

**If You Previously Purchased Guinness Extra Stout, You
May Be Eligible to Get \$0.50 per Six-Pack, Up to \$20 (with
Proof of Purchase) or \$10 (without Proof of Purchase),
From a Class Action Settlement**

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

- **Settlement Reached** — A Settlement has been reached in a class action lawsuit. A purchaser of Guinness Extra Stout beer sued Defendants, Diageo Beer Company USA (formerly Diageo-Guinness USA, Inc.) and Diageo North America, Inc. (collectively, “Diageo” or “Defendants”), alleging generally that Diageo labeled and advertised Guinness Extra Stout beer as being produced and imported from Ireland when, in fact, it was produced and imported from Canada. Diageo denies any wrongdoing. The Court has not decided who is right. The Parties agreed to the proposed Settlement to resolve the lawsuit.
- **Eligibility** — You are eligible to participate in this Settlement **if you purchased a six-pack or twelve-pack of Guinness Extra Stout in Massachusetts between December 15, 2011 and September 3, 2015, inclusive.** This excludes individuals who purchased Guinness Extra Stout for resale, including distributors and retailers. It also excludes Diageo, any entity in which Diageo has a controlling interest, Diageo’s officers, directors, legal representatives, successors, subsidiaries, or assigns; and any individual who timely and validly opts-out from the Settlement Class. To receive payment under the Settlement, you must submit a Claim Form. Settlement Class Members who do not opt-out of the Settlement will be bound by the Settlement even if they do not submit Claim Forms.
- **Without Proof of Purchase** — For a Settlement Class Member who submits a valid Claim Form without Proof of Purchase, but who submits attestation of his or her purchase of Guinness Extra Stout in Massachusetts between December 15, 2011 and September 3, 2015 under penalty of perjury, Diageo shall pay \$0.50 per six-pack (whether purchased as a six-pack or as part of a twelve-pack) up to a total of \$10.00 per household.
- **With Proof of Purchase** — For a Settlement Class Member who submits a valid Claim Form, along with Proof of Purchase establishing purchase of Guinness Extra Stout in Massachusetts between December 15, 2011 and September 3, 2015, Diageo shall pay \$0.50 per six-pack (whether purchased as a six-pack or as part of a twelve-pack) up to \$20.00 per household.

**Please read this Notice carefully and in its entirety.
Your rights may be affected by the Proposed Settlement of this Lawsuit,
and you have a choice to make now about how to act:**

YOUR LEGAL RIGHTS AND OPTIONS	
WHAT IS THIS?	A Settlement has been reached in a class action lawsuit. The lawsuit brought claims of misrepresentation and violations of the Massachusetts consumer protection law, alleging that Guinness Extra Stout was labeled and advertised as produced and imported from Ireland when, in fact, it was produced and imported from Canada. Diageo denies any wrongdoing.
SUBMIT A CLAIM FORM BY <u>OCT. 26, 2021</u>	This is the only way to receive a monetary payment from the proposed Settlement. By remaining in the Settlement, whether or not you submit a claim, you will give up any rights to sue Diageo separately about the same legal claims in this lawsuit. Claim Forms are available at www.MAStoutsettlement.com . For more detail about the claim process, please see questions 5, 6 and 7 below.
EXCLUDE YOURSELF/OPT-OUT BY <u>SEPT. 20, 2021</u>	You have the right to exclude yourself from or “opt-out” of the proposed Settlement. If you opt-out of the proposed Settlement, you will not be eligible to receive the monetary payment, but you will keep your right to sue Diageo about the same legal claims in this lawsuit. Opt-Out Requests must be electronically submitted or postmarked by Sept. 20, 2021 and mailed to O’Hara, et al. v. Diageo Beer Company USA, et al. c/o Kroll Settlement Administration, P.O. Box 225391, New York, NY 10150-5391. For more detail about opting-out of the Class, please see questions 9 and 11 below.
OBJECT OR COMMENT BY <u>SEPT. 20, 2021</u>	You may write to the Court about why you do, or do not, like the Settlement. You must remain in the class to comment in support of or in opposition to the Settlement. Objections and comments must be filed with the Court and served on the Parties by Sept. 20, 2021. For more detail about objecting or commenting, please see questions 10 and 11 below.
APPEAR IN THE LAWSUIT OR ATTEND A HEARING ON <u>OCT. 7, 2021</u>	You may ask to speak in Court about the fairness of the Settlement. Written notice of your intent to appear in the lawsuit must be filed with the Court and served on the Parties by Sept. 20, 2021. You may enter your appearance in Court through an attorney at your own expense if you so desire. For more detail about appearing in this lawsuit or attending the final hearing, please see questions 10, 14, 15 and 16 below.
DO NOTHING	By doing nothing, you will not receive the monetary payment. You will also give up any rights to sue Diageo separately about the same legal claims in this lawsuit.

