

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

CANDICE BURNETT, *individually and on behalf of all others similarly situated*,

Plaintiff,

v.

CALLCORE MEDIA, INC.,

Defendant.

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§ Civil Action No.: 4:21-cv-03176
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NOTICE OF CLASS ACTION SETTLEMENT

The District Court has authorized this Notice. This is **NOT** a solicitation from a lawyer. Please read this Notice carefully as it may affect your legal rights. **Do not be alarmed. You have not been sued; nor have you “filed” a lawsuit.**

This Notice is being sent to you because you may be among a group or “class” of persons who received a prerecorded voice call from or on behalf of CallCore Media, Inc. (“Defendant” or “CallCore”) as identified by CallCore’s records.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS CASE

These rights and options and the deadlines to exercise them are explained below.

IF YOU WANT TO PARTICIPATE FULLY IN THIS CASE	<p>If you want to be included in this case, <u>then you must submit a valid Claim Form, a copy of which is included with this Notice. If you submit a valid claim, you are expected to receive approximately \$120 (plus an additional 10% if you resided in Texas or had a Texas area code at the time CallCore’s records reflect a call was placed to you).</u></p> <p>If you do not submit a Claim Form you will not receive any payment and will give up claims against Defendant regarding the claims in the lawsuit including claims under the Telephone Consumer Protection Act and Texas Business and Commerce Code. You must submit a claim by June 19, 2024.</p> <p>The relief afforded to you is described in Section 7 below and in the Settlement Agreement available on the settlement website, www.prerecordedsettlement.com.</p>
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<p>IF YOU DO NOT WANT TO PARTICIPATE IN THIS CASE AT ALL</p>	<p>If you do not want to participate or be included in this case, then you must send written notice by mail that you wish to exclude yourself from the Settlement, postmarked or uploaded to www.prerecordedsettlement.com no later than May 21, 2024. Instructions for doing so are in Section 8 below.</p> <p>If you choose not to participate in this case, you give up the possibility of getting money or benefits that may come from the Settlement of this case. You keep any rights to sue CallCore about certain legal claims arising from communications directed to you, but the statute of limitations (the deadline for you to file your potential claims) continues to run.</p>
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Your options are explained in this Notice.

1. WHAT IS THIS LAWSUIT ABOUT?

Plaintiff Candice Burnett (“Plaintiff”) filed a civil lawsuit against Defendant. Plaintiff filed the lawsuit on behalf of herself and as a class action on behalf of the group or “Class” of persons who were placed prerecorded voice/artificial voice calls by or on behalf of Defendant. Plaintiff alleges Defendant violated the Telephone Consumer Protection Act (“TCPA”) by placing these calls without first obtaining the recipients’ prior express written consent. Plaintiff also alleges Defendant violated the Texas Business and Commerce Code (“Texas Solicitation Act”) by placing these prerecorded/artificial voice calls to persons with Texas area codes without first obtaining the required certificate from the State of Texas to place said calls. Defendant denies these allegations.

2. WHAT IS A CLASS ACTION AND WHO IS INVOLVED?

In a class action case, one or more persons sue on behalf of other people who have similar claims. The person who sues is called the named Plaintiff or the named Plaintiffs. The named Plaintiff represents all similarly situated people in the court. The named Plaintiff in this lawsuit is Candice Burnett.

3. WHY DID I RECEIVE THIS NOTICE?

This Notice is being made available to you because Defendant’s records reflect that a prerecorded voice/artificial voice call may have been placed to you. If this is the case, you may be a member of the “Class.”

Do not be alarmed. **You have not been sued; nor have you “filed” a lawsuit.** This Notice simply informs you of the named Plaintiffs’ lawsuit and lets you know that you have been identified as a potential member of the Class and to advise you of your rights and options as a Class Member.

4. HAS THE JUDGE DECIDED WHO IS RIGHT?

No. By certifying the Class and issuing this Notice, the judge is not suggesting that the named Plaintiff or the Class would have won or lost the case.

