

Walmart and Sam's Club customers may be entitled to a payment from a class action settlement if they returned a purchase and didn't get a full refund.

Si desea recibir esta notificación en español, llámenos o visite nuestra página web.

This is not an advertisement from a lawyer. The U.S. District Court for the Eastern District of Missouri authorized this notice to inform Settlement Class Members about their rights and the opportunity to submit a claim in the Settlement.

What Is This Notice About?

This notice provides important information about a proposed settlement in a class action lawsuit against Walmart. The lawsuit claims that Walmart violated the law by incorrectly calculating and refunding the sales taxes it owed to customers who returned items purchased in store or online from Walmart or Sam's Club after July 17, 2015. Although the court presiding over the case has not decided who is right or wrong, the parties have reached a compromise to end the lawsuit and provide compensation to those who may have been affected. **Please read this notice carefully. It summarizes the rights and options under the settlement. You can access and read the full Settlement Agreement at www.WalmartRefundClassAction.com.**

Who's In The Settlement?

The Settlement Class includes all those individuals who, during the period July 17, 2015 through November 25, 2020, returned an item purchased from a Walmart store, Sam's Club store, or online from Walmart.com or Samsclub.com for pickup or delivery within the United States, and to whom Walmart or Sam's Club gave a refund or credit, but the amount of sales tax refunded or credited was less than the full amount of sales tax paid at the time the item was purchased.

What Are My Options?

If you are a member of the Settlement Class, then you have the following options under the settlement:

- 1) **File a Claim to Receive Compensation:** You may submit a claim to receive a payment. Under the settlement, all Settlement Class Members Settlement Class who timely submit a valid claim are eligible to receive an equal share of a **\$5,000,000** settlement fund after deductions for attorneys' fees, litigation expenses, and administrative costs associated with the Settlement. **To receive a payment, you must submit a claim by April 1, 2021.** You can submit your claim online at the settlement website or mail it to the settlement administrator. Please see below for further instructions.
- 2) **Exclude Yourself:** You may exclude yourself from the settlement. If you choose this option, you will not receive a payment, but you will not give up your right to assert your own claims against Walmart if you want to do so. **Your request to exclude yourself must be submitted by mail no later than April 1, 2021.** You must follow the process described in section 8 below. If the Settlement is approved and you do not exclude yourself, you will be bound by the Settlement and will release certain claims as described below.

- 3) **Object**: You may object to the settlement. **The deadline for objecting to the Settlement is April 1, 2021.** All objections must be mailed to the parties' lawyers and the settlement administrator. See Part 7 below for details.
- 4) **Do Nothing**: If you do nothing, you will remain a member of the Settlement Class and will not receive any payment and will still be bound by the release of claims against Walmart.

NOTE: This is just a summary. The Settlement Class members' rights and options under the settlement—and the deadlines to exercise them—are explained below.

PLEASE DO NOT CALL OR WRITE THE COURT, THE COURT CLERK'S OFFICE, WALMART, OR WALMART'S ATTORNEYS. THEY WILL NOT BE ABLE TO ASSIST YOU. If you have questions, or if you'd like more information, please visit **www.WalmartRefundClassAction.com** or call **(800) 462-2905**.

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For more information and for a Claim Form, visit www.WalmartRefundClassAction.com

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1. Who's part of the Settlement?

You may be a member of the Settlement Class if you fall within the Settlement Class definition. The "Settlement Class" is defined as:

All individuals who, between July 17, 2015 and November 25, 2020, returned an item purchased from a Walmart store, Sam's Club store, or online from Walmart.com or Samsclub.com for pickup or delivery within the United States, and to whom Walmart or Sam's Club gave a refund or credit, but the amount of sales tax refunded or credited was less than the full amount of sales tax paid at the time the item was purchased.

The United States District Court for the Eastern District of Missouri (Judge Henry E. Autrey) has conditionally certified the Settlement Class for settlement purposes only.

If you are not sure whether you are in the Settlement Class, or have any other questions about the settlement, visit the settlement website at www.WalmartRefundClassAction.com.

