

SUPREME COURT OF NEW YORK, KINGS COUNTY
Rosenfeld et al. v. AC2T, Inc., Case No. 506882/2023

IF YOU PURCHASED SPARTAN MOSQUITO PRODUCTS BETWEEN DECEMBER 21, 2016, AND AUGUST 2, 2023, YOU MAY BE ENTITLED TO COMPENSATION FROM A CLASS ACTION SETTLEMENT

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

- This class action Settlement will resolve a lawsuit against AC2T, Inc. (“AC2T” or “Defendant”). It affects all Persons who, between December 21, 2016, and August 2, 2023, purchased, in the United States, for personal use and not resale, either of the following Spartan Mosquito Products: “Spartan Mosquito Eradicator” and “Spartan Mosquito Pro Tech” (the “Products”).
- Defendant denies any wrongdoing. It contends that the Products were truthfully marketed and packaged.
- Settlement Class Members who do not have Proof of Purchase, may elect a Benefit of \$7.00 per Box purchased, up to 1 Box or \$7.00 per Household for Tier 1 Claims. Settlement Class Members possessing Proof(s) of Purchase reflecting the actual purchase price paid may elect a Benefit of the full purchase price, for all boxes purchased, for Tier 2 Claims. Settlement Class Members possessing Proof(s) of Purchase that do not reflect the actual purchase price paid may elect a Benefit of \$10.00, for all boxes purchased, for Tier 3 Claims. Settlement Class Members may receive less money depending on a number of factors including how many Valid Claims are actually submitted.
- Defendant has agreed to pay up to \$3,600,000 as part of the Settlement, which includes Benefit payments to qualified Settlement Class Members, fees and costs that the Court may award to Class Counsel, costs associated with administration of the settlement, and payment of a Class Representative Service Award to the Plaintiffs who brought this lawsuit.
- Your legal rights are affected whether you act or don’t act. Read this notice carefully.

This notice summarizes the proposed Settlement. For the precise terms and conditions of the Settlement, please see the Settlement Agreement available at www.AC2TSettlement.com, contact the Settlement Administrator at info@AC2Tsettlement.com or contact Class Counsel at info@bursor.com.

**PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK’S OFFICE
TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.**

YOUR RIGHTS AND OPTIONS IN THIS SETTLEMENT		DEADLINE
SUBMIT A CLAIM FORM	The only way to receive payment, i.e., refunds for your purchases.	December 1, 2023
OPT-OUT	Get out of the lawsuit and the Settlement. This is the only option that allows you to ever bring or join another lawsuit against Defendant that raises the same legal Claims released by this Settlement. You will receive no payment.	December 1, 2023
FILE OBJECTION	Write to the Court about why you don’t like the Settlement, the amount of attorneys’ fees, or the payment to the Plaintiffs.	December 1, 2023
GO TO A HEARING	Speak in Court about the Settlement. (If you object to any aspect of the Settlement, you must submit a written Objection by the Objection Deadline noted above.)	December 4, 2023
DO NOTHING	You will receive no payment and have no right to sue later for the Claims released 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. Benefit payments will be made if the Court approves the Settlement. If there are appeals, payment will not be made until the appeals are resolved and the Settlement becomes effective. Please be patient.
- **Fairness Hearing**
On December 4, 2023, at 9:00 a.m., the Court will hold a hearing to determine: (1) whether the proposed Settlement should be approved as fair, reasonable, and adequate and should receive final approval; (2) the Released Claims of the Settlement Class against the Released Parties should be dismissed with prejudice; (3) Class Counsel’s Application for Fee Award; and (3) the Class Representative Service Award payments. The hearing will be held in the Supreme Court of New York, Kings County, 360 Adams Street Brooklyn, NY 11201. The hearing will be held in the courtroom of Katherine A. Levine. This hearing date may change without further notice to you. Consult the Settlement Website at www.AC2TSettlement.com.

Important Dates

- December 1, 2023 Claim Form Deadline
- December 1, 2023 Objection Deadline
- December 1, 2023 Opt-Out Deadline
- December 4, 2023 Fairness Hearing

Table of Contents

Table of Contents	3
How Do I Know If I Am Affected By The Settlement?	3
What Is The Lawsuit About?	4
Why Is This Case Being Settled?	4
What Can I Get In The Settlement?	5
How Do I Make A Claim?	5
What Do Plaintiffs And Their Lawyers Get?	6
What Claims Are Released By The Settlement?	6
How Do I Opt-Out From The Settlement?	9
How Do I Object To The Settlement?	6
When Will The Court Decide If The Settlement Is Approved?	7
How Do I Get More Information?	7

How Do I Know If I Am Affected By The Settlement?

