

If You Were Sent a Text Message from Caribou Coffee Company, You May Be Entitled to a Payment from a Class Action Settlement.

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

- A Settlement has been reached in a class action lawsuit about whether Caribou Coffee Company, Inc. (“Caribou”) sent text messages to mobile telephone numbers without prior express written consent of the recipients in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”). Caribou denies the allegations in the lawsuit, and the Court has not decided who is right.
- The Settlement offers payments to Settlement Class Members who file valid claims. Additionally, Caribou has agreed to discontinue its text marketing programs.
- Your legal rights are affected whether you act or do not act. Read this Notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:

SUBMIT A CLAIM FORM.	Submit a Claim Form seeking cash payment.
EXCLUDE YOURSELF.	Request to be excluded, and get no benefits from the Settlement. This is the only option that allows you to start or continue your own lawsuit against Caribou for the claims at issue in the Settlement.
OBJECT.	Write to the Court about why you do not like the Settlement.
GO TO A HEARING.	Ask to speak in Court about the fairness of the Settlement.
DO NOTHING.	Get no monetary benefits. Give up any rights you might have to sue Caribou about the claims resolved by the Settlement.

- These rights and options—**and the deadlines to exercise them**—are explained in this Notice.
- The Court in charge of this case still has to decide whether to approve the Settlement. If it does, and after any appeals are resolved, benefits will be distributed to those who submit qualifying Claim Forms. Please be patient.

QUESTIONS? CALL 1-888-706-9637 OR VISIT www.CaribouTCPASettlement.com.

Si desea recibir esta notificación en español, llámenos o visite nuestra página web.

WHAT THIS NOTICE CONTAINS

BASIC INFORMATION	PAGE 3
1. Why is there a Notice?	
2. What is this litigation about?	
3. What is the Telephone Consumer Protection Act?	
4. Why is this a class action?	
5. Why is there a settlement?	
WHO IS PART OF THE SETTLEMENT	PAGE 3
6. Who is included in the Settlement?	
7. What if I am not sure whether I am included in the Settlement?	
THE SETTLEMENT BENEFITS	PAGE 4
8. What does the Settlement provide?	
9. How do I file a claim?	
10. When will I receive my payment?	
EXCLUDING YOURSELF FROM THE SETTLEMENT	PAGE 4
11. How do I get out of the Settlement?	
12. If I do not exclude myself, can I sue the Defendant for the same thing later?	
13. What am I giving up to stay in the Settlement Class?	
14. If I exclude myself, can I still get a payment?	
THE LAWYERS REPRESENTING YOU	PAGE 5
15. Do I have a lawyer in the case?	
16. How will the lawyers be paid?	
OBJECTING TO THE SETTLEMENT	PAGE 6
17. How do I tell the Court if I do not like the Settlement?	
18. What is the difference between objecting and asking to be excluded?	
THE FAIRNESS HEARING	PAGE 7
19. When and where will the Court decide whether to approve the Settlement?	
20. Do I have to attend the hearing?	
21. May I speak at the hearing?	
IF YOU DO NOTHING	PAGE 7
22. What happens if I do nothing at all?	
GETTING MORE INFORMATION	PAGE 7
23. How do I get more information?	

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BASIC INFORMATION

1. Why is there a Notice?

A Court authorized this Notice because you have a right to know about a proposed settlement of a class action lawsuit known as *Kristie Farnham, on behalf of herself and all others similarly situated v. Caribou Coffee Company, Inc.*, Case No. 16-CV-00295-WMC, and about all of your options before the Court decides whether to give Final Approval to the Settlement. This Notice explains the lawsuit, the Settlement, and your legal rights.

Judge William M. Conley of the United States District Court, Western District of Wisconsin, is overseeing this case. The person who sued is called the “Plaintiff.” Caribou Coffee Company, Inc., is the “Defendant.”

