

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF VENTURA

**Safransky v. Fossil Group, Inc., and Fossil Stores I, Inc.** | Case No. 56-2019-00526181-CU-BT-VTA

**IF YOU PURCHASED OUTLET-EXCLUSIVE MERCHANDISE FROM A FOSSIL OUTLET STORE IN CALIFORNIA,  
YOU MAY BE ELIGIBLE TO RECEIVE AN AWARD USABLE FOR FUTURE PURCHASES.**

**A CALIFORNIA COURT AUTHORIZED THIS NOTICE. THIS IS NOT A SOLICITATION FROM A LAWYER.**

A settlement (the “Settlement”) has been proposed in the class action lawsuit referenced above pending in the Superior Court of the State of California in the County of Ventura (the “Action”). If the Court gives final approval to the Settlement, Fossil Group, Inc., and Fossil Stores I, Inc. (“Fossil”) will provide, for each eligible Class Member (eligibility described below), one Merchandise Certificate for \$11.00 off a future purchase (no minimum purchase) at a Fossil outlet store in California, subject to the additional conditions explained in this Notice.

Your legal rights are affected whether you act or don’t act. Read this notice carefully.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>		
<b>SUBMIT A CLAIM FORM</b>	<p>If you did not receive direct notice of this Settlement via email or postcard, but want to obtain a Merchandise Certificate, you must submit a Claim Form, along with proof of Qualifying Purchase.</p> <p>Visit the Settlement website located at <a href="http://www.OutletPricingSettlement.com">www.OutletPricingSettlement.com</a> to obtain a Claim Form.</p>	<p>Deadline: <b>August 1, 2019</b></p>
<b>EXCLUDE YOURSELF</b>	<p>If you exclude yourself from the Settlement, you will not receive a Merchandise Certificate under the Settlement. Excluding yourself is the only option that allows you to bring or maintain your own lawsuit against Fossil regarding the allegations in the Action ever again.</p>	<p>Deadline: <b>August 1, 2019</b></p>
<b>OBJECT</b>	<p>You may write to the Court about why you object to (i.e., don’t like) the Settlement and think it shouldn’t be approved. Submitting an objection does not exclude you from the Settlement.</p>	<p>Deadline: <b>August 1, 2019</b></p>
<b>GO TO THE “FAIRNESS HEARING”</b>	<p>The Court will hold a “Fairness Hearing” to consider the Settlement, the request for attorneys’ fees and costs of the lawyers who brought the Action, and the Representative Plaintiff’s request for a service award for bringing the Action.</p> <p>You may, but are not required to, speak at the Fairness Hearing. If you intend to speak at the Fairness Hearing, you must also submit a “Notice of Intention to Appear” indicating your intent to do so.</p>	<p>Hearing Date and Time: <b>September 13, 2019, 8:20 a.m.</b></p>
<b>DO NOTHING</b>	<p>If you received direct notice of this Settlement via email or postcard, you will receive one (1) Merchandise Certificate for \$11.00 off any purchase (no minimum purchase). If you did not receive direct notice, you will receive nothing, unless you submit a timely and valid Claim Form, along with proof of Qualifying Purchase.</p> <p>You will also give up your right to object to the Settlement and you will be not be able to be part of any other lawsuit about the legal claims in this case.</p>	<p>N/A</p>

These rights and options—and the deadlines to exercise them—are explained in more detail below.

The Court in charge of this Action has preliminarily approved the Settlement and must decide whether to give final approval to the Settlement. The relief provided to Class Members will be provided only if the Court gives final approval to the Settlement and, if there are any appeals, after the appeals are resolved in favor of the Settlement. *Please be patient.*

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## I. BACKGROUND INFORMATION

### 1. *Why did I get a notice?*

You received a notice because a Settlement has been reached in this Action. According to Fossil's records you might be a member of the Settlement Class and may be eligible for the relief detailed below.

This Notice explains the nature of the Action, the general terms of the proposed Settlement, and your legal rights and obligations. To obtain more information about the Settlement, including information about how you can see a copy of the Agreement of Settlement (which defines certain capitalized terms used in this Notice), see Section 20 below.

### 2. *What is this lawsuit about?*

Plaintiff Timur Safransky (the "Representative Plaintiff") filed a lawsuit against Fossil on behalf of himself and all others similarly situated. The lawsuit alleges that Fossil engaged in deceptive advertising by advertising false reference prices on outlet-exclusive merchandise in Fossil outlet stores in California.

