

David Martin v. Global Tel*Link Corporation
United States District Court, Central District of California
Case No. 2:15-cv-02495

**If you received a call on your mobile phone
from Global Tel*Link, you may be entitled
to money 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 \$8,800,000 (the “Settlement Fund”) to fully settle and release claims of persons using and/or subscribing to a mobile telephone number to which GTL placed a “Notification Call” (as that term is defined below) during the period from December 5, 2010 through April 7, 2017.**
- **Plaintiff David Martin alleges that these Notification Calls violated the federal Telephone Consumer Protection Act, 47 U.S.C. § 227, et seq. (the “TCPA”). GTL denies Plaintiff’s allegations and denies any wrongdoing whatsoever. The Court has not ruled on the merits of Plaintiff’s claims or GTL’s defenses. By entering into the settlement, GTL has 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 may receive a cash award of approximately \$60.00, but the exact amount depends upon the total number of claims. Monies remaining in the Settlement Fund after these payments are made will be distributed to a charity approved by the Court 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 do not 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 June 15, 2018, you will receive a payment and will give up your rights to sue GTL and/or any other released parties on a released claim. Claim Forms may be submitted by mail to GTL TCPA Litigation Settlement Administrator, P.O. Box 404041, Louisville, KY 40233-4041 or through the settlement website by clicking [here] .
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 GTL and/or other released parties in the future. The deadline for excluding yourself is June 15, 2018. To opt-out, <u>you must follow the instructions below</u> .
OBJECT TO THE SETTLEMENT	Write to the Court about why you believe the settlement is unfair in any respect. The deadline for objecting is June 15, 2018. To obtain a benefit from this settlement, you must still submit a Claim Form. If you submit only an objection, you will not receive any benefit from the settlement and you will give up your rights to sue GTL and/or any other released parties on a released claim. To object, <u>you must follow the instructions below</u> .
DO NOTHING	If you do nothing, you will not receive any monetary award and you will give up any rights you may have to sue GTL and/or any other released parties on a released claim.
GO TO THE FINAL APPROVAL HEARING	Ask to speak in Court about the fairness of the settlement. To speak at the Final Approval Hearing, you must file a document including your name, address, telephone number and your signature with the Court stating your intention to appear no later than July 31, 2018.

- 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

1. What is the purpose of this Notice?

The purpose of this Notice is to inform you that a proposed settlement has been reached in the putative class action lawsuit entitled *David Martin v. Global Tel*Link Corporation*, Case No. 2:15-cv-02495 (Central District of California). 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.

2. What does it mean if I received an email or postcard about this settlement?

If you received an email or postcard describing this settlement, that is because GTL’s records indicate that you may be a member of the Settlement Class in this action.

3. What is this class action lawsuit about?

In a class action, one or more people called a Class Representative (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. If the proposed class is certified by the court, then one court resolves the issues for all of the class members, except for those that exclude themselves from the class.

Here, Plaintiff claims that GTL violated the TCPA by placing Notification Calls through the use of an automatic telephone dialing system or an artificial or prerecorded voice without prior express consent of the called party. GTL denies these allegations and denies any claim of wrongdoing. GTL has asserted various defenses and further denies that class members suffered any injury or damage. The court has not decided who is right, and the settlement resolves the lawsuit. The Court has conditionally certified a class action for settlement purposes only. The Honorable Otis D. Wright, II is the judge presiding over this action.

4. Why is there a settlement?

The Court did not decide in favor of Plaintiff or GTL. 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?

5. How do I know if I am a part of the settlement class?

The Court has certified a class action for settlement purposes only. The Settlement Class is comprised of:

All persons using and/or subscribing to a mobile telephone number to which a Notification Call (as defined in the Settlement Agreement) was placed during the Class Period, which is from December 5, 2010 through April 7, 2017. 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 are validly excluded from the Settlement Class.

