

IN RE PET FOOD PRODUCTS LIABILITY LITIGATION
Frequently Asked Questions ("FAQs")

FAQ 1 – WHAT IS THIS LAWSUIT ABOUT?

There is a proposed Settlement of class action lawsuits known as *In Re: Pet Food Products Liability Litigation*, MDL Docket No. 1850, Civil Action No. 07-2867 (NLH) (All Cases) that are pending in the U.S. District Court for the District of New Jersey and similar lawsuits pending in Canada. This proposed Settlement Agreement is with various companies and persons or entities that handled, distributed, purchased for resale and/or redistribution, supplied, manufactured and/or sold or offered for sale pet food and/or pet treats that may have contained contaminated wheat gluten or rice protein concentrate and were recalled beginning in March 2007, as well as certain companies, persons or entities that supplied that wheat gluten or rice protein concentrate ("Recalled Pet Food Products"). The lawsuits alleged that some of the Recalled Pet Food Products in some cases may have led to illness or death from conditions known as acute kidney or renal failure. The symptoms of these conditions included vomiting, tiredness, decreased appetite, increased urination, and/or increased drinking or water intake by the affected pet.

By agreeing to the proposed Settlement described in this Notice, the defendants make no admission as to the truth of these allegations, and they deny any wrongdoing.

FAQ 2 - WHO CAN PARTICIPATE IN THIS LITIGATION?

The Class includes all pet owners in the United States or Canada who purchased, used or obtained or whose pets consumed the Recalled Pet Food Products, unless you are a member of the class certified by the Circuit Court of the First Circuit, State of Hawai'i in *Lum v. Menu Foods, Inc., et al.* (Civil No. 07-1-0849-05 (EEH)). If you have questions regarding whether you are a member of the *Lum* class, you may contact the Claims Administrator. The contact information for the Claims Administrator is at the end of this Notice.

FAQ 3 – WHAT ARE THE RECALLED PET FOOD PRODUCTS?

A complete list of the Recalled Pet Food Products can be found at the Settlement website www.petfoodsettlement.com or may be requested by calling or writing to the Claims Administrator:

Claims Administrator
Pet Food Settlement
c/o Heffler, Radetich & Saitta, L.L.P.
P.O. Box 890
Philadelphia, PA 19105-0890
1-800-xxx-xxxx

FAQ 4 - WHAT DOES THE PROPOSED SETTLEMENT PROVIDE?

The proposed Settlement provides for the creation of a twenty-four million dollar (\$24,000,000.00) Settlement Fund. Eligible consumers may receive up to a 100% cash payment for all documented, reasonable economic damages incurred as a result of their purchase or their pets' consumption of Recalled Pet Food Products. This also includes veterinary treatment costs, death-related expenses, deceased pet purchase price or fair market value, whichever is higher, or new pet cost, property damages and other economic costs. Consumers who do not have documents supporting their claims for economic damages may still be eligible for a cash

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reimbursement for their damages, subject to a \$900 limit per pet. Recovery may also be subject to a pro rata reduction, as more fully explained in FAQ 5 below.

FAQ 5 – ARE THERE LIMITS ON RECOVERY AMOUNTS?

Claims approved by the Claims Administrator may be subject to certain limitations, such as:

- 1) the total amount available from the Settlement Fund to reimburse pet owners for healthy pet screening, in cases where the pet did not become ill or die is limited to a total of \$400,000. If the limit is reached, the part of your approved claim for testing your healthy pet will be pro-rated based on the ratio of the amount of your claim to all of the approved claims for healthy pet screening.
- 2) The total amount available from the Settlement for reimbursement of Recalled Pet Food is limited to a total of \$250,000. If this limit is reached, the part of your approved claim for reimbursement of Recalled Pet Food purchases will be pro-rated based on the ratio of the amount of your claim to all of the approved claims for Recalled Pet Food reimbursement.
- 3) Third, if the total value of claims for all other economic damages – separate and apart from healthy pet screening claims and Recalled Pet Food purchase claims -- exceed the total Settlement Fund amount available, the part of your approved claim for all other economic damages will be pro-rated based on the ratio of the amount of your claim to all the approved claims for these other economic damages.

Claims for economic damages that are not supported with documentation are limited to a maximum of \$900 per pet.

FAQ 6 – WHAT HAPPENS IF THERE IS MONEY LEFT OVER IN THE SETTLEMENT FUND?

If valid claims submitted total less than the Settlement Fund amount available, the difference between the total claims and the Settlement Fund available will be paid to charitable organizations that promote the health and well-being of pets.

FAQ 7 - HOW DO I SUBMIT A CLAIM?

To submit a claim, you will need to complete and mail a claim form with the supporting documentation requested by mail, fax or electronic mail (in PDF format). If you send your claim form by mail, it must be postmarked by _____ and mailed to:

Claims Administrator
Pet Food Settlement
c/o Heffler, Radetich & Saitta, L.L.P.
P.O. Box 890
Philadelphia, PA 19105-0890

If you do not submit your signed claim form by this deadline, you will be deemed to have waived your right to receive any payment from the Settlement Fund.