2. What is this lawsuit about?

The lawsuit alleges that Walmart violated the law by failing to provide a full refund in cash or store credit to some customers who were owed a full refund under Walmart's return policy, and specifically that Walmart miscalculated and underrefunded the sales taxes that those customers originally paid for the items they returned. As alleged in the lawsuit, Walmart maintains a written return policy, under which it promises its customers that they may generally return purchased items within 90 days of the purchase date and receive a full refund in cash or store credit. The lawsuit further alleges that Walmart breached the terms of its return policy and violated the Missouri Merchandising Practices Act ("MMPA"), Mo. Ann. Stat. 407.010 *et seq.* by failing to provide a complete refund to certain customers who made returns pursuant to the return policy—namely, that Walmart underrefunded the sales taxes that some customers originally paid for items they later returned. The complaint in the lawsuit is posted at www.WalmartRefundClassAction.com and contains all of the allegations.

Walmart denies Plaintiff's allegations and that it has violated the law. Neither the Court nor a jury have considered or decided the merits of the allegations in the lawsuit. The parties have negotiated and entered into the proposed Settlement to avoid the risk, uncertain outcome, expense and distraction of continued litigation.

3. Who represents me?

In a class action, one or more people called "class representatives" sue on behalf of other people who have the same or similar claims. In this case, the Plaintiff, Scott Pearlstone, sued Walmart and sought to represent other consumers who could have similar claims against Walmart. The court has appointed Plaintiff for settlement purposes to be the class representative for all Settlement Class members in this case.

The court also appointed the law firm McGuire Law, P.C. as class counsel to represent the Settlement Class members. If you want to be represented by your own lawyer, you may hire one at your own expense.

4. What benefits can I receive from the Settlement?

Walmart has agreed to pay a class settlement amount of \$5,000,000 into a Settlement Fund. Settlement Class Members who timely file a valid claim will be eligible to receive an equal share of the money remaining in the Settlement Fund after deductions for the costs of settlement

For more information and for a Claim Form, visit www.WalmartRefundClassAction.com

administration, attorneys' fees and litigation expenses, and an incentive award for the Settlement Class Representative.

The exact amount of payments to each Settlement Class member is unknown at this time; the final amount of each payment will depend on the number of claims submitted and the amount available in the Settlement Fund after the deductions.

If you timely submit a valid Claim Form that is approved by the Settlement Administrator, your settlement payment will be paid by check mailed to you or transmitted electronically, depending on what you prefer. Claims will only be paid after the Court grants Final Approval of the Settlement and after any appeals are resolved. If there are appeals, resolving them can take time. Please be patient.

5. How do I make a Claim and get a Payment?

To qualify for a payment from the Settlement, you must be a Settlement Class Member and submit a Claim Form. To submit your Claim Form, you may submit an electronic Claim Form online at the settlement website www.WalmartRefundClassAction.com, or you may download a physical copy of the Claim Form and mail it to the Settlement Administrator. Claim Forms must be postmarked or submitted online on or before **April 1, 2021**. Failure to provide complete and accurate information could result in a denial of your claim.

6. Do I have to pay the lawyers representing me?

No. The Court has appointed attorneys from McGuire Law P.C. in Chicago, Illinois to serve as Settlement Class Counsel to represent you and other members of the Settlement Class. If you want to be represented by your own lawyer, you may hire one at your own expense.

To date, Settlement Class Counsel have not received any payment for their services in litigating the case on behalf of the class representatives and the Settlement Class, nor have Settlement Class Counsel been reimbursed for their costs and expenses directly relating to their representation of the Settlement Class. Prior to final approval of the Settlement, Settlement Class Counsel will ask the court for an award of attorneys' fees and litigation expenses for investigating the facts, litigating the case, and negotiating the settlement. This award is subject to court approval and can be up to 35% of the settlement fund, or \$1,750,000 plus costs and litigation expenses.

