

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

**If you are a California resident and purchased Oscilloccinum (“Oscillo”) in the state of California from July 28, 2012 to July 31, 2014, you may be a Class Member with the right to participate or exclude yourself from this lawsuit.**

Si usted es residente en California y compró Oscilloccinum (“Oscillo”) en el estado de California entre el 28 de julio de 2012 y el 31 de julio de 2014, puede ser Miembro del Colectivo con derecho a participar en esta demanda o excluirse de ella. Para ver este aviso en español, visite [www.OscilloClassAction.com](http://www.OscilloClassAction.com).

*A federal court authorized this Notice. This is not a solicitation from a lawyer.*

- This legal notice has been approved by the United States District Court for the Central District of California (referred to as “District Court”). The purpose of this Notice is to inform you that the Court has decided that this lawsuit may proceed as a class action and that you may be a member of the Class, describe what the lawsuit is about, how it may affect your rights, and explain what steps you can take to either stay in the action or exclude yourself.
- This lawsuit has been brought by Christopher Lewert against Boiron, Inc. and Boiron USA, Inc. (“Boiron”) about the labeling of certain packages of Oscilloccinum, a homeopathic flu-like symptom relief product.
- If you are included in the lawsuit, your rights will be affected and you may be able to get benefits from it.
- Your legal rights are affected whether or not you act. Please read this Notice carefully.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT:</b>	
<b>DO NOTHING</b>	You need to do nothing if you wish to remain in this lawsuit. It will cost you nothing. If you stay in the case, plaintiff will pursue the claims and remedies on your behalf. There is <b>no</b> guarantee that plaintiff will be successful with his claims or win the lawsuit or obtain a settlement. If the Class obtains money or benefits, you will be notified about how to apply for your share.
<b>EXCLUDE YOURSELF</b> (by October 30, 2015)	You can get <u>out</u> of the lawsuit and in doing so you will receive nothing in this case, but you will keep your right to be part of another lawsuit, arbitration or proceeding against Boiron under your own arrangements, for the same legal claims resolved by this lawsuit. The way to exclude yourself is explained below.
<b>HIRE YOUR OWN LAWYER</b> (by October 30, 2015)	If you would like to remain a Class Member but do not want to be represented by Class Counsel, you have the right to enter an appearance in this case through your own lawyer at your own expense.

- Your rights and options – **and the deadlines to exercise them** – are explained in this Notice.

**BASIC INFORMATION**

**1. What is this Notice and why should I read it?**

This Notice is to inform you that the District Court has certified a class action lawsuit and that you have certain rights and options available to you. This Notice describes the lawsuit and your legal rights.

Judge Stephen V. Wilson of the United States District Court for the Central District of California is overseeing this lawsuit, *Lewert v. Boiron, Inc.*, Case No. 2:11-cv-10803-SVW-SH (C.D. Cal.), and has determined that it can proceed as a class action. The person who sued (Christopher Lewert) is called the Named Plaintiff. The companies he sued (Boiron, Inc. and Boiron USA, Inc.), are called the Defendants or Boiron.

## 2. What is a class action?

In a class action, one or more people, called Named Plaintiffs or Class Representatives (in this case Christopher Lewert), sue for all people who have similar claims. The people included in the lawsuit are called a Class or Class Members. One court resolves the issues for all Class Members, except for those who exclude themselves from the lawsuit.

## 3. What is the lawsuit about?

This lawsuit claims that the labeling of certain packages of Oscilloccinum (“Oscillo”), a homeopathic flu-like symptom relief product, contain false, deceptive and misleading statements. Plaintiff seeks to recover damages suffered as a result of consumers purchasing Oscillo. ***The lawsuit does not seek to recover damages for personal injuries, emotional distress, pain and suffering or any other damages that may be unique to you.***

On November 5, 2014 (and clarified on December 1, 2014), the Court certified this lawsuit as a class action to be prosecuted by Christopher Lewert on behalf of all California residents who purchased Oscillo in the state of California from July 28, 2012 to specified time periods in 2013-2014, depending on the specific Oscillo product purchased (see below).

