

## **How Do I Know if I Am Part of the Settlement?**

If you were a participant in the Safeway 401(k) Plan, now known as the Albertsons Companies 401(k) Plan (“the Plan”) at any time during the period from July 14, 2010 until July 28, 2016, inclusive, or you were a beneficiary or alternate payee of any such participant, then you are a member of the Settlement Class (a “Settlement Class Member”).

## **What is this Lawsuit About?**

Plaintiffs claim that Defendants breached their fiduciary duties under ERISA. Plaintiffs’ allegations are described in more detail in the Third Amended Complaint (“Complaint”) available on the Settlement website. All Defendants deny any wrongdoing. Both sides agreed to the Settlement to avoid the cost and risk of further litigation.

## **What Does the Settlement Provide?**

Defendants have agreed to create a Settlement Fund totaling \$8.5 million to be divided among eligible Settlement Class Members after payment of attorneys’ fees to Class Counsel, Case Contribution Awards to Plaintiffs Maria Karla Terraza and Dennis M. Lorenz, and payment of other costs and expenses of the Settlement, including notice and claims administration, as the Court may allow. The Agreement, other related documentation, and a list of Frequently Asked Questions, available at the Settlement website identified below, describes the details of the proposed Settlement. Your share (if any) of the Settlement Fund will depend upon the amount and value of your Plan account(s) during the Settlement Class Period. This Settlement releases certain claims against Defendants relating to the investments of the Plan’s assets during the Settlement Class Period and releases all claims that were or could have been brought in the lawsuit based upon the allegations in the Complaint.

## **How Do I Receive a Payment from the Settlement?**

If you are a Settlement Class Member, are a current participant in the Plan, or you are a beneficiary or alternate payee of a Plan participant who has an active account in the Plan, and you are entitled to a share of the Settlement Fund according to the Agreement, you are not required to do anything to receive a payment. The payment will be made directly to your Plan account(s).

If you are no longer a participant in the Plan, or you are a beneficiary or alternate payee of a Plan participant who does not have an active account in the Plan, you will need to file a Former Participant Claim Form in order to receive a payment from the Settlement Fund. The Former Participant Claim Form has to be completed and mailed to the address shown on the Form by February 26, 2021. Payments made to Authorized Former Participants, or to Beneficiaries or Alternate Payees of Plan participants who do not have active accounts in the Plan under the Settlement may be made either by check or tax-qualified rollover to an individual retirement account or other eligible employer plan. If your address has changed since you closed your Plan account(s), please contact the Settlement Administrator toll-free at 866-274-4004 or by email to [info@strategicclaims.net](mailto:info@strategicclaims.net) to advise of the change of address.

## **Can I Exclude Myself from the Class?**

No. The Class has been certified under Federal Rule of Civil Procedure 23(b)(1). Therefore, as a Class Member, you are bound by any judgments or orders that are entered in the lawsuit for all claims that were asserted in the lawsuit or are otherwise included as Released Claims as defined in the Agreement. If you wish to object to any part of the Settlement, you may (as discussed below) write to the Court and counsel about why you object to the Settlement.

## **How Do I Tell the Court That I Do Not Like the Settlement?**

You can ask the Court to deny approval of the Settlement and/or the Motion for Attorneys’ Fees and Expenses of Class Counsel or the Case Contribution Fees to be requested for the Class Representatives by filing an objection. You can’t ask the Court to order a different settlement; the Court can only approve or reject the Settlement. If the Court denies approval, no settlement payments will be sent out and the lawsuit will continue. If that is what you want to happen, you must object. The Court, however, can award less than the amount requested by Class Counsel for attorneys’ fees and expenses or the

amount requested for case contribution fees and, if the Court does so, because of an objection or in its own discretion, although that ruling could affect the timing and amount of settlement payments, any such objection to or reduction in Class Counsel’s attorneys’ fees and expenses or case contribution fees to be paid to the Class Representatives would not otherwise affect the finality of the Settlement.

Any objection to the proposed Settlement or Motion for Attorneys’ Fees and Expenses or Case Contribution Fees must be in writing. If you file a timely written objection, you may, but are not required to, appear at the Fairness Hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for hiring and paying that attorney. All written objections and supporting papers must (a) clearly identify the case name and number *Terraza v. Safeway, Inc., et al.*, No.4:16-cv-03994-JST (N.D. Cal.), (b) be submitted to the Court either by mailing them to the Clerk, United States District Court for the Northern District of California, Ronald V. Dellums Federal Building and United States Courthouse, Courtroom 6, 2nd Floor, 1301 Clay Street, Oakland, CA 94612, or by filing them in person at any location of the United States District Court for the Northern District of California, and (c) be filed or postmarked on or before February 26, 2021. Your objection must also include (1) your full name, current address, and current telephone number, and, if represented by counsel, any of your counsel’s name and contact information; (2) whether the objection applies only to the objecting Class Member, to a specific subset of the Class, or to the entire Class; (3) a statement of the position(s) the objector wishes to assert; (4) copies of any other documents that the objector wishes to submit in support of his/her/its position; and (5) a list of any other objections to any class action settlements submitted in any court, whether state, federal, or otherwise, in the United States in the previous five (5) years.

**ANY CLASS MEMBER WHO DOES NOT OBJECT IN THE MANNER DESCRIBED ABOVE SHALL BE DEEMED TO HAVE WAIVED ANY OBJECTION AND SHALL NOT HAVE ANY RIGHT TO OBJECT TO THE FAIRNESS OR ADEQUACY OF THE SETTLEMENT.**

<u>Clerk of the Court</u>	<u>Class Counsel</u>	<u>Defense Counsel</u>
U.S. District Court for the Northern District of California Clerk of Court Ronald V. Dellums Federal Building and United States Courthouse 1301 Clay Street, Courtroom 6, 2nd Floor Oakland, CA 94612	James E. Miller Shepherd, Finkelman, Miller & Shah, LLP 65 Main Street Chester, CT 06412 Tel: (860) 526-1100	For Safeway Defendants: R. Bradford Huss Trucker Huss, APC 1 Embarcadero Center, 12th Floor San Francisco, CA 94111 Tel: (415) 788-3111  For Aon: Randall W. Edwards O’Melveny & Myers, LLP 2 Embarcadero Center, 28th Floor San Francisco, CA 94111 Tel: (415) 984-8700

**When and Where Will the Court Decide Whether to Approve the Settlement?**

On April 26, 2021 at 2 p.m., in Courtroom 9 of the United States District Court for the Northern District of California, Ronald V. Dellums Federal Building and United States Courthouse, Courtroom 6, 2nd Floor, 1301 Clay Street, Oakland, CA 94612, the Court will hold a Fairness Hearing to determine whether the proposed Settlement is fair, reasonable, and adequate and whether it should be approved. The hearing may be continued from time to time by the Court without further notice.