

## **LEGAL NOTICE**

### **If You Purchased RELAXIUM, You May Be Eligible for a Cash Refund of \$9 from a Class Action Settlement**

*Lipsky, et al. v. American Behavioral Research Institute, LLC, d/b/a Relaxium, Case No. 50-2023-CA-011526-XXXX-MB*

A proposed Settlement has been reached in a class action lawsuit. Purchasers of RELAXIUM (the “Products”) sued American Behavioral Research Institute, LLC (“ABRI”), alleging violations of laws relating to the marketing, distribution and sale of the Products. Plaintiffs alleged that the Products are shipped via a misleading auto shipment program and that the Products are marketed in a way that is misleading. ABRI denies Plaintiffs’ claims, denies any wrongdoing, and asserts that the auto shipment program and the Products’ advertising claims are not misleading, in any way. The Court has not decided whether ABRI did anything wrong. The parties agreed to the proposed Settlement to resolve the lawsuit and avoid the expenses and uncertainties of continuing the lawsuit.

#### **WHAT IS THIS NOTICE ABOUT?**

If you purchased the Products in the United States, you have a right to know about the proposed Settlement of a class action lawsuit and your options. If you have received this Summary Notice in the mail or by email, you have been identified from available records as a possible purchaser of the Products at issue in the lawsuit.

#### **AM I A MEMBER OF THE CLASS?**

You are part of the class if you purchased the Products in the United States on or after January 23, 2019 and on or before July 27, 2023.

#### **WHAT DOES THE SETTLEMENT PROVIDE?**

With Court approval, the Settlement provides cash payments. Settlement Class Members who submit a valid Claim Form and either (a) received a direct notice or (b) provide Proof of Purchase or otherwise identify when and where they purchased the Products shall be eligible for a payment of Nine U.S. Dollars (\$9.00) per household.

In addition, ABRI will make certain revisions to its auto shipment programs, and its marketing and advertising of the Products.

#### **WHAT ARE MY RIGHTS?**

You have three options:

1. **You Can Accept the Settlement.** Class Members who wish to receive a Cash Payment must submit a Claim Form on or before October 9, 2023 either online at [www.ABRISettlement.com](http://www.ABRISettlement.com) or by mailing it to the ABRI Settlement Administrator, PO Box 231, Valparaiso, IN 46384. If you don’t submit a timely Claim Form and don’t timely exclude yourself from the Settlement, you will be bound by the Settlement and will not receive a Cash Payment. If you stay in the Class, you will be bound by all orders and judgments of the Court, and you won’t be able to sue or continue to sue ABRI as part of any other lawsuit involving the claims in the lawsuit.
2. **You Can Object to the Settlement.** You can ask the Court to deny approval or object to an aspect of the Settlement by objecting with the Court. If the Court denies approval, no Settlement payments will be sent out to anyone and the lawsuit may continue to be litigated on the merits. If that is what you want to happen, you must object. You may hire your own lawyer to appear in Court for you if you wish; however, you will be responsible for paying your lawyer. Objections will be considered by the Court only if filed in writing and mailed by October 9, 2023 to the Clerk of the Court for Palm Beach County Circuit Court and also mailed to counsel for the parties. Objections must state your name, address, telephone number, name of the lawsuit, the factual and legal grounds for your objection, the name, address, and telephone number of any attorney representing you, and identify any case in which you or your attorney has objected to a class action settlement previously in the last five years. The Court may only require substantial compliance with the requirements for submitting an objection. The Court may waive the requirement to submit a written objection if good cause is shown.
3. **You Can “Opt-Out”** (i.e., exclude yourself) from the Settlement. If you exclude yourself from the Class – which is sometimes called “opting out” of the Class – you won’t get a payment from the Settlement but won’t be barred from asserting claims against ABRI in a separate lawsuit. Such notice must include your name, address, telephone number, and signature

and a statement that you want to be excluded from the Settlement in *Lipsky, et al. v. American Behavioral Research Institute, LLC, d/b/a Relaxium*, Case No. 50-2023-CA-011526-XXXX-MB. Your written request for exclusion must be mailed to ABRI Settlement Administrator, PO Box 231, Valparaiso, IN 46384, and postmarked on or before October 9, 2023.

### **THE FAIRNESS HEARING**

On October 16, 2023, at 9 a.m., the Court will hold a hearing in Courtroom 9D of the Circuit Court for the Fifteenth Judicial District In and For Palm Beach County to approve: (1) the proposed Settlement as fair, reasonable, and adequate; and (2) the application for Plaintiffs' attorneys' fees and reimbursement of litigation expenses. Class Members who support the proposed Settlement do not need to appear at the hearing or take any other action to indicate their approval.

### **HOW CAN I GET MORE INFORMATION?**

This is only a summary of the proposed Settlement. If you have questions or want to view the detailed notice or other documents about the lawsuit or the proposed Settlement, including the Settlement Agreement, you may visit [ABRISettlement.com](http://ABRISettlement.com) or contact Class Counsel at 646-837-7150 or call the Settlement Administrator at 1-888-492-1996 or [info@abrisettlement.com](mailto:info@abrisettlement.com).

**BY ORDER OF THE CIRCUIT COURT FOR THE FIFTEENTH  
JUDICIAL DISTRICT IN AND FOR PALM BEACH COUNTY**