5. HOW DO I KNOW IF I AM A MEMBER OF THE CLASS?

By Order dated February 29, 2024, the Court certified the following classes of persons in the Lawsuit, for settlement purposes:

TCPA Class: The persons to whom calls were placed by or on behalf of CallCore, whose information was obtained from PHBC Marketing, LLC and the calls were transferred to CallCore.

Texas Class: The persons with Texas addresses and/or Texas area codes to whom calls were placed on or behalf of CallCore, whose information was obtained from PHBC Marketing, LLC and the calls were transferred to CallCore.

If you are not sure whether you are a member of the Class, you should contact the lawyers representing the Class, who are listed in Section 6 below.

6. WHO IS CLASS COUNSEL?

The Court appointed the named Plaintiff’s attorneys in the Lawsuit as Counsel for the Class (“Class Counsel”). Class Counsel are Christopher E. Roberts and David T. Butsch of Butsch Roberts & Associates LLC and Jacob U. Ginsburg of Kimmel & Silverman, P.C. You are not required to hire your own lawyer because Class Counsel will be working on your behalf as a member of the Class. If you want to hire your own lawyer you are permitted to do so at your own expense.

7. WHAT WILL I RECEIVE AS PART OF THE SETTLEMENT?

If you submit a valid Claim Form, counsel estimates you will receive a payment of approximately \$120 (plus an additional 10% if you resided in Texas or had a Texas area code at the time CallCore’s records reflect a call was placed to you). The payment amount is an estimate based on past claims rates and may be more or less depending on the number of valid claims submitted.

Defendant will pay \$2,000,000.00 to pay Class Members’ claims, the cost of settlement administration, Class representative service awards and Class Counsel’s attorneys’ fees and expenses. Each Class Member who submits a valid claim will receive a pro rata share of the remaining amount after accounting for the cost of settlement administration, a representative service award and attorneys’ fees and litigation expenses.

8. WHAT DO I NEED TO DO TO RECEIVE THE BENEFIT OF THE SETTLEMENT?

If you wish to receive the settlement benefits, you **must submit a valid Claim Form, a copy of which is included with this Notice, and which is also available at www.prerecordedsettlement.com**. You may submit a completed Claim Form at **www.prerecordedsettlement.com** or send to:

CallCore TCPA Settlement
c/o Atticus Administration
PO Box 64053
Saint Paul, MN 55164

Your claim must be submitted at www.prerecordedsettlement.com by June 19, 2024 or postmarked by June 19, 2024.

Failing to make a claim will mean you will not receive compensation and will give up certain TCPA claims, Texas Business and Commerce Code claims and claims concerning these calls against Defendant. However, you have a choice. You also have the right to exclude yourself from the Lawsuit and the Class or object to the Settlement. Each of these choices has consequences that you should understand before making your decision.

A. If you want to participate as a member of the Class.

You must submit a valid Claim Form to receive the financial benefit of this Settlement. Your rights and claims against Defendant, if any, concerning the prerecorded/artificial voice calls Defendant placed to you, will be determined in the Lawsuit.

If you do not exclude yourself from the Settlement:

1. The named Plaintiff and Class Counsel will represent you in the Lawsuit. By joining this case, you designate the named Plaintiff, to the fullest extent possible, to make decisions on your behalf concerning the case, the method and manner of conducting the case, the entering of an agreement with Class Counsel regarding payment of attorney's fees and litigation costs, the approval of settlements and all other matters pertaining to this case. These decisions and agreements made and entered into will be binding on you if you do not opt out of the case. You will also release certain claims against Defendant regarding communications placed to you by Defendant or those acting on their behalf as detailed more thoroughly in the settlement agreement available on the settlement website www.prerecordedsettlement.com.
2. As a member of the Class, you will be entitled to share in any monetary recovery that the named Plaintiff obtains for the Class. You will also receive the benefit of any other relief that the Court may award the Class.
3. Your ability to recover benefits from Defendant will depend on the results of the Lawsuit. It is important to understand that as a member of the Class in this case **you**

will be bound by any judgment entered by the Court, whether favorable or unfavorable.

