

If You Bought a Germ Defense Product, You Could Get Vouchers Towards Your Next Kmart Purchase.

A settlement has been proposed in a class action lawsuit regarding Germ Defense Products sold at Kmart Corporation (Kmart) and Sears Roebuck & Co (Sears). The case, *Adams v. Kmart Corporation*, No. 08 L 599, is pending in the Circuit Court for the 20th Judicial Circuit in St. Clair County, Illinois.

Who is Included?

The Settlement Class includes anyone who, between November 20, 2004 and November 20, 2009, purchased any Germ Defense products in the United States. (Except directors, officers, employees or agents of Kmart or Sears.)

What is This Case About?

The Action claims that Kmart and Sears ("Defendants") made false claims that Germ Defense products could treat or prevent illness. Defendants deny these claims.

The Court did not decide which side was right. Instead, both sides agreed to a proposed settlement to resolve the case and get benefits to Class Members. The attorneys for the Settlement Class believe the proposed settlement is fair, reasonable, adequate, and in the best interests of the Settlement Class.

What Does the Settlement Provide?

The proposed settlement provides Settlement Class Members who file valid claims up to two vouchers, each good for \$5.00 off a purchase of \$20.00 or more at any Kmart store (limit one voucher per purchase). Before any vouchers are distributed, the Court will have a hearing to decide whether to approve the settlement.

The Court has appointed Class Counsel to represent all Class Members. You may hire your own attorney at your own cost, but you do not have to. Defendants will pay Class Counsel's attorneys' fees and costs (not to exceed \$55,000), a payment to the class representative (not to exceed \$1,500), and notice and administration costs.

What Are My Rights and Options?

Get more information about the proposed settlement and read it. Then decide what action to take:

- **Remain in the settlement and file a claim.** You will be bound by the Court's orders and give up your right to sue the Defendants on your own about the legal claims in this lawsuit. Claim forms must be **postmarked no later than 45 days after the Final Approval Hearing. The claim form deadline is projected to be July 18, 2010. Please visit the settlement website for updates.**
- **Remain in the settlement and object to or comment on the settlement.** You will be bound by the Court's orders and give up your right to sue the Defendants on your own about the legal claims in this lawsuit. Written objections or comments must be **filed with the court by April 5, 2010.**
- **Exclude yourself from the settlement** and keep your right to sue, or continue to sue, the Defendants about the legal claims in this lawsuit. You will not be legally bound by this settlement and you will not get any of its benefits. Requests for exclusion must be postmarked by **May 11, 2010.**
- **Do Nothing.** You will be bound by the Court's orders and give up your right to sue the Defendants on your own about the legal claims in this lawsuit. You will not receive any vouchers.

Visit the settlement website below and download the detailed notice and claim form and find more information on how to file a claim, exclude yourself or object to the settlement.

www.germdefenserefund.com

The Court will hold a hearing in this Action on **June 3, 2010 at 10:00 a.m.** The Court will consider whether to approve the settlement and the request for attorneys' fees and costs. You or your attorney may ask to appear at the hearing, but you don't have to. Do not contact the Court. If you have questions you may contact Class Counsel at the website or e-mail address below.