

NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT

**IF YOU PURCHASED ANY VARIETY OF SILVER BULLET OR POCKET HOSE BULLET HOSES BETWEEN MAY 4, 2015 AND NOVEMBER 10, 2021, YOU ARE ELIGIBLE TO RECEIVE UP TO A FULL REFUND OF YOUR PURCHASE PRICE.**

*A court authorized this notice. You are not being sued.  
This is not a solicitation from a lawyer.*

- A Proposed Settlement has been reached in a class action lawsuit (“Lawsuit”) called *Christopher Gallo v. Telebrands Corporation*, Case No. ESX-L-007123-21, pending in the Superior Court of New Jersey, Essex County Civil Division which claims that Telebrands Corporation (“Defendant”) made false and misleading statements in connection with the marketing and sale of Silver Bullet and Pocket Hose Bullet expandable garden hoses (the “Hoses”) and that the Hoses are defective.
- You are included in the Settlement if you purchased at least one or more of any variety of Silver Bullet or Pocket Hose Bullet Garden Hoses for personal use between May 4, 2015 and November 10, 2021.
- The Settlement provides cash payments to Class Members with proof of purchase with a full refund for all Hoses purchased. Class members without proof of purchase can submit claim for purchases of up to two Hoses and receive case payments of \$7 per Hose claimed, for a maximum of \$14. See Question 6 for more details.

**Your legal rights are affected even if you do nothing. Read this Notice carefully.**

<b>YOUR LEGAL RIGHTS &amp; OPTIONS IN THIS SETTLEMENT</b>	
<b>Submit a Claim</b>	You must submit a Claim to get money from this Settlement. Claim Forms must be submitted online or postmarked by <b>February 23, 2022</b> .
<b>Do Nothing</b>	If you do nothing, you remain in the Settlement, you give up your rights to sue, and you will not get any money.
<b>Exclude Yourself</b>	<b>Get out of the Settlement. Get no money. Keep your rights.</b> This is the only option that allows you to keep your right to sue about the claims in this lawsuit. You will not get any money from the Settlement. Your request to exclude yourself must be postmarked by <b>February 8, 2022</b> .
<b>File an Objection</b>	Stay in the Settlement but tell the Court why you think the Settlement should not be approved. Objections must be submitted by <b>February 8, 2022</b> .

<b>Go to a Hearing</b>	You can ask to speak in Court about the fairness of the Settlement, at your own expense. <i>See</i> Question 18 for more details. The Fairness Hearing is scheduled for <b>February 17, 2022</b> .
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## BASIC INFORMATION

### 1. Why did I get this Notice?

You are receiving this notice because you may be a Class Member in a proposed Settlement regarding alleged false, misleading, and deceptive labeling found on Hoses sold under the Silver Bullet and Pocket Hose Bullet brands.

This Notice explains the nature of the lawsuits and claims being settled, your legal rights, and the benefits to the Class. The Court in charge of the case is the Superior Court of New Jersey in Essex County, and the case is known as *Christopher Gallo v. Telebrands Corporation*, Docket No. ESX-L-007123-21. Judge Keith E. Lynott is overseeing this class action. The people who sued are called the Plaintiffs, and the company they sued, Telebrands, is called the Defendant.

### 2. What is this case about?

Plaintiffs Christopher Gallo, Howard Tang, and Kenneth Petersen (“Plaintiffs” or the “Class Representatives”) filed a lawsuit against Defendant Telebrands Corporation (“Defendant”), individually and on behalf of anyone who purchased the Hoses for personal use between May 4, 2015 and November 10, 2021.

The lawsuit alleges violations of consumer protection and warranty laws and claims that Telebrands made false and misleading statements in connection with the marketing and sale of “Silver Bullet” and “Pocket Hose Bullet” expandable garden hoses, including allegations that the Defendant improperly marketed the durability of the Hoses.