**Questions? Visit www.MAStoutsettlement.com
or contact the Settlement Administrator at 1-833-460-1724**

- Your rights and options — **and the deadlines to exercise them** — are further explained in this notice. The Court in charge of this case has the authority to alter any deadlines set forth below for good cause shown.
- The Court in charge of this case still has to decide whether to approve the Settlement. The Class Benefit (i.e., the monetary payments described herein) will be made available if the Court approves the Settlement, and after any appeals are resolved, if they are resolved in favor of settlement approval.
- If you have any questions, please read on and/or visit www.MAStoutsettlement.com.

BASIC INFORMATION

1. Why did I get this notice?

If you purchased a six-pack or twelve-pack of Guinness Extra Stout beer in Massachusetts between December 15, 2011 and September 3, 2015, as described on **page 1** of this Notice, you have a right to know about the proposed Settlement of a class action lawsuit and your options. You may have received this Notice because you requested more information after reading the Settlement Website. If the Court approves it, and if objections and all appeals are resolved in favor of settlement approval, a Settlement Administrator approved by the Court will oversee the distribution of the Class Benefits that the proposed Settlement allows. You will be informed of the progress of the proposed Settlement on the settlement website.

This Notice explains the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them. Judge Mark L. Wolf of the United States District Court for the District of Massachusetts is overseeing the lawsuit, which is known as *O’Hara v. Diageo North America*, Case No. 15-cv-14139. The person who sued is called the Plaintiff, and the companies he sued, Diageo Beer Company USA (formerly Diageo-Guinness USA, Inc.) and Diageo North America, Inc., are called the Defendants.

2. What is this lawsuit about?

This lawsuit alleges generally that Guinness Extra Stout was labeled and advertised as produced and imported from Ireland when, in fact, it was produced and imported from Canada. Diageo denies any wrongdoing. The Court has not determined which side is right. Rather, the Parties have agreed to settle the lawsuit to avoid the uncertainties, expenses, and expenditure of resources associated with ongoing litigation.

3. What is a class action and who is involved?

In a class action lawsuit, one or more people called “class representatives” (in this case, the Plaintiff, Kieran O’Hara) sue on behalf of other people who have similar claims. The people together are a “class” or “class members.” The class members here are referred to as “Settlement Class Members,” because this class is being certified for settlement purposes only. The named Plaintiff who sued — and all the Settlement Class Members like them — are called the Plaintiffs. The companies they sued (in this case, Diageo) are called the Defendants. One court resolves the issues for everyone in the Class — except for those people who choose to opt-out of the Class.

4. Am I part of this Class?

If you purchased a six-pack or twelve-pack of Guinness Extra Stout beer in Massachusetts between December 15, 2011 and September 3, 2015, inclusive, then you are a Settlement Class Member.

**Questions? Visit www.MAStoutsettlement.com
or contact the Settlement Administrator at 1-833-460-1724**

THE SETTLEMENT BENEFITS

5. What does the Settlement provide?

Monetary Relief. Under the proposed Settlement, for Settlement Class Members who submit a valid Claim Form, along with Proof of Purchase establishing purchase of Guinness Extra Stout in Massachusetts between December 15, 2011 and September 3, 2015, Diageo will pay \$0.50 per six-pack (whether purchased as a six-pack or as part of a twelve-pack) up to \$20.00 per household.

For Settlement Class Members who submit valid Claim Forms without Proof of Purchase, but who submit attestation of the Claimant's purchase of Guinness Extra Stout in Massachusetts between December 15, 2011 and September 3, 2015 under penalty of perjury, Diageo will pay \$0.50 per six-pack (whether purchased as a six-pack or as part of a twelve-pack) up to \$10.00 per household.

The Parties have further agreed that Diageo will pay the costs to administer this proposed Settlement, reasonable attorneys' fees, costs, and expenses, and a payment to the named Plaintiff (see question 13 below). A detailed description of the settlement benefits can also be found in the Settlement Agreement available at www.MAStoutsettlement.com.