“Notification Call” means a call (i) placed by or on behalf of GTL, (ii) to a number attempted in a Failed Inmate Call Attempt, (iii) using a prerecorded voice message, (iv) to explain in sum and substance that inmate calls could not be completed and/or billed, and that the called party could take certain steps to arrange for billing and/or setup a prepaid account. For example, a prerecorded message for a Notification Call could take substantially the following form: “This is an important message from GTL about calls from an offender at a correctional facility. Para escuchar este mensaje en español, oprima el número uno. Your telephone service provider is unable to bill you for these calls. If you wish to receive these calls, you must contact us at 1-877-650-4249 to arrange for billing. To hear these instructions again, press 1. To end this call, please hang up.”

“Failed Inmate Call Attempt” means a telephone call attempted by an inmate or prisoner through GTL's service to a phone number for which GTL had no billing relationship and therefore no means to bill the call to the called party.

If you are still not sure whether you are included, you can visit other sections of the Settlement Website, www.GTLTCPASettlement.com, you may write to the claims administrator at GTL TCPA Litigation Settlement Administrator, P.O. Box 404041, Louisville, KY 40233-4041, or you may call the Toll-Free Settlement Hotline, 1-844-200-9299, for more information.

THE LAWYERS REPRESENTING YOU

6. Do I have lawyers in this case?

The Court has appointed the law firms of Keogh Law, Ltd and Lester & Associates as Class Counsel to represent you and the other persons in the Settlement Class. You will not be personally charged by these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

7. How will Class Counsel be paid?

Class Counsel will ask the Court to approve payment of 25% of the Settlement Fund (\$2,200,000) to them for attorneys' fees, plus expenses. Class Counsel also will ask the Court to approve payment of \$10,000 to Plaintiff for his service as Class Representative. The Court may award less than these amounts.

THE SETTLEMENT BENEFITS – WHAT YOU GET

8. What does the settlement provide?

Settlement Fund. GTL will pay the total amount of \$8,800,000 into a fund (the "Settlement Fund"), which will cover: (1) cash payments to Settlement Class Members who submit timely and valid Claim Forms; (2) any award of attorneys' fees to Class Counsel as approved by the Court, not to exceed 25% of the Settlement Fund (\$2,200,000), plus expenses; (3) service award to the Plaintiff as approved by the Court, in an amount not to exceed \$10,000; (4) the costs of notice and administration of the settlement; and (5) under certain circumstances as described below, a charitable contribution. A copy of the entire settlement with its complete terms is available at www.GTLTCPASettlement.com.

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 under Question 11 below. Counsel for the class estimate that a Settlement Class Member who submits a valid claim form ("Claim Form") may receive a cash award of approximately \$60.00, but the exact amount depends upon the total number of valid claims.

No Portion of the Settlement Fund Will Return to GTL. 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 cashed; or (2) if there are not enough funds to justify a second distribution, the remaining funds will be donated to the National Consumer Law Center. There will only be a second distribution if there are enough funds to pay each Settlement Class Member \$10.00 or more through a second distribution. No portion of the Settlement Fund will return to GTL.

9. How much will my payment be?

Your share of the Settlement Fund 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 approximately \$60.00. **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.**

10. What am I giving up to stay in the Settlement Class?

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 to sue or continue to sue, on your own or as part of any other lawsuit, GTL 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 be releasing GTL

and the Released Parties from all the claims described and identified in the Settlement Agreement. The Settlement Agreement is available at www.GTLTCPASettlement.com. The Settlement Agreement provides more detail regarding the release and describes the released claims with specific descriptions in necessary, accurate legal terminology, so read it carefully. Unless you exclude yourself from the settlement, you will agree to release GTL and any other Released Parties, as defined in the Settlement Agreement, from any and all claims that arise from the automated and prerecorded calls to your cellular telephone at issue in this action.

