the court approves the Alcon and JJVCI Settlements, the litigation will be fully and finally resolved.

This Notice provides you with a deadline to object to the Alcon and JJVCI Settlements and an opportunity to exclude yourself.

If you already submitted a timely and valid Proof of Claim for the ABB, B&L and/or CVI Settlements, you do not need to submit another Proof of Claim. You will automatically be included in the Alcon and JJVCI Settlements. If you did not submit a timely and valid Proof of Claim as part for the ABB, B&L and/or CVI Settlement(s), you must submit a Proof of Claim in order to share in the Alcon and JJVCI Settlements by **August 22, 2022**. You will not be able to share in the ABB, B&L and/or CVI Settlements if you did not submit a timely and valid Proof of Claim to those settlements. See below for how to file your claim.

Please do not call or write the court. If you have any questions after reading this Notice, you should contact lead counsel or the administrator, as discussed further below.

Questions? Call 1-877-253-3649 or visit www.ContactLensSettlement.com

IMPORTANT

To participate in the Alcon and JJVCI Settlement Class(es), your purchases must be of certain disposable contact lenses (listed below in Paragraph 18) manufactured by any of the following manufacturers: Alcon, B&L, CVI, or JJVCI, between June 1, 2013 and December 4, 2018.

You must decide at this time if you want to exclude yourself from the Alcon and/or JJVCI Settlement Class(es) described in this Notice. More detailed information about opting-out can be found in Paragraphs 44-51 below.

If you exclude yourself from a Settlement Class, you will not be eligible for any benefits from that settlement.

If you previously excluded yourself from the Litigation Classes, you will not be eligible to submit a claim for benefits from the Alcon or JJVCI Settlements.

WHAT IS THIS LAWSUIT ABOUT?

1. This multidistrict antitrust litigation was centralized before this Court on June 10, 2015, by order of the United States Judicial Panel on Multidistrict Litigation (“MDL Panel”) (ECF No. 1; Transfer Order). It arises out of minimum retail pricing policies adopted by contact lenses manufacturers starting in June 2013 with regard to the distribution and sale of certain contact lenses. These policies were referred to as “Unilateral Pricing Policies” (“UPP”) by the Defendants. The operative complaint, filed on March 1, 2017, alleges that the Defendants used the UPPs to restrain competition from discount and online stores on consumer prices in the retail market for disposable contact lenses.¹ The safety and effectiveness of contact lenses manufactured by the Defendants are not at issue in this litigation.

2. The Class Representatives allege claims for violations of (1) the United States Sherman Act, 15 U.S.C. §§ 1 and 3; (2) the California Cartwright Act, Cal. Bus. & Prof. Code §§ 16720, *et seq.*; (3) the Maryland Antitrust Act, Md. Com. Law §§ 11-201, *et seq.*; (4) the California Unfair Competition Law, Cal. Bus. & Prof. Code §§ 17200, *et seq.*; and (5) the Maryland Consumer Protection Act, Md. Com. Law §§ 13-301, *et seq.*

WHO ARE THE DEFENDANTS AND WHY ARE THERE SETTLEMENTS?

3. The settling Defendants are Alcon and JJVCI. ABB, B&L, and CVI previously settled this action. With these two settlements, all Defendants have settled, and if the Court approves the Alcon and JJVCI Settlements, the litigation will be fully and finally resolved.

4. The Court has not decided any issue on the merits in favor of the Class Representatives, Alcon, or JJVCI. Instead, the Class Representatives, Alcon and, separately, JJVCI, engaged in lengthy negotiations and have agreed to two separate Settlements. By agreeing to settle, the parties avoid the costs and uncertainty of a trial, and the Members of the Settlement Classes affected will get a chance to receive compensation. The Class Representatives and their attorneys believe the Settlements are best for all members of the Settlement Classes. The proposed Settlements do not mean that any law was broken or that Alcon or JJVCI did anything wrong.

¹ Please note that this Notice does not describe all of the claims and defenses asserted by the Class Representatives. The operative complaint is posted on the website, www.ContactLensSettlement.com.