2. What is this litigation about?

The lawsuit alleges that Caribou Coffee Company, Inc., sent text messages to Plaintiff’s wireless telephone number without prior express written consent and in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”), and seeks statutory damages under the TCPA on behalf of the named Plaintiff and a class of all individuals in the United States who received one or more unsolicited text messages from or on behalf of Caribou Coffee Company, Inc., between May 5, 2012, and July 28, 2017.

Caribou denies each and every allegation of wrongdoing, liability, and damages that were or could have been asserted in the litigation, and further denies that the claims in the litigation would be appropriate for class treatment if the litigation were to proceed through litigation and trial.

The Plaintiff’s Complaint, Settlement Agreement, and other case-related documents are posted on the Settlement Website, www.CaribouTCPASettlement.com. The Settlement resolves the lawsuit. The Court has not decided who is right.

3. What is the Telephone Consumer Protection Act?

The Telephone Consumer Protection Act (commonly referred to as the “TCPA”) is a federal law that restricts telephone solicitations and the use of automated telephone equipment. The Plaintiff here alleged that Caribou sent marketing text messages to Settlement Class Members without their prior written consent in violation of the TCPA.

4. Why is this a class action?

In a class action, one or more people called “class representatives” (in this case, Plaintiff Kristie Farnham) sue on behalf of themselves and other people with similar claims. Together, all the people with similar claims (except those who exclude themselves) are members of a “settlement class.”

5. Why is there a settlement?

The Court has not decided who is right. Instead, both sides have agreed to a settlement. By agreeing to the Settlement, the parties avoid the costs and uncertainty of a trial, and if the Settlement is approved by the Court, Settlement Class Members will receive the benefits described in this Notice. Caribou denies all legal claims in this case. Plaintiff and her lawyers think the proposed Settlement is best for everyone who is affected.

WHO IS PART OF THE SETTLEMENT

6. Who is included in the Settlement?

The Settlement includes all persons who, while residing in the United States, received one or more text messages sent by or on behalf of Caribou Coffee Company, Inc., at a cellular telephone number, between May 5, 2012, and July 28, 2017. These people are called the “Settlement Class” or “Settlement Class Members.”

Excluded from the Settlement Class are (a) Defendant, Defendant’s officers, Defendant’s directors, and their immediate family members; (b) Class Counsel; and (c) the Judges who have presided over the Litigation and their immediate family members.

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7. What if I am not sure whether I am included in the Settlement?

If you are not sure whether or not you are in the Settlement Class, or have any other questions about the Settlement, visit the Settlement Website at www.CaribouTCPASettlement.com or call the toll-free number, 1-888-706-9637. You also may send questions to the Settlement Administrator at Caribou Coffee Settlement Administrator, P.O. Box 3076, Portland, OR 97208-3076.

THE SETTLEMENT BENEFITS

8. What does the Settlement provide?

Caribou has agreed to pay \$8,500,000.00 to create a “Settlement Fund.” The Settlement Fund will be used to pay all Settlement costs, including Notice and Administrative Costs, the Attorneys’ Fee Award, and Service Award to the Class Representative. The remaining “Net Settlement Fund” will be distributed as cash payments to Settlement Class Members who submit valid claims. The cash payments will be distributed on a pro rata basis to valid claimants depending on the number of valid claims filed. Each Settlement Class Member may only file one claim and receive only one cash payment.

Additionally, Caribou has agreed to discontinue its text marketing programs.

9. How do I file a claim?

If you qualify for a cash payment, you must complete and submit a valid Claim Form. You can file your Claim Form online at www.CaribouTCPASettlement.com or download a Claim Form from the website and file it by email to claims@CaribouTCPASettlement.com. The deadline to file a claim online or via email is **11:59 p.m. CST on November 13, 2017**.

If you received a Claim Form in the mail with a postcard summary of this Notice, simply complete, sign, and mail the form. The postage is prepaid and there is no need for a stamp.

You may also file your Claim Form via regular mail. Claim Forms submitted by mail must be postmarked on or before **November 13, 2017** to:

Caribou Coffee Settlement Administrator
P.O. Box 3076
Portland, OR 97208-3076

No matter which method you choose to file your Claim Form, please read the Claim Form carefully and provide all the information required. Only one Claim Form per Settlement Class Member may be submitted.

