

THIS IS NOT AN ADVERTISEMENT OR ATTORNEY SOLICITATION. THIS NOTICE MAY CONCERN YOUR LEGAL RIGHTS IF YOU PURCHASED CERTAIN WINES MADE FROM FRENCH GRAPES AND LABELED AS PINOT NOIR

**A settlement has been proposed by all parties in the following class action pending in the Superior Court of California, Los Angeles County:**

***Zeller v. E. & J. Gallo Winery and Constellation Brands, Inc., et al.***, No. BC432711

• **What is the purpose of this notice?**

The Court that has ordered publication of this notice is considering approval of a proposed settlement in this case. This notice summarizes some of the information related to that settlement.

- You may do nothing and be bound by the settlement, if the Court approves it.
- You may object to the proposed settlement, or opt out of it, by following the instructions in this notice.
- The Court will hold a hearing about the settlement, which you may attend under certain conditions.

For more details, go to  
[www.FrenchPinotNoirSettlement.com](http://www.FrenchPinotNoirSettlement.com).

• **What is this lawsuit about?**

In 2010, the French government convicted several French wine producers and distributors for selling, as pinot noir, wine that contained less pinot noir than required by French law. There was nothing wrong with this wine other than it contained less of the pinot noir varietal than required in order to be labeled as "pinot noir." The defendants in this case bought wine labeled pinot noir from these French suppliers, receiving in each case official French documentation stating that the wine was pinot noir. Both companies believed that the wine they received was pinot noir. There is no way to determine scientifically if the wine did or did not contain the required amount of pinot noir.

The plaintiffs allege that this wine was still mislabeled when it was sold to consumers in this country. Defendants deny these allegations and contend that if they received any mislabeled wine, they themselves were victims of the convicted French suppliers. Nevertheless, defendants have agreed to make certain reimbursements to consumers who purchased the wines in question in order to assure customer satisfaction and resolve the lawsuits.

• **What would the settlement do?**

The settlement would resolve this case before the Court takes any position on who is right. Each class member submitting valid evidence of a purchase of any of the wines at issue would be entitled to receive reimbursement of the price actually paid for that wine. Each class member without adequate proof of purchase could still receive reimbursement, but only at the rate of \$3.50 per bottle up to a collective total of \$10.50. This \$10.50 maximum would apply to all purchases of any combination of qualifying vintages of Farallon Pinot Noir, Rex Goliath Pinot Noir, Talus Pinot Noir, and Woodbridge by Robert Mondavi Pinot Noir. It would also apply separately to all purchases of any combination of qualifying vintages of Red Bicycleette Pinot Noir, Redwood Creek Pinot Noir, and Turning Leaf Pinot Noir. After payment of any attorneys' fees and costs awarded by the Court to plaintiffs' counsel (not more than \$480,000), and any payments awarded by the Court

to the plaintiffs themselves (not more than \$58,000), approved claims would be paid in the order received. If claims made exceeded the settlement funds available, claims would be paid on a first-come, first-paid basis.

• **Am I a member of the Class?**

You are a class member if you purchased one of the following wines in the United States with a label that identifies the grapes as pinot noir from France:

Farallon Pinot Noir, Vintage 2006  
Rex Goliath Pinot Noir, Vintage 2005-2008  
Talus Pinot Noir, Vintage 2005-2007  
Woodbridge by Robert Mondavi Pinot Noir, Vintage 2005-2008  
Red Bicycleette Pinot Noir, Vintage 2005  
Redwood Creek Pinot Noir, Vintage 2005-2007  
Turning Leaf Pinot Noir, Vintage 2006,

except that you cannot be in the class if you are one of the lawyers or settlement administrators in the case, or are a person or entity (such as a bar, restaurant, retail store, or distributor) who purchased any of the wines for resale.

• **What are my options?**

*Do nothing:* If you are a class member and do nothing, you will be legally bound by the settlement. You will be giving up the right to sue the defendants or companies or people related to them over matters related to or arising out of the sale of the wines in question.

*Make a claim:* You will also stay in the class and be legally bound as described above if you make a claim. Claims must be received by the settlement administrator on or before May 24, 2012. Go to [www.FrenchPinotNoirSettlement.com](http://www.FrenchPinotNoirSettlement.com) for a claim form and instructions. All claims must be made under oath.

*Opt out:* If you do not want to be legally bound by the settlement, you must exclude yourself by March 9, 2012 or you will not be able separately to sue the defendants or companies or people related to them over matters related to or arising out of the sale of the wines in question. You must send your opt out to: French Pinot Noir Settlement Claims Administrator, c/o Kurtzman Carson Consultants LLC, P.O. Box 6177, Novato, CA 94948-6177.

*Object:* You can object to any of the terms of the settlement, but only if you remain a class member. You cannot object if you opt out. Objections must be received by the settlement administrator no later than March 9, 2012. You must also send any objection to the Court, to counsel for plaintiffs, and to counsel for defendants. Their addresses may be found at [www.FrenchPinotNoirSettlement.com](http://www.FrenchPinotNoirSettlement.com).

*Attend the settlement hearing:* The Court will hold a hearing on April 23, 2012, at 1:30 p.m. to consider granting final approval to the settlement. You do not have to attend the hearing, but you can if you give advance notice along with any objection.

**For a copy of a more detailed notice of settlement or to obtain a claim form, visit**  
**[www.FrenchPinotNoirSettlement.com](http://www.FrenchPinotNoirSettlement.com)**  
**or call 1-888-756-1812.**