This case involves Products purchased in the United States between December 21, 2016, and August 2, 2023.

For purposes of Settlement only, the Court has conditionally certified a Settlement Class which is defined as all Persons who, between December 21, 2016, and August 2, 2023, purchased, in the United States, for personal use and not resale, any of the following products manufactured, sold, or distributed under the brand name “Spartan Mosquito”: “Spartan Mosquito Eradicator” and “Spartan Mosquito Pro Tech.”

If the Settlement does not become effective (for example, because it is not finally approved, or the approval is reversed on appeal), then this litigation will continue.

What Is The Lawsuit About?

Plaintiffs allege that Defendant’s marketing representations that the Products effectively eradicate mosquitoes are false and misleading. Defendant denies that there is any factual or legal basis for Plaintiffs’ allegations. Defendant contends that its marketing representations are accurate, denies making any misrepresentations and, therefore, denies any liability.

The Court has not determined whether Plaintiffs or Defendant is correct.

Why Is This Case Being Settled?

The Court has not decided whether the Plaintiffs or the Defendant should win this case. Instead, both sides agreed to a settlement. That way, they avoid the uncertainties and

expenses associated with ongoing litigation, and Settlement Class Members will get compensation sooner rather than, if at all, after the completion of a trial.

What Can I Get In The Settlement?

Settlement Class Members may elect either Tier 1, Tier 2, or Tier 3 Benefit, subject to further adjustments or reductions:

(a) Tier 1. Settlement Class Members who elect to fill out the Claim Form for Tier 1 and do not have valid Proof of Purchase may recover up to a maximum of \$7.00 per Box for up to one Box or \$7.00 per Household; or

(b) Tier 2. Settlement Class Members who elect to fill out the Claim Form for Tier 2 and do have valid Proof of Purchase reflecting the purchase price paid may recover up to the full purchase price per Box, for all Boxes purchased.

(c) Tier 3. Settlement Class Members who elect to fill out the Claim Form for Tier 3 and do have valid Proof of Purchase, but whose Proof of Purchase does not reflect the actual purchase price paid, may receive up to \$10.00 per Box, for all Boxes purchased.

(d) All Claims submitted from the same Household shall be treated as a single Claim including for the purposes of the Proof of Purchase requirements.

(e) The Settlement Administrator may make further adjustments to the Benefit depending upon the total number of Valid Claims received.

How Do I Make A Claim?

To make a Claim, you must fill out the Claim Form available on this Settlement Website, www.AC2TSettlement.com. You can submit the Claim Form online, or you can print it and mail it to the Settlement Administrator at: AC2T Settlement Administrator, PO Box 231, Valparaiso, IN 46384. Claim Forms must be submitted online or postmarked by December 1, 2023 Eastern Time. Benefit payments will be made if the Court gives final approval to the proposed Settlement and after the final approval is no longer subject to appeal. Please be patient as this may take months or even years in the event that there is an appeal.

A Final Approval Hearing is scheduled for December 4, 2023. If the Court approves the Settlement and there are no appeals, the Benefit payments will be distributed approximately 60 days after the Claim Period is completed and the Settlement is no longer subject to appeal or review. If the Court does not approve the Settlement, or if the Settlement is overturned on appeal, no Benefit payments will be issued.

What Do Plaintiffs And Their Lawyers Get?

To date, Class Counsel has not been compensated for any of their work on this case. Class Counsel may apply to the Court to award them up to \$1,200,000 to pay their Attorneys' Fees and Expenses.

In addition, the named Class Representatives in this case may each apply to the Court for a Class Representative Service Award up to \$2,500. This payment is designed to compensate the named Class Representatives for the time, effort, and risks they undertook in pursuing this litigation.

Class Representatives and their lawyers will file an Application with the Court on or before December 1, 2023 in support of their Application for Attorneys' Fees and Expenses and payment as Class Representative Service Awards. A copy of that Application will be available on the Settlement Website. The Court will determine the amount of Attorneys' Fees and Expenses as well as the amount of Class Representative Service Awards.

What Claims Are Released By The Settlement?

