

SUPERIOR COURT OF NEW JERSEY
CAMDEN COUNTY

Anderson, et al. v. Burlington Coat Factory, et al.

Case No. CAM-L-2582-17

IF YOU ARE A NEW JERSEY CITIZEN WHO PURCHASED MERCHANDISE FROM A BURLINGTON STORE IN NEW JERSEY, YOU MAY BE ELIGIBLE TO RECEIVE A VOUCHER USABLE FOR FUTURE PURCHASES.

A NEW JERSEY 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 New Jersey, Camden County (the "Action"). If the Court gives final approval to the Settlement, Defendant Burlington Coat Factory Warehouse Corporation (hereinafter "Burlington") will provide, for each eligible Class Member (described below) one or more Purchase Certificates for \$5.00 off a future purchase (no minimum purchase) at a Burlington store in New Jersey, 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.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT		
SUBMIT A CLAIM FORM	<p>If you want to receive a Purchase Certificate for \$5 off any purchase at qualifying stores or online (no minimum purchase), you must submit a Claim Form.</p> <p>Visit the Settlement website located at www.burlingtonnjsettlement.com to obtain a Claim Form and instructions for submission.</p>	Deadline: JUNE 6, 2019
EXCLUDE YOURSELF	<p>If you exclude yourself from the Settlement, you will not be part of the Settlement nor will you receive a Purchase Certificate. Excluding yourself is the only option that allows you to bring or maintain your own lawsuit against Burlington regarding the allegations in the Action ever again.</p>	Deadline: MARCH 20, 2019
OBJECT	<p>You may write to the Court about why you object to (<i>i.e.</i>, don't like) the Settlement and think it shouldn't be approved. Submitting an objection does not exclude you from the Settlement.</p>	Deadline: MARCH 20, 2019
GO TO THE "FAIRNESS HEARING"	<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 Plaintiffs' request for service awards 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>	Hearing Date and Time: APRIL 22, 2019 at 1:30 p.m.
DO NOTHING	<p>If you do nothing, you will remain part of the Settlement but will not receive a Purchase Certificate. 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>	N/A

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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BACKGROUND INFORMATION

1. *Why did I get a notice?*

You received a notice because a Settlement has been reached in this Action. According to Burlington'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 Settlement (which defines certain capitalized terms used in this Notice), see Section 20 below.

2. *What is this lawsuit about?*

Plaintiffs Henry and Catherine Anderson and Lindsay Sewekow (the "Representative Plaintiffs") filed a lawsuit against Burlington on behalf of themselves and all other New Jersey consumers. The lawsuit alleges that Burlington engaged in deceptive advertising by displaying false reference or comparison prices on merchandise offered for sale in Burlington stores in New Jersey.

Burlington 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. Burlington further denies that any Class Member is entitled to any relief and, other than for settlement purposes, that this Action is appropriate for certification as a class action.

The issuance of this Notice is not an expression of the Court's opinion on the merits, or lack thereof, of the Representative Plaintiffs' 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, Henry and Catherine Anderson and Lindsay Sewekow) 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 - Burlington Coat Factory Warehouse Corporation ("Burlington") - is called the Defendant.

4. *Why is there a Settlement?*

The Representative Plaintiffs have made claims against Burlington. Burlington denies it has done anything wrong or illegal and admits no liability. The Court has **not** decided that the Representative Plaintiffs or Burlington 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 New Jersey citizens who made one or more in-store purchase(s) at a Burlington store located in New Jersey between June 26, 2011 and May 22, 2017, 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 Burlington@AdministratorClassAction.com and the U.S. postal (mailing) address is Burlington Settlement Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103.

THE PROPOSED SETTLEMENT

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

Burlington has agreed to provide Class Members with a Purchase Certificate that may be used on any purchase in a Burlington store in New Jersey.

Class Members who purchased merchandise from a Burlington store in New Jersey during the Class Period will receive one (1) Purchase Certificate for \$5.00 off any purchase. In order to receive a Purchase Certificate, Class Members must complete and submit a timely valid Claim Form, subject to penalty of perjury.

Class Members who purchased \$500 or more (exclusive of returns) in merchandise from Burlington stores in New Jersey during the Class Period may receive one (1) additional \$5.00 Purchase Certificate, provided they submit, along with their timely, valid Claim Form, proof of their purchases totaling \$500 or more (exclusive of returns). Acceptable proofs of purchase include (a) receipt(s) clearly showing the date of purchase(s) and the total of the purchase(s), or (b) a credit or debit card transaction record clearly showing the date of purchase(s) and the total of the purchase(s). Copies of such documents must be attached to the Claim Form whether submitted electronically or by postal mail. The proof of purchase must include sufficient information to allow Burlington to verify the purchase(s).