6. When will I get my monetary payment?

The hearing to consider the fairness of the Settlement is scheduled for Oct. 7, 2021. If the Court approves the Settlement, then eligible Settlement Class Members whose claim were approved by the Settlement Administrator will receive their payment 30 days after the Settlement has been finally approved and/or after any appeals process is complete. The payment will be made in the form of electronic payment or check.

HOW TO GET THE SETTLEMENT BENEFITS

7. How do I get my monetary payment?

If you are a Settlement Class Member and want to receive a payment under the Settlement, you must complete and submit a Claim Form no later than Oct. 26, 2021. Claims Forms can be found and submitted online or postmarked by Oct. 26, 2021. To submit a Claim Form online or to request a paper copy, go to www.MAStoutsettlement.com or call toll free, 1-833-460-1724.

YOUR RIGHTS AND OPTIONS

8. What happens if I do nothing at all?

If you do nothing, then you will remain in the Class and not receive any payment from this Settlement. If the Court approves the Settlement, you will be bound by its terms, you will no longer have the ability to sue with respect to the claims being resolved by the Settlement, and your claims will be released and dismissed.

The Settlement Agreement describes the released claims in more detail, so please read it carefully. If you have any questions, you can contact the lawyers listed in question 10 for free to discuss, or you can talk to another lawyer of your own choosing if you have questions about what this means.

9. How do I opt-out of the Settlement?

You have the right to opt-out of the Settlement. If you don't want a payment from the settlement but want to keep the right to sue on your own, you must request exclusion from, or "opt-out" of, the Settlement Class. The Court will exclude from the class any member who requests exclusion or opts-out.

Questions? Visit www.MAStoutsettlement.com
or contact the Settlement Administrator at 1-833-460-1724

If you opt-out of the Settlement, you won't get any money or benefits from the Settlement. However, you may then be able to separately sue or continue to sue Diageo for the legal claims that are the subject of the lawsuit. If you bring your own lawsuit against Diageo after you opt-out of the Settlement, you will have to hire your own lawyer for that lawsuit, and you will have to prove your claims.

To opt-out of the Settlement, you must submit a written Opt-Out Request electronically through the settlement website at www.MAStoutsettlement.com or by mail, stating that you “want to opt-out of the Settlement in *O’Hara v. Diageo Beer Company USA*, Case No. 15-14139.” Your written Opt-Out Request must also include your name, current address, and telephone number. And the request must be signed and dated by you. Your Opt-Out Request must be submitted electronically via the settlement website by Sept. 20, 2021 or mailed and postmarked on or before Sept. 20, 2021 to:

O’Hara, et al. v. Diageo Beer Company USA, et al.
 c/o Kroll Settlement Administration
 P.O. Box 225391
 New York, NY 10150-5391

If you request exclusion or opt-out, you will not get any settlement payment and you cannot object to the settlement. You will not be legally bound by anything that happens in the lawsuit.

10. How do I object to the Settlement?

If you are a Settlement Class Member, you can object to the Settlement if you don't like any part of it. You can give reasons why you think the Court should not approve the Settlement. The Court will consider your views.

To object, you must file with the Court a written Objection entitled “Objection to Class Settlement in *O’Hara v. Diageo Beer Company USA*, Case No. 15-14139” that identifies all the reasons for your objections and any legal and factual support for those reasons.

Your written Objection must also include your name, address, telephone number, and email address if available, and it must state information showing that you are a Settlement Class Member (i.e. Proof of Purchase or a verification under penalty of perjury as to the date and location of your Guinness Extra Stout purchase(s)). It must also state if you are represented by legal counsel, and if so, provide contact information for your lawyer, including his or her email address if available.

If you intend to appear and speak at the Final Fairness Hearing to object to the Settlement, with or without a lawyer (**explained below in questions 14, 15 and 16**), you must also state your intention to appear in your written Objection.

You must file your written Objection with the Court by mailing it to the address below, and you must mail a copy to Class Counsel and Defendants’ Counsel. Your Objection must be postmarked no later than Sept. 20, 2021:

Court	Class Counsel	Defendants’ Counsel
The Hon. Mark L. Wolf United States District Court for the District of Massachusetts John Joseph Moakley U.S. Courthouse 1 Courthouse Way, Suite 2300 Boston, Massachusetts 02210	Kevin McCullough FORREST, MAZOW, MCCULLOUGH, YASI & YASI, P.C. Two Salem Green, Suite 2 Salem, MA 01970 (877) 599-8890 kmccullough@forrestlamothe.com	Samuel A. Danon HUNTON ANDREWS KURTH LLP Wells Fargo Center Suite 2400 333 SE 2nd Avenue Miami, FL 33131 (305) 810-2500 sdanon@huntonak.com

**Questions? Visit www.MAStoutsettlement.com
 or contact the Settlement Administrator at 1-833-460-1724**

11. What is the difference between objecting and opting-out of the Settlement?

Objecting means telling the Court that you don't like something about the Settlement. You can object only if you stay in the Class. Excluding yourself or opting out of the Settlement means that you do not want to be part of the Class. If you opt-out, then you have no basis to object to the Settlement because the case no longer affects you.

