

## **Consumers Who Purchased CVS-Brand Maximum Strength Lidocaine Products Could Get Money from a Settlement.**

A Settlement has been reached in a class action lawsuit. In the lawsuit, Plaintiffs Monique Bell, Tree Anderson, and Melissa Conklin (“Named Plaintiffs”) allege that the packaging of Defendant’s Lidocaine Products was false and deceptive in that it led purchasers to believe that the Lidocaine Products delivered a “maximum strength” amount of lidocaine, and that the Products in patch form could reliably adhere to the body for up to 8 or 12 hours. Defendant denies the claims and any wrongdoing. The Court has not decided who is right. The parties agreed to settle the case.

**Who’s Included?** The Settlement Class is defined as all persons who purchased Products in the United States during the Class Period, which is from December 11, 2017, through and including July 18, 2023.

“Products” means all CVS-branded “maximum strength” lidocaine patches, creams, roll-ons, and spray products, including, but not limited to, the products listed in the First Amended Complaint. (ECF No. 53-1.) The Products include the following SKU numbers: 376649, 405343, 977934, 328522, 405623, 250483, 385037, 249024, 235554, 383998, 238921, 197229, 450467, 371271, 188721, 256563, 196728, 256518, 384034, 234274, 834344, 388642.

If the Product you bought was sold under the CVS brand and says “maximum strength” on the box, you may qualify as a Settlement Class Member.

**What does the Settlement Provide?** The Settlement provides a maximum of up to \$3,800,000.00 (the “Settlement Sum”) to pay Valid Claims, Class Counsel’s Fee Award, and Class Representative Service Awards. The Settlement Sum represents Defendant’s all-inclusive, sole, exclusive, and full payment for all monetary consideration of any kind whatever to Plaintiffs, Class Representatives, Settlement Class Members, and Class Counsel, including the total amount of monetary relief available (a) to Settlement Class Members for payment of all Valid Claims, (b) for Class Representative Service Awards, and (c) for Class Counsel’s Fee Award. **The deadline to submit Claim Form is November 20, 2023.** Settlement Class Members will be able to choose between two Benefit options (cannot choose both):

(a) Claims with no Proof of Purchase(s) may recover \$4.50 per Unit for up to three (3) Units; or

(b) Claims with Proof of Purchase(s) may recover \$4.50 for each Unit for any number of documented Units. “Proof of Purchase” means a receipt or other documentation which reasonably establishes purchase during the Class Period in the United States. Claims submitted without adequate Proof of Purchase will be processed as a claim submitted with no proof purchase.

The actual amount paid to Settlement Class Members will depend upon the total number of Valid Claims submitted. If the total amount to be paid as a result of Valid Claims exceeds the amount of the Settlement Sum that remains after the payment of the Class Representative Service Awards

and Class Counsel's Fee Award, then the Benefit payable to each Claimant shall be proportionately reduced, such that Defendant's maximum liability under this Agreement shall not exceed the Settlement Sum. Defendant's maximum liability under this Agreement shall not exceed the Settlement Sum plus the Administration Expenses.

**How to Submit a Claim Form?** Claims may be submitted by U.S. mail or filed online. U.S. mail needs to be postmarked by **November 20, 2023**. Online claims must be submitted by **11:59 p.m. EST on November 20, 2023**. Claim Form must be completed fully and accurately and submitted on time.

Claim Forms can be downloaded and submitted at **www.LidocaineSettlement.com** or one can be requested by calling **(833) 747-6949**.

**Exclude Yourself.** If you do not want to be legally bound by the Settlement, you must exclude yourself. The deadline to submit an **Exclusion is October 6, 2023**. If you do exclude yourself, you keep the right to sue about the claims resolved by this Settlement. Details on how to exclude yourself are available at **www.LidocaineSettlement.com**.

**Object.** If there is something about the Settlement you do not like, you may object. The deadline to submit an Objection is **October 6, 2023**. Details on how to submit an Objection are available at **www.LidocaineSettlement.com**.

**Final Approval Hearing.** The Court will hold a Final Approval Hearing on **December 19, 2023**, before the Honorable Peggy Kuo, at **11:30 a.m. Eastern Time**, at United States District Court, Eastern District of New York 225 Cadman Plaza East Brooklyn, Room 11C South, New York 11201, to consider whether to approve the Settlement (including the Application for Attorneys' Fees and Expenses of up to \$1,140,000 of the Settlement Sum and Class Representative Service Awards of \$3,000 to each Named Plaintiff, all of which are to be paid from the Settlement Sum). You may appear at the hearing, either yourself or through an attorney you hire, but you don't have to. If you intend to appear, either yourself or through an attorney you hire, you must file and serve a notice of intention to appear satisfying the requirements set forth in the Settlement Agreement and detailed in the Long Form Notice.

For more information, call **(833) 747-6949** or visit **www.LidocaineSettlement.com**.