

**Zhuravleva v. U.S. Outlet Stores, LLC, dba U.S. Polo Association**

Case No. 37-2019-00036327-CU-BT-CTL

**IF YOU PURCHASED MERCHANDISE FROM ANY U.S. POLO ASSN. 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 San Diego (the “Action”). If the Court gives final approval to the Settlement, U.S. Outlet Stores, LLC, dba U.S. Polo Association (“U.S. Polo Assn.”) will provide, for each eligible Class Member (eligibility described below) one Merchandise Certificate which, at the Class Member’s election, may be applied for: (1) 10% off a merchandise purchase where no minimum purchase is required but with the discount applied only to the first \$100 of merchandise; or (2) \$5 off a merchandise purchase with no minimum purchase required. The Merchandise Certificate can be used at any U.S. Polo Assn. Outlet Store in California or the U.S. Polo online store at [www.uspoloassn.com](http://www.uspoloassn.com), 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**

<b>SUBMIT A CLAIM FORM</b>	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.  Visit the Settlement website located at <a href="http://www.USPoloAssociationSettlement.com">www.USPoloAssociationSettlement.com</a> to obtain a Claim Form.	Deadline: September 22, 2022
<b>EXCLUDE YOURSELF</b>	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 U.S. Polo Assn. regarding the allegations in the Action ever again.	Deadline: September 22, 2022
<b>OBJECT</b>	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.	Deadline: September 22, 2022

## YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

<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: October 21, 2022, 1:30 p.m.</p>
<b>DO NOTHING</b>	<p>If you received direct notice of this settlement via email or postcard, you will receive one (1) <b>Merchandise Certificate</b>. If you did not receive direct notice, you will receive nothing, unless you submit a timely and valid Claim Form.</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>	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 U.S. Polo Assn.'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?**

Plaintiff Irina Zhuravleva (the "Representative Plaintiff") filed a lawsuit against U.S. Polo Assn. on behalf of herself and all others similarly situated. The lawsuit alleges that U.S. Polo Assn. engaged in deceptive advertising by advertising false reference prices on merchandise in U.S. Polo Assn. outlet stores in California.

U.S. Polo Assn. 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. U.S. Polo Assn. 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 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, Irina Zhuravleva) 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 –U.S. Polo Assn. – is called the Defendant.

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

The Representative Plaintiff has made claims against U.S. Polo Assn. U.S. Polo Assn. denies it has done anything wrong or illegal and admits no liability. The Court has **not** decided that the Representative Plaintiff or U.S. Polo Assn. 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 July 12, 2015 through June 24, 2022, purchased merchandise at any U.S. Polo Assn. Outlet Store located 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 [USPoloAssociationSettlement@cptgroup.com](mailto:USPoloAssociationSettlement@cptgroup.com) and the U.S. postal (mailing) address is U.S. POLO ASSN. OUTLET STORES PRICING c/o CPT Group, Inc. 50 Corporate Park, Irvine, CA 92606.

## THE PROPOSED SETTLEMENT

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

U.S. Polo Assn. has agreed to automatically provide each Class Member who received direct notice of this Settlement via email or postcard and does not timely request exclusion from the Settlement, or who timely and validly completes and submits a Claim Form with one (1) Merchandise Certificate which, at the Class Member's election, may be applied for: (1) 10% off a merchandise purchase where no minimum purchase is required but with the discount applied only to the first \$100 of merchandise; or (2) \$5 off a merchandise purchase with no minimum purchase required. The Merchandise Certificate can be used on any purchase in a U.S. Polo Assn. outlet store in California or the U.S. Polo online store at [www.uspoloassn.com](http://www.uspoloassn.com).

The Merchandise Certificate is not transferable and may not be combined with other Certificates though the Certificate may be used with any other discounts and promotions, and on items that are on sale or otherwise discounted. The Merchandise Certificates are not redeemable for cash. Each class member is entitled to receive one (1) Merchandise Certificate regardless of the number of alleged violations and is one-time use only. The Merchandise Certificates are valid for four (4) months following the date of issuance.

Additionally, the Settlement provides for injunctive relief. Specifically, U.S. Polo Assn. agrees that, as of the date the Court entered preliminary approval, and continuing forward, its pricing and labeling practices will not violate California state law or regulations.

## 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. A Claim Form is available by clicking [HERE](#) or on the Settlement Website at [www.USPoloAssociationSettlement.com](http://www.USPoloAssociationSettlement.com). The Claim Form may be submitted electronically or by postal mail. Read the instructions carefully, fill out the form, and postmark it by September 22, 2022 or submit it online on or before 11:59 p.m. (Pacific) on September 22, 2022.