The legal claims certified for class treatment include violations of California’s Unfair Competition Law (“UCL”), Cal. Bus. & Prof. Code § 17200 et seq., and California’s Consumers Legal Remedies Act (“CLRA”), Cal. Civ. Code § 1750 et seq.

Boiron denies each and every allegation of wrongdoing, liability and damages that was or could have been made in the lawsuits. Boiron denies the claims made in the lawsuits and denies that it has done anything wrong. Boiron stands by these flu-symptom relief representations on the product labels and packaging.

The Court’s order certifying the Class does not guarantee that Class Members will receive any money or benefits; that will be decided later in the lawsuit. In certifying this case as a class action, the Court made no decision as to the merits of the plaintiff’s legal claims or Boiron’s defenses.

Please note that the Court’s order certifying the Class is conditional and may later be changed after the parties exchange evidence and the Court rules on various legal matters. In fact, the Court may even decertify the Class at any time before the lawsuit is over. If the Court’s order certifying the Class is not later revoked or decertified by the Court, all orders of this Court, whether good or bad for plaintiff, will be binding on any Class Member who does not opt out or exclude themselves. (See question 6 for further discussion.) This includes any judgments entered by the Court, whether or not favorable to the Class.

## 4. How do I know if I am included in the Class?

The Certified Class includes all residents of California who purchased for personal use, and not resale or distribution, in the state of California one of the following Oscillo Products during the time periods specified, and were not members of the *Gallucci* class:

Product	Dates Purchased
Oscillo 30-dose package	July 28, 2012 – August 31, 2013
Oscillo 12-dose package	July 28, 2012 – June 30, 2014
Oscillo 6-dose package	July 28, 2012 – July 31, 2014

## STAY IN THE LAWSUIT, EXCLUDE YOURSELF, OR ENTER AN APPEARANCE

### 5. How do I stay in the lawsuit?

If you wish to remain in the lawsuit, simply do nothing at this time. You have the right to stay in the lawsuit as a Class Member and await the outcome of the case. It will cost you nothing. If you decide to stay in the lawsuit as a Class Member, you will be bound by all orders, judgments and decisions of the Court. At the end of the case, you may receive money or other benefits as may be awarded as a result of a trial or settlement reached between Plaintiff and Boiron. Such monies or benefits may include a refund or partial refund of the purchase price of Oscillo, attorneys' fees, and interest. You do not need to do anything to keep open the possibility of getting money or benefits from the lawsuit.

If you stay in the case, Plaintiff Lewert will pursue the claims and remedies on your behalf. There is *no* guarantee that Plaintiff will be successful with his claims and/or win the lawsuit at trial or before. If the Class is awarded money or benefits, you will be notified about how to apply for your share.

***Please keep in mind that if you do nothing now and stay in the lawsuit, you will give up your rights to sue Boiron separately in another lawsuit*** about legal claims that are part of this lawsuit. You waive your right to bring a separate lawsuit if you do not exclude yourself from this case. If you stay in the case, you will be legally bound by all of the Orders that the Court issues in this case, including if there is an order approving a settlement, or a final judgment.

### 6. How do I get out of the lawsuit?

You have the right to not be part of this lawsuit by excluding yourself or “opting out” of the Class. If you wish to be excluded from the lawsuit, you must submit a request for exclusion to the Class Action Administrator by email at [info@OscilloClassAction.com](mailto:info@OscilloClassAction.com) or by mail to Oscillo Consumer Class Action, c/o Gilardi & Co., P.O. Box 8060, San Rafael, CA 94912-8060, postmarked no later than October 30, 2015. Your request for exclusion must (1) be signed by you, (2) contain a statement that you want to be excluded from the Class, and (3) contain a statement that you are a member of the Class and have purchased one or more one or more packages of Oscillo. If you have any questions concerning these procedures, please contact the Class Action Administrator at 1-844-222-7464.

You may opt out for yourself only and may not opt out on behalf of others.