### 3. Why is there a Settlement?

The Court has not decided in favor of either side in the case. Telebrands denies all allegations of wrongdoing or liability against it, and contends that its conduct was lawful. By agreeing to settle, both sides avoid the cost, disruption, and distraction of further litigation. The Class Representatives, Defendant, and their attorneys believe the proposed Settlement is fair, reasonable, and adequate and, thus, best for the Class Members.

Full details about the proposed Settlement are found in the Settlement Agreement available at [www.pockethosesettlement.com](http://www.pockethosesettlement.com).

### 4. Why is this a class action?

In a class action, one or more people called “Class Representatives” (in this case Plaintiffs Christopher Gallo, Howard Tang, and Kenneth Petersen) sue on behalf of all people who have similar claims. All of these people together are the “Class” or “Class Members.” The named plaintiffs who sued are called the Plaintiffs or the Class Representatives. The company sued (in this case, Telebrands Corporation) is called the Defendant. One court resolves the issues for everyone in the Class – except for those people who choose to exclude themselves from the Class.

## 5. How do I know if I am included in the Settlement?

You are included in this Settlement as a Class Member if you purchased any variety of the Silver Bullet or Pocket Hose Bullet Hoses (for personal use only) in the United States from May 4, 2015 through November 10, 2021.

Excluded from this definition are the following: (a) Defendant's employees, officers and directors, (b) persons or entities who purchased the Settlement Class Products for the purpose of re-sale, (c) retailers or re-sellers of the Hoses, (d) governmental entities, (e) persons who timely and properly exclude themselves from the Class as provided herein, (f) any natural person or entity that entered into a release with Defendant prior to the Effective Date concerning any of the Settlement Class Products, and (g) the Court, the Court's immediate family, and Court staff.

If you are not sure whether you are in the Class, or have any other questions about the Settlement, visit [www.pockethosesettlement.com](http://www.pockethosesettlement.com), or write with questions Digital Settlement Group; PO Box 232; Valparaiso, IN 46384, or call toll free 877-388-5621.

## THE SETTLEMENT BENEFITS

### 6. What does this Settlement provide?

The proposed Settlement, if approved by the Court, will provide the following benefits:

- a. **Class Members providing Proof of Purchase.** Settlement Class Members who submit a valid Claim Form, along with Proof of Purchase establishing purchase of the Hoses, and revealing the actual price paid for the Hoses, will receive a full refund of the purchase price without any cap on the number of units. Settlement Class Members who submit a valid Claim Form, along with Proof of Purchase that does not reveal the actual price paid for the Hoses will receive a refund of the MSRP at the time of such purchase(s) without any cap on the number of units.
- b. **With Return Of Hoses Without Proof of Purchase.** Settlement Class Members who submit a valid Claim Form without Proof of Purchase and return the Hose(s) will receive a full refund of the average MSRP during the Class Period without any cap on the number of units. Defendant shall cover the cost for pre-paid shipping labels to be sent to all class members wishing to return the Hoses.
- c. **Without Return Of Hoses And Without Proof of Purchase.** Settlement Class Members who submit a valid Claim Form without Proof of Purchase and without returning the Hose(s), but who submit attestation of Claimant's purchase, will receive up to \$14, *i.e.*, \$7.00 each for up to two (2) unit purchases of the Hoses during the Class Period.

You must file a Claim to get any money from the proposed Settlement. The deadline to submit a Claim is **February 23, 2022**.

## **7. How to submit a Claim?**

You must submit a Claim Form, with or without Proof of Purchase or returning the Hoses(s), in order to be eligible to receive any money from the Settlement, if it is approved. You can download a Claim Form at [www.pockethosettlement.com](http://www.pockethosettlement.com) or you can call the Settlement Administrator at 877-388-5621.

Your Claim Form must be postmarked or submitted online no later than 11:59 p.m. Eastern Time by **February 23, 2022**.

