

THE CIRCUIT COURT OF LONOKE COUNTY, ARKANSAS

**If you purchased Miley Cyrus-branded jewelry at Wal-Mart your rights may be affected by the settlement of a class action lawsuit.**

*This is a Court-authorized notice. This is not a solicitation from a lawyer.*

- A purchaser of Miley Cyrus-branded jewelry from a Wal-Mart retail store filed a class action lawsuit in Lonoke County Circuit Court, Arkansas, alleging the jewelry contained harmful cadmium and posed a danger to wearers of the jewelry. Defendants in the action are Wal-Mart Stores, Inc. and BCBG Max Azria Group, Inc.
- The parties have agreed to settle the case, and the Court has preliminarily approved the Settlement and this notification. The settlement agreement has been agreed to by the parties and has been submitted to the Court for the necessary approval.

YOUR OPTIONS	
Do Nothing	<p><b>Do Nothing. Retain the ability to benefit from this Settlement. Give up certain rights.</b></p> <p>By doing nothing, you will become a member of the Settlement Class and have the right to claim certain monetary relief out of the settlement proceeds from Defendants. However, by allowing the claims at issue to be settled, you, as a member of the class, give up the right to individually sue Defendants for the same legal claims which are being adjudicated in this lawsuit.</p>
File a Claim	<p><b>File a Claim Form and receive benefits from this Settlement.</b></p> <p>If you are a Class Member, you may be eligible to receive a refund. To submit a claim, you can contact the Claims Administrator at 1 (888) 986-5595 or visit <a href="http://www.CanamoreSettlement.com">www.CanamoreSettlement.com</a> to file a Claim Form. Please note, your Claim Form <b>must</b> be received by <b>March 12, 2014</b>.</p>
Ask to Be Excluded	<p><b>Exclude yourself from this lawsuit. Get no benefits from this Settlement. Reserve certain rights.</b></p> <p>If you ask to be excluded, then you will not be entitled to any compensation or benefits derived from this lawsuit. However, by giving up the benefits of this lawsuit, you preserve your right to individually sue Defendants for the same legal claims that are being adjudicated in this lawsuit, and to retain your own attorneys to do so.</p>
Object to the Proposed Settlement	<p><b>You may write to the Court and/or ask to speak in Court if you don't like this Settlement.</b></p> <p>You may continue to be a Class Member but still object to the terms of the proposed settlement by sending correspondence to the Court explaining the basis for your objections.</p>

- Your options are explained in this notice. To ask to be excluded, you must act before **December 16, 2013** in the manner and form explained below. To object to the Settlement you must lodge your objection before **December 16, 2013** in the manner and form explained below.
- A Final Approval Hearing will be held in Circuit Court of Lonoke County Arkansas, 2<sup>nd</sup> Street Courtroom, 119 E. 2<sup>nd</sup> Street, Lonoke, Arkansas 72086 on **December 30, 2013, at 9:00 a.m.** to approve the Settlement Agreement.
- For more information, you may visit the Settlement's Website at [www.CanamoreSettlement.com](http://www.CanamoreSettlement.com) or call the toll-free telephone number at 1 (888) 986-5595.

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## BASIC INFORMATION

### 1. Why did I get this notice?

The Judge presiding over this action has preliminarily approved a class action settlement that provides purchasers of Miley Cyrus-branded jewelry sold at Wal-Mart retail stores with cash refunds at the highest retail price – ranging from \$2.00 to \$6.00, depending on the item – as well as other benefits. This notice explains that this is a class action lawsuit that may affect your rights, and that a settlement agreement has been submitted to the Court for approval. You have legal rights and options that you may exercise before the Court holds a hearing to evaluate final approval of the Settlement. Judge Sandy Huckabee of the Circuit Court of Lonoke County, Arkansas is overseeing this class action. The lawsuit is known as *Canamore v. Wal-Mart Stores Inc. and BCBG Max Azria Group, Inc., Case No. CV-2010-534*.