If the settlement becomes final, you will give up your right to sue the Defendant and other Released Parties for the claims being resolved by this settlement. The specific claims you are giving up against the Defendant are described in the Settlement Agreement. You will be releasing the Defendant and certain of its affiliates, employees and representatives as described in Section 2.29 of the Settlement Agreement. Unless you exclude yourself (*see* "How Do I Opt Out" below), you are releasing the claims, regardless of whether you submit a claim or not. The Settlement Agreement is available through the "court documents" link on the website.

The Settlement Agreement describes the released claims with specific descriptions, so read it carefully.

How Do I Opt-Out From The Settlement?

You can Opt-Out from the Settlement Class if you wish to retain the right to sue Defendant separately for the Released Claims. If you Opt-Out, you cannot file a Claim or Objection to the Settlement.

To Opt-Out, you must mail an Opt-Out request to the Settlement Administrator at AC2T Settlement Administrator, PO Box 231, Valparaiso, IN 46384, with copies mailed to Class Counsel and counsel for Defendant. If mailed, the Opt-Out request must be signed by you, contain your full name, address, and phone number(s), and the following statement: "I/We request to Opt-Out from the settlement in the AC2T Action."

Opt-Out requests must be received or postmarked on or before December 1, 2023.

How Do I Object To The Settlement?

You can ask the Court to deny approval of the Settlement by timely filing an Objection with the Court. You can't ask the Court to order a larger Settlement; the Court can only approve or deny the Settlement. If the Court denies approval to the entire Settlement, no Benefit payments will be made, and the lawsuit will continue.

You can also ask the Court to disapprove the requested payments to Plaintiffs and to their attorneys. If those payments are disapproved, no additional money will be paid to the Settlement Class. Instead, the funds earmarked for Plaintiffs and their attorneys will be retained by Defendant.

You may also appear at the Final Approval Hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for paying that attorney. If you want to raise an Objection to the Settlement at the Final Approval Hearing, you must first submit that Objection in writing, by the Objection Deadline set forth above. Any Objection must include: (a) a reference at the beginning to this case, *Rosenfeld et al. v. AC2T, Inc.*, Case No. 506882/2023, Supreme Court of New York, County of Kings; (b) the name, address, telephone number, and, if available, the email address of the Person objecting, and if represented by counsel, of his/her counsel; (c) a written statement of all grounds for the Objection, accompanied by any legal support for such Objection; (d) whether he/she intends to appear at the Final Approval Hearing, either with or without counsel; (e) a statement of his/her membership in the Settlement Class, including all information required by the Claim Form; and (f) a detailed list of any other objections submitted by the Settlement Class Member, or his/her counsel, to any class actions submitted in any court, whether state or otherwise, in the United States in the previous five (5) years. If the Settlement Class Member or his/her counsel has not objected to any other class action settlement in any court in the United States in the previous five (5) years, he/she shall affirmatively state so in the written materials provided in connection with the Objection to this Settlement.

Failure to include this information and documentation may be grounds for overruling and rejecting your Objection.

All the information listed above must be filed with the Court on or before December 1, 2023.

If you file an Objection to the Settlement but still want to submit a Claim in the event the Court approves the Settlement, you must still timely submit a Claim Form according to the instructions described above.

By filing an Objection, you are consenting to the jurisdiction of the Court, and to produce documents and provide testimony prior to the Final Approval Hearing. You **must** also send a copy of your Objection to the Settlement Administrator, Class Counsel, and Defendant's counsel:

Counsel for Class:

Yitzchak Kopel
Alec Leslie
Bursor & Fisher, P.A.
1330 Avenue of the Americas
New York, New York 10019

Counsel for Defendant:

Jacob Abrams
Kasowitz Benson Torres LLP
1441 Brickell Avenue, Suite 1420
Miami, FL 33131

When Will The Court Decide If The Settlement Is Approved?

The Court will hold a hearing on December 4, 2023 to consider whether to approve the Settlement. The hearing will be held in the Supreme Court of New York, Kings County, 360 Adams St., Brooklyn, NY 11201. The hearing will be held in the courtroom of the Honorable Katherine A. Levine, which is located in Part 92. The hearing is open to the public. This hearing date may change without further notice to you. Consult the Settlement Website at www.AC2TSettlement.com for updated information on the hearing date and time.

How Do I Get More Information?

You can inspect many of the court documents connected with this case on the Settlement Website. You can also obtain additional information by contacting Class Counsel at info@bursor.com.