10. When will I receive my payment?

Payments to valid claimants will be made only after the Court grants final approval to the Settlement and after any appeals are resolved (*see* “Fairness Hearing” below). If there are appeals, resolving them can take time. Please be patient.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want benefits from the Settlement, and you want to keep any right you might have to sue the Defendant and the other entities receiving a release—3Seventy, Inc., and Givex Corporation—about the issues in this case, then you must take steps to get out of the Settlement. This is called excluding yourself from, or “opting-out” of, the Settlement Class.

11. How do I get out of the Settlement?

To exclude yourself from the Settlement, you must send a letter by mail to:

Caribou Coffee Settlement Administrator
P.O. Box 3076
Portland, OR 97208-3076

QUESTIONS? CALL 1-888-706-9637 OR VISIT www.CaribouTCPASettlement.com.

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Your request to be excluded from the Settlement must be personally signed by you under penalty of perjury and contain a statement that indicates your desire to be “excluded from the Settlement Class” and that absent excluding yourself or “opting-out” you are “otherwise a member of the Settlement Class.”

Your exclusion request must be postmarked no later than **October 13, 2017**. You cannot ask to be excluded on the phone, by email, or at the website.

You may opt out of the Settlement Class only for yourself. So-called “mass” or “class” opt outs, whether filed by third parties on behalf of a “mass” or “class” of Class Members or multiple Class Members where no personal statement has been signed under penalty of perjury by each and every individual Class Member, are not allowed.

12. If I do not exclude myself, can I sue the Defendants for the same thing later?

No. Unless you timely exclude yourself, you give up any right you might have to sue the Defendant, 3Seventy, Inc., and Givex Corporation for legal claims that the Settlement resolves. You must exclude yourself from the Settlement Class in order to try to maintain your own individual lawsuit. If you start your own lawsuit, you will have to hire your own lawyer, file your own case, and you will have to prove your claims.

13. What am I giving up to stay in the Settlement Class?

Unless you exclude yourself from the Settlement, you cannot sue or be part of any other lawsuit against the Defendant, 3Seventy, Inc., or Givex Corporation about the issues in this case, including any existing litigation, arbitration, or proceeding. Unless you exclude yourself, all of the decisions and judgments by the Court will bind you. If you file a Claim Form for benefits or do nothing at all, you will be releasing Caribou Coffee Company, Inc., 3Seventy, Inc., and Givex Corporation from all of the claims described and identified in the Settlement Agreement.

The Settlement Agreement is available at www.CaribouTCPASettlement.com. The Settlement Agreement provides more detail regarding the release and describes the released claims with specific descriptions in necessary, accurate legal terminology, so read it carefully. You can talk to the law firm representing the Class listed in Question 15 for free or you can, at your own expense, talk to your own lawyer if you have any questions about the released claims or what they mean.

14. If I exclude myself, can I still get a payment?

No. You will not get a payment from the Settlement Fund if you exclude yourself from the Settlement.

THE LAWYERS REPRESENTING YOU

15. Do I have a lawyer in the case?

The Court has appointed the following lawyers as “Class Counsel” to represent all members of the Settlement Class:

Class Counsel

David P. Milian, Esq.
Frank S. Hedin, Esq.
Carey Rodriguez Milian Gonya, LLP
1395 Brickell Avenue, Suite 700
Miami, FL 33131
dmilan@careyrodriguez.com
fhedin@careyrodriguez.com
Telephone: (305) 372-7474
Facsimile: (305) 372-7475

You will not be charged for these lawyers. If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense.

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16. How will the lawyers be paid?

Class Counsel intend to request up to 35% of the value of the Settlement for attorneys' fees, inclusive of reasonable, actual out-of-pocket expenses incurred in the litigation. The fees and expenses awarded by the Court will be paid out of the Settlement Fund. The Court will decide the amount of fees and expenses to award.