### 2. What is this lawsuit about?

This lawsuit is about whether or not Defendants violated consumer protection laws in selling a product containing cadmium, which the Plaintiff claims could cause harm. The Court has not determined which party is right at this point in the case.

### 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, Kathy Canamore) sue on behalf of other people who have similar claims. These people together are called a “Class,” and the Class is comprised of “Class Members.” The individual who has sued – and all the Class Members like her – is called the Plaintiff. The companies they sued (in this case Wal-Mart and BCBG) are called Defendants. One court will resolve the issues raised in this lawsuit for the benefit of everyone in the Class – except for those people who choose to exclude themselves from the Class.

### 4. Why is this lawsuit a class action?

For purposes of this Settlement, the Court decided that the case should proceed as a class action because it preliminarily meets the requirements of Rule 23 of the Arkansas Rules of Civil Procedure. Specifically, the Court found that:

- There are enough people in the Class to satisfy the purposes of class certification;
- There are legal questions and facts that are common to each of the proposed Class Members;
- Ms. Canamore’s claims are typical of the claims of the rest of the Class;
- Ms. Canamore and the lawyers representing the Class will fairly and adequately represent the Class’ interests;
- The issues involved in Ms. Canamore’s claims predominate over any issues that affect individual Class Members; and
- The class action procedure is the superior way to handle this lawsuit and this Settlement.

## THE CLAIMS IN THE LAWSUIT

### 5. What does the lawsuit complain about?

In the lawsuit, Plaintiff claims that Defendants violated consumer laws throughout the United States in selling Miley Cyrus-branded jewelry containing cadmium.

### 6. How do Defendants respond?

Defendants believe Plaintiff’s claims have no merit, but want to avoid the expense and uncertainty of continued litigation.

### 7. Has the Court decided who is right?

The Court hasn’t decided whether Defendants or the Plaintiff is correct. By establishing the Class for purposes of this Settlement and issuing this notice, the Court is not suggesting that the Plaintiff will win or lose this case. This notice is to advise individuals and/or entities of their status as potential Class Members, to advise them of the terms of the proposed Settlement, and to advise them of their legal rights and options with regard to the foregoing.

### 8. What are the Terms of the Settlement for the Class?

The terms of the Settlement provide the following:

- A refund to each Settlement Class Member filing a claim at the highest retail price – ranging from \$2.00 to \$6.00, depending on the item – that Wal-Mart received at its retail stores for any item purchased by the Settlement Class Member.

- A refund of mailing costs associated with the mailing of Miley Cyrus-branded jewelry bought from a Wal-Mart retail store by any Settlement Class Member and mailed to the Claims Administrator. These costs will be paid from a separate \$25,000 fund established by Defendants.
- Wal-Mart will collect all products returned to the Claims Administrator, destroy them, and then certify the destruction to Class Counsel.
- Defendants will pay all costs associated with notice to the Settlement Class and claims administration.
- Subject to approval by the Court, Defendants will pay \$2,000 to the Class Representative. This payment compensates the Class Representative for the time, effort, and the risk she undertook to serve as Class Representative in pursuing this class action.
- In exchange for the benefits under the Settlement, the Settlement Class will release Defendants from any and all liability with respect to all claims arising out of or relating to the purchase of Miley Cyrus-branded jewelry from a Wal-Mart retail store, except personal injury claims.
- Plaintiff's counsel will ask the court to approve an award of attorneys' fees in an amount not to exceed \$175,000 to be paid by Defendants.

**9. Is it possible that I will receive money as a result of this lawsuit?**

Yes. If the Settlement is approved, and you do not exclude yourself from the Class, you will have the right to file a claim for any purchase you made of Miley Cyrus-branded jewelry at a Wal-Mart retail store at the highest retail price Wal-Mart received for that product at its stores. Additionally, you may also receive a refund for your cost of mailing any item of the jewelry that you purchased at a Wal-Mart store to the Claims Administrator for Wal-Mart to destroy them.

**WHO IS IN THE CLASS**

**10. Am I part of this Class?**

The Court decided that the Settlement Class is made up of all residents of the United States who purchased Miley Cyrus-branded jewelry from a Wal-Mart Store after July 1, 2005. The Court also specified that certain people were excluded from the Class. See question 11 below.

