

*Legg et al v. PTZ Insurance Agency, LTD, et al.*  
United States District Court, Northern District of Illinois, Eastern Division  
Case No. 1:14-cv-10043

**If you received pre-recorded phone calls to your cell phone regarding a 30-day gift of insurance, you may be entitled to benefits under a class action settlement.**

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

- A proposed settlement will provide a total of \$5,500,000 (the “Settlement Fund”) to fully settle and release claims of all persons in the United States who received calls on their cell phone using an artificial or pre-recorded voice to play a Day 2 or Day 6 message, from October 16, 2013, through November 30, 2016.
- Plaintiff alleges that these telephone calls violated the federal Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (the “TCPA”). Defendants deny Plaintiff’s allegations and deny any wrongdoing whatsoever. The Court has not ruled on the merits of Plaintiff’s claims or Defendants’ defenses. By entering into the settlement, PTZ and Pethealth have not conceded the truth or validity of any of the claims against it.
- The Settlement Fund shall be used to pay all amounts related to the settlement, including awards to Settlement Class members who submit a valid and timely claim form to receive payment (“Claim Form”), attorneys’ fees and costs to attorneys representing Plaintiff and the Settlement Class (“Class Counsel”), any service award for Plaintiff and the costs of notice and administration of the settlement. Class Counsel estimate that Settlement Class members who timely submit a valid Claim Form will receive between \$92 at a 5% claim rate and \$46 at a 10% claim rate, but the amount depends on the number of valid claims received. Monies remaining in the Settlement Fund after these payments are made will be distributed to the National Association of Consumer Advocates only if a second distribution is not feasible.
- Your rights and options, and the deadlines to exercise them, are explained in this Notice. Your legal rights are affected whether you act or don’t act. Read this Notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT A CLAIM FORM	If you submit a valid Claim Form by <b>August 28, 2019</b> , you will receive a payment and will give up your rights to sue PTZ, Pethealth and/or any other Released Parties on a released claim. Claim Forms may be submitted by mail to PTZ and Pethealth Telephone Consumer Protection Act Litigation, c/o KCC Class Action Services, P.O. Box 404144, Louisville, KY 40233-4144 or through the Settlement Website by clicking <a href="#">here</a> or by calling 1-855-222-6851.
EXCLUDE YOURSELF OR “OPT OUT” OF THE SETTLEMENT	If you ask to be excluded, you will not receive a payment. This is the only option that allows you to pursue your own claims against PTZ, Pethealth and/or other Released Parties in the future. The deadline for excluding yourself is <b>August 28, 2019</b> .
OBJECT TO THE SETTLEMENT	Write to the Court about why you believe the settlement is unfair in any respect. The deadline for objecting is <b>August 28, 2019</b> . To obtain a benefit from this settlement, you must still submit a Claim Form. If you submit only an objection without a Claim Form, you will not receive any benefit from the settlement and you will give up your rights to sue PTZ, Pethealth and/or any other Released Parties on a released claim.
DO NOTHING	If you do nothing, you will not receive any monetary award and you will give up your rights to sue PTZ, Pethealth and/or any other Released Parties on a released claim.
GO TO THE FAIRNESS HEARING	Ask to speak in Court about the fairness of the settlement. To speak at the Fairness Hearing, you must file a document including your name, address, telephone number and signature with the Court stating your intention to appear no later than <b>August 28, 2019</b> .

- 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 made if the Court approves the settlement and after any appeals are resolved. Please be patient.

## BASIC INFORMATION

The purpose of this Notice is to inform you that a proposed Settlement has been reached in the putative class action lawsuit entitled *Legg v. PTZ Insurance Agency, Ltd., et al.*, No. 1:14-cv-10043 (N.D.I.L.). Because your rights will be affected by this settlement, it is extremely important that you read this Notice carefully. This Notice summarizes the settlement and your rights under it.

If you received an email or postcard describing this settlement, it is because PTZ and Pethealth's records indicate that you may be a member of the Settlement Class. You are a member of the Settlement Class if you are one of the persons who were called on their cell phone using an artificial or pre-recorded voice to play a Day 2 or Day 6 message, from October 16, 2013 through November 30, 2016. Excluded from the Settlement Class are the Judge to whom the Action is assigned and any member of the Court's staff and immediate family, and all persons who have been identified in the call data produced in this litigation who are validly excluded from the Settlement Class.