In summary, the Release covers any and all claims as of the date of the Final Approval Order that arise out of or relate in any way to the Released Parties' contact or attempt to contact Settlement Class Members in connection with automatically dialed and/or prerecorded calls to cellular telephones, including, but not limited to, claims under or for a violation of the TCPA and any other statutory or common law claim arising under the TCPA as relative to automatically dialed and/or prerecorded calls to cellular telephones (collectively, the "Released Claims").

"Released Parties" means and refers to the Defendant Global Tel*Link Corporation and each and all of its subsidiaries, parent companies, agents, predecessors in interest and/or ownership, successors in interest and/or ownership, partners, licensees, assignees, insurers, including claims under any and all insurance policies, and estates, and each of the foregoing's respective past, present, and future officers, directors, attorneys, shareholders, indemnitees, predecessors, successors, trusts, trustees, partners, associates, principals, divisions, employees, insurers, any and all insurance policies, members, agents, representatives, brokers, consultants, heirs, and assigns.

If you have any questions about the Release or what it means, you can speak to Class Counsel, listed under Question 6, 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 or who are not Settlement Class Members.

HOW TO OBTAIN A PAYMENT

11. How can I get a payment?

To receive a payment, you must submit a Claim Form either online via the Settlement Website, via the Toll-Free Settlement Hotline, or by mail. If you are submitting your claim via the Settlement Website or the Toll Free Settlement Hotline, it must be submitted no later than June 15, 2018. If you are mailing your Claim Form to the claims administrator, it must be postmarked by that date.

You may get a Claim Form on the Settlement Website, www.GTLTCPASettlement.com, or by calling the Toll-Free Settlement Hotline, 1-844-200-9299. **Read the instructions carefully, fill out the form completely and accurately, sign it and submit it.**

To be valid, the Claim Form must be contain (1) either a valid Claim ID or a telephone number on the Settlement Class List or telephone records establishing receipt of a Notification Call; (2) the Settlement Class Member's full name, mailing address, and e-mail address (if he or she has one); (3) for mailed Claim Forms, the Settlement Class Member's signature; (4) for Claim Forms submitted via the Settlement Website, the Settlement Class Member's electronic signature and an affirmation that all information contained in the Claim Form is true and accurate; and (5) for Claim Forms submitted via 800 number, an affirmation that by pressing "1" all information recited after the Claim ID is entered is true and accurate.

If you do not have a Claim ID and your telephone number is not on the Settlement Class List, you must submit a Claim Form by mail and attach telephone records establishing receipt of a Notification Call.

Any person who submits a Claim Form and is unable to provide one of the following, (i) a valid Claim ID, (ii) a telephone number on the Settlement Class List or (iii) telephone records establishing receipt of a Notification Call, shall not be a Settlement Class Member.

A Claim Form may be submitted by mail to the claims administrator at: GTL TCPA Litigation Settlement Administrator, P.O. Box 404041, Louisville, KY 40233-4041, or via the Settlement Website [\[click here\]](#).

WHEN WILL I RECEIVE MY SETTLEMENT PAYMENT?

12. When would I receive a settlement payment?

The Court will hold a hearing on August 20, 2018 to decide whether to approve the settlement. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check the Settlement Website at www.GTLTCPASettlement.com for updates. 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.GTLTCPASettlement.com. Please be patient.

EXCLUDING YOURSELF FROM THE SETTLEMENT

13. How do I get out of the settlement?

If you want to exclude yourself from the settlement, 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 be valid, you must mail your exclusion request postmarked no later than June 15, 2018 to the claims administrator at GTL TCPA Litigation Settlement Administrator, P.O. Box 404041, Louisville, KY 40233-4041.

Exclusion requests 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; (iii) include the mobile telephone number on which the person seeking exclusion received the call or calls associated with the request for exclusion, and (iv) include the following statement: "I request to be excluded from the settlement in the GTL TCPA action, and to waive all rights to the benefits of the settlement." 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.