Fossil denies each and every one of the allegations of unlawful conduct, any wrongdoing, and any liability whatsoever, and no court or other entity has made any judgment or other determination of any liability. Fossil further denies that any Class Member is entitled to any relief and that this Action is appropriate for certification as a class action, other than for settlement purposes.

**The issuance of this Notice is not an expression of the Court's opinion on the merits or the lack of merits of the Representative Plaintiff's claims in the Action.**

For information about how to learn about what has happened in the Action to date, please see Section 20 below.

### 3. *Why is this a class action?*

In a class action lawsuit, one or more people called "Representative Plaintiff(s)" (in this Action, Timur Safransky) sue on behalf of other people who allegedly have similar claims. For purposes of this proposed Settlement, one court will resolve the issues for all Class Members. The company sued – in this case, Fossil – is – called the Defendant.

### 4. *Why is there a Settlement?*

The Representative Plaintiff has made claims against Fossil. Fossil denies it has done anything wrong or illegal and admits no liability. The Court has **not** decided that the Representative Plaintiff or Fossil should win this Action. Instead, both sides agreed to the Settlement to avoid the cost, risks, and delay of continued litigation.

### 5. *How do I know if I am part of the Settlement?*

The Court has decided that everyone who fits this description is a Class Member for purposes of the proposed Settlement:

All persons who, during the period of time beginning September 13, 2013 through May 3, 2019, purchased one (1) or more outlet-exclusive products at any Fossil outlet store, in the State of California and did not receive a refund or credit for their purchase(s).

### 6. *I'm still not sure if I am included.*

If you are still not sure whether you are included, you can write the Claims Administrator for free help. The email address of the Claims Administrator is [info@outletpricingsettlement.com](mailto:info@outletpricingsettlement.com) and the U.S. postal (mailing) address is Fossil Outlet Stores Pricing, c/o KCC Class Action Services, P.O. Box 404136, Louisville, KY 40233-4136.

## II. THE PROPOSED SETTLEMENT

### 7. *What relief does the Settlement provide to the Class Members?*

Fossil has agreed to provide Class Members with a Merchandise Certificate that may be used on any purchase in a Fossil outlet store in California.

Class Members who receive direct notice of this Settlement via email or postcard shall automatically receive one (1) Merchandise Certificate for \$11.00 off any purchase.

Class Members who did not receive direct notice of this Settlement via email or postcard, but who purchased outlet-exclusive merchandise from the Fossil outlet stores in California during the Class Period, shall also receive one (1) Merchandise Certificate – for \$11.00 off any purchase, but only if they complete and submit a timely and valid Claim Form, including acceptable proof of Qualifying Purchase(s).

Merchandise Certificates are single-use credits usable for the purchase of any merchandise in any Fossil outlet store in California and will be valid for six (6) months from the date of issuance; they may not be used online. No minimum purchase is required. More than one Merchandise Certificate may be applied in any transaction. The Merchandise Certificates may be used with any other discounts or promotions, and on any items that are on sale or otherwise discounted. The Merchandise Certificates shall not be redeemable for cash

(including no cash back), may not be applied to past purchases, may not be used to purchase gift cards, and will not be replaced if lost, stolen, damaged or expired. The Merchandise Certificates are fully transferable.

### III. HOW TO OBTAIN A MERCHANDISE CERTIFICATE – SUBMITTING A CLAIM FORM

#### 8. *How do I get a Merchandise Certificate?*

If you received direct notice of this Settlement, a Merchandise Certificate will be sent to you automatically. If you did not receive direct notice of this Settlement, you must submit a completed Claim Form, including acceptable proof of Qualifying Purchase(s). A Claim Form is available online at: [www.OutletPricingSettlement.com](http://www.OutletPricingSettlement.com). The Claim Form may be submitted electronically or by postal mail. Read the instructions carefully, fill out the form, submit the acceptable proof of Qualifying Purchase(s), and postmark it by August 1, 2019 or submit it online on or before 11:59 p.m. (Pacific) on August 1, 2019.

#### 9. *When will I get my Merchandise Certificate?*

As described in Sections 17 and 18, the Court will hold a hearing on August 20, 2019 at 8:20 a.m., to decide whether to approve the Settlement. You can continue to monitor the progress of the case on the following website [www.OutletPricingSettlement.com](http://www.OutletPricingSettlement.com).

