

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

If you received an automated call on your cellular phone from Apogee Retail you could be entitled to benefits under a class action settlement.

The United States District Court for the Central District of California authorized this Notice.

This is not a solicitation from a lawyer.

- A proposed settlement of a class action lawsuit relates to allegations that TVI, Inc. d/b/a/ Savers, Inc. (“Savers”), Apogee Retail, LLC (“Apogee”) (collectively, “Defendants”) placed calls to cellular telephones in violation of federal law. The case is known as *Sean Hartranft, on behalf of himself and all others similarly situated, v. TVI, Inc. d/b/a/ Savers, Inc., Apogee Retail, LLC*, Case No. 8:15-cv-01081 CJC-DFM (C.D. Cal.) (“Action”).
- Defendants deny all allegations of wrongdoing in the lawsuit. Defendants claim they have rigorous practices and procedures in place to ensure that their calling practices comply with applicable law, and that the Action is not well grounded in law or fact. As part of the proposed settlement, Defendants do not admit to any wrongdoing, maintain their compliance with the law, and continue to deny the allegations against them.
- The proposed settlement, if given final approval by the Court, provides a Settlement Certificate redeemable for goods at Savers or Value Village thrift stores located in the United States or cash to each Settlement Class Member submitting a valid Claim Form by **August 15, 2019** (an “Approved Claim”). The criteria for an Approved Claim are described below.
- **Your legal rights are affected whether you act or don’t act.** Please read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:	
SUBMIT A CLAIM FORM	This is the only way to get a Settlement Certificate redeemable for goods or cash under the settlement.
EXCLUDE YOURSELF	Get no Settlement Certificate under the settlement. This is the only option that allows you to be part of any other lawsuit against Defendants about the legal claims in the case.
OBJECT	Write to the Court about why you don’t like the settlement. You can do this only if you don’t exclude yourself.
GO TO THE HEARING	Ask to speak in Court about the fairness of the settlement. You can do this only if you don’t exclude yourself.
DO NOTHING	You will not receive a Settlement Certificate redeemable for goods or cash under the settlement and are giving up your rights to assert any claims about the legal claims in the case against Defendants.

- 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. Settlement Certificates will be sent to those submitting Approved Claims if the Court approves the settlement.¹

¹ En el sitio web, www.DONATIONCALLSETTLEMENT.com, hay una traducción de este aviso en español.

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Basic Information

1. Why did I get a Notice?

You received a postcard notice sent by U.S. mail if Defendants' records show that you are a potential Settlement Class Member. The postcard notice referred you to an informational web site which includes this more detailed Notice.

The Court ordered that a Notice be sent to you because you have a right to know about a proposed settlement of the class action against Defendants and about your options, before the Court decides whether to approve the settlement. If the Court approves it, an administrator appointed by the Court will provide the Settlement Certificates that the settlement allows.

This Notice explains the lawsuit, the settlement, your 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 Central District of California has jurisdiction over this proposed settlement. The person who sued is called the Plaintiff, and the companies he sued are called the Defendants.

2. What is the lawsuit about?

Plaintiff filed a proposed class action lawsuit, the Action, against Defendants.

In the Action, Plaintiff claimed, among other things, that Defendants placed calls to cellular telephones in violation of federal law. That law prevents certain calls to persons' cellphones without their prior consent. Defendants deny all allegations of wrongdoing and believe their calling complied with applicable law. Defendants have asserted many defenses they believe would be successful at trial. In agreeing to settle, Defendants maintain that they complied with the law and do not admit any wrongdoing.

3. Why is this a class action?

In a class action, one or more people, called Plaintiffs, sue on behalf of people who have similar claims. In this case, the Plaintiff is Sean Hartranft. One court resolves the issues for all Settlement Class Members, except those who exclude themselves from the Settlement Class. United States District Court Judge for the Central District of California Cormac J. Carney has jurisdiction over the case in 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 Defendants. Instead, both sides agreed to a settlement. That way, they avoid the cost of a trial, and settlement benefits go to the Settlement Class Members. Plaintiff and his attorneys think the settlement is best for the Settlement Class Members.

Who is in the Settlement?

To see if you may qualify for a Settlement Certificate from this settlement, you first have to determine whether you are a Settlement Class Member.

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

Judge Carney has preliminarily decided that everyone who fits this description is a Settlement Class Member: **All persons and entities to which, between and including July 1, 2011, to September 30, 2015 ("Class Period"), Apogee made or attempted to make one or more telephone calls to their cellular telephones regarding donation solicitation on behalf of Epilepsy Foundation of America ("EFA").**

6. Who is not included in the Settlement Class?

The Settlement Class does *not* include Defendants, any of their affiliates or subsidiaries, or any entities in which any of such companies have a controlling interest. Judge Carney and Class Counsel are also excluded from the Settlement Class. The Settlement Class also does not include any persons who validly request exclusion from the Settlement 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.donationcallsettlement.com, for more information, or you can fill out and return the Claim Form described on page 4, in question 10.

