

If You Purchased Instaflex Glucosamine Sulfate, You Could Receive Money from a Class Action Settlement.

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

Your legal rights are affected whether or not you act. Please read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:	
SUBMIT A CLAIM FORM POSTMARKED OR SUBMITTED ONLINE BY SEPTEMBER 5, 2017	<p><u>The only way to receive a payment.</u></p> <p>You must submit a claim form to receive a payment. The Court still has to decide whether to approve this settlement. Payments will be made if the Court approves this settlement and after any appeals are resolved.</p>
EXCLUDE YOURSELF FROM THE CLASS BY JULY 20, 2017	<p>Receive no payment.</p> <p>This is the only option that allows you to pursue your own claims by filing your own lawsuit at your own expense.</p>
OBJECT/COMMENT BY JULY 20, 2017	<p>Write to the Court about why you do, or do not, like the settlement. You must remain in the Settlement Class to comment in support of or in opposition to the settlement.</p>
ATTEND A HEARING ON SEPTEMBER 7, 2017	<p>Ask to speak to the Court about the fairness of the settlement.</p>
DO NOTHING	<p>Receive no payment, and give up rights to sue.</p>

These rights and options, and the deadlines to exercise them, are explained in this notice. This notice provides additional information, but is not the claim form. To file a claim for a cash payment, you should go to www.GlucosamineSulfateSettlement.com, write to the Instaflex Glucosamine Sulfate Settlement Administrator, P.O. Box 43034, Providence, RI 02940-3034, or call the toll-free number 1-844-454-4154.

1. Why should I read this notice?

On March 9, 2017, this Court preliminarily approved a settlement of this case (the “Litigation”). This notice describes the settlement. Your rights and options – and the deadlines to exercise them – are explained in this notice. Your legal rights are affected regardless of whether or not you take action.

2. What is the Litigation about?

Direct Digital, LLC (“Direct Digital” or the “Defendant”) manufactures and sells a glucosamine sulfate joint support supplement called Instaflex Joint Support (“Instaflex”). A class action has been filed and certified by this Court in which the plaintiff, on behalf of himself and other purchasers, alleges that certain claims made on the labeling of Instaflex are false. No allegations related to safety or physical injury have been made.

3. Why is there a settlement?

The Court has not decided in favor of either side in the case. Direct Digital stands by its glucosamine sulfate product and its efficacy. Direct Digital is settling to avoid the expense, inconvenience, and inherent risk of litigation. Plaintiff and his attorneys assert that the settlement is in the best interests of the Settlement Class, because it provides a fair and reasonable recovery now while avoiding the risk, expense, and delay of pursuing the case through trial and any appeals.

4. Who is included in the settlement?

You are included in the “Settlement Class” if you paid money to obtain Instaflex for personal use and not resale or distribution, including all persons who paid only shipping and handling for an Instaflex trial or sample.

Excluded from the Settlement Class are (i) Defendant; (ii) retailers of Instaflex; (iii) the parents, subsidiaries, affiliates, officers, and directors of (i) and (ii); (iv) those persons who submit valid requests for exclusion from the Settlement Class (see Question 7); and (v) any persons who purchased Instaflex and have already received a full refund.

5. What does the settlement provide?

Direct Digital agrees to pay \$4,500,000.00 to a Settlement Fund, which will be used to pay claims made by consumers, attorneys’ fees for Settlement Class Counsel (see Question 6.b), incentive awards to the Class Representative (see Question 6.a) and notice and administration costs up to \$400,000.00 (unless there are leftover monies in the Settlement Fund after all claims, attorneys’ fees, and the incentive award is paid, then up to \$600,000.00).

- a. **Monetary Recovery.** If you submit a valid claim postmarked or submitted online by September 5, 2017, you will receive (1) \$15.00 per bottle of Instaflex Joint Support purchased (up to a maximum of 7 bottles or \$105.00, per household), or (2) \$5.00 if you paid only shipping and handling for an Instaflex sample or trial and did not pay money to purchase Instaflex.
- b. **Leftover/Insufficient Monies In Fund.** If monies remain in the Settlement Fund after the claims, attorneys’ fees, incentive award, and notice and administration costs are paid, the remaining funds will be distributed *pro rata* (proportionately) to all Settlement Class members who have submitted a valid claim for purchases, up to a maximum of \$60.00 for each bottle claimed. If leftover monies still remain, those monies will be given to a *cy pres* recipient, The Arthritis Foundation. If payments requested exceed the monies available in the Settlement Fund, payments to Settlement Class members will be reduced *pro rata*.
- c. **Labeling Changes.** Direct Digital has agreed to make certain modifications to the labeling of Covered Products, which are described in Paragraph 7 of the Settlement Agreement available at www.GlucosamineSulfateSettlement.com.

6. Who represents the Settlement Class?

- a. **Class Representative.** For purposes of the settlement, the Court has appointed Vince Mullins, the plaintiff named in the Litigation to serve as the Class Representative. Settlement Class Counsel will request an incentive award of up to \$5,000.00 to be paid to the Class Representative from the Settlement Fund.
- b. **Settlement Class Counsel.** The Court has appointed the following attorneys and law firms to represent the Settlement Class as Settlement Class Counsel: Elaine A. Ryan, BONNETT, FAIRBOURN, FRIEDMAN & BALINT, P.C., 2325 E. Camelback Road, Suite 300, Phoenix,

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Arizona 85016; Max A. Stein, BOODELL & DOMANSKIS, LLC, One North Franklin, Suite 1200, Chicago, Illinois 60606; and Stewart M. Weltman, SIPRUT PC, 17 North State Street, Suite 1600, Chicago, Illinois 60602. From the inception of the Litigation in 2013 to the present, Settlement Class Counsel has not received any payment for their services in prosecuting the case or obtaining the settlement, nor have they been reimbursed for any out-of-pocket expenses they have incurred. Settlement Class Counsel will apply to the Court for an award of attorneys' fees and costs of up to 33% of the Settlement Fund. If approved, these fees and costs will be paid from the Settlement Fund before making payments to Settlement Class members who submit valid claims. If you want to be represented by your own lawyer, you may hire one at your own expense.