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

As described in Sections 17 and 18, the Court will hold a hearing on October 21, 2022 at 1:30 p.m., to decide whether to approve the Settlement. The Merchandise Certificates will be distributed after the Court grants final approval of the Settlement and after any appeals are resolved. You can continue to monitor the progress of the case on the following website [www.USPoloAssociationSettlement.com](http://www.USPoloAssociationSettlement.com).

## 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?***

U.S. Polo Assn. has agreed to pay Class Counsel's attorneys' fees and costs up to \$175,000, 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 on the settlement website [HERE](#), for additional details.

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

The Representative Plaintiff will request a service award of up to \$2,500 for her services as class representative and her 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.

**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 U.S. Polo Assn. 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 U.S. Polo Assn. regarding the claims in the Action. The Settlement, available by clicking [HERE](#) or on the Settlement Website at [www.USPoloAssociationSettlement.com](http://www.USPoloAssociationSettlement.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 September 22, 2022 to the Claims Administrator at:

U.S. POLO ASSN. OUTLET STORES PRICING  
c/o CPT Group, Inc.  
50 Corporate Park  
Irvine, CA 92606

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 U.S. Polo Assn. 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 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 Court, Class Counsel and Defense Counsel at the addresses set forth below and postmarked by no later than September 22, 2022.

<b>COURT</b>	<b>CLASS COUNSEL</b>	<b>DEFENSE COUNSEL</b>
Clerk of the Court Superior Court of the State of California, County of San Diego 330 West Broadway Department C-69 San Diego, California 92101	Zev B. Zysman Law Offices of Zev B. Zysman 15760 Ventura Boulevard 7th Floor Encino, CA 91436 (818) 783-8836	Talia L. Delanoy Gordon Rees Scully Mansukhani, LLP 3 Parkcenter Drive, Suite 200 Sacramento, CA 95825 (916) 565-2900

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 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 September 22, 2022 by providing a “Notice of Intention to Appear” to the Claims Administrator.

### ***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 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 September 8, 2022. After that date, you may view the motion on the Settlement Website.

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

On October 21, 2022, at 1:30 p.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 Katherine A. Bacal in Department C-69 of the Courthouse of the San Diego County Superior Court, located at 330 West Broadway, San Diego, CA 92101. You should also check the Court’s main website ([www.sdcourt.ca.gov](http://www.sdcourt.ca.gov)) for any information about COVID-19 related issues that may impact the manner in which the Fairness Hearing is held (e.g., via videoconference or teleconference). The hearing may be postponed to a different date or time or location without notice. Please check

www.USPoloAssociationSettlement.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. Please note that due to the COVID-19 pandemic, the Court may determine to hold the Fairness Hearing by videoconference, teleconference or some other means (*e.g.*, Zoom, Court Call, etc.) and you should check the Register of Actions for this Action (<https://roa.sdcourt.ca.gov>) and/or the Claims Administrator’s website [www.USPoloAssociationSettlement.com](http://www.USPoloAssociationSettlement.com) for any information on Court orders or procedures permitting remote appearance at the Fairness Hearing.

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

**ADDITIONAL INFORMATION**

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

To see a copy of the Settlement and Amendment thereto, 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.USPoloAssociationSettlement.com](http://www.USPoloAssociationSettlement.com). Alternatively, you may contact the Claims Administrator at the email address [USPoloAssociationSettlement@cptgroup.com](mailto:USPoloAssociationSettlement@cptgroup.com) or the U.S. postal (mailing) address:

U.S. POLO ASSN. OUTLET STORES PRICING  
c/o CPT Group, Inc.  
50 Corporate Park  
Irvine, CA 92606

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 Register of Actions for this Action (<https://roa.sdcourt.ca.gov/roa/>) or the Clerk’s office at 330 West Broadway, San Diego, CA 92101. The Clerk will tell you how to obtain the file for inspection and copying at your own expense. Please be certain, however, to check updates on the Court’s website about accessibility to the Court and the ability to view documents during the COVID-19 pandemic before you expend time to travel to the Court.

**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 or email below:

U.S. POLO ASSN. OUTLET STORES PRICING  
c/o CPT Group, Inc.  
50 Corporate Park  
Irvine, CA 92606

Email: [USPoloAssociationSettlement@cptgroup.com](mailto:USPoloAssociationSettlement@cptgroup.com)

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**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.**