**11. Could I be automatically excluded from the Class?**

Excluded from the Settlement Class are: (1) any present or former employee, officer, or director of Defendants; (2) the judicial officer to whom this case is assigned and his or her immediate family members; (3) anyone who previously received a refund from Wal-Mart for Miley Cyrus-branded jewelry; or (4) any person who files a timely exclusion from the Settlement.

**12. I'm still not sure if I am included.**

If you are still not sure whether you are included, you can get free help by calling or writing to the Claims Administrator at the toll-free telephone number or address below. Additionally, the Settlement's dedicated website ([www.CanamoreSettlement.com](http://www.CanamoreSettlement.com)) has more information.

**YOUR RIGHTS AND OPTIONS**

**13. What happens if I do nothing at all?**

You don't have to do anything if you want to retain the right to claim a portion of the settlement proceeds. By doing nothing you remain a Settlement Class Member. If you remain a Settlement Class Member, you will have the right to file a claim and obtain a cash refund. However, by availing yourself of these rights, you will not be able to individually sue or continue to sue Defendants over the same legal claims that are the subject of *this* lawsuit. You will also be legally bound by the terms of the Settlement.

**14. Why would I ask to be excluded?**

If you exclude yourself from the Class – which is sometimes called “opting-out” of the Class – you won't receive any benefit as a result of the Settlement between Defendants and the Plaintiff. You may then be able to individually sue or continue to sue Defendants for violations of a consumer law for selling the Miley Cyrus-branded jewelry. If you exclude yourself, you will not be legally bound by the Court's judgment in this class action or by the terms of the Settlement, but you will also forfeit your right to any benefits that may be gained by the Plaintiff in this lawsuit through settlement or otherwise.

If you start your own lawsuit against Defendants after you exclude yourself, you'll have to hire and pay your own lawyer for that lawsuit, and you'll have to prove your claims. If you do exclude yourself, you should talk to your own lawyer soon, because your claims may be subject to a statute of limitations.

#### 15. How do I ask the Court to exclude me from the Class?

If you wish to be excluded from this Settlement, you must file a letter with the Court by **December 16, 2013** requesting to be excluded from the Settlement Class, and you must also mail a copy of the letter to the parties at the addresses below:

**Court:**

Lonoke County Circuit Court Clerk  
301 N. Center Street  
Lonoke, AR 72086

**Plaintiff's Class Counsel:**

Scott E. Poynter  
Emerson Poynter LLP  
The Rozelle-Murphy House  
1301 Scott Street  
Little Rock, AR 72202

**Counsel for Wal-Mart:**

Jess Askew III  
Williams & Anderson PLC  
Twenty-Second Floor  
111 Center Street  
Little Rock, AR 72201

**Counsel for BCBG:**

Erica Alterwitz  
BCBG Max Azria Group, Inc.  
2761 Fruitland Avenue  
Vernon, CA 90058

#### 16. How do I make a claim against the settlement proceeds?

If you remain a Class Member, you are entitled to make a claim for a refund. To do so, you must complete and timely submit the claim form attached to this notice and comply with each of the directions therein. Upon submission of a timely and properly submitted claim form, Settlement Class Members will be entitled to a cash refund. In order to be eligible for these benefits, a properly completed claim form must either be submitted on the Settlement's dedicated website or mailed to the address below so that it is postmarked no later than **March 12, 2014**:

**Canamore v. Wal-Mart Stores, Inc.**  
**c/o GCG**  
**P.O. Box 35108**  
**Seattle, WA 98124-5108**

#### 17. How do I object to the Settlement?

If you remain a 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 it. The Court will consider your views. The parties to the litigation may request that the Court allow them to conduct discovery by requesting documents from you or to take your deposition with respect to your reasons for your objection. To object, you must file with the Court and mail to counsel for the parties your written objections that include: (a) a notice of your intention to appear at the Final Settlement Approval Hearing on December 30, 2013, at 9:00 a.m.; (b) a sworn statement by you attesting to your membership in the Settlement Class by stating the purchases of the products that you made, on what dates, and at what Wal-Mart locations that also includes your specific grounds for your objections and any reasons why you object to the settlement and wish to be heard; (c) all copies of documents that you desire the Court to consider; (d) the identity of your counsel and whether he/she will appear at the Final Settlement Approval Hearing; and (e) a list of any and all persons you will call to testify in support of your objection.

