

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

**If you purchased Taste of the Wild Grain-Free Dog Food in Missouri at any time from August 27, 2015, to June 21, 2024, and were a citizen of Missouri on August 27, 2020, then a class action may affect your rights.**

*A Missouri court authorized this notice. This is not a solicitation from a lawyer.*

- A court has certified a proposed class action that includes Missouri citizens who purchased Taste of the Wild Grain-Free Dog Food in Missouri.

The case includes individuals who (1) were citizens of Missouri on August 27, 2020; (2) have purchased Taste of the Wild Grain-Free Dog Food; (3) made their purchase in Missouri; and (4) made their purchase at any time from August 27, 2015, to June 21, 2024.

- To be in the Class, you must have purchased Taste of the Wild Grain-Free Dog Food in the state of Missouri at any time between August 27, 2015, to June 21, 2024.
- Additionally, you must have been a citizen of Missouri on August 27, 2020.

The Defendant in this class action is **Schell & Kampeter, Inc.**, doing business as **Diamond Pet Food** and/or **Taste of the Wild**.

Defendant denies the allegations, and the Court has not decided whether Defendant did anything wrong. There is no money available now, and no guarantee there will be. However, your legal rights are affected, and you have a choice to make now:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
<b>DO NOTHING</b>	<p><b>Stay in this lawsuit. Await the outcome. Give up certain rights.</b></p> <p>By doing nothing, you keep the possibility of getting money or benefits that may come from a trial or a settlement. But you give up any rights to sue Defendant separately about the same legal claims in this lawsuit.</p>
<b>ASK TO BE EXCLUDED</b>	<p><b>Get out of this lawsuit. Get no benefits from it. Keep rights.</b></p> <p>If you ask to be excluded and money or benefits are later awarded, you won't share in those. But you keep any rights to sue Defendant separately about the same legal claims in this lawsuit.</p>

- These rights and options—**and the deadlines to exercise them**—are explained in this notice. To ask to be excluded, you must act before August 31, 2024.
- Plaintiffs must prove claims against Defendant at a trial, which is scheduled for **March 31, 2025**. Check the website for any updates as the trial date may be subject to change. If money or benefits are obtained from Defendant, you will be notified about the procedure for your compensation.
- **Any questions? Read on and visit [www.missouridogfoodclassaction.com](http://www.missouridogfoodclassaction.com).**

**BASIC INFORMATION**

**1. Why did I get this notice?**

You received this notice because sources show that you may have purchased Taste of the Wild Grain-Free Dog Food in Missouri. For more information about whether you are a Class Member, see “Who is in the Class,” item Nos. 10 and 11 below.

This notice explains that the Court has allowed, or “certified,” a class action lawsuit that may affect you. You have legal rights and options that you may exercise before the Court holds a trial. The trial is to decide whether the claims being made against Defendant, on your behalf, are correct.

Judge James Francis Kanatzar of the Circuit Court of Jackson County, Missouri is overseeing the class action. The lawsuit is known as *Mary Harmon et al. v. Schell & Kampeter, Inc.*, Case No. 2016-CV17833.

## **2. What is this lawsuit about?**

The lawsuit claims that Defendant falsely and deceptively marketed its Taste of the Wild brand grain-free dog food, in different varieties, to the general public.

The lawsuit alleges that Defendant has represented to consumers that its Grain-Free Dog Food is uniquely high-quality, safe, and healthy when, in fact, the Grain-Free Dog Food is associated with increased risk of developing dilated cardiomyopathy.

The lawsuit claims that these representations violate the Missouri Merchandising Practices Act.

## **3. What is a class action and who is involved?**

In a class action, one or more people called Class Representatives<sup>1</sup> sue on behalf of other people who have similar claims. The people together are a “Class” or “Class Members.”

The Class Representatives who sued Defendant—and all the Class Members like them—are called Plaintiffs. The entity they sued (in this case, Schell & Kampeter, Inc.) is called the Defendant. One court resolves the issues for everyone in the Class—except for those who choose to exclude themselves from the Class.

## **4. Why is this lawsuit a class action?**

The Court decided that this lawsuit can be a class action and move toward a trial because it meets the requirements of Missouri Rule of Civil Procedure 52.08, which governs class actions in Missouri courts. More information about why the Court is allowing this lawsuit to be a class action is in the Court’s Order Certifying the Class, which is available at [www.missouridogfoodclassaction.com](http://www.missouridogfoodclassaction.com).

