

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION
CASE NO.: 9:17-cv-80393-ROSENBERG/HOPKINS

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| CHARLES T. JOHNSON, on behalf of himself and others similarly situated, | : | |
| Plaintiff, | : | |
| vs. | : | |
| NPAS SOLUTIONS, LLC, | : | |
| Defendant. | : | |
| | X | |

WEBSITE Q & A NOTICE

**This is a notice of a settlement of a class action lawsuit.
This is not a notice of a lawsuit against you.**

If you received any telephone calls from NPAS Solutions, LLC (“NPAS Solutions”) that were directed to a number that was assigned to a cellular telephone service, via an automatic telephone dialing system, between March 28, 2013 through and including December 4, 2017, and that were wrong number calls – in that the subscriber or customary user of the phone number called was different from the party that NPAS Solutions was trying to reach, you may be entitled to compensation as a result of the settlement in the class action lawsuit captioned:

Charles T. Johnson v. NPAS Solutions, LLC, No. 9:17-cv-80393 (S.D. Fla.)

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

**Please read this notice carefully.
It explains your rights and options to participate in a class action settlement.**

What are your legal rights and options?

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|------------------------------------|--|
| SUBMIT A TIMELY CLAIM FORM: | If you submit a timely Claim Form you will receive a proportionate share of the \$1.432 million settlement fund after expenses are deducted, and you will release claims you may have against NPAS Solutions related to this case. |
| DO NOTHING: | If you do nothing, you will <u>not</u> receive a share of the settlement fund, but you will release claims you may have against NPAS Solutions related to this case. |
| EXCLUDE YOURSELF: | If you exclude yourself from the settlement, you will <u>not</u> receive a share of the settlement fund, and you will <u>not</u> release any claims you have against NPAS Solutions. |
| OBJECT: | You may object to the settlement. |

Why is this notice available?

This is a notice of a proposed settlement in a class action lawsuit. The settlement would resolve the lawsuit Charles T. Johnson filed against NPAS Solutions, LLC (“NPAS Solutions”). Please read this notice carefully. It explains the lawsuit, the settlement, and your legal rights, including the process for receiving a settlement check, excluding yourself from the settlement, or objecting to the settlement.

What is this lawsuit about?

Mr. Johnson filed this lawsuit against NPAS Solutions, alleging that NPAS Solutions violated the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, when calling consumers on their cellular telephones, via an automatic telephone dialing system, at wrong numbers – in that that the subscriber to the phone number called was different from the party that NPAS Solutions was trying to reach. NPAS Solutions denies the allegations. The parties have agreed to a settlement.

Why is this a class action?

In a class action, one or more people called “class representatives” file a lawsuit on behalf of people who have similar claims. All of these people together are a “class” or “class members.” The Court accordingly resolves claims for all class members, except for those who exclude themselves from the class.

Why is there a settlement?

Mr. Johnson, on the one hand, and NPAS Solutions, on the other, have agreed to settle the lawsuit to avoid the time, risk, and expense associated with it, and to achieve a final resolution of the disputed claims. Under the settlement, class members will obtain a payment in settlement of the claims that Mr. Johnson raised in the lawsuit. Mr. Johnson and his attorneys think the settlement is best for all class members.

How do you know if your claims are included in the settlement?

This settlement resolves claims on behalf of the following class:

All persons in the United States who (a) received calls from NPAS Solutions, LLC between March 28, 2013 and December 4, 2017 that (b) were directed to a phone number assigned to a cellular telephone service, (c) for which NPAS Solutions’ records contain a “WN” designation, and (d) were placed using an automatic telephone dialing system.

NPAS Solutions has identified approximately 179,642 unique cellular telephone numbers that fall within the class definition.

What does the settlement provide?

NPAS Solutions will establish a settlement fund in the amount of \$1,432,000.00. Out of the settlement fund, NPAS Solutions will pay:

- a. Settlement compensation to the class members;
- b. The costs and expenses of administering the class action settlement;
- c. An award of attorneys’ fees, subject to the Court’s approval;
- d. Costs and expenses incurred litigating this matter, subject to the Court’s approval; and
- e. An incentive award to Mr. Johnson, subject to the Court’s approval.

Each class member who submits a timely and valid Claim Form will be entitled, subject to the provisions of the settlement agreement, to his or her equal share of the settlement fund as it exists after deducting:

- a. Costs and expenses of administering the class action settlement, which will not exceed \$275,000;
- b. Attorneys’ fees in an amount not to exceed 30 percent of the settlement fund, subject to the Court’s approval;
- c. Costs and expenses not to exceed \$6,000, subject to the Court’s approval; and
- d. An incentive awards for Mr. Johnson, not to exceed \$6,000, subject to the Court’s approval.

How can you get a payment?

You must mail a valid Claim Form to the Johnson v. NPAS Solutions Settlement Administrator, P.O. Box 404042, Louisville, KY 40233-4042 postmarked by **March 19, 2018**. Or you must submit a valid claim through www.JohnsonNPASSolutionsSettlement.com or by calling 866-650-4059 by **March 19, 2018**.

When will you be paid?

If the Court grants final approval of the settlement, settlement checks will be mailed to class members who timely mailed or submitted valid Claim Forms no later than 45 days after the judgment in the lawsuit becomes final. If there is an appeal of the settlement, payment may be delayed.

What rights are you giving up in this settlement?

Unless you exclude yourself from the settlement, you will be considered a member of the class, which means you give up your right to sue or continue a lawsuit against NPAS Solutions over the released claims. Giving up your legal claims is called a release. Unless you formally exclude yourself from the settlement, you will release your claims against NPAS Solutions.

For more information on the release, released parties, and released claims, you may obtain a copy of the class action settlement agreement from the Clerk of the United States District Court for the Southern District of Florida, or on the settlement website, www.JohnsonNPASSolutionsSettlement.com.

