

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

If you bought a pair of Thinx Period Underwear sold between November 12, 2016 and November 28, 2022, a class action settlement may affect your rights.

A Federal 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 called *Dickens, et al. v. Thinx Inc.*, No. 1:22- cv-4286-JMF, pending in the U.S. District Court for the Southern District of New York. The lawsuit involves Thinx Period Underwear and makes allegations regarding the presence of short-chain per- and polyfluoroalkyl substances (“PFAS”), Agion anti-microbial treatment, and the organic cotton line of the underwear.

Thinx denies all of the allegations made in the lawsuit and denies that Thinx did anything improper or unlawful. With respect to PFAS, Thinx confirms that PFAS have never been a part of its product design, and that it will continue to take measures to help ensure that PFAS are not intentionally added to Thinx Period Underwear at any stage of production. The proposed settlement is not an admission of guilt or wrongdoing of any kind by Thinx.

You are included in the Settlement Class if you purchased in the United States, other than for resale, Thinx Period Underwear between November 12, 2016 and November 28, 2022. Excluded from the Settlement Class are Thinx; its parents, subsidiaries, affiliates, officers, directors, and employees; any entity in which Thinx has a controlling interest; and any Judge presiding over the lawsuit and the members of the Judge’s immediate family.

If the Court approves the settlement, Thinx will pay \$4 million into a cash fund, and may pay up to an additional \$1 million if needed to pay valid claims. Settlement Class Members who submit valid claims are eligible to receive cash reimbursement for past purchases of Thinx Period Underwear or a voucher for discounts on future purchases of eligible Thinx Period Underwear (“Class Benefit”) as explained in more detail below. **You must submit a claim to receive a Class Benefit.** The Claim Form is available at thinxunderwearsettlement.com or by calling 1-888-501-8492.

Please read this notice carefully, which has been approved by the United States District Court for the Southern District of New York. Whether you act or not, your legal rights as a member of the Settlement Class are affected by the settlement.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT A CLAIM AND PARTICIPATE IN THE SETTLEMENT	Submit a claim form on or before April 12, 2023 . This is the only way to get a Class Benefit from the settlement. By receiving a benefit, you will give up rights and be bound by the settlement.
EXCLUDE YOURSELF	You will receive no payment, but you will retain any right you currently have to sue Thinx about the issues covered by the settlement. This is the only option that allows you to keep your right to bring any other claim against Thinx released by the settlement.
OBJECT	Write to the Court explaining why you don’t like the settlement.
ATTEND THE FINAL APPROVAL HEARING	If you object, you may also ask to speak in court about the fairness of the settlement.
DO NOTHING	If you do nothing, you will not receive anything from the settlement. You will be bound by the terms of the settlement, and you won’t be able to sue Thinx in a future lawsuit about any claim released by the settlement.

These rights and options and the deadlines to exercise them are explained in this notice.

The Court in charge of this case still has to decide whether to approve the settlement. Payments will be provided only after any issues with the settlement are resolved. If approval is denied, is reversed on appeal, or does not become final, the case will continue, and no payments will be made. Please be patient.

**QUESTIONS? VISIT thinxunderwearsettlement.com OR CALL
1-888-501-8492.**

BASIC INFORMATION

1. Why was this notice issued?

A Court authorized this notice to let you know about a proposed settlement with Thinx. You have legal rights and options that you may act on before the Court decides whether to approve the proposed settlement. This notice explains the lawsuit, the settlement, and your legal rights.

Judge Jesse M. Furman of the U.S. District Court for the Southern District of New York is overseeing this class action. The case is known as *Dickens, et al. v. Thinx Inc.*, No. 1:22-cv-4286-JMF. The people who sued are called Plaintiffs or Class Representatives. The company they sued, Thinx Inc., is called the Defendant.

2. What is a class action lawsuit?

In a class action, one or more people called Plaintiffs or Class Representatives sue on behalf of a group of people who have similar claims. In this case, these people together are called a Settlement Class. In a class action, the court resolves the issues for all members of the Settlement Class, except for those who exclude themselves from the Settlement Class. People who do not exclude themselves are called Settlement Class Members. After the parties reached an agreement to settle this case, the Court recognized it as a case that may be treated as a class action for settlement purposes.

THE CLAIMS IN THE LAWSUIT AND THE SETTLEMENT

3. What is this lawsuit about?

The lawsuit involves Thinx Period Underwear and asserts allegations regarding short-chain per- and polyfluoroalkyl substances (“PFAS”), Agion anti-microbial treatment, and the organic cotton line of the underwear.

Thinx denies all of the allegations made in the lawsuit and denies that Thinx did anything improper or unlawful. With respect to PFAS, Thinx confirms that PFAS have never been a part of its product design, and that it will continue to take measures to help ensure that PFAS are not intentionally added to Thinx Period Underwear at any stage of production. The proposed settlement is not an admission of guilt or wrongdoing of any kind by Thinx.