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THE CLASS REPRESENTATIVES AND THE SETTLEMENT CLASSES

5. In a class action, one or more people called “Class Representatives” sue on behalf of themselves and other people with similar claims. All of these people together are the “class” or “class members.” The Class Representatives are: Rachel Berg, Alexis Ito, Miriam Pardoll, Jennifer Sineni, Joseph Felson, Tamara O’Brien, Susan Gordon, Catherine Dingle, Elyse Ulino, Amanda Cunha, Sheryl Marean, Brett Watson, Kathleen Schirf, Cora Beth Smith, and John Machikawa. Class actions avoid the necessity of each member of a class having to file his, her, or its own separate lawsuit to obtain relief. Class actions are used to decide legal and factual issues that are common to all members of a class, and one court resolves the issues for all class members, except for those who exclude themselves from the class(es).

6. By Order dated May 9, 2022 (ECF No. 1343), the Court preliminarily certified the following Settlement Class definition for both the Alcon Settlement and the JJVCI Settlement:

All persons and entities residing in the United States who made retail purchases of disposable contact lenses manufactured by Alcon, JJVC, CVI, or B&L during the Settlement Class Period for their own use and not for resale, where the prices for such contact lenses were subject to a “Unilateral Pricing Policy” and the purchase occurred during the period when the Unilateral Pricing Policy was in effect.

Excluded from the Settlement Class are any purchases from 1-800 Contacts of disposable contact lenses subject to B&L’s Unilateral Pricing Policy, where the purchase occurred on or after July 1, 2015. Also excluded from the Settlement Class are Defendants, their parent companies, subsidiaries and affiliates, any alleged co-conspirators, all governmental entities, and any judges or justices assigned to hear any aspect of this action.

The Settlement Class Period is from June 1, 2013 to December 4, 2018.

7. You may be a member of the Settlement Classes. If you are a member of the Settlement Classes, your rights will be affected by this Action. If you do not meet any of the class definitions, this Notice does not apply to you. If you are uncertain whether you are a member of the Settlement Classes, contact Lead Counsel listed in Paragraph 56, the Administrator, or your own attorney.

8. This notice is not an admission by Defendants or an expression of any opinion by the Court as to the merits of the claims made in this Action, or a finding by the Court that the claims asserted by the Class Representatives in this Action are valid. This Notice is intended solely to inform you of the pendency of this Action and of your rights in connection with it, including the right to request exclusion from the Settlement Class(es) or to object to the Alcon and JJVCI Settlements. Defendants have denied all claims and contend that they are not liable for the harm alleged by the Class Representatives.

ARE YOU A MEMBER OF ONE OR MORE OF THE CLASSES?

9. You are a member of the Settlement Classes if you purchased disposable contact lenses manufactured by one of the Defendant Manufacturers for your personal use (*i.e.*, not for resale), the purchase(s) occurred during the period when the Unilateral Pricing Policy, or UPP, was in effect, and those disposable contact lenses were subject to a UPP.

10. You are *not* a member of the Settlement Classes if you purchased disposable contact lenses (a) manufactured by a company other than the named Defendants, (b) for resale, (c) that were not subject to a UPP, or (d) at a period when the UPP was not in effect. You are also *not* a member of any of the Classes if you are (i) one of the Defendants, their parent companies, subsidiaries or affiliates, or

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an alleged co-conspirator, (ii) a governmental entity, (iii) counsel for the parties, or (iv) a judge or justice assigned to hear any aspect of this Action.

11. The disposable contact lenses that were subject to the UPPs, and the period during which each UPP was in effect, are set forth below:

