

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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Dalit Cohen, et al, *on behalf of themselves and all  
others similarly situated,*

Plaintiffs,

vs.

eSupplements, LLC d/b/a Nutricost,

Defendant.  
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**NOTICE REGARDING RIGHT TO  
BENEFIT FROM CLASS ACTION  
SETTLEMENT**

**MAGNESIUM SUPPLEMENT SETTLEMENT**

A Settlement Agreement has been reached in a class action lawsuit alleging eSupplements, LLC d/b/a Nutricost (“Nutricost”) violated the law by selling Nutricost Magnesium Glycinate Supplements marketed as 420 mg of magnesium “as magnesium glycinate” when, in fact, they were not. You may be a Settlement Class Member and your rights are impacted under the Settlement Agreement reached in the case. Nutricost denies any wrongdoing and denies that it violated any state or federal law.

A settlement fund of \$1,835,000.00 has been agreed to pay Settlement Class Members, attorney’s fees, costs, incentive awards to the Class Representatives (Dalit Cohen, Anastasia Kurtz and Tina Scott) and settlement administration costs. The Settlement has been preliminarily approved, if the Settlement is finally approved, Settlement Class Members may receive payments from the Settlement Fund. Your legal rights are affected whether you act or don’t act so read this notice carefully. All capitalized terms used in this Notice that are not otherwise defined herein shall have the meanings provided in the Settlement Agreement which is available at [www.CohenMAG.com](http://www.CohenMAG.com).

**YOUR OPTIONS**

<b>Option 1: Submit a Claim Deadline: August 7, 2026</b>	<b>Submit a Claim and recover from the Settlement Fund</b> The only way to receive a share of the Settlement Fund is to submit a claim by <b>August 7, 2026</b> .
<b>Option 2: Ask to be Excluded Deadline: August 7, 2026</b>	<b>Get out of this lawsuit and get no benefits from it</b> You may ask to be excluded from the class. By excluding yourself, you cannot recover as part of this settlement, you remove yourself from the lawsuit, you will not release any claims.
<b>Option 3: Object Deadline: August 7, 2026</b>	<b>Object to the terms of the Settlement Agreement.</b> You may object to the terms of the Settlement Agreement and have your objections heard at the Final Approval Hearing.
<b>Option 4: Do Nothing:</b>	You will receive no payment. You will still be a Settlement Class Member and give up your right to be part of any other lawsuit against Nutricost or any other Released Party.

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

In the lawsuit, the Plaintiffs allege that Nutricost violated consumer protection statutes, breached express and/or implied warranties by marketing and selling the Supplements as 420 mg of magnesium “as magnesium glycinate” when, in fact, they were not.

Nutricost denies any wrongdoing and denies that it violated any state or federal law.

Both sides have agreed to settle the lawsuit to avoid the cost, delay, and uncertainty of further litigation.

You can read Plaintiffs’ lawsuit, the Settlement Agreement, other case documents, and submit a claim at [www.CohenMAG.com](http://www.CohenMAG.com).

## **2. How do I know if I am a part of the settlement?**

For settlement purposes, the Court has preliminarily certified a Settlement Class consisting of all people who meet the following definition:

All Persons who while residing in the United States of America purchased Nutricost Magnesium Glycinate Supplements in the 240 capsule or 120 capsule variant, during the Class Period.

The Class Period is February 1, 2021, through June 8, 2026.

The “Supplement(s)” are the dietary supplements offered for sale by Nutricost as “Magnesium Glycinate” with “420 MG per serving” in 240 capsule and 120 capsule variants.

## **3. Why is this a class action?**

In a class action, a Class Representative (in this case the Plaintiffs) sues on behalf of a group (or a “Class”) of people. Here, the Class Representatives sued on behalf of people who purchased the Supplements.

## **4. Why is there a settlement?**

To avoid the cost, risk, and delay of litigation, the Parties reached a settlement as to Plaintiffs’ and the Settlement Class claims. The Court has not ruled on the merits of the claims or Nutricost’s defenses. Instead, both sides agreed to a settlement that they believe is a fair, reasonable, and adequate compromise of their respective positions.

The Settlement provides that Nutricost will create a Settlement Fund of \$1,835,000.00 to pay Settlement Class Members, attorney’s fees, costs, incentive awards to the Class Representatives (Dalit Cohen, Anastasia Kurtz and Tina Scott) and settlement administration costs.

The Parties reached this agreement only after extensive negotiations, an exchange of information, and consideration of the risks and benefits of settlement.

## **5. How do I recover?**

Submit a Claim Form. This is the only way to get a payment. You have the right as a member of the Settlement Class to receive a share of the Settlement Fund.

Settlement Class Members who submit a Valid Claim Form with a valid claim id and pin will be entitled to one award unit (“Award Unit”) per Supplement purchased as reflected in the records of sales in the possession of the parties. Settlement Class Members who submit a Valid Claim Form without a valid claim id and pin will be entitled to one Award Unit. Each Award Unit will have an equal monetary value not to exceed \$19.95. The Award Units will be determined by dividing the Net Settlement Fund (calculated and defined as the total Settlement Fund less Settlement Administration Costs, the Fee Award and Incentive Awards) by the total number of Supplements identified by Valid Claims.

Individual payment amounts will depend on the total number of valid and timely claims filed by all Settlement Class Members.

You can submit a Claim Form online at [www.CohenMAG.com](http://www.CohenMAG.com).

Or you can download the Claim Form online and mail it to: Magnesium Supplement Settlement, c/o JND Legal Administration, PO Box 91237, Seattle, WA 98111.