7. How can I exclude myself from the Settlement Class?

To exclude yourself from the Settlement Class, you must send a letter saying that you want to be excluded from the proposed Settlement Class in the Instaflex Product Litigation. Your written exclusion request must include your name, address, telephone number, and signature, and a statement to the effect that: "I/We hereby request to be excluded from the proposed Settlement Class in the Instaflex Joint Support Products Litigation." Your exclusion request must be postmarked no later than July 20, 2017 and mailed to Instaflex Glucosamine Sulfate Settlement Administrator, P.O. Box 43034, Providence, RI 02940-3034.

If you elect to exclude yourself, you will (i) not be able to submit a claim to receive any monetary payment, (ii) not be bound by any further orders or judgments in this case, and (iii) remain able to pursue your own legal claims alleged in the Litigation by filing your own lawsuit at your own expense. If you proceed on an individual basis, you may receive nothing at all, or more, or less, of a benefit than you would otherwise receive under this settlement.

8. How can I tell the Court what I think about the settlement?

If you do not exclude yourself from the Settlement Class, you can object/comment in support of or in opposition to the settlement. The objection or comment must include: (a) the case name and number (*Mullins v. Direct Digital, LLC*, No. 1:13-cv-01829); (b) your name, address, and telephone number; (c) a signed statement that you are a member of the Settlement Class; (d) the grounds for the objection; and (e) indicate whether you and/or your attorney (if any) intend to appear at the Fairness Hearing, and list the name, address, and telephone number of the attorney (if any) who will appear.

Your objection or comment must be submitted in writing to all three (3) addresses below and must be postmarked by July 20, 2017:

Court: Clerk of Court, United States District Court
Northern District of Illinois
Everett McKinley Dirksen United States Courthouse
219 South Dearborn Street
Chicago, Illinois 60604
(may be filed in person instead of by mail)

Settlement Class Counsel: Stewart M. Weltman
Siprut PC
17 North State Street, Suite 1600
Chicago, Illinois 60602

Direct Digital's Counsel: Ari N. Rothman
Venable LLP
600 Massachusetts Avenue, NW
Washington, DC 20001

The Court will consider all comments from Settlement Class members.

9. What is the effect of final settlement approval?

If the Court grants final approval to the settlement, all members of the Settlement Class will release all claims or causes of action arising from or relating to: (i) allegations, claims, or contentions that were or could have been asserted in the Litigation; and (ii) the Covered Products, including, but not limited to, their efficacy or performance, and any and all advertising, labeling, packaging, marketing, claims, or representations of any type whatsoever regarding Instaflex. The Released Claims do not include claims for personal injury or safety-related concerns. All members of the Settlement Class who do not exclude themselves from the Settlement Class will release any claims they may have against Direct Digital and related entities covered by the release. You may refer to Paragraphs 11-13 of the Settlement Agreement for a full description of the claims and persons that will be released upon final approval of the settlement.

The Settlement Agreement is available (i) from the Clerk of the Court, (ii) online at www.GlucosamineSulfateSettlement.com, (iii) by writing to Instaflex Glucosamine Sulfate Settlement Administrator, P.O. Box 43034, Providence, RI 02940-3034, or (iv) by calling the toll-free number 1-844-454-4154. If you do not wish to be a Settlement Class member, you must exclude yourself from the Settlement Class (see Question 7, above).

10. When and where will the Court hold a hearing on the fairness of the settlement?

A Fairness Hearing has been set for September 7, 2017, at 10:30 a.m. before Judge Norgle in the United States District Court for the Northern District of Illinois, Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Chicago, Illinois 60604. At the hearing, the Court will hear any comments, objections, and arguments concerning the fairness of the proposed settlement, including the amount requested by Settlement Class Counsel for attorneys' fees and expenses, and the incentive award for the Class Representative. You do not need to attend the Fairness Hearing to remain a Settlement Class member or obtain a settlement payment.

11. How do I receive my share of the settlement?

If you do not exclude yourself from the Settlement Class, and would like to receive a cash payment, you must submit a valid claim form as set forth in Question 5.a above. Claim forms must be submitted online or postmarked by September 5, 2017. You can file or download a copy of the appropriate claim form online at www.GlucosamineSulfateSettlement.com, or obtain one by writing to the Instaflex Glucosamine Sulfate Settlement Administrator, P.O. Box 43034, Providence, RI 02940-3034, or by calling the toll-free number 1-844-454-4154.

12. What happens if I do nothing at all?

If you do nothing, you will not receive a payment from the settlement. You will still be part of the Settlement Class, and be subject to the release described in Paragraphs 11-13 of the Settlement Agreement.

13. Where do I get additional information?

This notice provides only a summary of the matters relating to the settlement. For more detailed information, you may wish to review the Settlement Agreement dated March 1, 2017. You can view the Settlement Agreement and get more information at www.GlucosamineSulfateSettlement.com. You can also get more information by writing to Settlement Class Counsel at the addresses listed in Question 8 or by calling toll-free 1-844-454-4154. The Settlement Agreement and all other pleadings and papers filed in connection with the Settlement are available for inspection and copying during regular business hours at the office of the Clerk of the United States District Court, Northern District of Illinois, Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Chicago, Illinois 60604.

**PLEASE DO NOT CONTACT THE COURT OR DIRECT DIGITAL
WITH QUESTIONS ABOUT THE SETTLEMENT**

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