Settlement Class Counsel's contact information is as follows:

Myles McGuire,
Paul T. Geske
Brendan Duffner
McGuire Law, P.C.
55 West Wacker Drive, Suite 900
Chicago, Illinois 60601
mmcguire@mcgpc.com
pgeske@mcgpc.com
bduffner@mcgpc.com
Tel: (312) 893-7002

Class Counsel may also request that an Incentive Award of up to \$10,000 be awarded to the class representative in recognition of his service to the Settlement Class. The amount of any fee or service award will be subject to approval by the court.

For more information and for a Claim Form, visit www.WalmartRefundClassAction.com

7. What am I agreeing to by remaining in the Settlement Class in this case?

If you are a member of the Settlement Class, and you choose to remain in the Settlement Class (i.e. you do not exclude yourself), then you will be eligible to submit a claim to receive a payment from the \$5,000,000 Settlement Fund as described above. Settlement Class Members will also be bound by the release of claims in the Settlement. This means that if the Settlement is finally approved, Settlement Class Members cannot sue, continue to sue, or be part of any lawsuit against Walmart for claims involving or relating in any way to the claims made in the lawsuit that led to the Settlement.

The released claims include all claims that were or could have been asserted in the litigation, regardless of whether those claims are known or unknown, filed or unfiled, asserted or as yet unasserted, existing or contingent.

8. What if I don't agree with the Settlement?

If you are a member of the Settlement Class, and have not excluded yourself from the Settlement, you may object to the Settlement or any part of the Settlement if you think there are legal reasons why the court should reject it. If you object, the court will consider your views. To object, you must file your objection with the Court and serve a copy of the letter to the Settlement Administrator and the lawyers for both the Settlement Class and Walmart. Your objection must clearly state the following information:

- a) The case name and case number of this Litigation (*Pearlstone v. Wal-Mart Stores, Inc.*, Case No. 4:17-cv-02856-HEA (E.D. Mo.)).
- b) Your full name, current address, email address and phone number;
- c) The reasons why you object to the Settlement along with any supporting materials;
- d) Information about all other objections you or your lawyer(s) have made in other class action cases in state or federal courts, including the name of the case, case number, the court in which the objection was filed, and the outcome of the objection; and
- e) Your signature.

Your objection must be postmarked no later than April 1, 2021. Objections must be mailed to:

Walmart Sales Tax Refund Settlement Administrator
PO Box 2995
Portland, OR 97208-2995

Plaintiff's Counsel
Paul Geske
McGuire Law, P.C.
55 W. Wacker Drive, 9th Fl.
Chicago, IL 60601

Walmart's Counsel
Naomi G. Beer
Greenberg Traurig, LLP
1144 15th Street, Suite 3300
Denver, CO 80202

9. Can I exclude myself from the Settlement Class?

If you do not want a payment and do not want to be legally bound by the terms of the Settlement, you must exclude yourself from the Settlement. If you do so, you will not be eligible to receive any payments as a result of this Settlement. However, you will keep the right to sue or continue to sue Walmart on your own and at your own expense if you wish to pursue any of the claims being released as part of this settlement.

For more information and for a Claim Form, visit www.WalmartRefundClassAction.com

To exclude yourself from the Settlement Class, you must submit a timely and valid “Opt-Out Request” to the Settlement Administrator in writing. To be valid, the request must include:

- a) The case name and case number of this Litigation (*Pearlstone v. Wal-Mart Stores, Inc.*, Case No. 4:17-cv-02856-HEA (E.D. Mo.)).
- b) Your full name, current mailing address, email address, and phone number;
- c) A statement that you wish to exclude yourself from the Settlement Class; and
- d) Your signature.

To be considered timely, you must submit your fully completed Opt-Out Request to the following address postmarked no later than **April 1, 2021**:

Walmart Sales Tax Refund Settlement Administrator
PO Box 2995
Portland, OR 97208-2995

REQUESTS FOR EXCLUSION FROM THE CLASS THAT ARE NOT POSTMARKED ON OR BEFORE April 1, 2021 WILL NOT BE HONORED.