THE LAWYERS REPRESENTING YOU

12. Do I have a lawyer in this case?

The Court appointed the law firm of Forrest, Mazow, McCullough, Yasi & Yasi, P.C. to represent the Plaintiff and all Settlement Class Members as "Class Counsel." Below is contact information for Class Counsel:

Kevin McCullough
FORREST, MAZOW, MCCULLOUGH, YASI & YASI, P.C.
Two Salem Green, Suite 2
Salem, MA 01970
(877) 599-8890
kmccullough@forrestlamothe.com

Class Counsel believe, after conducting an extensive investigation, that the Settlement is fair, reasonable, and in the best interests of the Settlement Class Members. You will not be charged for these lawyers. If you want to be represented by a different lawyer in this case, you may hire one at your own expense.

13. How will the lawyers be paid?

In addition to the monetary benefit to be paid to the Settlement Class Members, Diageo has agreed to pay Class Counsel's fees, costs, and expenses in an amount to be determined by the Court not to exceed \$1,500,000. The Court may award less than this amount. Any fees, costs, and expenses that are awarded to Class Counsel will be paid separately by Diageo and in addition to the monetary benefits to Settlement Class Members. This payment will not deplete the funds made available to Settlement Class Members.

Also, subject to approval by the Court, Diageo has agreed to pay \$7,500 to the Settlement Class Representative, in recognition of his efforts on behalf of the Settlement Class Members throughout this case.

THE COURT'S FINAL FAIRNESS HEARING FOR THE SETTLEMENT

14. Where and when will the Court decide whether to approve the Settlement?

The Court will hold the Final Fairness Hearing on Oct. 7, 2021 at 11:00 am in Courtroom 2 before Judge Wolf at the John Joseph Moakley U.S. Courthouse, 1 Courthouse Way, Suite 2300 Boston, Massachusetts 02210.

The purpose of the hearing will be for the Court to determine whether to approve the Settlement as fair, reasonable, adequate, and in the best interests of the Class; to consider Class Counsel's request for attorneys' fees, costs, and expenses; and to consider the request for the Service Award to the Settlement Class Representative. At that hearing, the Court will be available to hear any Objections and arguments concerning the fairness of the Settlement.

Questions? Visit www.MAStoutsettlement.com
or contact the Settlement Administrator at 1-833-460-1724

The hearing may be postponed to a different date or time without notice, so please check www.MAStoutsettlement.com or call 1-833-460-1724 from time to time. If, however, you timely objected to the Settlement and advised the Court that you intend to appear and speak at the Final Fairness Hearing, you will receive notice of any change in the time and date of such hearing.

15. Do I have to come to the Final Fairness Hearing?

No. You do not need to attend the Final Fairness Hearing. Class Counsel will answer any questions the Court may have on behalf of the Settlement Class Members. However, you are welcome to attend the Final Fairness Hearing at your own expense. If you submit an Objection or comment, you do not have to come to Court to talk about it. As long as you filed and mailed your written Objection on time, the Court will consider it. You may also pay to have another lawyer attend on your behalf, but that is not required.

16. May I speak at the Final Fairness Hearing?

Yes. You may ask the Court for permission to speak at the Final Fairness Hearing. To do so, you must include in your written Objection to the Settlement a statement saying that it is your intent to appear at the Final Fairness Hearing in *O'Hara v. Diageo Beer Company USA*, Case No. 15-14139. Your written Objection and notice of intent to appear must be filed with the Court and postmarked no later than Sept. 20, 2021, and sent to the addresses listed in question 10.

GETTING MORE INFORMATION

17. Are more details available?

This Notice summarizes the Settlement. More details are in the Settlement Agreement, which can be found at www.MAStoutsettlement.com. You may also write with questions to O'Hara, et al. v. Diageo Beer Company USA, et al. c/o Kroll Settlement Administration, P.O. Box 225391 New York, NY 10150-5391. You can also call the Settlement Administrator at 1-833-460-1724 or Class Counsel at 877-599-8890, if you have questions.