More information about the Complaint in the lawsuit can be found at the settlement website, thinxunderwearsettlement.com.

4. Why is there a settlement?

The Court has not decided whether the Plaintiffs or the Defendant should win this case. Instead, both sides agreed to a settlement. The Class Representatives and their attorneys (“Class Counsel”) believe that the settlement is in the best interests of the Settlement Class.

WHO’S INCLUDED IN THE SETTLEMENT?

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

The Settlement Class includes all natural persons who purchased, not for resale, the following Thinx Period Underwear in the United States from November 12, 2016 to November 28, 2022: Cotton Brief, Cotton Bikini, Cotton Thong, Sport, Hip Hugger, Hi-Waist, Boyshort, French Cut, Cheeky, and Thong (“Thinx Period Underwear”). Excluded from the Settlement Class are Thinx; its parents, subsidiaries, affiliates, officers, directors, and employees; any entity in which Thinx has a controlling interest; and any Judge presiding over this Action and the members of the Judge’s immediate family.

THE SETTLEMENT BENEFITS

6. What does the settlement provide?

As part of the settlement, Thinx has agreed to pay \$4 million into a cash fund to pay Settlement Class Members who submit valid claims, as well as any court approved attorneys’ fees, expenses, and service awards to Class Representatives. Thinx has agreed to provide up to an additional \$1 million if needed to cover valid claims.

**QUESTIONS? VISIT thinxunderwearsettlement.com OR CALL
1-888-501-8492.**

Settlement Class Members who submit a valid claim have the option to choose either cash reimbursement for past purchases (up to 3 pairs total) or a single-use voucher towards a future purchase of eligible Thinx underwear. The specific options are:

- **Cash reimbursement:** You may receive a \$7.00 refund for each purchase of up to 3 pairs of Thinx: Period Underwear reflected in Thinx’s records or for which you provide a valid proof of purchase (for a total of up to \$21.00). Your Claim Form will indicate whether Thinx has a record of your purchases or you need to provide proof of purchase.
- **Cash reimbursement without proof of purchase:** You may receive a \$3.50 refund for each purchase of up to 3 pairs of Thinx Period Underwear that are not reflected in Thinx’s records and for which you do not have proof of purchase (for a total of up to \$10.50), but which you attest to purchasing under penalty of perjury.
- **Voucher:** You may choose to receive a voucher for a discount of 35% off future purchases of up to \$150 of Eligible Voucher Products in a single purchase transaction on the Thinx website (thinx.com) (maximum discount \$52.50). Go to thinxunderwearsettlement.com for a list of Eligible Voucher Products for which the voucher can be used.

Vouchers are not transferable, subject to standard terms and conditions, and will be valid for six months from the date of issuance. Vouchers may be used on full-price Eligible Voucher Products and may not be combined with any other offers, discounts, or promotions.

If Thinx does not have a record of your past purchases of Thinx Period Underwear, your Claim Form will require you to provide proof of purchase or attest under penalty of perjury to having made the purchases.

If the net cash fund (including the replenishment amount of up to \$1 million) is not sufficient to pay all Valid Claims for cash reimbursement, payments to Settlement Class Members who submit a Valid Claim for cash reimbursement will be prorated and the payment amounts may be reduced. Vouchers will not be counted in calculating the amount of total Valid Claims.

As part of the settlement, Thinx has also agreed to provide the following non-monetary relief:

- Thinx will take measures to help ensure that per- and polyfluoroalkyl substances (“PFAS”) are not intentionally added to Thinx Period Underwear at any stage of production. These measures will entail maintaining production controls, including material reviews.
- Thinx will continue to have suppliers of raw materials for Thinx Period Underwear review and sign a Supplier Code of Conduct and Chemical Supplier Agreement, which require suppliers to attest that PFAS are not intentionally added to Thinx Period Underwear.
- Thinx will disclose the use of anti-microbial treatments, including Agion, and the purpose for which anti-microbial treatments are used, including, if applicable, as odor control treatments, on its website. In addition, Thinx will agree not to refer to the anti-microbial components of Agion as “non-migratory.”

HOW TO GET BENEFITS

7. How do I make a claim?

To file a claim, go to thinxunderwearsettlement.com or call 1-888-501-8492 for the Claim Form. Your claim must be submitted electronically or postmarked no later than **April 12, 2023**.

If you appear in Thinx’s records as having purchased Thinx Period Underwear, you will receive an email or postcard with a unique Claim ID number that you can use to pre-populate an online claim form. Use your Claim Number so that your Claim Form will show whether Thinx has a record of your purchases.