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You may view and print a copy of the claim form by visiting our website at www.petfoodsettlement.com or by contacting the Claims Administrator at:

Claims Administrator
Pet Food Settlement
c/o Heffler, Radetich & Saitta, L.L.P.
P.O. Box 890
Philadelphia, PA 19105-0890
1-800-xxx-xxxx
[fax number]
[email address]

FAQ 8 – WHAT TYPES OF DOCUMENTATION CAN BE USED TO PROVE ECONOMIC DAMAGES?

As part of your claim, you should provide as much documentation as you can relating to your economic damages, which means expenses. All information provided will be treated as confidential.

Documentation of veterinary expenses may include veterinarian bills, veterinarian records, cancelled checks, receipts, credit card receipts or statements, or a statement from your veterinarian.

Death-related expenses may include the costs of euthanasia or putting your pet to sleep, necropsy or pet autopsy, cremation, burial, or other services. Documentation of these expenses may include veterinarian bills, veterinarian records, pet cemetery records, cancelled checks, receipts, credit card receipts or statements, or a statement from your veterinarian.

Documentation of Recalled Pet Food purchases may include receipts, cancelled checks, credit card statements, copies of the product labels from the products, other records from the place of purchase, or any other records that could demonstrate your purchased the food and how you paid.

FAQ 9 - WHAT IF I ALREADY RECOVERED MONEY FROM DEFENDANTS?

Some Settlement Class members may have already submitted claims and been reimbursed by one of the defendants or an insurance company for expenses associated with the Recalled Pet Food Products. There is a place to report this information on the Claim Form. If you have been previously reimbursed by a defendant or an insurance company, then the reimbursed amount will be deducted from the total amount that may be owed to you as part of the Settlement. If the total amount of your previous reimbursement exceeds the total amount that you are entitled to under this Settlement, then you will not receive any further reimbursement as part of this Settlement.

FAQ 10 - HOW ARE PAYMENTS DETERMINED?

A Claims Administrator appointed by the Court will determine whether a claim is reasonable, valid and payable from the Settlement Fund based on information you provide on the Claim Form. The Claims Administrator is a neutral party, not affiliated with either plaintiffs or defendants. The Claims Administrator has complete and final authority to determine the amount to be paid on each claim and its decision shall be final, binding and cannot be appealed.

FAQ 11 - CAN I COMMENT ON, OR OBJECT TO, THE PROPOSED SETTLEMENT?

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If you want to remain a class member, but have comments about, or disagree with any aspect of the proposed Settlement, you must file a written objection in the case with the Clerk of Court and send a copy to Class Counsel postmarked by _____. Your document must clearly state that it relates to Civil Action Number: 07-2867 (NLH), MDL No. 1850, and include your full name address, telephone number, your signature, and a brief explanation of your comment or reason for objection. Please see the "Notice of Proposed Class Action Settlement and Final Fairness Hearing" for further instructions of how to file a written objection.

If you fall within the class definition and do not want to be prevented from bringing, continuing, or being a part of such a lawsuit, you must exclude yourself from the Settlement Class and proposed Settlement as explained below in FAQ 13.

FAQ 12 - WHAT IF I DO NOT WANT TO BE A PART OF THE SETTLEMENT?

If you don't want to be bound by or receive a payment from this Settlement, or you want the right to pursue your claims individually in court, then you must take steps to get out of the Settlement Class. This is called excluding yourself from or is sometimes referred to as "opting out" of the Settlement Class.

If you choose to opt out of the Settlement and the Settlement Class you will not receive any payment under the Settlement.

To exclude yourself from the Settlement Class, you must send a signed statement to that effect that includes your name, address and telephone number. The statement must be sent to the following:

Claims Administrator
Pet Food Settlement
c/o Heffler, Radetich & Saitta, L.L.P.
P.O. Box 890
Philadelphia, PA 19105-0890

You must mail your request for exclusion postmarked by _____ to:

You cannot exclude yourself on the phone, by email, or at the website.

Any member of the Settlement Class who opts out of the Settlement can change their mind and rejoin the Settlement Class. To do so, you must deliver to Class Counsel and the Claims Administrator a written revocation to your request to opt out within seven (7) days before the Final Approval Hearing.

FAQ 13 – WHEN IS THE FINAL APPROVAL HEARING?

The Court has scheduled a final Settlement Approval Hearing for _____. At the hearing, the Court will consider whether the proposed Settlement is fair, reasonable and adequate to the Class as a whole. The Court will decide whether to approve the proposed Settlement and request for attorneys' fees and reimbursement of expenses. The Court will also consider any filed objections at that time.

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FAQ 14 - HOW DO I GET ADDITIONAL INFORMATION?

For more information on the Settlement you may do any of the following:

- 1) Visit the Pet Food Settlement website at www.petfoodsettlement.com
- 2) Call the Claims Administrator toll free at ### - ### - #####
- 3) Write of fax to Pet Food Claims Administrator at:

Pet Food Settlement,
c/o Heffler, Radetich & Saitta, L.L.P.
, P.O. Box 890
Philadelphia, PA 19105-0890

- 4) Visit the Office of the Clerk of the Court during regular business hours at:

Clerk of Court
Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets, Room 1050
Camden, NJ 08101