Mail the objection to each of the following places so that it is filed with the Court and served on the below parties no later than **December 16, 2013**:

**Court:**

Lonoke County Circuit Court Clerk  
301 N. Center Street  
Lonoke, AR 72086

**Plaintiff's Class Counsel:**

Scott E. Poynter  
Emerson Poynter LLP  
The Rozelle-Murphy House  
1301 Scott Street  
Little Rock, AR 72202

**Counsel for Wal-Mart:**

Jess Askew III  
Williams & Anderson PLC  
Twenty-Second Floor  
111 Center Street  
Little Rock, AR 72201

**Counsel for BCBG:**

Erica Alterwitz  
BCBG Max Azria Group, Inc.  
2761 Fruitland Avenue  
Vernon, CA 90058

## THE LAWYERS REPRESENTING YOU

### 18. Do I have a lawyer in this case?

The Court decided that the Emerson Poynter law firm of Little Rock, Arkansas is qualified to represent you and all Settlement Class Members. This law firm is called “Class Counsel.” This firm is experienced in handling similarly complex cases, and has experience litigating class actions. More information about this law firm, its practice, and its lawyers’ experience is available at [www.emersonpoynter.com](http://www.emersonpoynter.com) or by writing to them at the addresses provided in question 24.

### 19. Should I get my own lawyer?

The Court has appointed the Emerson Poynter law firm to represent the Class. This means that, unless you exclude yourself from this lawsuit, these lawyers are representing you in this case. As Class Counsel, their obligation is to the entire class – not just the Class Representative – and the Court acts to ensure Class Counsel represents the best interests of the Class.

Whether you should have your own attorney is a personal decision that only you can decide. If you have already filed your own lawsuit, you probably have your own lawyer and should discuss with her or him whether to continue with that lawsuit or remain in this Class.

### 20. How will the lawyers be paid and will the Class Representatives be compensated for their efforts on behalf of the Class?

Defendants have agreed to pay Class Counsel \$175,000 for payment of attorneys’ fees and expenses. Ms. Canamore, as Representative Plaintiff, will receive an incentive award of \$2,000 for her efforts in achieving this result for the Settlement Class.

## THE RESOLUTION OF THE CASE

### 21. How and when will the Court decide whether to approve the Settlement?

The Court will hold a Final Settlement Approval Hearing at 9:00 a.m., on December 30, 2013, before the Honorable Judge Sandy Huckabee in the Circuit Court of Lonoke County, Arkansas, 2<sup>nd</sup> Street Courtroom, 119 E. 2<sup>nd</sup> Street, Lonoke, Arkansas 72086. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court will listen to people who have requested to speak at the hearing. The Court may also consider the award of attorneys’ fees and reimbursement of expenses to be paid to Plaintiff’s Counsel. The Court may decide these issues at the hearing or take them under consideration.

### 22. Do I have to come to the Final Settlement Approval Hearing?

No. Class Counsel will answer any questions the Court may have. But, you are welcome to come at your own expense. If you send an objection, you do not have to come to Court to talk about it. As long as you submitted your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

### 23. May I speak at the hearing?

The Court will consider a request to speak at the hearing if you submitted a timely objection to the Settlement that indicated you desire to do so. However, the Court will make the decision as to who may speak and the time that they will be allotted.

## GETTING MORE INFORMATION

### 24. Are more details available?

The Court’s Order conditionally certifying the Class and Granting Preliminary Approval of the Settlement, as well as other related settlement documents may be found at [www.CanamoreSettlement.com](http://www.CanamoreSettlement.com). If you have any additional questions, you may call the Settlement’s dedicated toll-free telephone number at 1 (888) 986-5595.