In a class action, one or more people called Class Representatives (here, Plaintiff) sue on behalf of people who allegedly have similar claims. This group is called a class and the persons included are called class members. One court resolves the issues for all of the class members, except for those who exclude themselves from the class.

Here, Plaintiff alleges that PTZ and Pethealth violated the TCPA by placing pre-recorded reminder calls regarding a 30-day gift of insurance to cellular telephones without prior express consent. PTZ and Pethealth deny these allegations and deny any claim of wrongdoing. The Court has conditionally certified a class action for settlement purposes only. The Honorable Robert W. Gettleman is in charge of this action.

The Court did not decide in favor of Plaintiff, PTZ, or Pethealth. Instead, both sides agreed to this settlement. That way, they avoid the risk and cost of a trial, and the Settlement Class members will receive compensation. Plaintiff and Class Counsel think the settlement is best for all persons in the Settlement Class.

### WHO IS IN THE SETTLEMENT CLASS?

The Court has certified a class action for settlement purposes only.

**"Settlement Class"** means All persons in the United States who were called on their cell phone using an artificial or pre-recorded voice to play a Day 2 or Day 6 message, from October 16, 2013, through November 30, 2016. Excluded from the Settlement Class are the Judge to whom the Action is assigned and any member of the Court's staff and immediate family (to the extent they received a listed call) and all persons who have opted out of the Settlement Class.

**"Settlement Class Member"** is defined as Any person in the Settlement Class who is not validly excluded from the Settlement Class. If you are still not sure whether you are included, you can visit other sections of the Settlement Website, [www.PTZTCPASETLEMENT.com](http://www.PTZTCPASETLEMENT.com), you may write to the claims administrator at PTZ and Pethealth Telephone Consumer Protection Act Litigation., c/o KCC Class Action Services, or you may call the Toll-Free Settlement Hotline, 1-855-222-6851, for more information.

### THE LAWYERS REPRESENTING YOU

The Court has appointed the law firms of Keogh Law, Ltd. and Scott D. Owens, P.A. as Class Counsel to represent you and the other persons in the Settlement Class. You will not be personally charged by these lawyers.

Class Counsel will ask the Court to approve payment of up to thirty-six percent of the Settlement Fund after administration costs are deducted, which would equal \$1,911,960, for attorneys' fees plus reasonable expenses. Class Counsel also will ask the Court to approve payment of \$20,000 to Plaintiff for his services over the last five years as Class Representative. The Court may award less than these amounts.

### THE SETTLEMENT BENEFITS – WHAT YOU GET

**Settlement Fund.** PTZ and Pethealth will pay the total amount of \$5,500,000 into a fund (the "Settlement Fund"), which will cover: (1) cash payments to Settlement Class Members who submit timely and valid Claim Forms; (2) an award of attorneys' fees and costs to Class Counsel, plus expenses, as approved by the Court; (3) a service award to the Plaintiff, in an amount not to exceed \$20,000, as approved by the Court; (4) the costs of notice and administration of the Settlement; and (5) under certain circumstances as described below, a charitable contribution.

**Cash Payments.** All Settlement Class Members are eligible to submit a Claim Form and receive a cash payment. To submit a Claim Form, follow the procedures described below.

**No Portion of the Settlement Fund Will Return to Defendants.** Any money remaining in the Settlement Fund after paying all valid and timely claims to Settlement Class Members, attorneys' fees and costs to Class Counsel, any service award to Plaintiff and the costs of notice and administration of the settlement will be paid either: (1) in a second distribution to Settlement Class Members who submitted valid and timely Claim Forms and whose initial payments were

cash; or (2) if there are not enough funds to justify a second distribution, the remaining funds will be donated to National Association of Consumer Advocates. There will only be a second distribution if there are enough funds to pay each Settlement Class Member \$10 or more. No portion of the Settlement Fund will return to PTZ or Pethealth.