The Settlement Benefits—What You Get

8. What does the settlement provide?

Defendants will provide a Settlement Certificate to each Settlement Class Member who submits a valid Claim Form no later than **August 15, 2019**, which Claim Form meets the requirements for qualifying for a Settlement Certificate described in Question 9 below.

9. What can I get from the settlement?

Settlement Class members who submit a timely and valid Claim Form certifying that they believe they received one or more telephone calls from Apogee regarding donation solicitation on behalf of EFA during the Class Period on telephone numbers they provide will have the right to receive a Settlement Certificate redeemable for either (a) any of the goods at any Savers or Value Village thrift store in the United States in the amount up to \$75.00, or (b) a check in the amount of \$25.00 (“Cash Award Option”).

How to Get a Settlement Certificate — Submitting a Claim Form

10. How can I get a Settlement Certificate?

To qualify for Settlement Certificate you must file a claim. To do so, you can file a claim electronically by filling out the Claim Form on the Settlement Website, or you can download a Claim Form from the Settlement Website and mail it to the Claims Administrator. Read the instructions carefully, fill out the Claim Form (answering all questions truthfully), and submit it no later than **August 15, 2019**, either electronically on the website, or postmarked by that date if mailed.

11. When would I get my Settlement Certificate?

The Court will hold a hearing on **October 21, 2019 at 1:30 p.m.**, to decide whether to approve the settlement. If Judge Carney approves the settlement, there may be appeals after that approval. 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.

If there is no appeal, the proposed Settlement contemplates distributing Settlement Certificates to those with Approved Claims thirty (30) days from the date the settlement becomes final and not subject to appeal.

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

Unless you exclude yourself, you will remain in the Settlement Class, and that means that you can't sue, continue to sue, or be part of any other lawsuit against Defendants about the legal issues in this case. If the settlement is approved and becomes final and not subject to appeal, then you and all Settlement Class Members release all

“Released Claims” against all “Released Parties.”

“Released Claims” means any and all claims, rights (including rights to restitution or reimbursement), demands, actions, causes of action, suits, liens, damages, attorneys’ fees, obligations, contracts, liabilities, agreements, costs, expenses, or losses of any nature or description whatsoever, whether known or unknown, direct or indirect, matured or unmatured, contingent or absolute, existing or potential, suspected or unsuspected, equitable or legal, individual or representative, whether based on the TCPA or under other federal statutory law, federal common law or federal regulation, or the statutes, constitutions, regulations, ordinances, common law, or any other law of any and all states or their subdivisions, parishes or municipalities, that arise out of or relate in any way to placing calls to cellular telephones, and that have been, or could have been, brought in the Action, that arise out of the same nucleus of operative facts as any of the claims asserted in the Action.

“Released Parties” means TVI, Inc., Apogee Retail, LLC, and EFA (including their affiliates, parents, direct and indirect subsidiaries, agents, insurers, and any company or companies under common control with any of them, and each of their respective predecessors, successors, past and present officers, directors, managers, employees, agents, servants, accountants, attorneys, advisors, shareholders, members, insurers, representatives, partners, vendors, issuers, and assigns, or anyone acting on their behalf) and each of their 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, insurers, reinsurers, shareholders, attorneys, advisors, representatives, predecessors, successors, divisions, assigns, or related entities, and each of their respective executors, successors, and legal representatives.

Excluding Yourself from the Settlement

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

13. How do I get out of the settlement?

To exclude yourself from the settlement, you must mail an exclusion request, postmarked no later than **July 16, 2019**, to:

Donation Call Settlement
c/o CPT Group, Inc.
50 Corporate Park
Irvine, CA 92606

You can’t exclude yourself on the phone or by fax or email. A request for exclusion must include your full name, address, telephone number, signature, case name (to allow the Claims Administrator to ensure the exclusion request is for this and not another case administered by the same Claims Administrator), and a statement that you wish to be excluded from the Settlement Class for purposes of this settlement.

The request for exclusion must be personally signed by the individual requesting exclusion. So- called “mass” or “class” opt-outs shall not be allowed.

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

If you ask to be excluded, you will not get any Settlement Certificate redeemable for goods or cash 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) Defendants in the future about the legal issues in this case.

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

No. Unless you exclude yourself, you give up your right to sue Defendants and the other Released Parties for the claims that this settlement resolves. You must exclude yourself from *this* Settlement Class to pursue your own lawsuit. Remember, your exclusion request must be postmarked on or before **July 16, 2019**.

