

Khun v. Sleepy's, LLC  
Settlement Administrator  
P.O. Box 404020  
Louisville, KY 40233-4020

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## LEGAL NOTICE

OFFICIAL COURT NOTICE OF  
SETTLEMENT OF CLASS ACTION

**You could get \$25 or more  
from a class action settlement  
involving promotional gift cards  
offered in conjunction with  
certain Sleepy's purchases.**

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A Settlement has been reached with Sleepy's, LLC ("Sleepy's") and CMC Acquisition Corporation d/b/a Capitol Marketing Concepts, Inc. (together "Defendants") in a class action involving promotional gift cards offered as part of qualifying purchases made at Sleepy's retail locations in Massachusetts and online for delivery in Massachusetts. The lawsuit alleges that the Defendants' promotion failed to properly identify certain use and redemption conditions for the promotional gift cards, and imposed material terms and conditions related to the promotion that were not disclosed. Defendants deny Plaintiff's allegations and assert that all of their promotional practices complied with all state and federal legal requirements.

**Who is Included?** Defendants' records show that you may be included. Specifically, the Settlement includes: all persons who made a qualifying promotional purchase between November 7, 2012 to July 23, 2018 at a Sleepy's retail location located in Massachusetts, or an online purchase for a Massachusetts delivery, and were entitled to a promotional gift card to be provided by Sleepy's as part of their purchase ("Settlement Class Members"); and (a) were provided with and redeemed a Voucher ("Redeemed Voucher Subclass"), or (b) were not provided with and did not redeem a Voucher ("Unredeemed Voucher Subclass").

**The Settlement:** Defendants will pay up to \$650,000 to settle the lawsuit; of this, up to \$338,400 will be distributed in payments to Settlement Class Members, up to \$250,000 will be paid to Class Counsel as fees and costs; up to \$6,300 will be paid to the named Plaintiff (Dianna Khun) as a Service Award; and up to \$55,000 will be used for Settlement Administration Expenses.

**What Can I Get?** If the Court finally approves the Settlement, members of the Redeemed Voucher Subclass will receive \$25.00 for each Voucher they were entitled to and redeemed. Members of the Unredeemed Voucher Subclass will receive the actual value of the Voucher(s) they were entitled to but did not redeem. The average value of the Voucher is \$110.33, but your Voucher may be worth more or less than that depending on your particular Sleepy's purchase.

**How Do I Get a Payment?** You do not need to do anything to get a Settlement Payment. Payments will be issued if the Court finally approves the Settlement and any appeals are resolved.

**Your Rights:** If you do nothing, you will receive a Settlement Payment and your rights will be affected. If you do not want to be legally bound by the Settlement or receive a Settlement Payment, you must exclude yourself from the Settlement **no later than October 4, 2018**. Unless you exclude yourself, you will not be able to sue or continue to sue the Defendants for any of the legal issues resolved by this Settlement and released by the Settlement Agreement. If you stay in the Settlement (do not exclude yourself), you may object to it and notify the Court that you or your lawyer intend to appear at the Court's Fairness Hearing. Objections must be filed with the Court and mailed to Counsel **no later than October 4, 2018**.

**Court's Fairness Hearing:** The Court will hold a hearing in this case on **November 27, 2018 at 3:00 p.m.** at the U.S. District Court for the District of Massachusetts, 1 Courthouse Way, Boston, MA 02210. At the hearing, the Court will decide whether to approve the Settlement, Class Counsel's fees and costs, and the service fee payment.