You cannot exclude yourself from the Settlement Class by telephone, email, or on the settlement website. You cannot exclude yourself by mailing a request to any other location or after the deadline above. Your request for exclusion must be signed by you.

10. What is the difference between objecting and asking to be excluded?

Objecting is telling the Court the legal reasons why you do not like something about the Settlement. You can object to the settlement only if you are a Settlement Class Member and you do not exclude yourself.

Excluding yourself is telling the court that you do not want to be part of the settlement. If you exclude yourself, you cannot object to the settlement because it no longer affects you.

11. What if I do nothing at all?

If you are a Settlement Class Member and do nothing in response to this notice, you will remain a member of the Settlement Class and release your claims against Walmart. However, you will not be eligible to receive an individual payment. **You must submit a claim to receive a payment from this Settlement** (See Part 4 above).

12. What will be decided at the final approval hearing?

The Court will hold a final approval hearing to decide whether to grant final approval to the Settlement and any requests for fees, expenses, and incentive awards. The final approval hearing is currently set for **April 21, 2021 at 11:00 a.m.** in Courtroom 10N of the Thomas F. Eagleton U.S. Courthouse, 111 S. 10th Street, St. Louis, MO 63102. The hearing may be moved to a different date or time without additional notice, so you should check www.WalmartRefundClassAction.com and the court’s docket for updates.

At the final approval hearing, the court will consider whether the settlement is fair, reasonable, and adequate. The court will also consider the request by Settlement Class Counsel for attorneys’ fees and expenses and for the Settlement Class Representative’s incentive award. If there are any objections, the court will consider them at the final approval hearing as well. After the hearing, the court will decide whether to finally approve the settlement. We do not know how long that decision may take.

For more information and for a Claim Form, visit www.WalmartRefundClassAction.com

You may attend the hearing, at your own expense, but you do not have to do so. If you wish to ask the court for permission to speak at the hearing, you must send a “Notice of Intent to Appear” letter to the Court and to Settlement Class Counsel and Walmart’s Counsel saying that you intend to appear and wish to be heard. Your Notice of Intent to Appear must include the following:

- a) The case name and case number of this litigation (*Pearlstone v. Wal-Mart Stores, Inc.*, Case No. 4:17-cv-02856-HEA (E.D. Mo.)).
- b) Your full name, current address, email address, and phone number;
- c) A statement that this is your “Notice of Intent to Appear” at the final approval hearing in this case;
- d) Copies of any papers, exhibits, or other evidence or information that you will present to the court;
- e) The reasons you want to be heard; and
- f) Your signature.

You must send copies of your Notice of Intent to Appear, postmarked by April 1, 2021, to:

Clerk of Court

Thomas F. Eagleton Courthouse
111 South 10th Street, Suite 3.300
St. Louis, MO 63102

Plaintiff’s Counsel

Paul Geske
McGuire Law, P.C.
55 W. Wacker Drive, 9th Fl.
Chicago, IL 60601

Walmart’s Counsel

Naomi G. Beer
Greenberg Traurig, LLP
1144 15th Street, Suite 3300
Denver, CO 80202

Note: You cannot object or speak at the hearing if you exclude yourself from the settlement.

13. Is this the entire Settlement Agreement?

No. This is only a summary of the Settlement. If the Settlement is approved and you do not exclude yourself from the Settlement Class, you will be bound by the terms and the release contained in the Settlement Agreement, and not just by the terms of this notice. You can view the full Settlement Agreement online at www.WalmartRefundClassAction.com, or you can write to the Settlement Administrator for more information.

14. Where can I get more information?

For more information, visit www.WalmartRefundClassAction.com or call Class Counsel at (312) 893-7002.

NOTE: PLEASE DO NOT CALL OR WRITE THE COURT, THE COURT CLERK’S OFFICE, WALMART, OR WALMART’S COUNSEL. THEY WILL NOT BE ABLE TO ASSIST YOU.

For more information and for a Claim Form, visit www.WalmartRefundClassAction.com