14. If I do not exclude myself, can I sue GTL for the same thing later?

No. If you do not exclude yourself, you give up any right to sue (or continue to sue) GTL or any Released Parties for the claims that this settlement resolves.

15. If I exclude myself, can I get a benefit from this settlement?

No. 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

16. How do I tell the Court that I do not think the settlement is fair?

If you are a Settlement Class Member, you can object to the settlement or any part of the settlement. 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 file your objections with the Court no later than June 15, 2018 and mail your objections to the addresses below postmarked by that date.**

For Plaintiff:

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

For GTL:

Robert J. Herrington
GREENBERG TRAURIG, LLP
1840 Century Park East, Suite 1900
Los Angeles, CA 90067

An objection **must**:

- (A) Attach documents establishing, or provide information sufficient to allow the Parties to confirm, that the objector is a Settlement Class Member, including providing providing a valid Claim ID or a telephone number on the Settlement Class List or telephone records establishing receipt of a Notification Call, full name, address, the mobile telephone number called, and whether he or she intends to appear at the Final Approval Hearing on his or her own behalf or through counsel;
- (B) Include a statement of such Settlement Class Member's specific objections; and
- (C) State the grounds for objection and attach any documents supporting the objection.

Any person who submits an Objection and is unable to provide one of the following, (i) a valid Claim ID, (ii) a telephone number on the Settlement Class List or (iii) telephone records establishing receipt of a Notification Call, shall not be a Settlement Class Member.

You may, but do not have to, appear at the Final Approval Hearing. If you or your attorney intend to make an appearance at the Final Approval Hearing, you **must**: (i) file a notice of appearance with the Court no later than twenty (20) days prior to the Final Approval Hearing, or as the Court may otherwise direct; and (ii) serve a copy of such notice of appearance on all counsel for all Parties.

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

17. What is the difference between objecting and excluding yourself?

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

18. What happens if I do nothing at all?

If you do nothing, you will not receive any monetary award and you will give up your rights to sue GTL and/or any other Released Parties on a Released Claim. For information relating to what rights you are giving up, see Question 10.

THE FINAL APPROVAL HEARING

19. When and where will the Court decide whether to approve the settlement?

The Court will hold a Final Approval Hearing at 1:30 p.m. on August 20, 2018 at the United States District Court for the Central District of California, 350 W. 1st Street, Courtroom 5D, Los Angeles, CA, 90012. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check the Settlement Website at www.GTLTCPASettlement.com for updates. 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 in the Settlement Agreement, the Court also will consider them and will listen to people who have asked to speak at the hearing and filed the appropriate notice of appearance by the deadline for doing so. The Court may also consider the requests by Class Counsel for attorneys' fees and expenses and for the Service Award to Class Plaintiff.

20. Do I have to come to the hearing?

No. 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. If you or your attorney intend to make an appearance at the Final Approval Hearing, you must: (i) file a notice of appearance with the Court no later than twenty (20) days prior to the Final Approval Hearing, or as the Court may otherwise direct; and (ii) serve a copy of such notice of appearance on all counsel for all Parties.

21. May I speak at the hearing?

You may ask the Court for permission to speak at the Final Approval Hearing, but only in connection with an objection that you have timely submitted to the Court according to the procedure set forth in Question 16 above. To speak at the Final Approval 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 and your signature. The document must be filed with the Court no later than July 31, 2018. You cannot speak at the hearing if you exclude yourself from the settlement.

GETTING MORE INFORMATION

22. How do I get 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.GTLTCPASettlement.com, or you can write to the address below or call the Toll-Free Settlement Hotline, 1-844-200-9299. You can also contact Class Counsel with any questions at 1-866-726-1092 or TCPASettlement@keoghlaw.com.

GTL TCPA Litigation Settlement Administrator
P.O. Box 404041
Louisville, KY 40233-4041

DO NOT CALL OR WRITE TO THE COURT, THE CLERK OF THE COURT, GTL OR GTL'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.