

Exhibit D

United States District Court for the District of Massachusetts
Adams v. America's Test Kitchen, LP et al., Case No. 1:22-cv-11309 (AK)

TO: Subscribers of America's Test Kitchen during the Period of July 13, 2020 through [insert date] Who Requested or Obtained a Video on America's Test Kitchen's Website While Being a Facebook Account Holder.

A court authorized this notice. You are not being sued. This is not a solicitation from a lawyer.

- A settlement has been reached in a class action lawsuit against American's Test Kitchen, LP, *et al.* (collectively "America's Test Kitchen" or "ATK"). The class action lawsuit alleges ATK disclosed its subscribers' personally identifiable information ("PII") to Facebook via the Meta Pixel, without its subscribers' consent, in violation of the Video Privacy Protection Act ("VPPA"). The VPPA defines PII to include information which identifies a person as having requested or obtained specific video materials or services from a video tape service provider. ATK denies that it violated any law but has agreed to the settlement to avoid the uncertainties and expenses associated with continuing the case.
- You are included in the Settlement Class if you are an individual residing in the United States who, from July 13, 2020, to and through [Preliminary Approval Date], was a Facebook account holder and subscriber to Defendants' digital services, and who requested or obtained any videos on any America's Test Kitchen website while being an active Facebook account holder.
- The Settlement resolves the claims in the Action, and provides the following injunctive relief to Settlement Class Members:
 - Within 45 days of the Preliminary Approval Order but no earlier than January 12, 2024, Defendants (i) will remove all Meta Pixels embedded in any webpage on Defendants' websites (including www.americastestkitchen.com) accessible in the United States that includes video content and (ii) will not possess PII (as that term is defined in the VPPA) of Settlement Class Members generated by Meta Pixels.
 - Defendants shall not resume operation of the Meta Pixel on any webpage of their websites accessible in the United States that includes video content.
 - Notwithstanding the above, Defendants may seek relief from this injunction upon amendment or repeal of the VPPA or upon implementation of a VPPA-compliant consumer consent form.
 - Plaintiff may seek from the Court an injunction to enforce the terms of this Agreement.
- You are not required to take any action. This Notice further explains the litigation, the Settlement, and how you may object to any portion of the Settlement, including Class Counsel's request for attorneys' fees and expenses and/or the request for a service award for the Class Representative, if you want.

BASIC INFORMATION

QUESTIONS? CALL **1-800-000-0000** TOLL FREE, OR VISIT **WWW.XXXXXXXXXX.COM**

1. Why was this Notice issued?

A Court authorized this notice because you have a right to know about a proposed Settlement of this class action lawsuit and about all your options before the Court decides whether to give final approval to the Settlement. This Notice explains the lawsuit, the Settlement, and your legal rights.

The Honorable Angel Kelley, of the U.S. District Court for the District of Massachusetts, is overseeing this case. The case is called *Adams v. America's Test Kitchen, LP et al.*, Case No. 1:22-cv-11309 (AK) (D. Mass.). The person who has sued is called the Plaintiff. The parties being sued, collectively referenced as ATK, are called the Defendants.

2. What is a class action?

In a class action, one or more people called the class representatives (in this case, Plaintiff Anca Adams) sue on behalf of a group or a “class” of people who have similar claims. In a class action, the court resolves the issues for all class members.

3. What is this lawsuit about?

This lawsuit claims that ATK violated the Video Privacy Protection Act, 18 U.S.C. § 2710, *et seq.* (“VPPA”) by disclosing its subscribers’ personally identifiable information (“PII”) to Facebook via the Meta Pixel without consent. The VPPA defines PII to include information which identifies a person as having requested or obtained specific video materials or services from a video tape service provider. ATK denies that it violated any law. The Court has not determined who is right. Rather, the parties have agreed to settle the lawsuit to avoid the uncertainties and expenses associated with ongoing litigation.

4. Why is there a Settlement?

The Court has not decided whether the Plaintiff or ATK should win this case. Instead, both sides agreed to a Settlement. That way, the uncertainties and expenses associated with ongoing litigation are avoided and the injunctive relief is implemented.