Purchase Certificates are single-use vouchers usable for the purchase of any merchandise at any of its New Jersey stores, and will be valid for one (1) year from the date of issuance. No minimum purchase is required. The Purchase Certificate may be used with any other discounts or promotions, and on any items that are on sale or otherwise discounted. The Purchase Certificate is not 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 Purchase Certificate are fully transferable, and if transferred up to four (4) may be used in a single purchase.

HOW TO OBTAIN A PURCHASE CERTIFICATE– SUBMITTING A CLAIM FORM

8. *How do I get a Purchase Certificate?*

In order to receive a Purchase Certificate, you must submit a completed Claim Form. A Claim Form is available at the following website: www.burlingtonjsettlement.com. The Claim Form may be submitted electronically or by postal mail. Read the instructions carefully, fill out the form, and postmark it by **JUNE 6, 2019** or submit it online on or before 11:59 p.m. (Pacific) on www.burlingtonjsettlement.com.

9. *When will I get my Purchase Certificate?*

As described in Sections 17 and 18, the Court will hold a hearing on April 22, 2019 at 1:30 p.m., to decide whether to approve the Settlement. You can continue to monitor the progress of the case on the following website www.burlingtonjsettlement.com.

THE LAWYERS IN THIS CASE AND THE REPRESENTATIVE PLAINTIFFS

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

The Court has ordered that the law firm of DeNittis Osefchen Prince, P.C. (“Class Counsel”) will represent the interests of the Class. You will not be separately charged for these lawyers. 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?*

Burlington has agreed to pay Class Counsel’s attorneys’ fees and costs up to \$815,000, subject to Court approval. 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 Settlement Agreement, available at www.burlingtonjsettlement.com, for additional details.

12. *Will the Representative Plaintiffs receive any compensation for their efforts in bringing this Action?*

The Representative Plaintiffs will request a service award of up to \$2,000 each for their services as class representatives and their efforts in bringing the Action. The Court will make the final decision as to the amount to be paid to the class representatives, and the amount awarded will not reduce the benefits available to you under the Settlement.

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, you will be releasing your claims against Burlington unless you exclude yourself from the Settlement. 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 Burlington regarding the claims in the Action. The Settlement, available on the website www.burlingtonjsettlement.com, contains the full terms of the release.

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 **March 20, 2019** to the Claims Administrator at:

Class Action Opt-Outs
ATTN: BURLINGTON NJ PRICING
PO BOX 58220
1500 John F Kennedy Blvd
Suite C31
Philadelphia, PA 19102

You must timely request exclusion from the Class to be excluded and not receive a Purchase 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 Burlington based on the conduct complained of in the Action.

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 will also consider Class Counsel's request for an award of attorneys' fees and costs and service awards to the Representative Plaintiffs.

If you wish to object to the fairness, reasonableness, or adequacy of the Settlement Agreement (or the proposed Settlement), you may submit a written objection to the Court, to Class Counsel, and to Defendant's Counsel at the addresses set forth below no later than (*i.e.*, postmarked by) **March 20, 2019**.

COURT	CLASS COUNSEL	DEFENSE COUNSEL
Clerk of the Court Superior Court of New Jersey Camden County Hall of Justice 101 S. 5 th Street Camden, NJ 08103	Stephen P. DeNittis DeNittis Osefchen Prince, PC 5 Greentree Centre 525 Route 73 North, Suite 410 Marlton, NJ 08053	Gregory T. Parks Morgan, Lewis & Bockius LLP 1701 Market Street Philadelphia, PA 19102

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 the your signature and date: "I declare under penalty of perjury under the laws of the State of New Jersey 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 awards to the Class Representatives. 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 **March 20, 2019** by providing a "Notice of Intention to Appear" to the Court, Class Counsel, and Defendant's Counsel at the addresses listed 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.

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 service awards to the Representative Plaintiffs. Class Counsel will file with the Court their motion for final approval of the Settlement and for an award of attorneys' fees and costs and Class Representatives' service payments no later than April 12, 2019.

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

On **April 22, 2019** at **1:30 p.m.** (EST), 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 Donald J. Stein, J.S.C. in Courtroom 54 of the Superior Court of New Jersey, Camden County Hall of Justice, located at 101 S. 5th Street, Camden, New Jersey 08103. The hearing may be postponed to a different date or time or location without notice. Please check www.burlingtonjsettlement.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 Fairness Hearing?*

At the Fairness Hearing, the Court will 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 Fairness Hearing.

ADDITIONAL INFORMATION

20. *How do I get more information?*

To see a copy of the Settlement, the Court's Preliminary Approval Order, and the operative complaint filed in the Action, please visit the Settlement website located at: www.burlingtonnjsettlement.com. Alternatively, you may contact the Claims Administrator at the email address Burlington@AdministratorClassAction.com or the U.S. postal (mailing) address: Burlington Settlement Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103.

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 101 S. 5th Street, Camden, NJ 08103. 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:

Burlington Settlement Administrator
1650 Arch Street, Suite 2210
Philadelphia, PA 19103.

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