#	Contact Lens	UPP Price	Time Period in Effect
Alcon			
1	Air Optix Colors	6 Pack: \$84.00	April 2014 - December 2016
		2 Pack: \$30.00	June 2015 - December 2016
2	Dailies AquaComfort Plus Multifocal	30 Pack: \$39.00	January 2014 - December 2016
		90 Pack: \$89.00	
3	Dailies AquaComfort Plus Toric	30 Pack: \$34.00	January 2014 - December 2016
		90 Pack: \$79.00	
4	Dailies Total 1	30 Pack: \$39.00	June 2013 - December 2016
		90 Pack: \$95.00	
5	Dailies Total 1 Multifocal	30 Pack: \$50.00	July 2016 - December 2016
		90 Pack: \$124.00	
B&L			
6	BioTrue ONEday for Presbyopia	30 Pack: \$33.00	June 2014 - February 2017
		90 Pack: \$89.00	December 2016 - February 2017
7	Ultra	6 Pack: \$60.00	February 2014 - February 2017
8	Ultra for Presbyopia	6 Pack: \$85.00	March 2016 - February 2017
Excluded from the Class are any purchases from 1-800 Contacts of disposable contact lenses subject to B&L's Unilateral Pricing Policy, where the purchase occurred on or after July 1, 2015.			
CVI			
9	Biofinity Energys	6 Pack: \$60.00	July 2016 - December 2017
10	Biofinity XR Toric	6 Pack: \$140.00	January 2016 - March 2017
11	Clariti 1 Day	90 Pack: \$65.00	January 2014 - March 2017
12	Clariti 1 Day Multifocal	30 Pack: \$39.00	January 2014 - March 2017
		90 Pack: \$89.00	
13	Clariti 1 Day Toric	30 Pack: \$34.00	January 2014 - March 2017
		90 Pack: \$79.00	
14	MyDay	90 Pack: \$85.00	June 2015 - March 2017
		180 Pack: \$149.00	
JJVC			
15	1-Day Acuvue Define	30 Pack: \$40.00	

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		90 Pack: \$94.00	March 2015 - April 2016
16	1-Day Acuvue Moist	30 Pack: \$33.00	August 2014 - April 2016
		90 Pack: \$63.50 - \$66.00	August 2014 - April 2016
		720 Pack: \$450.00 - \$460.00	November 2014 - April 2016
17	1-Day Acuvue Moist for Astigmatism	30 Pack: \$34.50 - \$36.00	August 2014 - April 2016
		90 Pack: \$82.50 - \$85.50	October 2014 - April 2016
		720 Pack: \$600.00	June 2015 - April 2016
18	1-Day Acuvue Moist Multifocal	30 Pack: \$45.00	May 2015 - April 2016
		90 Pack: \$99.00	
19	1-Day Acuvue TruEye	90 Pack: \$82.50	August 2014 - April 2016
		720 Pack: \$610.00	November 2014 - April 2016
20	Acuvue Oasys for Astigmatism	6 Pack: \$40.00 - \$41.50	August 2014 - April 2016
		48 Pack: \$270.00 - \$280.00	June 2015 - April 2016
21	Acuvue Oasys for Presbyopia	6 Pack: \$40.00 - \$41.50	August 2014 - April 2016
22	Acuvue Oasys with Hydraclear	6 Pack: \$36.00	October 2014 - April 2016
		12 Pack: \$67.50 - \$70.00	July 2014 - April 2016
		24 Pack: \$110 - \$114.50	August 2014 - April 2016
		54 Pack: \$210.00 - \$218.00	
23	Acuvue Oasys with Hydraluxe (a/k/a 1-Day Acuvue Oasys)	90 Pack: \$88.50	August 2015 - April 2016

12. If you are not sure whether you are included in the Settlement Classes, you may call 877-253-3649 with questions or visit www.ContactLensSettlement.com. You may also write with questions to Disposable Contact Lens Settlement Administrator, P.O. Box 2995, Portland, OR 97208-2995 or email info@ContactLensSettlement.com.

OVERVIEW OF THE LITIGATION TO DATE

13. On March 3, 2015, the first class action complaint was filed in the Northern District of California.

14. On June 10, 2015 the Panel on Multidistrict Litigation centralized and consolidated for pre-trial proceedings all of the class action complaints to the Middle District of Florida, Jacksonville Division before Judge Harvey E. Schlesinger. (ECF No. 1).

15. On October 7, 2015, the Court granted Class Representatives' motion appointing Hausfeld LLP, Scott+Scott Attorneys at Law LLP, and Robins Kaplan LLP as interim lead counsel. (ECF No. 116).

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16. On November 23, 2015, Lead Counsel, on behalf of Class Representatives, filed the Consolidated Class Action Complaint (“Consolidated Complaint”).

17. On December 23, 2015, Defendants filed their Motion to Dismiss the Consolidated Complaint. (ECF No. 146). Following briefing and oral argument, the Court denied Defendants’ motion. (ECF Nos. 185, 190). On July 27, 2016, Defendants filed their Answers and Affirmative Defenses. (ECF Nos. 266-70).

18. The operative complaint, Plaintiffs’ Interlineation to Corrected Consolidated Class Action Complaint (ECF No. 395; Complaint), was filed on March 1, 2017.

