

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

**If you received a call on your cellphone from or on behalf of I.C. System, you could be entitled to benefits under a class action settlement.**

*The United States District Court for the District of Arizona authorized this Notice.  
This is not a solicitation from a lawyer.*

- A proposed settlement of a class action lawsuit relates to allegations that, among other things, I.C. System Inc. (“Defendant”) and its vendors placed calls to cellular telephones contrary to federal law. The case is known as *Reid v. IC System Inc.*, 12-CV-2661-ROS.
- Defendant denies all allegations of wrongdoing in the lawsuit. As part of the proposed settlement, Defendant does not admit to any wrongdoing and continues to deny the allegations against it.
- The proposed settlement provides for payments to each Class Member submitting a valid claim by February 8, 2018, (an “Eligible Claimant”). The criteria for submitting a valid claim are described below.
- Your legal rights are affected whether you act or don’t act. Please read this Notice carefully.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:</b>	
<b>SUBMIT A CLAIM</b>	The only way to get a payment under the settlement.
<b>EXCLUDE YOURSELF</b>	Get no payment under the settlement. This is the only option that allows you to be part of any other lawsuit against Defendant or its vendors about the legal claims in the case.
<b>OBJECT</b>	Write to the Court about why you don’t like the settlement. You can do this only if you do not exclude yourself.
<b>GO TO THE HEARING</b>	Ask to speak in Court about the fairness of the settlement. You can do this only if you do not exclude yourself.
<b>DO NOTHING</b>	You will receive no payment under the settlement and will give up your rights to assert any claims against Defendant or its vendors about the legal claims in the case.

- This Notice explains these rights and options—**and the deadlines to exercise them.**
- The Court must decide whether to approve the settlement as part of the process described in this Notice. Payments will be made if the Court approves the settlement.

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## BASIC INFORMATION

### 1. Why was notice provided?

Notice was provided to the Settlement Class Members in four ways: (1) e-mail notice; (2) online publication notices; (3) a settlement website; and, (4) a toll free telephone line. All forms of notice referred the Settlement Class Members to an informational website that included this more detailed Notice.

The Court ordered that a Notice be made available to Class Members because they have a right to know about a proposed settlement of the class action against Defendant and about their options before the Court decides whether to approve the settlement. If the Court approves the settlement, a Settlement Administrator will administer the payments that the settlement allows.

The Notices explain the lawsuit, the settlement, Class Members' legal rights, what benefits are available, who is eligible for them, and how to get them. Please read this Notice carefully.

The United States District Court for the District of Arizona has jurisdiction over this proposed settlement. The person who sued is called the Plaintiff, and the company he sued is called the Defendant.

### 2. What is the lawsuit about?

Plaintiff filed a proposed class action lawsuit against Defendant under the caption *Reid, Individually and on behalf of all others similarly situated v. I.C. System Inc.*, 12-cv- 2661-ROS (the "Action").

In the Action, Plaintiff claimed, among other things, that Defendant placed calls to cellular telephones contrary to federal law. Defendant denies all allegations of wrongdoing and has asserted many defenses. The settlement is not an admission of wrongdoing.

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

In a class action, one or more people, called Class Representative(s), sue on behalf of people who have similar claims. In this case, the Class Representative is the Plaintiff Michael Reid. One court resolves the issues for all Class Members, except those who exclude themselves from the Class. United States District Court Judge Roslyn O. Silver has jurisdiction over the case to which the parties have submitted this settlement for approval.

### 4. Why is there a settlement?

The Court did not decide in favor of Plaintiff or Defendant. Instead, both sides agreed to a settlement. That way, they avoid the cost of a trial, and settlement benefits go to the Class Members. The Class Representative and his attorneys think the settlement is best for the Class Members.

## WHO IS IN THE SETTLEMENT

To see if you may qualify for a *pro rata* portion of the payment, you first have to determine whether you are a Class Member.

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

Judge Silver has preliminarily decided that everyone who fits this description is a Class Member: All persons within the Class Period (December 14, 2008 to November 9, 2017) who were called on a cellular telephone by I.C. System, using an Automatic Telephone Dialing System, with or without a prerecorded or artificial voice message whose cellular telephone number was associated with a cellular telephone number in Defendant's business records coded as a wrong number telephone call, regardless if there was a call before or after the wrong number code was entered in I.C. System's business records.

