

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF UTAH

YOU ARE GETTING THIS NOTICE BECAUSE YOU MAY BE A SETTLEMENT CLASS MEMBER

If You Have Received a Prerecorded Voice Message from ALL HOURS PLUMBING DRAIN CLEANING 24-7-365 LLC Then You Will Automatically Receive a Claim Settlement Check if You are determined to be a Settlement Class Member.

A federal court authorized this Notice. You are not being sued. This is not a solicitation from a lawyer.

- A Settlement¹ has been reached in a class action lawsuit about alleged violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”).
- The Settlement resolves all claims regarding whether ALL HOURS PLUMBING DRAIN CLEANING 24-7-365 LLC sent prerecorded voice messages to persons in the United States, regarding Defendant’s property, goods, and/or services.
- Defendant denies the allegations and any wrongdoing. The Court has not decided who is right.
- **The Settlement offers automatic payments to Settlement Class Members. No claim is required to receive payment.**
- Your legal rights are affected whether you act or do not act. Read this Notice carefully.

| YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT | |
|---|--|
| DO NOTHING | You will automatically receive a Claim Settlement Check if You are determined to be a Settlement Class Member. |
| EXCLUDE YOURSELF | You may request to be excluded from the Settlement and, if you do, you will receive no benefits from the Settlement and you will NOT receive a Settlement Payment Check. |
| OBJECT | Write to the Court if you do not like the Settlement. |
| GO TO A HEARING | Ask to speak in court about the fairness of the Settlement. |

- 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. If it does, and after any appeals are resolved, benefits will be automatically distributed to Settlement Class Members. Please be patient.

¹ Capitalized terms herein have the same meanings as those defined in the Settlement Agreement, a copy of which may be found online at the Settlement Website below.

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BASIC INFORMATION

1. Why is there a Notice?

A court authorized this Notice because you have a right to know about a proposed Settlement of a class action lawsuit known as *Adler v. ALL HOURS PLUMBING DRAIN CLEANING 24-7-365 LLC*, Case No. 2:21-cv-00141-DBP (D. of Utah) and about all of your options before the Court decides whether to give Final Approval to the Settlement. This Notice explains the lawsuit, the Settlement, and your legal rights. Chief Magistrate Judge Dustin B. Pead and Magistrate Judge Cecilia M. Romero of the United States District Court for the District of Utah are overseeing this case. The person who sued, Jill Adler, is called the “Plaintiff.” *ALL HOURS PLUMBING DRAIN CLEANING 24-7-365 LLC* is called the “Defendant.”

2. What is this litigation about?

The lawsuit alleges that Defendant sent prerecorded voice messages to Plaintiff’s telephone number in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”) and seeks actual and statutory damages under the TCPA on behalf of the named Plaintiff and a class of all individuals in the United States.

Defendant denies each and every allegation of wrongdoing, liability, and damages that were or could have been asserted in the litigation and that the claims in the litigation would be appropriate for class treatment if the litigation were to proceed through trial.

The Plaintiff’s Complaint, Settlement Agreement, and other case-related documents are posted on the Settlement Website, www.XXXXXX.com. The Settlement resolves the lawsuit. The Court has not decided who is right.

3. What is the Telephone Consumer Protection Act?

The Telephone Consumer Protection Act (commonly referred to as the “TCPA”) is a federal law that restricts telephone solicitations and the use of automated telephone equipment and prerecorded messages.

4. Why is this a class action?

In a class action, one person called the “Class Representative” (in this case, Plaintiff Jill Adler) sues on behalf of herself and other people with similar claims.

All of the people who have claims similar to the Plaintiffs are Settlement Class Members, except for those who exclude themselves from the class.

5. Why is there a settlement?

The Court has not found in favor of either Plaintiff or Defendant. Instead, both sides have agreed to a settlement. By agreeing to the Settlement, the parties avoid the costs and uncertainty of a trial, and if the Settlement is approved by the Court, Settlement Class Members will receive the benefits described in this Notice. Defendant denies all legal claims in this case. Plaintiff and his lawyers think the proposed Settlement is best for everyone who is affected.