19. On December 4, 2018 (ECF No. 940), the Court issued an Order certifying the Litigation Classes, appointing Hausfeld LLP, Scott+Scott, Attorneys at Law, LLP, and Robins Kaplan LLP as Lead Counsel, and formally designated the plaintiffs as the Class Representatives for the Litigation Classes.

20. The \$3 million CVI Settlement was reached on August 30, 2017, and the \$10 million B&L Settlement was reached on August 19, 2019. The Court preliminarily approved the B&L and CVI Settlements on July 10, 2018 (ECF No. 841) and October 8, 2019 (ECF No. 1046), respectively.

21. In 2019, notice was provided regarding the B&L and CVI Settlements and the formation of Litigation Classes. On February 25, 2020, the Court held a Fairness Hearing. On March 4, 2020, the Court issued an Order granting final approval and a final judgment for the B&L and CVI Settlements (ECF No. 1164).

22. The Court certified the Litigation Classes on December 4, 2018 (ECF No. 940) and the last of Defendants’ requests for interlocutory appellate review was denied by the United States Court of Appeals for the Eleventh Circuit on June 20, 2019. The Court subsequently issued a Notice apprising consumers of the CVI and B&L Settlements and its certification of the Litigation Classes.

23. On November 27, 2019, the Court denied the Defendants’ motions for summary judgment (ECF No. 1091).

24. On September 22, 2020, ABB reached a settlement for \$30.2 million, and the Court preliminarily approved that settlement on November 10, 2020 (ECF No. 1224). The Court granted final approval of the ABB Settlement on June 1, 2021. (ECF No. 1257).

25. On February 26, 2021, Lead Counsel submitted a motion to the Court for Attorney Fees and Reimbursement of Expenses. On June 1, 2021, the Court granted Lead Counsel’s request for \$9,315,960.97 in attorney fees and \$752,117.10 in reimbursement of litigation costs. (ECF No. 1258).

26. On January 26, 2022, the Court issued an order setting the case for trial on March 28, 2022. (ECF No. 1298).

27. On March 23, 2022, a settlement was reached with Alcon for \$20 million. On May 9, 2022, the Court preliminarily approved that settlement. (ECF No. 1343).

28. On March 27, 2022, a settlement was reached with JJVCI for \$55 million. On May 9, 2022, the Court preliminarily approved that settlement. (ECF No. 1343).

SETTLEMENT BENEFITS

29. The Alcon and JJVCI Settlements will establish Settlement Funds of \$20 million and \$55 million, respectively, that will be used to pay eligible Settlement Class Members who submit valid claims or already submitted a valid claim to the ABB, B&L and/or CVI Settlement(s). The cost to administer the Alcon and JJVCI Settlements, attorneys’ fees and expenses, service payments for the Class Representatives

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(if any are requested and approved by the Court), taxes and other expenses approved by the Court will come out of the Settlement Funds. The Settlement requires Alcon and JJVCI to deposit their respective settlement amounts into escrow accounts within fifteen (15) days of Preliminary Approval.

30. In order to minimize administrative expenses, Lead Counsel intend to distribute the Net Settlement Funds for all five Settlements at once.²

31. The Settlement Class definitions of the CVI, ABB, Alcon, and JJVCI settlements are all identical. The B&L Settlement Class definition does not include claims related to CVI. The B&L Settlement Fund therefore has and will be kept separate and never comingled with the funds from the other settlements.

32. Customers that filed valid claims for purchases of lenses made by B&L, JJVCI and Alcon that were subject to a UPP will draw funds on a *pro rata* basis from all five Settlement Funds. Purchasers of lenses subject to CVI's UPP who filed valid claims will draw funds on a *pro rata* basis from the CVI, ABB, Alcon, and JJVCI Settlement Funds.

33. Lead Counsel estimates that there are up to 40 million purchasers of disposable contact lenses that were subject to Defendants' UPPs. In the event that Lead Counsel determines that it will be economically infeasible to directly distribute the Net Settlement Funds to the Settlement Classes, they may propose alternative plans of distribution to the Court, including a *cypres* distribution, of the Net Settlement Funds. In the event that Lead Counsel propose an alternative plan of distribution to the Court, the motion will be posted at www.ContactLensSettlement.com, and an email will be sent to any email address registered with the Administrator prior to the hearing on the motion.