**6. Who is not included in the Class?**

The Class does *not* include Defendant, any entity that has a controlling interest in Defendant, and Defendant’s current or former directors, officers, counsel, and their immediate families. Also excluded from the class are counsel for the parties, their employees, the Court, and the Court’s employees. The Class does not include any persons who validly request exclusion from the Class.

**7. I’m still not sure if I am included.**

If you are still not sure whether you are included, you can visit the settlement website, [www.ReidTCPASettlement.com](http://www.ReidTCPASettlement.com), for more information, or you can fill out and return the claim form described Question 10.

**THE SETTLEMENT BENEFITS — WHAT YOU GET**

**8. What does the settlement provide?**

Defendant will provide payments to each Class Member submitting a valid claim by February 8, 2018, (an “Eligible Claimant”) who meets the requirements for payment under the conditions described in Question 9 below.

**9. What can I get from the settlement?**

Class members who submit a valid claim will receive a payment from the Settlement Fund.

All valid claims will receive a pro rata share of the settlement. However, the settlement also allows for a tiered recovery allowing certain individuals to receive a double pro rata share of the settlement. ICS has identified approximately 66,619 class members where the recipient received at least one additional call after being coded as a wrong number (“Coded Calls”). In addition to these Coded Calls, individuals may exist that informed ICS that said individual received a subsequent call after informing ICS that they had called the wrong number and the account was not coded as a wrong number. Such individuals may also receive double compensation by checking a box on the claim form affirming that a call from ICS was received after permission was revoked.

Any person identified as belonging in the 66,619 Coded Calls list will automatically be entitled to a double pro rata share. In addition, all consumers not identified with the Coded Calls list that affirm receipt of at least one call from ICS following revocation will also receive a double pro rata share of the Settlement Fund.

**HOW YOU GET A PAYMENT -- SUBMITTING A CLAIM**

**10. How can I get a payment?**

To qualify for a payment you must timely submit a claim. To do so, you need only (a) submit a Claim by calling the toll-freenumber (1-888-384-1523); (b) submit a claim online at the [www.ReidTCPASettlement.com](http://www.ReidTCPASettlement.com) website; or (c) submit the completed Claim Form downloaded from the Settlement Website to the Claims Administrator, by mail or otherwise. The claims process shall require that the Settlement Class member provide his or her name, a Claim Identification number assigned to each emailed notice, if available, the cellular telephone number which received the wrong number call(s), a current telephone number, and a current address to which the cash payment may be sent. All claims must be submitted no later than February 8, 2018. If you choose to not file online or by the toll-free telephone line, you can download a claim form that is available on the Settlement Website (see Question 7), fill it out and mail it to the Claims Administrator with a postmark no later than February 8, 2018.

**11. When would I get a payment?**

The Court will hold a Final Approval Hearing on March 27, 2018, to decide whether to approve the settlement.

If Judge Silver 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. It also takes time for the claim forms to be processed. Please be patient.

The proposed Settlement contemplates distributing payments to Eligible Claimants ninety (90) days from the date the Settlement becomes final and not subject to appeal.