### IV. THE LAWYERS IN THIS CASE AND THE REPRESENTATIVE PLAINTIFF

#### 10. *Do I have a lawyer in this case?*

The Court has ordered that the Law Offices of Zev B. Zysman, APC (“Class Counsel”) to represent the interests of the Class. You will not be separately charged for Class Counsel. If you want to be represented by your own lawyer, you may hire one at your own expense.

#### 11. *How will the lawyers be paid?*

Fossil has agreed to pay Class Counsel’s attorneys’ fees and costs up to \$219,000.00, subject to approval by the Court. You will not be required to pay any attorneys’ fees or costs and the amount awarded will **not** reduce the benefits available to you under the Settlement. Please see Section 2.4 of the Agreement of Settlement, available online at: [www.OutletPricingSettlement.com](http://www.OutletPricingSettlement.com), for additional details.

#### 12. *Will the Representative Plaintiff receive any compensation for his efforts in bringing this Action?*

The Representative Plaintiff will request a service award of up to \$2,500.00 for his services as class representative and his efforts in bringing the Action. The Court will make the final decision as to the amount to be paid to the class representative and the amount awarded will **not** reduce the benefits available to you under the Settlement.

### V. DISMISSAL OF ACTION AND RELEASE OF ALL CLAIMS

#### 13. *What am I giving up to obtain relief under the Settlement?*

If the Court approves the proposed Settlement, unless you exclude yourself from the Settlement, you will be releasing your claims against Fossil. This generally means that you will not be able to file a lawsuit, continue prosecuting a lawsuit, or be part of any other lawsuit against Fossil regarding the claims in the Action. The Agreement of Settlement, available on the internet at the website [www.OutletPricingSettlement.com](http://www.OutletPricingSettlement.com) contains the full terms of the release.

### VI. HOW TO EXCLUDE YOURSELF FROM THE SETTLEMENT

#### 14. *How do I exclude myself from the Settlement?*

You may exclude yourself from the Class and the Settlement. If you want to be excluded, you must send a signed letter or postcard stating: (a) the name and case number of the Action; (b) the full name, address, and telephone number of the person requesting exclusion; and (c) a statement that he/she does not wish to participate in the Settlement, postmarked no later than August 1, 2019 to the Claims Administrator at:

Fossil Outlet Stores Pricing  
c/o KCC Class Action Services  
P.O. Box 404136  
Louisville, KY 40233-4136

If you timely request exclusion from the Class, you will be excluded from the Class, you will not receive a Merchandise Certificate under the Settlement, you will not be bound by the judgment entered in the Action, and you will not be precluded from prosecuting any timely, individual claim against Fossil based on the conduct complained of in the Action.

## VII. HOW TO OBJECT TO THE SETTLEMENT

### 15. *How do I tell the Court that I disagree with the Settlement?*

At the date, time, and location stated in Section 18 below, the Court will hold a Fairness Hearing to determine if the Settlement is fair, reasonable, and adequate, and to also consider Class Counsel's request for an award of attorneys' fees and costs, and service award to the Representative Plaintiff.

If you wish to object to the fairness, reasonableness, or adequacy of the Agreement of Settlement or the proposed Settlement, you may submit a written objection to the Claims Administrator at the addresses set forth below no later than (*i.e.*, postmarked by) August 1, 2019.

THE COURT	CLASS COUNSEL	DEFENSE COUNSEL
Clerk of the Court Superior Court of the State of California County of Ventura 800 South Victoria Avenue Department 21 Ventura, California 93009	Zev B. Zysman Law Offices of Zev B. Zysman 15760 Ventura Boulevard, 16th Floor Encino, CA 91436 (818) 783-8836	Stephanie A. Sheridan Steptoe & Johnson LLP One Market Street Stuart Tower, Suite 1800 San Francisco, CA 94105 (415) 365-6700

Any written objections should contain: (1) the name and case number of the Action; (2) your full name, address, and telephone number; (3) the words "Notice of Objection" or "Formal Objection"; (4) in clear and concise terms, the legal and factual arguments supporting the objection; (5) facts supporting your status as a Class Member (e.g., either any unique identifier included by the Claims Administrator in your notice, or the date and location of your relevant purchases); (6) your signature and the date; and (7) the following language immediately above your signature and date: "I declare under penalty of perjury under the laws of the State of California that the foregoing statements regarding class membership are true and correct to the best of my knowledge." You may, but need not, submit your objection through counsel of your choice. If you do make your objection through an attorney, you will be responsible for your personal attorney's fees and costs.