34. Settlement Class Members will have the option to comment on or object to any aspect of the Alcon or JJVCI Settlement at the Fairness Hearing (see "The Fairness Hearing," below).

35. If you already submitted a timely and valid Proof of Claim as part of the earlier ABB, B&L and/or CVI Settlement(s), you do not need to submit another Proof of Claim. You will automatically be included in the Alcon and JJVCI Settlements to receive a payment from the Net Settlement Funds. However, if you did not submit a timely and valid Proof of Claim as part the ABB, B&L and/or CVI Settlement(s), you must submit a Proof of Claim to share in the Alcon and/or JJVCI Net Settlement Fund(s) by **August 22, 2022**. You will not be able to share in the Alcon and/or JJVCI Settlement(s) if you did not submit a timely and valid Proof of Claim. Claims may be submitted online at www.ContactLensSettlement.com. The deadline to file your Proof of Claim is **August 22, 2022**.

36. After the Court grants Final Approval, if your Claim Form submitted for any of the Settlements is determined to be complete and valid, you will receive an email (at the email address you provided on the Claim Form) prompting you to select how you would like to be paid. You can receive your payment via a variety of digital options such as digital debit card or PayPal, or you can elect to receive a check. If you do not respond to select how you would like to be paid, a physical check will be mailed to you at your mailing address on file.

37. Unless you exclude yourself from the Alcon and/or JJVCI Settlement Class(es), you will give up your right to sue Alcon and/or JJVCI for the claims being resolved by the Settlement(s). The specific claims ("Released Claims") you are giving up against Alcon and/or JJVCI and its related parties

² Net Settlement Fund(s) means the money paid by the Settling Defendant(s) plus any interest and income earned and less any attorneys' fees, expenses, and reimbursement of Class Representatives' expenses, costs, and lost wages as permitted by the Court (if requested), (ii) class notice and administration expenses, (iii) taxes and tax expenses, and (iv) any other fees or expenses approved by the Court. Alcon Settlement at ¶ 1.16; JJVCI Settlement at ¶ 1.16; ABB Settlement at ¶ 1.16; B&L Settlement at ¶ 1.16; CVI Settlement at ¶ 1.17. The Settlements are available for review at www.ContactLensSettlement.com.

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are described in paragraphs 1.28, 1.30, and 7.1 of the Settlement Agreement(s). The Alcon and JJVCI Settlement Agreements are available at www.ContactLensSettlement.com.

38. If you have any questions, you can talk to Lead Counsel listed herein for free or you can, of course, talk to your own lawyer about what this means.

EXCLUDING YOURSELF FROM THE ALCON AND/OR JJVCI SETTLEMENT(S)

39. If you are a member of the Alcon and/or JJVCI Settlement Class(es), you have the right to decide whether to remain a member of the Alcon and/or JJVCI Settlement Class(es). You must decide at this time if you want to exclude yourself from the Alcon and/or JJVCI Settlement Class(es).

40. **Excluding Yourself from the Alcon and/or JJVCI Settlement Class(es):** If you want to keep the right to file or maintain your own lawsuit against Alcon and/or JJVCI about the Released Claims, then you must take steps to get out of the Settlement(s) with Alcon and/or JJVCI. This is called excluding yourself – or sometimes referred to as opting out of the class. If you ask to be excluded from the Alcon and/or JJVCI Settlement(s), you will not receive any benefits from the Alcon and/or JJVCI Settlement(s), and you cannot object to the Alcon and/or JJVCI Settlement Agreement(s).

41. If you have a pending or contemplated lawsuit against any of the Defendants involving the same legal issues in this Litigation or the Released Claims in the Alcon and/or JJVCI Settlement Agreement(s), speak to your lawyer immediately. You must exclude yourself from the Alcon and/or JJVCI Settlement(s) in order to continue or initiate your own lawsuit against Alcon and/or JJVCI.