**12. What am I giving up if I remain in the Class?**

Unless you exclude yourself, you stay in the Class; which means that you cannot sue, continue to sue, or be part of any other lawsuit against Defendant about the legal issues in this case. If the settlement is approved and becomes final and not subject to appeal, then you and all Class Members release all “Released Claims” against all “Released Parties.” “Released Claims” with respect to Plaintiff Class Members, means any and all claims, causes of action, suits, obligations, debts, demands, agreements, promises, liabilities, damages, losses, controversies, costs, expenses, and attorneys' fees of any nature whatsoever, whether based on any federal law, state law, common law, territorial law, foreign law, contract, rule, regulation, any regulatory promulgation (including, but not limited to, any opinion or declaratory ruling), common law or equity, whether known or unknown, suspected or unsuspected, asserted or un-asserted, foreseen or unforeseen, actual or contingent, liquidated or unliquidated, punitive or compensatory, as of the date of the Final Approval Order, that arise out of or relate in any way to the Released Parties’ use of an alleged "automatic telephone dialing system" or an alleged "artificial or prerecorded voice" to contact or attempt to contact Settlement Class Members in connection with debt collection, including the claims of Defendant account holders and non-account holders who are members of the Settlement Class, to the fullest extent that those terms are used, defined or interpreted by the Telephone Consumer Protection Act, 47 U.S.C. § 227, et seq., relevant regulatory or administrative promulgations and case law, including, but not limited to, claims under or for a violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227, et seq., and any other statutory or common law claim arising from the alleged use of automatic telephone dialing systems and/or an alleged artificial or prerecorded voice to call cellular telephones, or pagers. “Released Parties” means Defendant, and each of its respective past, present and future parents, subsidiaries, affiliated companies and corporations, and each of their respective past, present, and future directors, officers, managers, employees, general partners, limited partners, principals, agents, insurers, reinsurers, shareholders, attorneys, advisors, representatives, predecessors, successors, divisions, joint ventures, assigns, or related entities, and each of their respective executors, successors, assigns, and legal representatives.

**EXCLUDING YOURSELF FROM THE SETTLEMENT**

If you don’t want to receive a payment from this settlement, and you want to keep any right you may have to sue or continue to sue Defendant or other Released Parties on your own about the Released Claims, then you must take steps to remove yourself from the Class. This is called excluding yourself — and is sometimes referred to as “opting out” of the Class. Defendant may terminate the settlement if a certain number of people exclude themselves from the Class.

**13. How do I exclude myself from the settlement?**

To exclude yourself from the settlement, you must send a signed letter by mail stating that you “want to opt out of the Defendant Litigation.” Please be sure to include your name, address, telephone number, and your signature. You must mail your exclusion request postmarked no later than February 19, 2018 to:

I.C. System Litigation  
c/o Dahl Administration  
PO Box 3614  
Minneapolis, MN 55403-0614

You cannot exclude yourself by phone, fax or email.

**14. What is the effect if I exclude myself from this settlement?**

If you ask to be excluded, you will not get any payment from this settlement. Also you cannot object to the settlement. You will not be legally bound by anything that happens in the Action. You may be able to sue (or continue to sue) Defendant in the future about the legal issues in this case.

**15. If I don't exclude myself, can I sue Defendant for the same thing later?**

No. Unless you exclude yourself, you give up your right to sue Defendant and the other Released Parties for the claims that this settlement resolves. You must exclude yourself from this Class to pursue your own lawsuit. Remember, your exclusion request must be postmarked on or before February 8, 2018.

**16. If I exclude myself, can I get a payment?**

No. If you exclude yourself, do not send in a claim form to ask for any payment from this settlement. You may exercise any right you may have to sue, continue to sue, or be part of a different lawsuit against Defendant and/or the other Released Parties.

**THE LAWYERS REPRESENTING YOU**

**17. Do I have a lawyer in the case?**

The Court appointed Abbas Kazerounian and Mathew Loker of Kazerouni Law Group, APC, Joshua Swigart and David McGlothlin of Hyde & Swigart, and Sergei Lember and Stephen Taylor of Lemberg Law to represent the Class. These lawyers are called Class Counsel. You will not be charged for these lawyers. The Court will determine the amount of Class Counsel's fees and expenses, which will come from the agreed upon Settlement Fund. If you want to be represented by your own lawyer, you may hire one at your own expense.

**18. How will the lawyers and the costs of the lawsuit be paid?**

Class Counsel will request from the Court an award of attorneys' fees and expenses and for service awards for the Representative Plaintiff. The total amount sought for attorneys' fees, will not exceed \$725,000, which will be paid out of the Settlement Fund. The amount of costs incurred by the attorneys will not exceed \$100,000. (Those costs do not include the costs incurred by the Claims Administrator in providing notice and claims administration services, estimated to be \$172,500, for which compensation from the Settlement Fund will also be sought.) The amount sought as a service award for the Representative Plaintiff will not exceed \$5,000. Class Counsel's fees and expenses, and the service award will be paid from the Settlement Fund.

