

PLEASE READ THIS NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

A COURT ORDERED THIS NOTICE. YOU MAY BE ELIGIBLE FOR BENEFITS FROM A PROPOSED CLASS ACTION SETTLEMENT. YOUR RIGHTS MAY BE AFFECTED BY THIS SETTLEMENT.

YOU MUST RESPOND TO THIS NOTICE BY FILING A CLAIM FORM TO RECEIVE COMPENSATION. IF YOU DO NOT WANT TO BE PART OF THE SETTLEMENT, YOU MUST TAKE THE STEPS DESCRIBED IN THIS NOTICE BY JUNE 7, 2017.

This is a proposed settlement of a class action lawsuit brought in the Common Pleas Court of Lake County, Ohio (the "Court"), against Harbor Freight Tools USA, Inc. *Beck v. Harbor Freight*, No. 15CV00598, Lake County, Ohio, Common Pleas. A class action is where one or more persons sue on behalf of others who have similar claims. The members of this group are called the Class.

What this case is about:

The lawsuit is about Plaintiff's claims alleging that Harbor Freight violated the law by advertising merchandise as "on sale" or "comp at" that had not been sold at the stated regular or "comp at" price for 28 of the preceding 90 days. Harbor Freight disputes Plaintiff's allegations and believes that it complied with all applicable laws at all times.

Plaintiff and Harbor Freight have concluded that settlement is in their best interests because of the uncertainty, expenses, risks, and delays of litigation. The parties have reached a proposed settlement that will refund a percentage of certain purchases to eligible Class Members, if the Court approves the settlement, but only if a Claim Form is timely filed. The Court has preliminarily approved the settlement as fair, reasonable and adequate. On July 7, 2017, at 1:15 p.m., at the Lake County Courthouse, 47 North Park Place, Painesville, Ohio, 44077, the Court will hold a Settlement Approval Hearing to decide whether to issue final approval of the settlement.

The Court has certified a class for settlement purposes. Members of the class are as follows:

All Harbor Freight customers in the United States who since April 8, 2011 and up to December 15, 2016 (the "Class Period") purchased any product from Defendant which was advertised with a higher reference price (e.g., "reg. \$XXX," "only \$XXX," or "comp. at \$XXX") adjacent to a lower current offering price, but which was not sold by Defendant at the higher reference price for at least 28 of the last 90 days prior to purchase, excluding Defendant's employees, representatives, court officials in this case, and any customer already party to a suit against Defendant challenging advertised pricing.

Harbor Freight's records indicate you may be a Class Member if you received this notice.

THE PROPOSED SETTLEMENT

If you are a Class Member and the settlement is approved, and you timely file a Claim Form, you may be entitled to a payment as follows:

OPTION A. Customers who have itemized Harbor Freight receipts reflecting one or more purchases between April 8, 2011 and December 15, 2016 with a “you saved” amount reflected on their receipts can submit copies of those receipts and elect to receive **either** 20% in cash, **or** 30% in a Harbor Freight gift card, of the total “you saved” amount listed on their receipts, excluding any amounts reflecting free items or items that were later returned.

OPTION B. Customers who have credit or debit card statements reflecting one or more purchases at Harbor Freight between April 8, 2011 and December 15, 2016 can submit copies of those statements and elect to receive **either** 10% in cash, **or** 12% in a Harbor Freight gift card, of the total Harbor Freight purchases on their credit or debit card statement(s), excluding any amounts reflecting items that were later returned.

OPTION C. All other customers who made purchases at Harbor Freight between April 8, 2011 and December 15, 2016 may submit one declaration, signed under penalty of perjury, stating that they purchased an item from Harbor Freight (other than a free or later-returned item) that was advertised with a higher reference price (e.g., “reg. \$XXX,” “only \$XXX,” or “comp. at \$XXX”) adjacent to a lower current offering price, and that they do not have itemized Harbor Freight receipts or credit or debit card statements of their Harbor Freight purchases. Customers submitting this declaration will receive one \$10 Harbor Freight gift card.

If, after payments for all valid claims have been calculated, the total amount paid to Class Members, plus administrative fees, plus attorney’s fees, is less than \$23 million, Class Members with valid claims may be eligible for additional compensation on a pro rata basis. The amount of the additional compensation will depend on what kind of documentation provided with your Claim Form, whether you opted for a cash payment or a gift card, and the number of valid claims.

More information, as well as the settlement agreement and other filings, is available at www.nationalsalepricesettlement.com. You may review all filings at the Clerk of Courts, Lake County Court of Common Pleas, 25 North Park Place, Painesville, Ohio, 44077.

Plaintiff will apply to the Court for an award of attorney’s fees and expenses not to exceed a total of \$10,000,000 on behalf of the counsel who have represented plaintiff and the class in this action. Plaintiff will also apply to the Court for an award of \$10,000 in incentive compensation to the Class Representative Beck. For more information about the settlement and your options, you can visit www.nationalsalepricesettlement.com.