42. You must request exclusion in accordance with the procedures set forth in Paragraphs 44-51.

43. ***If you are a member of the Alcon and/or JJVCI Settlement Class(es) and you did not submit a Proof of Claim to the ABB, B&L and/or CVI Settlement(s), you must submit a Proof of Claim no later than August 22, 2022, in order to participate in any distribution of funds from the Alcon and/or JJVCI Settlement(s). If you already submitted a timely and valid Proof of Claim to the ABB, B&L and/or CVI Settlement(s), you do not need to submit another Proof of Claim.***

44. Your decision is important for the following reasons:

- a. **If you choose to remain a member of the Alcon and/or JJVCI Settlement Class(es)**, you will be bound by all past, present and future orders and judgments related to the Alcon and/or JJVCI Settlement(s), whether favorable or unfavorable. If money is awarded, you may be eligible to receive a share of that award. However, if you remain a member of the Alcon and/or JJVCI Settlement Class(es), you may not pursue a lawsuit on your own behalf with regard to any of the legal claims in this Action against the Defendant(s) to which you remain a Settlement Class Member of their Settlement(s). Pursuant to Rule 23(e)(4) of the Federal Rules of Civil Procedure, it is within the Court's discretion whether to allow a second opportunity to request exclusion from the Litigation Classes if there is a settlement in the Action involving the claims of the members of the Litigation Classes. Please note that if you remain a member of the Alcon and/or JJVCI Settlement Class(es), you will not be personally responsible for Lead Counsel's attorneys' fees or costs. Lead Counsel has agreed to represent the Classes on a contingent fee basis, which means that they will be awarded fees and costs to be approved by the Court only if they succeed in obtaining a recovery from the Defendants. Any attorneys' fees for Lead Counsel will be awarded by the Court. As a member of Alcon and/or JJVCI Settlement Class(es), you will be represented by Lead Counsel. Alternatively, you may remain a member of the Alcon and/or JJVCI Settlement

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Class(es) and elect to be represented by counsel of your own choosing. If you do retain separate counsel, you will be responsible for that attorney's fees and expenses.

- b. **If you choose to be excluded from the Alcon and/or JJVCI Settlement Class(es)**, you will not be bound by any orders or judgment in this Action applicable to the Alcon and/or JJVCI Settlement Class(es), to which you exclude yourself, nor will you be eligible to share in any recovery that might be obtained on behalf of the Alcon and/or JJVCI Settlement Class(es) to which you exclude yourself. You will retain any right you have to individually pursue any unreleased legal rights that you may have against Defendants. Please refer to Paragraphs 44-51 if you would like to request exclusion from Alcon and/or JJVCI Settlement Class(es).

HOW TO EXCLUDE YOURSELF

45. To exclude yourself from the Alcon and/or JJVCI Settlement Class(es), you must file a timely written request for exclusion ("Request for Exclusion") by mailing a letter or sending an email to the Administrator.

46. Your Request for Exclusion must:

- a. Be in writing;
- b. Be signed by you or your authorized representative;
- c. State your name, address, and phone number;
- d. Include (i) proof of membership in the Alcon and/or JJVCI Settlement Class(es) and (ii) a signed statement that says "I/we hereby request that I/we be excluded from (one or more of the following) classes in *In Re: Disposable Contact Lens Antitrust Litigation*, 3:15-md-02626-HES-JRK (M.D. Fl.):

The Alcon Settlement Class; *and/or* the JJVCI Settlement Class; and

- e. Be mailed or emailed to the Claims Administrator at the address provided below and postmarked no later than **August 22, 2022**.

Disposable Contact Lens Settlement Administrator
EXCLUSIONS
P.O. Box 2995
Portland, OR 97208-2995

Or

info@ContactLensSettlement.com

47. ***In the event that you wish to be excluded from the Alcon and/or JJVCI Settlement Class(es), you must specify which class or classes are the subject of your exclusion request. If your exclusion request does not specify the class or classes from which you wish to be excluded, you may be excluded from both.***

48. You must also provide any other information reasonably requested by the Administrator.

49. You cannot exclude yourself by telephone or facsimile. Requests for exclusion that do not comply with the above requirements will be invalid, unless otherwise accepted by the Court, subject to any objections of the parties to be resolved by the Court.

50. Do not request exclusion from the Alcon and/or JJVCI Settlement Class(es) if you wish to participate in the Alcon and/or JJVCI Settlement(s).

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51. Please note, if you decide to exclude yourself, you may be time-barred from asserting the claims by a statute of limitations.

52. If you do nothing, you will remain in the Alcon and/or JJVCI Settlement Classes. You will not be able to separately sue, or continue to sue — as part of any other lawsuit — for the Released Claims or the conduct alleged in the Complaint. You will also be legally bound by all of the Orders the Court issues and judgments the Court makes concerning this class action. If you are a Settlement Class Member, and you file a valid Proof of Claim, you will be able to share in the Alcon and JJVCI Settlements. If you already submitted a timely and valid Proof of Claim as part of the ABB, B&L and/or CVI Settlement(s), you do not need to submit another Proof of Claim.