# **THE CLAIMS IN THE LAWSUIT**

## **5. What does the lawsuit complain about?**

The lawsuit alleges that Defendant has represented to consumers that its Grain-Free Dog Food is uniquely high-quality, safe, and healthy when, in fact, the Grain-Free Dog Food is associated with increased risk of developing dilated cardiomyopathy (“DCM”). DCM is a potentially fatal condition in which the heart loses its ability to effectively and efficiently pump blood because the left ventricle is enlarged and weakened.

You can read Plaintiffs’ Petition at [www.missouridogfoodclassaction.com](http://www.missouridogfoodclassaction.com).

Specifically, the lawsuit alleges violations of the Missouri Merchandising Practices Act (Mo. Rev. Stat. § 407.010 et seq.).

## **6. How does Defendant answer?**

Defendant denies the allegations, and denies that their product labeling is misleading to Missouri consumers. Defendant’s Answer to the Petition is available at [www.missouridogfoodclassaction.com](http://www.missouridogfoodclassaction.com).

## **7. Has the Court decided who is right?**

The Court has not decided whether Plaintiffs or Defendant are correct. By establishing the Class and issuing this Notice, the Court is not suggesting that Plaintiffs will win or lose this case. Plaintiffs and the Class must still prove their claims at trial. (See “The Trial” below, item Nos. 18–20.)

<sup>1</sup> In this case, the Class Representatives are Mary Harmon and Connie Curts.

## 8. What are Plaintiffs asking for?

Plaintiffs are asking for the Court to rule that Defendant's marketing and representations about its product, Taste of the Wild Grain-Free Dog Food, are misleading, and that they violate Missouri law. Plaintiffs are also asking the Court to require Defendant to reimburse purchasers of the dog food all or part of the cost they paid for their purchase.

## 9. Is there any money available now?

No money or benefits are available now because the Court has not yet decided whether Defendant did anything wrong, and Defendant has not agreed to a settlement with Plaintiffs. There is no guarantee that money or benefits ever will be obtained. If a judgment for Plaintiffs is entered or a settlement is reached, you will be notified at that time about how to participate.

## WHO IS IN THE CLASS

You need to decide whether you are affected by this lawsuit.

## 10. Am I part of this Class?

You received this notice because sources show that you may have purchased Taste of the Wild Grain-Free Dog Food in Missouri during the Class Period.

To be in the Class you must:

- (1) have been a citizen of Missouri on August 27, 2020;**
- (2) have purchased Taste of the Wild Grain-Free Dog Food for personal, family, or household purposes;**
- (3) have made your purchase in Missouri; and**
- (4) have made your purchase at any time from August 27, 2015, to June 21, 2024.**

If you meet these criteria, then you qualify to be in the Class certified by the Court. The Class is defined as follows:

All consumers who have purchased Grain-Free Taste of the Wild Dog Food in the State of Missouri for personal, family, or household purposes at any time from August 27, 2015, to June 21, 2024, and who were citizens of the State of Missouri on August 27, 2020 (the "Class"). Excluded from the Class are (1) Defendant, subsidiaries and affiliates of Defendant, directors and officers of Defendant, and members of their immediate families; (2) federal, state, and local governmental entities; and (3) any judicial officers presiding over this action, their judicial staff, and members of their immediate families.

## 11. I am still not sure if I am included.

If you are still not sure whether you are included, you can get free help at [www.missouridogfoodclassaction.com](http://www.missouridogfoodclassaction.com), by calling or writing to the lawyers in this case at the phone number and address listed in item No. 15, or by contacting the Preliminary Notice Administrator at the phone number or address listed in item No. 21 below.

## YOUR RIGHTS AND OPTIONS

You have to decide whether to stay in the Class or ask to be excluded before the trial, and you have to decide this now.

## 12. What happens if I do nothing at all?

You don't have to do anything now if you want to keep the possibility of getting money or benefits from this lawsuit through the class action procedure. By doing nothing, you are staying in the Class. If you stay in and Plaintiffs obtain money or benefits, either as a result of the trial or a settlement, you will be notified about how to participate (or how to ask to be excluded from any settlement).

Keep in mind that if you do nothing now, regardless of whether Plaintiffs win or lose at trial, you will not be able to sue, or continue to sue, Defendant as a part of any other lawsuit about the same legal claims that are the subject of this lawsuit. This means that if you do nothing, you will be legally bound by all of the orders that the Court issues and judgments the Court makes in this class action, whether in favor of Plaintiffs or in favor of Defendant.