Your share of the Settlement Fund will consist of a *pro rata* portion of the money remaining in the Settlement Fund after payment of notice and administration, attorneys' fees, and an incentive award, and thus will depend on the number of valid Claim Forms that Settlement Class Members submit. Class Counsel estimate that the amount of the cash award (while dependent upon the number of claims) may be within the range of **\$92 at a 5% claim rate and \$46 at a 10% claim rate. This is an estimate only. The final cash payment amount will depend on the total number of valid and timely claims submitted by Settlement Class Members.**

Unless you exclude yourself from the settlement, you will be part of the Settlement Class and will be bound by the release of claims in the settlement. This means that if the settlement is approved, you cannot rely on any released claim, which relates to the pre-recorded Day 2 or Day 6 messages regarding a 30-day gift of insurance, to sue or continue to sue PTZ, Pethealth and/or any other Released Parties, as explained in the settlement agreement. It also means that all of the Court's orders will apply to you and legally bind you. Unless you exclude yourself from the settlement, you will agree to release PTZ, Pethealth and any other Released Parties, as defined in the settlement agreement, from any and all claims that arise from the pre-recorded calls to your cellular telephone at issue in this action.

If you have any questions about the Release or what it means, you can speak to Class Counsel, listed above, for free, or you can, at your own expense, talk to your own lawyer. The Release does not apply to persons in the Settlement Class who timely exclude themselves.

### **HOW TO OBTAIN A PAYMENT**

To receive a payment, you must submit a Claim Form. You may get a Claim Form on the Settlement Website, [www.PTZTCPASETTLEMENT.com](http://www.PTZTCPASETTLEMENT.com), or by calling the Toll-Free Settlement Hotline, 1-855-222-6851. **Read the instructions carefully, fill out the form completely and accurately, sign it and submit it.** To be valid, the Claim Form must be completed fully and accurately, and signed and submitted timely. A Claim Form may be submitted by mail to the claims administrator at: PTZ and Pethealth Telephone Consumer Protection Act Litigation, c/o KCC Class Action Services, or via the [Settlement Website](#).

If you are submitting your claim via the Settlement Website or via the Toll-Free Settlement Hotline, it must be submitted no later than August 28, 2019. If you are mailing your Claim Form to the claims administrator, it must be postmarked by that date.

### **WHEN WILL I RECEIVE MY SETTLEMENT PAYMENT?**

The Court will hold a hearing on October 31, 2019 at 9:30 a.m. to decide whether to approve the settlement. If the Court approves the settlement, after that, there may be appeals. It is always uncertain whether these appeals can be resolved, and resolving them can take time, perhaps more than a year. Everyone who sends in a Claim Form will be informed of the progress of the settlement through information posted on the Settlement Website at [www.PTZTCPASETTLEMENT.com](http://www.PTZTCPASETTLEMENT.com). Please be patient.

### **EXCLUDING YOURSELF FROM THE SETTLEMENT**

If you want to keep the right to sue or continue to sue PTZ, Pethealth or a Released Party, as defined in the settlement agreement, then you must take steps to get out of the Settlement Class. This is called excluding yourself from, or opting out of, the Settlement Class.

To exclude yourself from the settlement, you must send an exclusion request to the claims administrator. To be valid, an exclusion request must: (i) be signed by the person in the Settlement Class who is requesting exclusion; (ii) include the full name and address of the person in the Settlement Class requesting exclusion; and (iii) include the following statement: "I/we request to be excluded from the settlement in the PTZ and Pethealth TCPA action." No request for exclusion will be valid unless all of the information described above is included. No person in the Settlement Class, or any person acting on behalf of or in concert or participation with that person in the Settlement Class, may exclude any other person in the Settlement Class from the Settlement Class.

**To be valid, you must mail your exclusion request postmarked no later than August 28, 2019 to the claims administrator at PTZ and Pethealth Telephone Consumer Protection Act Litigation, c/o KCC Class Action Services, P.O. Box 404144, Louisville, KY 40233-4144.**

If you do not exclude yourself, you give up any right to sue (or continue to sue) PTZ, Pethealth or any Released Parties for the claims that this settlement resolves.

If you ask to be excluded, you will not be able to submit a Claim Form for a settlement payment, and you cannot object to the settlement.