Defendant has agreed not to oppose an award of attorney fees and expenses. You have the right to object to the requested fees and expenses and awards. Class Counsel will file their papers in support of final approval of the settlement and their application for attorneys' fees and reimbursement of expenses and for service awards to the Representative Plaintiff no later than 30 days prior to the deadline for objecting to the Settlement. These papers will also be posted on the settlement website [www.ReidTCPASettlement.com](http://www.ReidTCPASettlement.com).

**OBJECTING TO THE SETTLEMENT**

You can tell the Court that you don't agree with the settlement or some part of it.

**19. How do I tell the Court if I don't like the settlement?**

If you are a Class Member, you can object to the settlement if you don't like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must file your objection with the Court and provide a copy to Class Counsel and to defense counsel at the addresses set forth below saying you object to the proposed settlement in *Michael Reid, individually and on behalf of all others similarly situated vs. I.C. System Inc.*, Case No. 12 CV 2661 ROS. Be sure to include your name, address, telephone number, that you are a Class Member, and your signature, and state the reasons why you object to the settlement. Your objection and any supporting papers must be filed with the Court no later than February 19, 2018.

Copies should also be mailed to the following addressees, postmarked no later than February 19, 2018:

**Class Counsel:**

Abbas Kazerounian, Esq.  
Kazerouni Law Group  
APC 245 Fischer Avenue Unit D-1  
Costa Mesa, CA 92626-4539

**Defense Counsel:**

Sean Flynn, Esq.  
Gordon & Rees LLP  
111 West Monroe Street, Suite 1600  
Phoenix, AZ 85003

**20. What's the difference between objecting and excluding?**

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

**THE COURT'S FINAL APPROVAL HEARING**

The Court will hold a hearing to decide whether to approve the settlement. You may attend and you may ask to speak, but you don't have to.

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

The Court will hold a Final Approval Hearing at 1:00 p.m. on March 27, 2018, at the Sandra Day O'Connor U.S. Courthouse, 401 West Washington Street, Phoenix, AZ 85003. At this hearing, the Court will consider whether the settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. Judge Silver will listen to people who have asked to speak at the hearing. The Court may also consider how much to pay Class Counsel. After the hearing, the Court will decide whether to approve the settlement. We do not know how long these decisions will take.

**22. Do I have to come to the hearing?**

No. Class Counsel will answer any questions Judge Silver may have. You are welcome to come at your own expense. If you send an objection, you do not have to come to Court and talk about it. As long as your written objection is received on time, the Court will consider it. You may also pay your own lawyer to attend, but it's not necessary. Finally, you may seek to intervene in the Action, but you do not need to do so.

**23. May I speak at the hearing?**

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter saying that it is your "Notice of Intention to Appear" in "*Michael Reid, individually and on behalf of all others similarly situated vs. I.C. System Inc.*, Case No. 12 CV 2661 ROS." Be sure to include your name, address, telephone number, that you are a Class Member, and your signature. Your Notice of Intention to Appear must be received by Class Counsel and defense counsel at the addresses in Question 19, no later than February 19, 2018. You cannot speak at the hearing if you exclude yourself.

**IF YOU DO NOTHING**

**24. What happens if I do nothing at all?**

If you do nothing, you will not receive a payment. If you do not exclude yourself from the Class, you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Defendant or the Released Parties about the legal issues in this case, ever again.

**GETTING MORE INFORMATION**

**25. Are there more details about the settlement?**

This Notice summarizes the proposed settlement. More details appear in the Settlement Agreement and Release of Claims (the “Agreement”). Copies of the Agreement and the pleadings and other documents relating to the case are on file at the United States District Court for the District of Arizona and may be examined and copied at any time during regular office hours at the Office of the Clerk, U.S. Courthouse, 401 West Washington Street, Phoenix, AZ 85003. The Settlement Agreement is also available at the settlement website, [www.ReidTCPASettlement.com](http://www.ReidTCPASettlement.com).

**26. How do I get more information?**

You can visit the settlement website at [www.ReidTCPASettlement.com](http://www.ReidTCPASettlement.com) where you will find answers to common questions about the settlement, the claim form, plus other information, including a copy of the Settlement Agreement. You may also write to: Reid v IC System Class Action Settlement, PO Box 3614, Minneapolis MN 55403-0614 or call 1-888-384-1523.

**You should not direct questions to the Court.**