WHO’S INCLUDED IN THE SETTLEMENT?

5. How do I know if I am in the Settlement Class?

The Settlement Class is defined as:

All individuals residing in the United States who, during the period of July 13, 2020 to and through [Preliminary Approval Date], were Facebook account holders and subscribers to Defendants’ digital services and who requested or obtained any videos on any America’s Test Kitchen website while an active Facebook account holder.

THE SETTLEMENT BENEFITS

6. What does the Settlement provide?

Prospective Changes: Within 45 days of the Preliminary Approval Order but no earlier than January 12, 2024, Defendants (i) will remove all Meta Pixels embedded in any webpage on Defendants’ websites (including www.americastestkitchen.com) accessible in the United States that includes video content and (ii) will not possess “personally identifiable information” (as that term is defined in the VPPA) of Settlement Class Members generated by Meta Pixels.

Defendants shall not resume operation of the Meta Pixel on any webpage of their websites accessible in the United States that includes video content.

Notwithstanding the above, Defendants may seek relief from this injunction upon amendment or repeal of the VPPA or upon implementation of a VPPA-compliant consumer consent form.

Plaintiff may seek from the Court an injunction to enforce the terms of this Agreement.

A detailed description of the settlement benefits can be found in the Settlement Agreement available at the [website\[website address\]](#).

HOW AM I AFFECTED?

7. Your Rights.

If approved by the Court, the Settlement will affect your right to seek certain injunctive or non-monetary equitable relief against ATK. The Settlement will not affect your right, if any, to seek damages or other monetary relief from ATK.

8. No Opt Outs.

Because Settlement Class Members do not release claims for monetary damages and because ATK is only agreeing to remedial and injunctive relief (i.e., business practice changes), Settlement Class Members cannot opt out of the Settlement. This means that all members of the Settlement Class will be bound by the Settlement, if the Court approves it.

9. Release.

If the Settlement is approved, Settlement Class Members will be deemed to have released ATK from and for any and all *non-monetary* claims, liabilities, rights, demands, suits, matters, obligations, actions, or causes of action that they have or could have asserted against ATK regarding the alleged disclosure of their personally identifiable information and video viewing behavior to a third party.

You will not be deemed to have released any claims for monetary relief.

The specific release provision of the Settlement Agreement is provided in paragraph 1.18 of the Settlement Agreement [here](#).

THE LAWYERS REPRESENTING YOU

10. Do I have a lawyer in the case?

The Court has appointed Hank Bates, Tiffany Oldham, Lee Lowther, and Courtney Ross (Carney Bates & Pulliam PLLC) to be the attorneys representing the Settlement Class. They are called “Class Counsel.” After conducting an investigation, they believe that the Settlement Agreement is fair, reasonable, and in the best interests of the Settlement Class. You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your own expense.

11. How will the lawyers be paid?

The Settlement provides that Class Counsel may apply to the Court for an award of reasonable attorneys’ fees not to exceed \$300,000 and expenses not to exceed \$10,000 to be paid by Defendants. The Settlement further provides that Class Counsel may also request a Service Award for Class Representative, to be paid by the Defendants, in an amount not to exceed \$2,500 in recognition for her contribution to the litigation and business practice changes. The motion for fees, expenses and Service Award will be available on the Settlement Website after it is filed with the Court.

The Parties agreed to the remedial measures and injunctive relief that comprise the core benefit of the Settlement before negotiating the maximum amounts of attorneys’ fees and expenses Class Counsel could seek from

Defendants subject to Court approval. The Parties further agreed they will accept and not appeal the Court’s award of attorneys’ fees and expenses.

Any requests for attorneys’ fees, costs and service awards made to the Court will be subject to the Court’s determination at final approval. Those requests are and will be available for review on the Settlement Website at [redacted].

OBJECTING TO THE SETTLEMENT

12. How do I object to the Settlement?

If you’re a Settlement Class Member, you may ask the Court to deny approval by filing an objection. You may object to any aspect of the Settlement, Class Counsel’s request for attorneys’ fees and expenses, or the request for a Service Award. You can give reasons why you think the Court should not give its approval. The Court will consider your views.