## OBJECTING TO THE SETTLEMENT

If you are in the Settlement Class, you can object to the settlement or any part of the settlement that you think the Court should reject, and the Court will consider your views. If you do not provide a written objection in the manner described below, you shall be deemed to have waived any objection and shall forever be foreclosed from making any objection to the fairness, reasonableness, or adequacy of the settlement or the award of any attorneys' fees and costs and/or service award.

To object, you must make your objection in writing, stating that you object to the settlement in PTZ and Pethealth Telephone Consumer Protection Act Litigation. To be considered by the Court, the written objection must: (i) attach documents establishing, or provide information sufficient to allow the parties to confirm, that the objector is a Settlement Class Member, including providing the cellular telephone number at which you received the survey call; (ii) include a statement of the specific objections; and (iii) state the grounds for objection, as well as identify any documents which the objector desires the Court to consider.

**To be considered, you must file your objections with the Court and mail your objections to the addresses below no later than August 28, 2019.**

For Plaintiff:

Keith Keogh, Esq.  
Timothy J. Sostrin  
Keogh Law, Ltd.  
55 Monroe St., Ste.3390  
Chicago, IL 60603

For PTZ and Pethealth:

Eric L. Samore  
John C. Ochoa  
SmithAmundsen LLC  
150 N. Michigan Ave. Ste. 3300  
Chicago, IL 60601

**Even if you timely and properly object, to obtain a benefit from this settlement, you must submit a Claim Form. If you object but fail to submit a Claim Form, you will not receive any monetary award.**

Objecting is telling the Court that you do not like something about the settlement. You can object only if you stay in the Settlement Class. Excluding yourself means that you do not want to be part of the Settlement Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

### IF YOU DO NOTHING

If you do nothing, you will not receive any monetary award and you will give up your rights to sue PTZ and/or any other Released Parties on a released claim. For information relating to what rights you are giving up, see above in this Notice.

### THE FAIRNESS HEARING

The Court will hold a Fairness Hearing at 9:30 a.m. on October 31, 2019 at the United States District Court for the Northern District of Illinois, Eastern Division, Room 1703, Everett McKinley Dirksen United States Courthouse, 219 South Dearborn St., Chicago, IL 60604. At this hearing, the Court will consider whether the settlement is fair, reasonable and adequate. If there are valid objections that comply with the requirements stated above, the Court also will consider them and will listen to people who have asked to speak at the hearing. The Court may also decide how much to pay to Class Counsel and Plaintiff.

The Fairness Hearing may be moved to a different date or time without additional notice, so it is a good idea to check the Settlement Website for updates.

You do not need to attend this hearing, as Class Counsel will appear on behalf of the Settlement Class. But, you are welcome to come, or have your own lawyer appear, at your own expense.

You may ask the Court for permission to speak at the Fairness Hearing, but only in connection with an objection that you have timely submitted to the Court according to the procedure set forth above. To speak at the Fairness Hearing, you must also file a document with the Court stating your intention to appear. For this document to be considered, it must include your name, address, telephone number, your signature and the name of this case. The document must be filed with the Court no later than August 28, 2019. You cannot speak at the hearing if you exclude yourself from the settlement.

### GETTING MORE INFORMATION

This Notice is only a summary of the proposed settlement. You can get a copy of the settlement agreement by visiting the Settlement Website, [www.PTZTCPASETTLEMENT.com](http://www.PTZTCPASETTLEMENT.com), or you can write to the address above or call the Toll-Free Settlement Hotline, 1-855-222-6851. You can also call Class Counsel with any questions at 1-866-726-1092 or [TCPAsettlement@keoghlaw.com](mailto:TCPAsettlement@keoghlaw.com).

**DO NOT CALL OR WRITE TO THE COURT, THE CLERK OF THE COURT, PTZ INSURANCE AGENCY, LTD., PTZ OR PETHEALTH'S COUNSEL ABOUT THE SETTLEMENT. ALSO, TELEPHONE REPRESENTATIVES WHO ANSWER CALLS MADE TO THE TOLL-FREE NUMBER ARE NOT AUTHORIZED TO CHANGE THE TERMS OF THE SETTLEMENT OR THIS NOTICE.**