RIGHT TO REMAIN IN THE CLASS, OBJECT, OR TO OPT OUT

1. To make a claim for payment:

To receive a payment, you must complete, sign and submit a Claim Form no later than August 7, 2017. Class Members selecting options A and B above may **CLICK HERE** to submit the Claim Form online. Class Members selecting option C above may **CLICK HERE** to download and print a Claim Form which must be mailed to National Sale Price Settlement, c/o GCG, PO Box 10351, Dublin, OH 43017-5551, postmarked no later than August 7, 2017. **If your Claim Form is not timely postmarked or timely submitted online, you will not receive a payment.** If you remain in the Class, your interests will be represented by class counsel without additional cost, and you will be bound by the Court’s decisions, whether favorable or unfavorable. If the Court approves the proposed settlement and you do not timely request to be excluded from the Class, you will give up all claims against Harbor Freight relating to this

lawsuit, except your right to receive a settlement payment, if eligible. BY REMAINING IN THE SETTLEMENT YOU DO NOT OWE ANY MONEY AND WILL NOT HAVE TO PAY ANYTHING.

2. To opt-out:

If you do not want to be in the Class, you must mail written notice of your request to exclude yourself from the Class to the address below postmarked by June 7, 2017. If you timely exclude yourself, you will not receive any benefit under the proposed settlement and you will not be bound by the Court's decisions. To be excluded, your written notice must state "I request to be excluded from the Beck v. Harbor Freight settlement class." Your written notice also must contain your name and address, and must be signed and dated by you. Your written notice to be excluded must be signed by the Class Member, and not by anyone else as a representative of a Class Member (unless the Class Member is deceased or incapacitated). Failure to comply with these requirements may result in your opt-out request being invalid. Send written notice of your exclusion request to the following address: National Sale Price Settlement, c/o GCG, PO Box 10351, Dublin, OH 43017-5551.

3. To object to the settlement:

Unless you request to be excluded from the Class, you may file a Notice of Intent to Object to any aspect of the proposed settlement or the application by Plaintiff's counsel for attorney's fees, but you will be bound by the Court's decisions, even if the Court does not agree with your objections. In order to object, you must send a written Notice of Intent to Object that includes (i) the specific reasons for your objection(s), as well as a detailed statement of the factual and legal reasons you have for each objection; (ii) any evidence you may present at the Settlement Approval Hearing in support of your objection(s), including the names and addresses of witnesses and a summary of their proposed testimony, and copies of any written evidence; (iii) your name, address and telephone number; and (iv) whether you intend to appear at the Hearing.

In order to be effective, Notice of Intent to Object must be filed with the Court by June 7, 2017, and copies sent to the following addresses:

Clerk of Courts
Lake County Court of
Common Pleas
25 North Park Place
Painesville, Ohio, 44077

DWORKEN & BERNSTEIN CO.,
L.P.A.
Attn.: Nicole Fiorelli
60 South Park Place
Painesville, OH 44077

BAKER & HOSTETLER LLP
Attn.: Rodger Eckelberry
65 East State St.
Suite 2100
Columbus, Ohio 43215

Notices of Intent to Object cannot be submitted online. The Court will not entertain objections, nor allow appearances at the Settlement Approval Hearing, unless you comply with the requirements set forth above. Late objections and those not submitted in compliance with all the above requirements will be deemed to have been waived. Any judgment entered will be binding on all Class Members who have not timely requested exclusion from the Class. If you object to the proposed settlement, you may still receive benefits if the Court approves the proposed settlement and you are eligible for a distribution.

If you do not opt-out of the Class, then you remain in the Class, even if you do not file a Claim Form. You will be bound by the Court's decisions, whether favorable or unfavorable to the Class.

CLASS COUNSEL

The Court has designated the following attorneys to represent the Class in this lawsuit:

Patrick J. Perotti, Esq.
Nicole Fiorelli, Esq.
DWORKEN & BERNSTEIN CO., L.P.A.
60 SOUTH PARK PLACE
PAINESVILLE, OHIO 44077

You will not be separately charged for the services of counsel representing the Class in this lawsuit. You have the right (but do not need) to retain your own attorney in this matter, but if you do, you will be responsible for paying your own attorney's fees and expenses.

ADDITIONAL INFORMATION

This Notice is only a summary of the proposed settlement, which is set forth in detail in a Settlement Agreement, which you may view online at www.nationalsalepricesettlement.com. For more details about the litigation you may review all case filings during business hours at the Clerk of Courts, Lake County Court of Common Pleas, 25 North Park Place, Painesville, Ohio, 44077.

If you have any questions, visit www.nationalsalepricesettlement.com, call the Settlement Administrator at 1-888-321-0482 or contact Plaintiff's counsel listed above. **PLEASE DO NOT CONTACT THE COURT, CLERK OF COURTS, CLASS REPRESENTATIVE BECK, HARBOR FREIGHT, OR COUNSEL FOR HARBOR FREIGHT REGARDING THIS MATTER. THEY ARE NOT ABLE TO ANSWER YOUR QUESTIONS.**

DATED: February 17, 2017

The Honorable Vincent A. Culotta
Judge, Lake County Common Pleas