If you do not appear in Thinx’s records as having purchased Thinx Period Underwear, or Thinx’s records show less than the number of purchases for which you are claiming cash reimbursement (maximum 3 pairs), you will need to provide additional information, including reasonable documentation showing that you purchased Thinx Period Underwear or a declaration under penalty of perjury attesting to your purchases. The Claim Form will explain the information that is required and the acceptable forms of documentation for proof of purchase. You will be required to elect whether to receive either cash reimbursement or the voucher on your Claim Form.

**QUESTIONS? VISIT thinxunderwearsettlement.com OR CALL
1-888-501-8492.**

8. When will I get my payment?

The Court will hold a hearing on May 24, 2023, at 3:30 p.m. Eastern Time via telephone, to decide whether to approve the settlement. The Court may move the Final Approval Hearing to a different date or time without providing further Notice to the Settlement Class. The date and time of the Final Approval Hearing can be confirmed at thinxunderwearsettlement.com. If the settlement is approved, there may be appeals. The appeal process can take time. If there is no appeal, your Class Benefit will be processed promptly. Please be patient.

Updates regarding the settlement and when payments will be made will be posted at thinxunderwearsettlement.com.

THE LAWYERS REPRESENTING YOU

9. Do I have a lawyer in this case?

Yes, the Court has appointed lawyers Erin Ruben, Hunter Bryson, Harper Segui, and Rachel Soffin of Milberg Coleman Bryson Phillips Grossman PLLC as the attorneys to represent you and other members of the Settlement Class. These attorneys are called “Class Counsel.”

In addition, the Court appointed Plaintiffs Nicole Dickens, Haleh Allahverdi, Haley Burgess, Jillian Blenis, and Lili Mitchell to serve as the Class Representatives. They are members of the Settlement Class like you. Class Counsel’s contact information is as follows:

Milberg Coleman Bryson Phillips Grossman PLLC
800 S. Gay Street, Suite 1100
Knoxville, Tennessee 37929
866-252-0878

10. Should I get my own lawyer?

You don’t need to hire your own lawyer because Class Counsel is working on your behalf at no additional cost to you. If you want your own lawyer, you will have to pay that lawyer. For example, you can ask your lawyer to appear in Court for you at your own expense if you want someone other than Class Counsel to represent you.

11. How will the lawyers be paid?

Class Counsel will ask the Court for attorneys’ fees and expenses totaling up to \$1.5 million and will also request service awards of up to \$2,500 for each of the five named Plaintiffs (totaling up to \$12,500). The Court may award less than the amounts requested by Class Counsel and Plaintiffs, and any money not awarded from these requests will stay in the settlement fund to pay Settlement Class Members. Costs of Notice and settlement administration, the Attorneys’ Fees and Expenses Payment, and service awards to the named Plaintiffs will be paid out of the \$4 million cash fund, if approved by the Court.

YOUR RIGHTS AND OPTIONS

12. What happens if I do nothing?

If you do nothing, you will not receive anything from the settlement, and you will be legally bound by all orders and judgments of the Court. Unless you exclude yourself, you won’t be able to start a lawsuit or be part of any other lawsuit against Thinx for any claim released by the settlement.

13. What happens if I ask to be excluded?

If you exclude yourself from the settlement, you can’t claim any money or receive any benefits as a result of the settlement. You will not be bound by any orders and judgments of the Court. You will be able to start a lawsuit or be part of another lawsuit against Thinx for claims released by the settlement.

**QUESTIONS? VISIT thinxunderwearsettlement.com OR CALL
1-888-501-8492.**

14. How do I ask to be excluded?

You can ask to be excluded from the settlement. To do so, you may submit a written request for exclusion either by going to thinxunderwearsettlement.com or by sending a letter by U.S. Mail clearly stating that you want to be excluded from the settlement in *Dickens, et al. v. Thinx Inc.*, No. 1:22-cv-4286-JMF. Your letter must include your name, address, and your signature. You must submit your exclusion request online or mail your exclusion request postmarked no later than **April 12, 2023** to:

Dickens, et al. v. Thinx Inc.
P.O. Box 3689
Portland, OR 97208-3689

You can't exclude yourself via phone, fax, or email.

15. If I don't exclude myself, can I sue Thinx for the same thing later?

No. Unless you exclude yourself, you give up any right to sue or continue to sue Thinx for any claim regarding the subject matter of the claims in this case.

That means that if you don't exclude yourself, you and your respective heirs, executors, administrators, representatives, agents, partners, successors, and assigns ("Releasing Parties") will release Thinx, its past or present parent, sister, and subsidiary corporations, affiliated entities, predecessors, successors, assigns, and any of their present and former directors, officers, employees, shareholders, agents, partners, licensors, privies, representatives, attorneys, accountants, and all persons acting by, through, under or in concert with them ("Released Parties") from any and all liabilities, claims, cross-claims, causes of action, rights, actions, suits, debts, liens, contracts, agreements, damages, costs, attorneys' fees, losses, expenses, obligations, or demands, of any kind whatsoever, whether state or federal, whether known or unknown, existing or potential, or suspected or unsuspected, whether raised by claim, counterclaim, setoff, or otherwise, including any known or unknown claims, which you have or may claim now or in the future to have, that have been or could have been asserted in the Action (the "Released Claims"). The Released Claims exclude claims for personal injury.