How can you exclude yourself from the settlement?

You may exclude yourself from the settlement, in which case you will not receive a payment. If you wish to exclude yourself from the settlement, you must mail a written request for exclusion to the claims administrator, at the address set forth below, postmarked by **March 19, 2018**.

**Johnson v. NPAS Solutions
Settlement Administrator
P.O. Box 404042
Louisville, KY 40233-4042**

You must include in your request for exclusion your:

- a. Full name;
- b. Address;
- c. Telephone number called by NPAS Solutions demonstrating that you are a member of the Class; and
- d. A clear and unambiguous statement that you wish to be excluded from the settlement, such as “I request to be excluded from the settlement in the Johnson v. NPAS Solutions action.”

You must sign the request personally. If any person signs on your behalf, that person must attach a copy of the power of attorney authorizing that signature.

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

The Court will hold a final fairness hearing on **May 7, 2018 at 11:00 a.m.** The hearing will take place in the United States District Court for the Southern District of Florida, Paul G. Rogers Federal Building and Courthouse, 701 Clematis Street, Courtroom 2, West Palm Beach, FL 33401. At the final fairness hearing, the Court will consider whether the settlement is fair, reasonable, and adequate and, if so, whether final approval of the settlement should be granted. The Court will hear objections to the settlement, if any. The Court may make a decision at that time, postpone a decision, or continue the hearing.

Do you have to attend the hearing?

No. You are not required to attend the hearing. But you are welcome to attend the hearing at your own expense. You cannot speak at the hearing if you have excluded yourself from the class settlement. Once you have excluded yourself, the class settlement does not affect your legal rights.

What if you want to object to the settlement?

If you do not exclude yourself from the settlement, you can object to the settlement if you do not believe it is fair, reasonable, and adequate. If you wish to object, you must mail a written notice of objection, postmarked by **March 19, 2018**, to class counsel, NPAS Solutions’ attorneys, and to the Court, at the following addresses:

Class Counsel:

Michael L. Greenwald
Greenwald Davidson Radbil PLLC
5550 Glades Rd., Suite 500
Boca Raton, FL 33431

Defendant’s Counsel:

Maura K. Monaghan
Debevoise & Plimpton LLP
919 Third Ave.
New York, NY 10022

Court:

U.S. District Court for the Southern
District of Florida
Paul G. Rogers Federal Building and
Courthouse
701 Clematis Street
West Palm Beach, FL 33401

You must include in your objection your:

- e. Full name;
- f. Address;
- g. Telephone number called by NPAS Solutions to demonstrate that you are a member of the Settlement Class;
- h. A statement of the specific objection(s);
- i. The grounds for the objection(s);
- j. Identification of any documents to show that you are a member of the Settlement Class or which you desire the Court to consider; and
- k. A statement noting whether you intend to appear at the fairness hearing.

By when must you enter an appearance?

Any class member who objects to the settlement and wishes to enter an appearance must do so by **March 19, 2018**. To enter an appearance, you must file with the Clerk of the Court a written notice of your appearance and you must serve a copy of that notice, by U.S. mail or hand-delivery, upon class counsel and NPAS Solutions’ attorneys, at the addresses set forth below.

What if you do nothing?

If you do nothing and the Court approves the settlement agreement, you will not receive a share of the settlement fund, but you will release any claim you have against NPAS Solutions related to the allegations in this case. Unless you exclude yourself from the settlement, you will not be able to sue or continue a lawsuit against NPAS Solutions over the released claims.

What will happen if the Court does not approve the settlement?

If the Court does not finally approve the settlement or if it finally approves the settlement and the approval is reversed on appeal, or if the settlement does not become final for some other reason, you will receive no benefits and the lawsuit will continue.

Who is Class Counsel?

The attorneys are:

Michael L. Greenwald
James L. Davidson
Greenwald Davidson Radbil PLLC
5550 Glades Rd., Suite 500
Boca Raton, FL 33431

Aaron D. Radbil
Greenwald Davidson Radbil PLLC
106 E. 6th Street, Suite 913
Austin, TX 78701

The Court has appointed Mr. Johnson’s attorneys to act as class counsel. You do not have to pay class counsel. If you want to be represented by your own lawyer, and have that lawyer appear in Court for you in this case, you must hire one at your own expense.

Who are NPAS Solutions’ attorneys?

NPAS Solutions’ attorneys are:

Maura K. Monaghan
Jacob W. Stahl
Debevoise & Plimpton LLP
919 Third Ave.
New York, NY 10022

Martin B. Goldberg
Alan D. Lash
Lorelei J. Van Wey
Michael L. Ehren
Lash & Goldberg LLP
100 Southeast 2nd Street, Suite 1200
Miami, FL 33131

Before what Court is this matter pending?

Mr. Johnson filed his class action lawsuit in the following Court:

United States District Court for the Southern District of Florida
Paul G. Rogers Federal Building and Courthouse
701 Clematis Street
West Palm Beach, FL 33401

Where can you get additional information?

This notice is only a summary of the settlement. All documents filed with the Court, including the full class action settlement agreement, may be reviewed or copied at the United States District Court for the Southern District of Florida. In addition, pertinent case materials, including the settlement agreement, are available at the settlement web site, www.JohnsonNPASSolutionsSettlement.com.

If you would like additional information about this matter, please contact:

**Johnson v. NPAS Solutions
Settlement Administrator
P.O. Box 404042
Louisville, KY 40233-4042
Telephone: 866-650-4059**

Please do not call the Judge about this case. Neither the judge, nor the Clerk of Court, will be able to give you advice about this case. Furthermore, neither NPAS Solutions nor NPAS Solutions’ attorneys represent you, and they cannot give you legal advice.