16. If I exclude myself, can I get a Settlement Certificate from this settlement?

No. If you exclude yourself, do not send in a Claim Form to ask for a Settlement Certificate from this settlement. You may exercise any right you may have to sue, continue to sue, or be part of a different lawsuit against Defendants and the other Released Parties.

The Lawyers Representing You

17. Do I have a lawyer in the case?

The Court appointed Law Offices of Douglas J. Campion, APC; Bisnar | Chase LLP; and the Law Offices of Michael P. Sousa, APC to represent the Settlement 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 costs, which Defendants will pay as part of the settlement. If you want to be represented by your own lawyer, you may hire one at your own expense.

18. How will the lawyers be paid?

Class Counsel will request from the Court an award of attorneys' fees and costs, and for an Incentive Payment for the Plaintiff. Defendants will pay Class Counsel's fees and costs, and the Incentive Payment as awarded by the Court. You have the right to object to the requested fees and costs, and Incentive Payment. Defendants will also pay the costs to administer the settlement.

Class Counsel will file their papers in support of final approval of the settlement by no later than October 7, 2019, and their application for attorneys' fees and reimbursement of costs, and for the Incentive Payment to the Plaintiff, by no later than June 17, 2019. These papers will also be posted on the settlement website (www.donationcallsettlement.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 Settlement Class Member, you can object to the settlement, or 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 with the Court and mail to Class Counsel and Defendants' counsel a written objection.

In the written objection, which you must personally sign, you must state: (i) your full name, address, and current telephone number; (ii) an explanation of the reason why you claim to be a Settlement Class Member, including the cellular telephone number(s) Defendants allegedly called; (iii) all grounds for your objection, including any documents, evidence and citations all reasons for the objection; (iv) the name and contact information of any and all attorneys representing, advising, or in any way assisting you in connection with the preparation or submission of the objection or who may profit or otherwise benefit from the pursuit of the objection; and (v) whether you intend to appear at the Fairness Hearing on you own behalf or through counsel. Any documents that you want the Parties and the Court to consider must also be attached to the written objection.

Your objection and any supporting papers must be filed with the Court and mailed to Class Counsel and

Defendants' counsel at their respective addresses below postmarked no later than **July 16, 2019**:

Sean Hartranft, et al., v. TVI, Inc. d/b/a/ Savers, Inc., Apogee Retail, LLC
Case No. 8:15-cv-01081 CJC-DFM
United States Courthouse
350 W. 1st Street
Los Angeles, CA 90012

LAW OFFICES OF DOUGLAS J. CAMPION, APC
Douglas J. Campion
17150 Via Del Campo, Suite 100
San Diego, CA 92127

DAVIS WRIGHT TREMAINE LLP
Kenneth E. Payson
920 Fifth Avenue, Suite 3300
Seattle, WA 98104

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 Settlement Class. Excluding yourself is telling the Court that you don't 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.

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 **1:30 p.m.** on **October 21, 2019**, at the United States Courthouse, 350 W. 1st Street, Los Angeles, CA 90012. 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 Carney will listen to people who have asked to speak at the hearing. The Court will also consider how much to pay Class Counsel and Plaintiff for their service on behalf of the Settlement Class. 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 questions Judge Carney may have. You are welcome to come at your own expense. If you file and serve an objection, you don't have to come to Court and talk about it. As long as your written objection is received on time by the Court and the parties' counsel, 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 don't need to do so.

23. May I speak at the hearing?

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must file with the Court and serve on the parties a letter that it is your "Notice of Intention to Appear" in "*Sean Hartranft, et al., v. TVI, Inc. d/b/a/ Savers, Inc., Apogee Retail, LLC*, Case No. 8:15-cv-01081 CJC-DFM (C.D. Cal)." Be sure to include your name, address, telephone number, that you are a Settlement Class Member, a list of any documents you want the Court to consider, the names of any witnesses who you want to testify, and your signature. Your Notice of Intention to Appear must be received at the addresses in Question 19, no later than **July 16, 2019**. 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 Settlement Certificate. Unless you exclude yourself from the Settlement Class, you will be bound by any judgment, and you won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Defendants or the Released Parties about the legal issues in this case.

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 (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 Central District of California and may be examined and copied at any time during regular office hours at the United States Courthouse, 350 W. 1st Street, Los Angeles, CA 90012. The Settlement Agreement is also available at the settlement website, www.donationcallsettlement.com.

26. How do I get more information?

You can visit the settlement website at www.donationcallsettlement.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: *Donation Call Settlement*, c/o CPT Group, Inc., 50 Corporate Park, Irvine, CA 92606. **You should not direct questions to the Court.**

On the website, www.donationcallsettlement.com, there is a complete notice of the Settlement in Spanish. En el sitio web, www.donationcallsettlement.com, hay una traducción de este aviso en español.

Dated: May 17, 2019

By Order of the Court
CLERK OF THE COURT