Class Counsel also will request that a Service Award of \$10,000.00 be paid from the Settlement Fund to the Class Representative for her service as representative on behalf of the whole Settlement Class.

OBJECTING TO THE SETTLEMENT

17. How do I tell the Court if I do not like the Settlement?

If you are a Settlement Class Member (and do not exclude yourself from the Settlement Class), you can object to any part of the Settlement. To object, you must timely submit a letter or other written document that includes the following:

- 1) A heading that includes the case name and case number—*Kristie Farnham on behalf of herself and all others similarly situated v. Caribou Coffee Company, Inc.*, Case No. 16-CV-00295-WMC.
- 2) Your name, address, telephone number, the cell phone number at which you received text messages from Caribou Coffee Company, Inc., between May 5, 2012 and July 28, 2017 and, if represented by counsel, the name, bar number, address, and telephone number of your counsel;
- 3) A signed statement stating, under penalty of perjury, that you received one or more text messages sent by or on behalf of Caribou Coffee Company, Inc., between May 5, 2012 and July 28, 2017 and are a member of the Settlement Class;
- 4) A statement of all your objections to the Settlement including your legal and factual basis for each objection; and
- 5) A statement of whether you intend to appear at the Fairness Hearing, either with or without counsel, and if with counsel, the name of your counsel who will attend.

If you wish to object to this settlement, you must mail your objection to each of the following two (2) addresses and your objection must be postmarked by **October 13, 2017**. To object to Class Counsel's fee petition, you must mail your objection to each of the following two (2) addresses and your objection must be postmarked by **November 20, 2017**.

Clerk of the Court	Class Counsel
United States District Court for the Western District of Wisconsin 120 N. Henry Street Madison, WI 53703	David P. Milian, Esq. Frank S. Hedin, Esq. Carey Rodriguez Milian Gonya, LLP 1395 Brickell Avenue, Suite 700 Miami, FL 33131

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

Objecting is telling the Court that you do not like something about the Settlement. You can object to the Settlement only if you do not exclude yourself. Excluding yourself is telling the Court that you do not want to be part of the Settlement. If you exclude yourself, you have no basis to object to the Settlement because it no longer affects you.

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THE FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the Settlement and any requests for fees and expenses (“Fairness Hearing”).

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

The Court has scheduled a Fairness Hearing on **November 27, 2017 at 10:00 am**, at the United States District Court for the Western District of Wisconsin, 120 N. Henry Street, Madison, WI 53703. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check www.CaribouTCPASettlement.com for updates. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will also consider the requests by Class Counsel for attorneys’ fees and expenses and for a Service Award to the Class Representative. If there are objections, the Court will consider them at that time. After the hearing, the Court will decide whether to approve the Settlement. It is unknown how long these decisions will take.

20. Do I have to attend the hearing?

No. Class Counsel will answer any questions the Court may have. But, you are welcome to attend the hearing at your own expense. If you send an objection, you do not have to come to Court to talk about it. As long as you submitted your written objection on time, to the proper addresses, and it complies with all the other requirements set forth above, the Court will consider it. You also may pay your own lawyer to attend the hearing, but it is not necessary.

21. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing. To do so, your timely filed objection must include a statement of whether you intend to appear at the Fairness Hearing (*See* Question 17 above).

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

IF YOU DO NOTHING

22. What happens if I do nothing at all?

If you are a Class Member and do nothing, you will not get any monetary benefits from the Settlement. And, unless you exclude yourself, you will be bound by the judgment entered by the Court. This means you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit or proceeding about the claims at issue in this case.

GETTING MORE INFORMATION

23. How do I get more information?

This Notice summarizes the proposed Settlement. You are urged to review more details in the Settlement Agreement. For a complete, definitive statement of the Settlement terms, refer to the Settlement Agreement at CaribouTCPASettlement.com. You also may write with questions to the Settlement Administrator at Caribou Coffee Settlement Administrator, P.O. Box 3076, Portland, OR 97208-3076, or call the toll-free number, 1-888-706-9637.

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