

United States District Court for the Central District of California

**If you purchased Cobra Sexual Energy on or after August 14, 2009, a class-action lawsuit may affect your rights.**

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

- A lawsuit has been filed against Nutraceutical Corp. (“Defendant”), alleging that it falsely marketed Cobra Sexual Energy as a sexual energy or sexual enhancement product. Defendant denies the allegations. The court has not yet decided whether Plaintiffs or Defendant are correct. Defendant has not been ordered to pay any money. There has been no settlement.
- The Court has allowed the lawsuit to proceed as a class action on behalf of all entities or persons who purchased Cobra Sexual Energy on or after August 14, 2009.
- The Court has not decided whether Defendant has in fact violated the law. The sole purpose of this Notice is to inform you of the lawsuit so that you can make an informed decision as to whether you should remain in or opt out of this Class Action. There is no money available now and no guarantee that there will be. However, your legal rights are affected, and you have a choice to make now:

<b>Your Legal Rights and Options in This Lawsuit</b>	
<b>Do Nothing</b>	<b>Stay in this lawsuit. Await the outcome. Give up certain rights.</b> By doing nothing, you keep the possibility of sharing in any recovery (monetary or otherwise) that may come from a trial or a settlement. But you give up any right you may have to sue Defendant separately about the same legal claims in this lawsuit, and you will be bound by the outcome of this case.
<b>Ask To Be Excluded</b>	<b>Get out of this lawsuit. Get no benefits from it. Keep rights.</b> If you ask to be excluded you will not be bound by what the Court does in this case and will keep any right you might have to sue Defendant separately about the same legal claims in this lawsuit. If a recovery is later awarded in this case, you would not share in that recovery.

- Your options are explained in detail in this Notice. To be excluded, you must act before November 24, 2014.

**1. What is this lawsuit about?**

The lawsuit claims that Defendant violated federal and state laws by selling Cobra Sexual Energy with the false packaging claims that Cobra Sexual Energy would enhance sexual energy or provide sexual enhancement to a consumer taking the product. The lawsuit claims that Cobra Sexual Energy is unlawful as an aphrodisiac and unapproved new drug. Defendant denies any wrongdoing and asserts that the packaging claims are lawful.

The Court in charge of the case is the United States District Court for the Central District of California, and the case is known as *In re Cobra Sexual Energy Sales Practices Litigation*, Case No. 2:13-cv-05942-ABC-E. The people who sued are called the Plaintiffs, and NUTRACEUTICAL CORP. is called the Defendant.

The Court has not yet decided whether Plaintiffs or Defendant are correct.

**2. Why is this a class action?**

Two individuals who bought Cobra Sexual Energy have sued Defendant to recover money for themselves and other people who bought Cobra Sexual Energy. On June 16, 2014, the Court allowed the case to proceed as a class action for all persons and entities that purchased Cobra Sexual Energy on or after August 14, 2009. All these people are a Class or Class Members. The Court will resolve the issues in the case for all Class Members, except for those who choose to exclude themselves from the Class. United States District Court Audrey B. Collins is in charge of this Class Action.

More information about why the Court is allowing this lawsuit to be a class action is in the Order Granting Plaintiffs’ Motion for Class Certification available at [www.CobraLawsuit.com](http://www.CobraLawsuit.com).

**3. Who is included in the Class?**

The Court decided that everyone who fits the following description is a Class Member: All persons, excluding officers, directors, and employees of Defendant and their immediate families, who on or after August 14, 2009 purchased Cobra Sexual Energy in California for personal or household use rather than resale or distribution.

If you are still not sure whether you are included in the Class, you can get more information at

www.CobraLawsuit.com, or get free help by calling or writing the lawyers in this case, at the phone number or address listed below.

#### **4. What is Plaintiff asking for?**

Plaintiffs are seeking to recover money for themselves and the Class based on Plaintiffs' claim that Defendant's packaging claims on Cobra Sexual Energy were false, deceptive, or unlawful, and caused Plaintiffs to purchase a product they would not otherwise have purchased. Defendant claims that Plaintiffs should recover no money because they have not violated the law and the packaging claim in question is supported by law.

#### **5. Is there any money available now?**

No money is available now because the Court has not yet decided whether Defendant has done anything wrong, and the two sides have not settled the case. There is no guarantee that any money will ever be available. If it is, you will be notified about your rights regarding any recovery.

#### **6. What happens if I do nothing at all?**

If you do not do anything now you will remain a member of the Class. If you stay in the Class and the Plaintiffs obtain benefits, either as a result of a trial or a settlement, you will be notified about how to seek a share of those benefits. If you do nothing, you will be bound by the Court's orders and will lose any right you may have to sue Defendant over the claims in this case. You will also be legally bound by all of the Orders the Court issues and judgments the Court makes in the Class Action, including any judgment against Plaintiffs and in favor of Defendant.

#### **7. Why would I ask to be excluded?**

If you would like to pursue your own lawsuit or claim against Defendant for the claims in this case, do not want to be bound by what the Court does in this case, or if you simply do not want to be part of the Class pursuing claims against Defendant, 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 will not be legally bound by the Court's judgments in this Class Action, and will keep any right you may have to later sue Defendant for the claims being made in the case. If you exclude yourself, you also will not get any benefits from this lawsuit if there are any.

#### **8. 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 to Cobra Class Action Litigation, c/o Law Offices of Ronald A. Marron, 651 Arroyo Drive, San Diego, CA 92103. Your “Exclusion Request” should include your name and address. To be valid, your letter asking to be excluded from the Class must be signed and postmarked no later than November 24, 2014.

#### **9. Do I have a lawyer in this case?**

The Court has appointed the Law Offices of Ronald A. Marron and the Weston Firm as Class Counsel in this case. The Court has determined that the Law Offices of Ronald A. Marron and the Weston Firm are qualified to represent you and all other Class Members. You will not be charged for these lawyers. The lawyers handling the case are experienced in handling similar cases. More information about the law firm is available at [www.CobraLawsuit.com](http://www.CobraLawsuit.com).

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

If Class Counsel recovers any money for the Class, they will ask the Court for payment of their fees and reimbursement of their litigation costs. You will not have to pay these fees and expenses out of your own pocket. If the Court grants Class Counsel's request, the fees and expenses will be deducted from any money obtained for the Class or paid separately by Defendant.

#### **11. Where can I get more information?**

If you want more detailed information, you may visit the website [www.CobraLawsuit.com](http://www.CobraLawsuit.com), where you will find the Court's Order Granting Plaintiffs' Motion for Class Certification and other case-related documents.

##### Class Counsel

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Dated: July 22, 2014

BY ORDER OF THE COURT  
Honorable Audrey B. Collins  
United States District Court  
for the Central District of California