## **8. What am I giving up as part of the Settlement?**

Unless you exclude yourself, you will be included as part of the Settlement Class, if the Settlement is approved. By staying in the Class, you will be eligible to receive benefits included in the Settlement to which you are entitled, and you will be releasing the Defendant and all Released Parties from any liability, cause of action, claim, right to damages or other relief, and any other legal rights to which you may otherwise be entitled under the law(s) of your state or any other applicable law.

This means that you will no longer be able to sue Telebrands Corporation or any other person or entity regarding the marketing of the durability of the Hoses if you are a Class Member and do not exclude yourself from the Class.

The Settlement Agreement, includes all the provisions about settled claims and releases, is available at [www.pockethosettlement.com](http://www.pockethosettlement.com).

## **9. Will the Class Representatives and Other Plaintiffs receive compensation?**

Yes. Plaintiffs will request a service award of \$2,500.00 each, up to a maximum total amount of \$7,500.00 in the aggregate, to compensate them for their service as Class Representatives and Plaintiffs and their efforts in bringing these claims. The Court will make the final decision as to the amount, if any, to be paid to this individual.

# **EXCLUDE YOURSELF**

## **10. How do I exclude myself from the Settlement?**

If you do not want to be included in the Settlement, you must send a written request for exclusion postmarked no later than **February 8, 2022** to:

Digital Settlement Group  
PO Box 232  
Valparaiso, IN 46384

Instructions on how to submit a request for exclusion are available at [www.pockethosettlement.com](http://www.pockethosettlement.com) or from the Settlement Administrator by calling 877-388-5621.

If you exclude yourself, you will not be able to receive benefits from the Settlement and you cannot object to the Settlement. You will not be legally bound by anything that happens in this lawsuit.

**11. If I do not exclude myself, can I sue later?**

No. If you do not exclude yourself from the Settlement, you forever give up the right to sue the Released Parties (listed in Question 6) for the claims this Settlement resolves.

**12. What happens if I do nothing at all?**

If you do nothing, you will be bound by the Settlement if the Court approves it, you will not be able to start or proceed with a lawsuit, or be part of any other lawsuit against the Released Parties (described in Question 6) about the settled claims in this case at any time.

**THE LAWYERS REPRESENTING YOU**

**13. Do I have a lawyer in the case?**

Yes. The Court has ordered that Bursor & Fisher, P.A. (“Class Counsel”) will represent the interests of all Class Members. Class Members will not be separately charged for these lawyers.

If you want to be represented by your own lawyer, you may hire one at your own expense.

**14. How will the lawyers be paid?**

Class Counsel will apply to the Court for an award of attorneys’ fees and litigation expenses. Any award of attorneys’ fees and litigation expenses will have no impact on any Class Member benefits, and will not impact whether this settlement is approved.

A copy of Class Counsel’s Application for Attorneys’ Fees and Expenses will be posted on the Settlement Website, [www.pockethosesettlement.com](http://www.pockethosesettlement.com), before the Fairness Hearing. The Court will make the final decisions as to the amounts to be paid to Class Counsel, and may award less than the amounts requested by Class Counsel.

**OBJECTING TO THE SETTLEMENT**

**15. How do I tell the Court that I do not like the Settlement?**

If you want to tell the Court that you do not agree with the proposed Settlement or some part of it, you can submit an Objection to the Court telling them why you do not think the Settlement should be approved.

Your Objection must include all the following information:

- (i) The case name: *Christopher Gallo v. Telebrands Corporation*, Case No. ESX-L-007123-21 (New Jersey Superior Court).
- (ii) Your full name, address, and telephone number.
- (iii) The name, address, and telephone number of any lawyer(s) representing you or who may be entitled to compensation in connection with objection.