### 13. Why would I ask to be excluded?

If you already have your own lawsuit against Defendant concerning the product at issue or wish to preserve your right to initiate your own lawsuit, then you need to ask to be excluded from the Class. If you exclude yourself from the Class—which also means to remove yourself from the Class and is sometimes called “opting out” of the Class—you won’t get any money or benefits from this lawsuit even if Plaintiffs obtain them as a result of the trial or from any settlement between Defendant and the Plaintiffs.

However, you may then be able to sue or continue to sue Defendant for the issues in this lawsuit. If you exclude yourself, you will not be legally bound by the Court’s judgments in this class action.

If you start your own lawsuit against Defendant after you exclude yourself, you’ll have to hire your own lawyer for that lawsuit, and you’ll have to prove your claims. If you do exclude yourself so you can start or continue your own lawsuit against Defendant, you should talk to your own lawyer soon, because your claims may be subject to a statute of limitations.

### 14. How do I ask the Court to exclude me from the Class?

To ask to be excluded, you must send an “Exclusion Request” in the form of a letter sent by mail, stating that you want to be excluded from *Mary Harmon et al. v. Schell & Kampeter, Inc.* Be sure to include your name and address, and sign the letter.

You must postmark your Exclusion Request postmarked by August 31, 2024, to the following address:

Taste of the Wild Dog Food Class Action  
P.O. Box 2170  
Portland, OR 97208-2170

You may also get an Exclusion Request form at [www.missouridogfoodclassaction.com](http://www.missouridogfoodclassaction.com).

## THE LAWYERS REPRESENTING YOU

### 15. Do I have a lawyer in this case?

The Court decided that the following attorneys and law firm are qualified to represent you and all Class Members:

Christopher S. Shank  
David L. Heinemann  
Katherine A. Feierabend  
Shank & Heinemann, LLC  
1968 Shawnee Mission Parkway, Suite 100  
Mission Woods, KS 66205  
816-471-0909  
[chris@shanklawfirm.com](mailto:chris@shanklawfirm.com)  
[david@shanklawfirm.com](mailto:david@shanklawfirm.com)  
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Patrick J. Stueve  
Alexander T. Ricke  
Todd E. Hilton  
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816-714-7100

stueve@stuevesiegel.com  
ricke@stuevesiegel.com  
hilton@stuevesiegel.com  
ahal@stuevesiegel.com

These lawyers are called “Class Counsel.” They are experienced in handling similar cases against other entities. More information about the law firm, their practices, and their lawyers’ experience are available on their firms’ websites.

## **16. Should I get my own lawyer?**

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But, if you want your own lawyer, you will have to hire that lawyer yourself. For example, you can ask him or her to appear in court for you if you want someone other than Class Counsel to speak for you.

## **17. How will the lawyers be paid?**

If Class Counsel gets money or benefits for the Class, they will ask the Court for an award of money to compensate Class Counsel for attorney’s fees and expenses. You won’t have to pay these fees and expenses. If the Court grants Class Counsel’s request, the fees and expenses would be either deducted from any money obtained for the Class or paid separately by Defendant.

## **THE TRIAL**

At trial, the Court (judge or jury) will decide who is right in this case. The trial in this case is currently scheduled to begin on **March 31, 2025**. Check the website for any updates, as the trial date may be subject to change.

## **18. How and when will the Court decide who is right?**

As long as the case isn’t resolved by a settlement or otherwise, Class Counsel will have to prove Plaintiffs’ claims at a trial. The trial is presently scheduled to begin on March 31, 2025. Check the website for any updates, as the trial date may be subject to change. During the trial, a jury or the judge will hear all of the evidence to help them reach a decision about whether the Plaintiffs or Defendant are right about the claims in the lawsuit. There is no guarantee that Plaintiffs will win, or that they will get any money for the Class.

## **19. Do I have to come to the trial?**

You do not need to attend the trial. Class Counsel will present the case for Plaintiffs, and Defendant will present the defenses. You or your own lawyer are welcome to come at your own expense.

## **20. Will I get money after the trial?**

If Plaintiffs obtain money or benefits as a result of the trial or a settlement, you will be notified about how to participate. We do not know how long this will take.

## **GETTING MORE INFORMATION**

## **21. Are there more details available?**

Visit the website [www.missouridogfoodclassaction.com](http://www.missouridogfoodclassaction.com), where you will find the Court’s Order certifying the Class, the Petition that Plaintiffs submitted, and Defendant’s Answer to the Petition.

If you still want more information, you can contact the Class Notice Administrator:

Taste of the Wild Dog Food Class Action  
P.O. Box 2170  
Portland, OR 97208-2170  
866-502-7826