All Claim Forms must be submitted online to the Class Action Settlement Administrator NO LATER THAN August 7, 2026 or mailed to the Class Action Settlement Administrator postmarked NO LATER THAN August 7, 2026. The Claim Form is available for online submission and download at [www.CohenMAG.com](http://www.CohenMAG.com). You may also obtain a Claim Form by calling 1-888-337-8438.

After all Valid Claim Forms are counted, and the Settlement is given final approval by the Court, the Settlement Administrator will provide (through one or more rounds of Settlement Checks) each claiming Settlement Class Member their share of the Settlement Fund after the deductions above. Any excess from the Net Settlement Funds from uncashed Settlement Checks or because of any other reason may be provided to a charitable organization.

## **6. What am I giving up to receive these benefits?**

By staying in the class, all of the Court’s orders will apply to you, and you give a “release” for any claims regarding the marketing, advertising, labeling or sale of the Supplements. A release means you cannot sue or be part of any other lawsuit against Nutricost and the Released Parties about the claims or issues in this lawsuit and you will be bound by the Settlement Agreement.

## **7. How much will the Class Representative receive?**

The Class Representatives may receive their Award Units as Settlement Class Members and incentive awards for having pursued this action. Any incentive payment is subject to Court Approval. The Class Representatives will request Incentive Awards of up to \$10,000 each.

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

To represent the Settlement Class, the Court has appointed attorneys with the law firm of Lemberg Law, LLC, 43 Danbury Road, Wilton, CT 06897 as “Class Counsel.”

Class Counsel will request an award of attorney’s fees of up to one-third of the Settlement Fund in attorneys’ fees and reimbursement of costs. Any attorney’s fee and expense award is subject to Court Approval. You may hire your own attorney, but only at your own expense.

## 9. I don’t want to be part of this case, how do I ask to be excluded?

Answer: Send a Request to Be Excluded.

If you do not want to be legally bound by the Settlement, you may, upon request, be excluded (or “opt out”) from the Settlement by sending a request for exclusion (“Request for Exclusion”) that includes (a) the Requester’s full name, address and the name of the Action; (b) the Requester’s personal and original signature, or the original signature of a person previously authorized by law, such as a trustee, guardian, or person acting under a valid power of attorney, to act on behalf of the Requester; and (c) state unequivocally that the Requester desires to be excluded from the Settlement Class, to be excluded from the Settlement, to not participate in the Settlement, and/or to waive all rights and benefits of the Settlement. Your Request for Exclusion from the settlement must be sent to the Class Action Settlement Administrator at Magnesium Supplement Settlement, c/o JND Legal Administration, PO Box 91237, Seattle, WA 98111 by NO LATER THAN August 7, 2026.

The Request for Exclusion shall not be effective unless it provides the required information and is *postmarked* by no later than **August 7, 2026**.

Settlement Class Members who fail to submit a valid and timely Request for Exclusion on or before the date specified, shall be bound by all terms of the Settlement Agreement and the Final Order and Judgment, regardless of whether they have requested exclusion from the Settlement Agreement.

## 10. How do I object?

Any Settlement Class Member who has not requested to be excluded from the Settlement Class may object to the Settlement. In order to exercise this right, you must submit your objection to the Court by the Objection Deadline. Your objection must include the following information in writing:

- (i) set forth the Settlement Class Member’s full name, address, and telephone number;
- (ii) contain the Settlement Class Member’s original signature or the original signature of counsel for the Settlement Class Member;
- (iii) state that the Settlement Class Member objects to the Settlement, in whole or in part;
- (iv) set forth the complete legal and factual bases for the objection, including citations to relevant authorities;

- (v) provide copies of any documents that the Settlement Class Member wishes to submit in support of his/her position; and
- (vi) state whether the objecting Settlement Class Member intends on appearing at the Final Approval Hearing either pro se or through counsel and whether the objecting Settlement Class Member plans on offering testimony at the Final Approval Hearing.

You must file your objection before August 7, 2026 with the Clerk of the United States District Court for the Eastern District of New York, 100 Federal Plaza, Central Islip, NY 11722, and served at that same time upon the Settlement Administrator at:

Magnesium Supplement Settlement  
c/o JND Legal Administration  
PO Box 91237  
Seattle, WA 98111

You will be bound by the Settlement if your objection is rejected and the Settlement is approved. If you do nothing (*i.e.*, submit no Claim Form), you will not receive any benefits from the Settlement, but will nevertheless be bound by any judgment approving the Settlement and will give up any right to sue Defendant or related parties as described in the Settlement.

### **THE FINAL APPROVAL HEARING**

The Court will hold a Final Approval Hearing on **October 15, 2026**, in the courtroom of United States District Court for the Eastern District of New York, 100 Federal Plaza, Central Islip, NY 11722. The hearing may be continued or rescheduled by the Court without further notice. The purpose of the hearing will be for the Court to determine whether the proposed settlement is fair, reasonable, and adequate and in the best interests of the Class and to rule on applications for compensation for Class Counsel and incentive awards for the Class Representatives. At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the proposed settlement. The Court may decide these issues at the hearing or take them under consideration. We do not know how long these decisions will take.

YOU ARE **NOT** REQUIRED TO ATTEND THIS HEARING TO BENEFIT FROM THIS SETTLEMENT.

### **FOR MORE INFORMATION**

This Notice only summarizes the Settlement. Additional information and documents, including case documents, are available at [www.CohenMAG.com](http://www.CohenMAG.com), or you can call 1-888-337-8438.

In the event of a conflict between the terms of this Notice and the Settlement Agreement, the terms of the Settlement Agreement will govern.