If you choose to make an objection, you must mail or file with the Court a letter or brief stating that you object to the Settlement. Your letter or brief must include:

The name and number of this case, *Adams v. America’s Test Kitchen, LP et al.*, Case No. 1:22-cv-11309 (AK) (D. Mass.);

- a. Your full name and mailing address;
- b. An explanation of the basis upon which you claim to be a Settlement Class Member, including information sufficient to identify your current Facebook page or a screenshot showing that you were a Facebook member during the class period;
- c. An explanation of any and all your reasons for your objections, including citations to legal authority and supporting evidence, and attaching any materials you rely on for your objections;
- d. The name and contact information of any and all lawyers representing, advising, or in any way assisting you in connection with your objection;
- e. A statement indicating whether you or your lawyer(s) intends to appear at the Final Approval Hearing;
- f. Your handwritten or electronically imaged written signature; and
- g. If a Settlement Class Member or any of the Objecting Attorneys have objected to any class action settlement where the objector or the Objecting Attorneys asked for or received any payment in exchange for dismissal of the objection, or any related appeal, without any modification to the settlement, then the objection must include a statement identifying each such case by full case caption and amount of payment received. Any challenge to the Settlement Agreement or the Final Judgment shall be pursuant to appeal under the Federal Rules of Appellate Procedure and not through a collateral attack.

You must mail or deliver your written objection, postmarked no later than [redacted] to:

Clerk of the Court
United States District Court for the District of Massachusetts
1 Courthouse Way, Suite 2300
Boston, MA 02210

You must also mail or otherwise deliver a copy of your written objection to Class Counsel and ATK’s counsel at the following addresses:

Class Counsel	Defendant’s Counsel
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Hank Bates Tiffany Oldham Lee Lowther Courtney Ross Carney Bates & Pulliam, PLLC 519 W. 7th Street Little Rock, AR 72201 hbates@cbplaw.com toldham@cbplaw.com llowther@cbplaw.com cross@cbplaw.com	Edward R. McNicholas Fran Faircloth Ropes & Gray LLP 2099 Pennsylvania Avenue, N.W. Washington, DC 20006-6807 Edward.McNicholas@ropesgray.com Fran.Faircloth@ropesgray.com
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No “mass” or “class” objections will be allowed.

THE COURT’S FINAL APPROVAL HEARING

13. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Final Approval Hearing at [time] on **Month 00, 2024** in Courtroom 8 at the John Joseph Moakley U.S. Courthouse, 1 Courthouse Way, Boston, MA 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 Settlement Class; to consider the Class Counsel’s request for attorneys’ fees and expenses; and to consider the request for a Service Award to the Class Representative. At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the Settlement.

The hearing may be postponed to a different date or time without notice, so it is a good idea to check [Settlement Website] or call [class counsel contact]. If, however, you timely objected to the Settlement and advised the Court that you intend to appear and speak at the Final Approval Hearing, you will receive notice of any change in the date of such Final Approval Hearing.

14. Do I have to attend to the 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 or comment, you don’t have to attend the hearing to talk about it. As long as you filed and mailed your written objection on time, the Court will consider it. You may also retain your own lawyer (at your own expense) to attend, but it’s not required.

15. May I speak at the hearing?

Yes. You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must include in your letter or brief objecting to the Settlement a statement saying that you or your lawyer intends to appear at the Final Approval Hearing.

GETTING MORE INFORMATION

16. Where do I get more information?

This Notice summarizes the Settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement at [Settlement Website]. You may also write with questions to ATK VPPA Privacy Settlement, [P.O. Box 0000, Address]. You can call the Settlement Administrator at **1-800-000-0000** or Class Counsel at 1-888-551-9944, if you have any questions. Before doing so, however, please read this full Notice carefully. You may also find additional information elsewhere on the case website.

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT’S CLERK OFFICE REGARDING THIS NOTICE.

QUESTIONS? CALL **1-800-000-0000** TOLL FREE, OR VISIT **WWW.XXXXXXXXXX.COM**