**IF YOU DO NOT EXCLUDE YOURSELF BY THE DEADLINE ABOVE, YOU WILL REMAIN PART OF THE CLASS AND BE BOUND BY THE ORDERS OF THE COURT IN THIS LAWSUIT, INCLUDING IF THERE IS COURT APPROVAL OF A SETTLEMENT OR A FINAL JUDGMENT, WHETHER OR NOT IT IS FAVORABLE TO PLAINTIFF AND YOU.**

If you exclude yourself from the Class, you give up your right to receive any money or other benefits awarded as a result of trial or settlement, and you will not be bound by any judgments or other orders of the Court whether favorable or unfavorable to you and/or the Class. However, you will keep your right to sue Boiron separately in another lawsuit and bring the same legal claims as are part of this lawsuit.

If you wish to start your own lawsuit against Boiron, you will need to exclude yourself and hire and pay your own lawyer for that lawsuit. You will also need to bring evidence to prove your own claims. ***If you choose this option, you should talk to a lawyer soon because your claims may be subject to a statute of limitations which sets a deadline for filing the lawsuit within a certain period of time after purchasing Oscillo.***

### 7. If I don't exclude myself, can I sue Boiron for the same things later?

No. Unless you exclude yourself, you are giving up the right to sue the Defendants for the claims involved in this lawsuit. You must exclude yourself from *this* Class to start or continue with your own lawsuit or be part of any other lawsuit.

**8. Can I stay in this lawsuit but be represented by other attorneys?**

Yes. If you would like to remain a Class Member but do not want to be represented by Class Counsel listed below, you have the right to enter an appearance in this case through your own lawyer at your own expense. To do this, you must file a Notice of Appearance with the Clerk of the District Court, located at United States District Court for the Central District of California, 312 North Spring Street, Los Angeles, CA 90012-4701. You will be responsible for all legal fees and costs associated with your Entry of Appearance. If you do not enter an appearance or exclude yourself from the class, the interests of the class in this lawsuit will be represented by Plaintiff and Class Counsel listed below at no charge to you.

**THE LAWYERS REPRESENTING THE CLASS**

**9. Who represents the Class?**

For purposes of the lawsuit, the Court has approved the appointment of the following as Class Counsel to work on behalf of the Class:

Elaine A. Ryan  
BONNETT, FAIRBOURN,  
FRIEDMAN & BALINT, P.C.  
2325 East Camelback Road  
Suite 300  
Phoenix, Arizona 85016  
Telephone: (602) 274-1100

Stewart M. Weltman  
BOODELL & DOMANSKIS, LLC  
353 North Clark Street, Suite 1800  
Chicago, Illinois 60654  
Telephone: (312) 938-1670

Jeff S. Westerman  
WESTERMAN LAW CORP.  
1900 Avenue of the Stars, 11<sup>th</sup> Floor  
Los Angeles, CA 90067  
Telephone: (310) 698-7880

You will not be asked to send payment for the services of Class Counsel. If you want to be represented by your own lawyer, you may hire counsel at your own expense.

**10. How will the lawyers be paid?**

Class Counsel have not been paid any attorneys' fees and they have not been reimbursed for any of their out-of-pocket expenses. In the event that plaintiff is successful through trial or settlement, Class Counsel will seek attorneys' fees plus out-of-pocket costs subject to Court approval. If the Court grants Class Counsel's request, the attorneys' fees and costs will either come from money obtained for the Class and/or will be paid separately by Boiron. **You will *not* otherwise be responsible for any fees, costs or expenses of Class Counsel relating to the prosecution of this lawsuit.**

**11. When will this lawsuit be decided?**

This case is currently set for trial to start on February 16, 2016.

**12. How can I get additional information?**

This Notice and other documents related to this lawsuit are posted on [www.OscilloClassAction.com](http://www.OscilloClassAction.com). Complete copies of the documents filed in this lawsuit may be examined and copied at any time during regular office hours at the Clerk of the Court, United States District Court for the Central District of California or if you set up an online account with Pacer at [www.pacer.gov](http://www.pacer.gov).

**Direct any inquiries to the Class Action Administrator by email at [info@OscilloClassAction.com](mailto:info@OscilloClassAction.com), call 1-844-222-7464 or write to Oscillo Consumer Class Action, c/o Gilardi & Co. LLC, P.O. Box 8060, San Rafael, CA 94912-8060.**

**Do not contact the Clerk of Court or the Judge except as directed in this Notice.**