B. If you want to exclude yourself from the Class or object to the Settlement.

If you do not want to be a member of the Class and participate in this Lawsuit, you can ask the Court to exclude you from the Lawsuit and allow you to “opt out” by sending such correspondence in writing to:

CallCore TCPA Settlement
c/o Atticus Administration
PO Box 64053
Saint Paul, MN 55164

To be effective, the request to exclude yourself from the Settlement must be completed, signed, and postmarked or uploaded to www.prerecordedsettlement.com by May 21, 2024.

If you choose to be excluded from the Class:

1. Your claims against Defendant, if any, will not be decided in the Lawsuit and you will not share in any recovery that the named Plaintiffs obtain for the Class.
2. You will not be bound by any determinations or any judgment that the Court makes or enters in the Lawsuit, whether favorable or unfavorable.
3. You will not be entitled to any further notice with regard to the Lawsuit.
4. You may pursue any claims you have against Defendant at your own expense and risk by filing your own separate lawsuit, should you choose to do so, assuming you have a claim and the applicable statute of limitations to file a case has not run.
5. Be aware that any claims that you have or may have against Defendant are limited by the applicable statute of limitations and declining to participate in this case by opting out, or by proceeding separately, may result in some or all of your claims expiring as a matter of law.

Any Class Member who wishes to object to the Settlement or wishes to appear at the Final Approval Hearing and show cause, if any, why the same should not be approved as fair, reasonable, adequate, and in the best interests of the Settlement Class, or why a final judgment should not be entered thereon, must serve and file written objections. The objection must contain the objector’s full name, telephone number, and current address; must declare that the objector is a member of the Class; and must provide a detailed statement of the objector’s specific objections to any matter before the Court and the grounds of the objection. Said objections must be mailed to:

CallCore TCPA Settlement
c/o Atticus Administration
PO Box 64053
Saint Paul, MN 55164

To be effective, the request to object to the Settlement must be completed, signed, and postmarked by May 21, 2024.

9. HOW WILL CLASS COUNSEL AND THE CLASS REPRESENTATIVE BE PAID?

Class Counsel will seek an award of attorney's fees and expenses of up to 33 1/3% of the settlement fund (\$666,666.67). The Court will determine the amount of fees and expenses that should be awarded to Class Counsel. Plaintiff will seek an award of up to \$12,000.00 for her service as Class Representative.

10. WHAT IF I HAVE QUESTIONS?

You should not contact the Clerk of The Court, Judge, or Defendant's Counsel with questions about this case. Instead, if you have any questions about your claim or rights or would like more information, you should call Class Counsel Christopher E. Roberts of Butsch Roberts & Associates LLC at 314-863-5700 or Jacob U. Ginsburg of Kimmel & Silverman, P.C. at 267-468-5374. You can also speak with your own attorney.

You can review and obtain copies of the Lawsuit, The Court's Order granting Preliminary Approval of the Settlement and any other pleadings and filings in the Lawsuit directly from Class Counsel, by contacting Class Counsel at the number above. You can also review and obtain copies of these papers at your own expense at the Clerk of the Court for the United States District Court for the Southern District of Texas.

11. IMPORTANT DEADLINES AND DATES TO REMEMBER

June 19, 2024 is the deadline to submit your Claim Form. **May 21, 2024** is the deadline to exclude yourself from the Settlement or object to the Settlement.

The Final Approval Hearing will take place on June 25, 2024 at 10:00 a.m. before Judge Keith P. Ellison, Courtroom 3716, of the United States District Court for the Southern District of Texas, 515 Rusk Avenue, Room 3716, Houston, Texas 77002.

This Notice is being made available pursuant to Federal Rule of Civil Procedure 23 and by Order of the Court.