OBJECTING TO THE SETTLEMENT

53. If you are a member of the Alcon and/or JJVCI Settlement Class(es), you can object to the Alcon and/or JJVCI Settlement(s) if you disagree with any part of the Settlement(s). To object to the Settlement(s) you must submit a letter or other written document that includes the following:

- a. Your name, address, and telephone number;
- b. A statement saying that you object to the Alcon and/or JJVCI Settlement(s), in *In Re: Disposable Contact Lens Antitrust Litigation*, 3:15-md-02626-HES-JRK (M.D. Fl.);
- c. Whether you plan to appear at the Fairness Hearing;
- d. Proof of membership in the Alcon and/or JJVCI Settlement Class(es), including documentation evidencing the purchase of a disposable contact lens subject to a UPP;
- e. The specific reasons you object to the Settlement(s), along with any supporting materials or documents that you want the Court to consider; and
- f. Your signature.

54. You cannot object to the Alcon and/or JJVCI Settlement(s) if you exclude yourself from the Settlement Class(es) you are objecting to. If you exclude yourself from the Settlement Class(es), you are telling the Court that you don't want to be part of the Settlement(s). If you exclude yourself from the Settlement Class(es), you will not receive any benefits from the Alcon and/or JJVCI Settlement(s). Objecting is simply telling the Court that you don't like something about the Alcon and/or JJVCI Settlement(s). You can only object to the Alcon and/or JJVCI Settlement(s) if you remain in the Settlement Class(es). If you exclude yourself from the Settlement Class(es), you have no basis to object to the Alcon and/or JJVCI Settlement(s) because the terms no longer affect you.

55. An objection to the Alcon and/or JJVCI Settlement(s) must be mailed to the addresses listed below, postmarked no later than **August 22, 2022**. Note that you may mail your objection to the Court, but it must be received by the Court and filed by **August 22, 2022**.

<u>Court</u>	<u>JJVCI's Counsel</u>	<u>Alcon's Counsel</u>	<u>Class Counsel</u>
Hon. Harvey Schlesinger Bryan Simpson United States Courthouse 300 North Hogan Street Jacksonville, FL 32202	William F. Cavanaugh, Jr. PATTERSON BELKNAP WEBB & TYLER LLP 1133 Avenue of the Americas New York, NY 10036 Telephone: (212) 336-2000 wfcavanaugh@pbwt.com	David R Marriott CRAVATH, SWAINE & MOORE, LLP Worldwide Plaza 825 8th Avenue New York, NY 10019-7475 Telephone: 212-474-1000 dmarriott@cravath.com	Joseph P. Guglielmo SCOTT+SCOTT ATTORNEYS AT LAW LLP The Helmsley Building 203 Park Avenue, 17th Floor New York, NY 10169 Telephone: (212) 223-6444 jguglielmo@scott-scott.com

Questions? Call 1-877-253-3649 or visit www.ContactLensSettlement.com

56. If your objection is not postmarked and received by the deadline and does not include the information listed above, it will not be valid.

THE LAWYERS REPRESENTING YOU

57. The Court appointed the law firms of Hausfeld LLP, Scott+Scott, Attorneys at Law, LLP, and Robins Kaplan LLP as Lead Counsel. If you have any questions concerning the matters raised in this Notice, you may contact Lead Counsel, as follows:

<p>Nathaniel C. Giddings HAUSFELD LLP 888 16th Street, N.W.; Suite 300 Washington, DC 20006 Telephone: 202-540-7200 ngiddings@hausfeld.com</p>	<p>Joseph P. Guglielmo SCOTT+SCOTT ATTORNEYS AT LAW LLP The Helmsley Building 203 Park Avenue, 17th Floor New York, NY 10169 Telephone: (212) 223-6444 jguglielmo@scott-scott.com</p>	<p>Benjamin Steinberg ROBINS KAPLAN LLP 399 Park Avenue, Suite 3600 New York, NY 10022 Telephone: (212) 980-7400 bsteinberg@robinskaplan.com</p>
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58. You will not be charged for contacting these lawyers. As noted above, unless you elect to retain your own personal lawyer, if you remain in the Settlement Classes, you will not have any direct obligations to pay the costs of this Action. If there is a recovery by one or more of the Classes in this Action, all costs and expenses, including Lead Counsel’s attorneys’ fees, will be paid from that recovery in an amount approved by the Court.