Class Members have the option to appear at the Fairness Hearing, either in person or through personal counsel hired at the Class Member's expense, to object to the fairness, reasonableness, or adequacy of the Settlement, the award of attorneys' fees and costs, or the proposed incentive award to the Class Representative. However, Class Members (with or without their attorneys) intending to make an appearance at the Fairness Hearing must so inform the Parties and the Court on or before August 1, 2019 by providing a "Notice of Intention to Appear" to the Courts, Class Counsel, and Defense Counsel at the addresses set forth above.

### 16. *What is the difference between excluding myself and objecting to the Settlement?*

Objecting is simply telling the Court that you disagree with something about the Settlement. You can object only if you stay in the Settlement Class. Excluding yourself is telling the Court that you don't want to be part of the Settlement Class. If you exclude yourself, you have no basis to object because the Settlement no longer affects you.

## VIII. FAIRNESS HEARING

### 17. *What is the Fairness Hearing?*

The Court has preliminarily approved the Settlement and will hold a hearing to decide whether to give final approval to the Settlement. You may attend, but you do not have to. The purpose of the Fairness Hearing will be for the Court to determine whether the Settlement should be approved as fair, reasonable, adequate, and in the best interests of the Settlement Class; to consider the award of attorneys' fees and expenses to Class Counsel; and to consider the request for a service award to the Representative Plaintiff. Class Counsel will file with the Court their motion for award of attorneys' fees and costs and Class Representative's service payments no later than July 18, 2019. After that date, you may view the motion on the Settlement Website.

### 18. *When and where is the Fairness Hearing?*

On September 13, 2019, at 8:20 a.m. (Pacific), a hearing will be held on the fairness of the proposed Settlement. At the hearing, the Court will be available to hear any objections and arguments concerning the proposed Settlement's fairness. The hearing will take place before the Honorable Jeffery G. Bennett in Department 21 of the Courthouse of the Ventura County Superior Court, located at 800 South Victoria Ave., Ventura, CA 93009. The hearing may be postponed to a different date or time or location without notice. Please check [www.OutletPricingSettlement.com](http://www.OutletPricingSettlement.com) for any updates about the Settlement generally or the Fairness Hearing specifically. If the date or time of the Fairness Hearing changes, an update to the Settlement website will be the only way you will be informed of the change.

### 19. *May I speak at the hearing?*

At the Fairness Hearing, the Court will be available to hear any objections and arguments concerning the fairness of the Settlement. As described above in Section 15, you may speak at the Fairness Hearing only if you have timely and validly provided a Notice of Intention to Appear.

If you have requested exclusion from the Settlement, you may not speak at the hearing.

**IX. ADDITIONAL INFORMATION**

**20. *How do I get more information?***

To see a copy of the Agreement of Settlement, the Court's Preliminary Approval Order, Class Counsel's application for attorneys' fees, costs, and incentive award, and the operative complaint filed in the Action, please visit the Settlement website located at: [www.OutletPricingSettlement.com](http://www.OutletPricingSettlement.com). Alternatively, you may contact the Claims Administrator at the email address [info@outletpricingsettlement.com](mailto:info@outletpricingsettlement.com) or the U.S. postal (mailing) address: Fossil Outlet Stores Pricing, c/o KCC Class Action Services, P.O. Box 404136, Louisville, KY 40233-4136.

This description of this Action is general and does not cover all of the issues and proceedings that have occurred. In order to see the complete file you should visit the Clerk's office at 800 South Victoria Ave., Ventura, CA 93009. The Clerk will tell you how to obtain the file for inspection and copying at your own expense.

**21. *What if my address or other information has changed or changes after I submit a Claim Form?***

It is your responsibility to inform the Claims Administrator of your updated information. You may do so at the address below:

Fossil Outlet Stores Pricing  
c/o KCC Class Action Services  
P.O. Box 404136  
Louisville, KY 40233-4136

**DO NOT ADDRESS ANY QUESTIONS ABOUT THE SETTLEMENT OR THE LITIGATION  
TO THE CLERK OF THE COURT OR THE JUDGE, DEFENDANTS, OR DEFENDANTS' COUNSEL.**