16. If I exclude myself, can I get anything from this settlement?

No. If you exclude yourself, you give up the right to receive any Class Benefit from the settlement.

17. How do I object to the settlement?

If you are a member of the Settlement Class and you do not exclude yourself, you can object to the settlement if you don't like any part of it. You can also object to Class Counsel's request for attorneys' fees and expenses and/or to the service award for the Class Representatives. The Court will consider your views.

Your objection and supporting papers must be in writing and must include: a caption or title that identifies it as "Objection to Class settlement in *Dickens, et al. v. Thinx Inc.*, Case No. 1:22-cv-04286-JMF;" your name, address, and telephone number; all grounds for the objection, with any factual and legal support for each stated ground; the identity of any witnesses you may call to testify; copies of any exhibits that you intend to introduce into evidence at the Final Approval Hearing; and a statement of whether you intend to appear at the Final Approval Hearing with or without counsel.

To be timely, the objection must (a) be submitted to the Court either by filing it in person at any location of the United States District Court for the Southern District of New York or by mailing it to 40 Foley Square, New York, New York 10007, and (b) be filed or postmarked on or before **April 12, 2023**.

If you do not timely file with the Court a written objection in accordance with these requirements, you will give up any and all rights you may have to object, appear, present witness testimony, and/or submit evidence; be barred from appearing, speaking, or introducing any testimony or evidence at the Final Approval Hearing; be precluded from seeking review of the settlement or Settlement Agreement by appeal or other means; and shall be bound by all the terms of the Settlement Agreement and by all proceedings, orders, and judgments in the lawsuit.

Class Counsel will file with the Court and post on the settlement website its request for attorneys' fees and expenses and service awards on **February 27, 2023**.

**QUESTIONS? VISIT thinxunderwearsettlement.com OR CALL
1-888-501-8492.**

18. What's the difference between objecting and excluding myself from the Settlement?

Objecting simply means telling the Court that you don't like something about the settlement. You can object only if you stay in the Settlement Class (i.e., you don't exclude yourself from the settlement). Excluding yourself from the Settlement Class is telling the Court that you don't want to be part of the Settlement. If you exclude yourself, you have no basis to object because the case no longer affects you.

THE COURT'S FINAL APPROVAL HEARING

19. When and where will the Court hold the Final Approval Hearing on the fairness of the settlement?

The Final Approval Hearing will be held on May 24, 2023, via telephone at 3:30 p.m. Eastern Time. At the Final Approval Hearing, the Court will hear any objections and arguments concerning the fairness of the proposed settlement, including the amount requested by Class Counsel for attorneys' fees and expenses and the service award to the Class Representatives.

The date and time of the Final Approval Hearing, as well as whether the hearing will be conducted in person or by remote access, are subject to change by Court order, but any changes will be posted at the settlement website, thinxunderwearsettlement.com, or through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.nysd.uscourts.gov/>.

20. Do I have to come to the Final Approval 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, you don't have to come to court to talk about it. As long as your written objection was filed with the Court on time and meets the other criteria described above, the Court will consider it. You may also pay another lawyer to attend, but you don't have to.

21. May I speak at the Final Approval Hearing?

If you do not exclude yourself from the Settlement Class, you may ask the Court for permission to speak at the Final Approval Hearing concerning any part of the proposed settlement by asking to speak in your objection by following the instructions above in Section 17.

GETTING MORE INFORMATION

22. Where can I get additional information?

This notice summarizes the proposed settlement. For the precise terms and conditions of the settlement, please see the Settlement Agreement available at thinxunderwearsettlement.com, contact Class Counsel at Milberg Coleman Bryson Phillips Grossman PLLC, access the Court docket in this case through the Court's PACER system at <https://ecf.nysd.uscourts.gov/>, or visit the Office of the Clerk of the Court for the United States District Court for the Southern District of York, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays. Class Counsel's contact information is:

800 S. Gay Street, Suite 1100
Knoxville, Tennessee 37929
866-252-0878

More information about the settlement is available at thinxunderwearsettlement.com, toll-free at 1-888-501-8492, or by contacting Class Counsel.

PLEASE DO NOT CONTACT THE COURT, THE JUDGE, OR THE DEFENDANT WITH QUESTIONS ABOUT THE SETTLEMENT OR CLAIMS PROCESS.

**QUESTIONS? VISIT thinxunderwearsettlement.com OR CALL
1-888-501-8492.**