

# Exhibit E

## **NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

### **IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA**

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**IF YOU LIVE IN THE UNITED STATES AND PURCHASED ANY ZOA ENERGY DRINK LABELED WITH THE STATEMENT “0 PRESERVATIVES” BETWEEN MARCH 1, 2021, AND [DATE OF PRELIMINARY APPROVAL], YOU MAY BE ENTITLED TO A PAYMENT FROM A CLASS ACTION SETTLEMENT.**

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*A Court has authorized this Notice. This is not a solicitation from a lawyer.*

#### **Why have I received this Notice?**

A settlement has been reached in a class action lawsuit against ZOA Energy, LLC (“Defendant”) for alleged breach of warranty, violation of California’s Business and Professions Code § 17200, et. seq., California’s Business & Professions Code § 17500, et. seq., California’s Civil Code § 1750, et seq., and restitution on the basis of quasi-contract/unjust enrichment in the sale of Defendant’s energy drink bearing the statement “0 Preservatives” on the label (“Product”).

A Court has authorized this Notice because you have a right to know about the proposed settlement of this class-action lawsuit (the “Settlement”) and your options before the Court decides whether to give “final approval” to the Settlement. This Notice summarizes the lawsuit, the proposed Settlement, and your legal rights.

#### **Who is included in the Settlement Class?**

The Settlement Class includes: All persons in the United States who, from March 1, 2021, to the [Date of Preliminary Approval] (“Class Period”), purchased in the United States, for personal or household consumption and not for resale or distribution, one or more Products bearing the statement “0 Preservatives” on the label.

#### **What are the benefits of the Settlement?**

The Settlement provides for the establishment of a Settlement Fund in the amount of \$3,000,000 (Three Million Dollars) to pay for: (i) all Settlement Payments to Settlement Class Members who submit Approved Claims, (ii) a Service Award to the Class Representative, (iii) an Attorneys’ Fees & Costs Award, and (iv) payment of Notice and Other Administrative Costs.

Each Settlement Class Member who timely files with the Settlement Administrator an Approved Claim without a purchase receipt will receive a Settlement Payment of One Dollar (\$1) for every can of Product purchased with a cash award cap of Ten Dollars (\$10) from the Settlement Fund. Each Settlement Class Member who timely files with the Settlement Administrator an Approved Claim with a purchase receipt will receive a Settlement Payment of One Dollar (\$1) for every can of Product purchased with a cash award cap of One Hundred Fifty Dollars (\$150) per household from the Settlement Fund. If the total value of all Approved Claims exceeds the funds available after allocation or distribution of the Notice and Other Administrative Costs, the Fees and Costs Award, and the Service Award, then the amounts of the Settlement Payments per claim will be reduced pro rata, as necessary, to use all of the funds available for distribution to Class Members. Any such pro rata adjustment will be calculated prior to distribution of funds (i.e., will be made in a single distribution). Payments to Class Members that are not redeemed (e.g., uncashed checks) within one hundred and eighty (180) calendar days after issuance (“Unredeemed Payments”) will be donated *cy pres* to the Clean Label Project. After payment from the Settlement Fund of the

Notice and Other Administrative Costs, the Fees and Costs Award, the Service Award, and Settlement Payments, and after donation *cy pres* of Unredeemed Payments, funds that remain in the Settlement Fund (“Unexhausted Amounts”) shall be distributed as follows:

- If the Unexhausted Amounts total \$100,000 or less, 100 percent of the Unexhausted Funds will be donated *cy pres* to the Clean Label Project.
- If the Unexhausted Funds total more than \$100,000, 25 percent of the Unexhausted Amounts, including interest thereon, will be donated *cy pres* to the Clean Label Project, and 75 percent of the Unexhausted Amounts will be returned to ZOA.

**In order to receive a Settlement Payment, you must complete and submit a Claim Form by XXXXXX XX, 2025. Claim Forms may be submitted online at [www.zoasettlement.com](http://www.zoasettlement.com) or printed from the website and mailed to the Claims Administrator. Claim Forms submitted by mail must be postmarked no later than XXXXXX XX, 2025.**

**How can I exclude myself from the Settlement Class?**

If you don't want to make a claim and you don't want to be legally bound by the Settlement, your request to be excluded must be **submitted no later than XXXXXX XX, 2025**, or you will not be able to sue, or continue to sue, the Defendant about the claims and allegations in this case. Refer to the Settlement Website and the Notice for information and instructions on how to exclude yourself. [www.zoasettlement.com](http://www.zoasettlement.com).

**How can I object?**

If you want to stay in the Settlement Class, but you want to object to the Settlement and/or to Class Counsel's request for Fee Award, your objection must be filed with the Court **no later than XXXXXX XX, 2025**. Refer to the Settlement Website and the Notice for information and instructions on how to object. [www.zoasettlement.com](http://www.zoasettlement.com).

**Do I have a lawyer in this case?**

Yes, the Court has appointed the law firms of Kuzyk Law, LLP and Law Offices of Peter N. Wasylyk to represent the Settlement Class. These attorneys are called Class Counsel. You will not be charged for their services. If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense.

**The Court's Final Approval Hearing.**

The Court has scheduled a Final Approval Hearing on **XXXXXX XX, 2025, at XX:XX XX** at the XXXXXX. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check XXXXXX for updates. At the Final Approval Hearing, the Parties will request that the Court consider whether the Settlement Class should be certified as a class for settlement purposes and, if so, (i) consider any properly-filed objections; (ii) determine whether the Settlement is fair, reasonable and adequate, was entered into in good faith and without collusion, and should be approved, and shall provide findings in connection therewith; and (iii) enter the Final Approval Order, including final approval of the Class Action Settlement Agreement and Release, and a Fee Award. It is unknown how long these decisions will take. You may attend the hearing with your own lawyer, but you do not have to.

**Where can I get more information?**

This Notice summarizes the proposed Settlement. More details are in the Class Action Settlement Agreement & Release, which you can view at [www.zoasettlement.com](http://www.zoasettlement.com). You can also contact the Settlement Administrator by mail, email or phone and/or to update your contact information.

**XXXXXX Settlement**  
c/o Kroll Settlement Administration LLC  
PO Box 225391  
New York, NY 10150-5391

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(XXX) XXX-XXXX