59. At least fifteen (15) days before the deadline to opt-out or object to the Settlements, Lead Counsel will ask the Court for attorneys’ fees of up to one-third (33.3%) of the Alcon and JJVCI Settlement Funds, as well as reimbursement of costs and expenses incurred by Lead Counsel during the litigation. In addition, Lead Counsel may also seek reimbursement of costs for the Class Representatives for their time and work spent prosecuting this Action. Any fees and expenses awarded by the Court will be paid out of the Settlement Funds.

THE FAIRNESS HEARING

60. The Court will hold a hearing to decide whether to approve the Alcon and JJVCI Settlements and any request for fees and expenses. You may attend and you may ask to speak, but you do not have to.

61. The Court has yet to set a date and time for the fairness hearing on final approval of the settlement and any other motions for fees and costs. As soon as the Court schedules the fairness hearing, the website will be updated with the date, time, location, and means of attendance. The website will also provide updated information if the Court changes the Hearing date or decides to hold the Hearing online (telephonically or via a web-based service such as Zoom or Skype). At this hearing, the Court will consider whether the Alcon and JJVCI Settlements are fair, reasonable, and adequate and separately consider whether to approve the Settlements’ plan of distribution and any proposed attorneys’ fees, expenses, and/or incentive awards. If there are objections, the Court will consider them and will listen to people who have asked to speak at the hearing. After the hearing, the Court will decide whether to

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approve the Alcon and JJVCI Settlements and Lead Counsel's requests for fees and costs. We do not know how long these decisions will take.

62. You do not have to attend the Fairness Hearing. Lead Counsel will answer questions the Court may have. But, you or your own lawyer are welcome to attend at your expense. If you send an objection, you do not have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also have your own lawyer attend, but it is not necessary.

63. You may ask the Court for permission to speak at the Fairness Hearing. To speak at the Fairness Hearing, you must send a letter or other written document saying that the letter or document is your "Notice of Intention to Appear" in *In Re: Disposable Contact Lens Antitrust Litigation*, 3:15-md-02626-HES-JRK (M.D. Fl.). Be sure to include your name, address, telephone number, and your signature. You must send your "Notice of Intention to Appear" to the addresses listed in Paragraph 55, so it is postmarked and received no later than **August 22, 2022**.

PLEASE KEEP YOUR ADDRESS CURRENT

64. To assist the Court and the parties in maintaining accurate lists of Members of the Settlement Classes, you are requested to keep your email and physical address up to date with the Administrator. You may update your addresses on the website, www.ContactLensSettlement.com.

65. If this Notice was forwarded to you by the postal service, or if it was otherwise sent to you at an address that is not current, you should immediately contact the Administrator at Disposable Contact Lens Settlement Administrator, P.O. Box 2995, Portland, OR 97208-2995 or by calling the Administrator toll free at 877-253-3649 and providing them with your correct address. If the Administrator does not have your correct address, you may not receive notice of important developments in this Action.

WHERE YOU CAN FIND ADDITIONAL INFORMATION

66. This Notice provides only a summary of the lawsuit and the claims asserted by Class Representatives. For more detailed information regarding the Action, you may contact Lead Counsel or visit www.ContactLensSettlement.com. You may also contact the Administrator at the address listed at info@ContactLensSettlement.com.

67. Copies of the important pleadings, orders, and other documents filed in this Action are available at www.ContactLensSettlement.com or at <http://www.pacer.gov> or at the office of the Clerk of the Court, United States District Court for the Middle District of Florida, Jacksonville Division, 300 North Hogan Street, Jacksonville, Florida 32202, under Case No. 3:15-md-02626-HES.

PLEASE DO NOT CALL OR WRITE THE COURT OR CLERK OF THE COURT REGARDING THIS NOTICE.

DATED: **May 9, 2022**

BY ORDER OF THE COURT
UNITED STATES DISTRICT COURT MIDDLE
DISTRICT OF FLORIDA

Questions? Call 1-877-253-3649 or visit www.ContactLensSettlement.com