- (iv) A statement that you are a Class Member in the proposed Settlement, including a verification under oath of Hose(s) purchased and, to the extent known, the location, approximate date, and approximate price paid.
- (v) A detailed statement of the Objection(s), including the grounds for the Objection(s) and any legal support for the Objection.
- (vi) Copies of any papers, briefs, or other documents upon which the Objection is based.
- (vii) A list of any and all persons who will be called to testify in support of the Objection.
- (viii) A statement whether you or your counsel intend to appear at the Fairness Hearing.
- (ix) A list and copies of any and all exhibits that you or your counsel intends to offer at the Fairness Hearing.
- (x) The identity of any current or former lawyer who may be entitled to compensation for any reason relating to the Objection.
- (xi) A list of any class action settlement objections made by you or your lawyer in any state or federal court in the last five years.

Your Objection must be submitted to the Clerk of the Court by First-Class mail, postmarked no later than **February 8, 2022**, to:

Clerk of the Court  
 Essex County Courthouse  
 50 W. Market St.  
 Newark, NJ 07102

In addition, you must mail a copy of your Objection to Class Counsel and Defense Counsel, postmarked no later than **February 8, 2022**:

CLASS COUNSEL	DEFENSE COUNSEL
Yitzchak Kopel Bursor & Fisher, P.A. 888 Seventh Ave. New York, NY 10019	Jeff Richardson Mitchell Silberberg & Knupp LLP 2049 Century Park East, 18 <sup>th</sup> Floor Los Angeles, CA 90067

If you do not submit your Objection with all requirements, or you do not submit your Objection postmarked by **February 8, 2022**, you will be considered to have waived all Objections and will not be entitled to speak at the fairness hearing.

**16. What is the difference between objecting and asking to be excluded?**

Objecting is simply telling the Court that you don't like something about the Settlement. You can object only if you stay in the Class.

Excluding yourself is telling the Court that you do not want to be part of the Class. If you exclude yourself, you have no basis to object because the Settlement no longer affects you.

## THE FAIRNESS HEARING

### 17. When and where will the Court decide whether to approve the Settlement?

The Court will hold the Fairness Hearing at 2:00 p.m. on **February 17, 2022**, at the courthouse or telephonically. The hearing may be moved to a different date, time or location without additional notice, so it is recommended that you periodically check [www.pockethosettlement.com](http://www.pockethosettlement.com) for updated information.

At the hearing, the Court will consider whether the proposed Settlement is fair, reasonable, adequate, and is in the best interests of Class Members, and if it should be approved. If there are valid, timely Objections, the Court will consider them and will listen to people who have asked to speak at the hearing if the request was made properly. The Court will also consider the award of Attorneys' Fees and Expenses to Class Counsel and the request for a service awards to the Class Representatives.

### 18. Do I have to come to the hearing?

No, you are not required to come to the Fairness Hearing. However, you are welcome to attend the hearing at your own expense.

If you submit an Objection, you do not have to come to the hearing to talk about it. If your Objection was submitted properly and on time, the Court will consider it. You also may pay your own lawyer to attend the Fairness Hearing, but that is not necessary.

### 19. May I speak at the hearing?

Yes, you can speak at the Fairness Hearing but you must ask the Court for permission. To request permission to speak, you must file an Objection according to the instructions in Question 15, including all the information required.

You cannot speak at the hearing if you exclude yourself from the Settlement.

## DO NOTHING

### 20. What happens if I do nothing?

If you do nothing, you will not get any money from the Settlement, you will not be able to sue for the claims in this case and you release the claims as described in Question 8.

## GET MORE INFORMATION

### 21. How do I get more information about the Settlement?

This is only a summary of the proposed Settlement. If you want additional information about this lawsuit, including a copy of the Settlement Agreement, the complaints, the Court's Preliminary Approval Order, Class Counsel's Application for Attorneys' Fees and Expenses, and more, please visit [www.pockethosettlement.com](http://www.pockethosettlement.com) or call 877-388-5621.

You may also contact the Settlement Administrator at [info@pockethosesettlement.com](mailto:info@pockethosesettlement.com).

**PLEASE DO NOT ADDRESS ANY QUESTIONS ABOUT THE SETTLEMENT OR LITIGATION TO THE CLERK OF THE COURT OR THE JUDGE.**