**QUESTIONS? CALL 1-xxx-xxx-xxxx OR VISIT
www.XXXXXXX.com**

WHO IS PART OF THE SETTLEMENT

6. Who is included in the Settlement?

The Settlement includes all persons who received a prerecorded voice message on their telephone from Defendant. Specifically, the Settlement is defined as:

All persons whose telephone number appears in the “LogsAHP” Excel spreadsheet that was produced by VoiceShot, LLC in connection with this class action.

Persons meeting this definition are referred to collectively as the “Settlement Class” and, individually, as “Settlement Class Members” or a “Settlement Class Member.”

Excluded from the Settlement Class are: (1) the trial judge presiding over this case; (2) Defendant, as well as any parent, subsidiary, affiliate, or control person of Defendant, and the officers, directors, agents, or employees of Defendant; (3) any of the Released Parties; (4) the immediate family of any such person(s); (5) any Settlement Class Member who has timely opted out of this proceeding; and (6) Plaintiff’s Counsel, their employees, and their immediate family.

7. What if I am not sure whether I am included in the Settlement?

If you are not sure whether you are in the Settlement Class or have any other questions about the Settlement, visit the Settlement Website at www.XXXXXXXXXX.com or call the toll-free number, 1-xxx-xxx-xxxx. You also may send questions to the Settlement Administrator at _____ TCPA Settlement Administrator, P.O. Box XXXX, XXXX, XX XXXX.

THE SETTLEMENT BENEFITS

8. What does the Settlement provide?

ALL HOURS PLUMBING DRAIN CLEANING 24-7-365 LLC has agreed to send Claim Settlement Checks to all Settlement Class Members. No claim is required to be filed to receive a Claim Settlement Check.

Defendant will deposit **\$600,000.00** (the “Settlement Fund”) into escrow with the Administrator to fund this Settlement Agreement. Each Settlement Class Member for whom the Administrator is able to obtain a valid street address shall be sent a Claim Settlement Check from the Settlement Fund on a pro rata basis (up to \$179.15 each). The Settlement Fund will also be used to pay any Notice and Administration Costs, Attorneys’ Fees and Expenses, and Service Award.

9. How do I file a Claim?

There is no need to file a claim. All Settlement Class Members will automatically receive a Claim Settlement Check

10. When will I receive my payment?

**QUESTIONS? CALL 1-xxx-xxx-xxxx OR VISIT
www.XXXXXXXXXX.com**

Payments to Settlement Class Members will be made only after the Court grants Final Approval to the Settlement and after any appeals are resolved (*see* “Final Approval Hearing” below). If there are appeals, resolving them can take time. Please be patient.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want benefits from the Settlement, and you want to keep the right to sue or continue to sue Defendant on your own about the legal issues in this case, then you must take steps to get out of the Settlement. This is called excluding yourself—or it is sometimes referred to as “opting out” of the Settlement Class.

11. How do I get out of the Settlement?

To exclude yourself from the Settlement, you must send a timely letter by mail to:

██████████ TCPA Settlement Administrator
P.O. Box XXXX
XXXX, XX XXXX

Your request to be excluded from the Settlement must be personally signed by you under penalty of perjury and contain a statement that indicates your desire to be “excluded from the Settlement Class” and that, absent of excluding yourself or “opting out,” you are “otherwise a member of the Settlement Class.”

Your exclusion request must be postmarked no later than **XX/XX/XXXX**. You cannot ask to be excluded on the phone, by email, or at the Settlement Website.

You may opt out of the Settlement Class only for yourself.

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

No. Unless you exclude yourself, you give up the right to sue Defendant for the claims that the Settlement resolves. You must exclude yourself from this Settlement Class in order to pursue your own lawsuit.

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

Unless you opt out of the Settlement, you cannot sue or be part of any other lawsuit against Defendant about the issues in this case, including any existing litigation, arbitration, or proceeding. Unless you exclude yourself, all of the decisions and judgments by the Court will bind you.

The Settlement Agreement is available at **www.XXXXXX.com**. The Settlement Agreement provides more detail regarding the Releases and describes the Released Claims with specific descriptions in necessary, accurate legal terminology, so read it carefully. You can talk to the law firms representing the Settlement Class listed in Question 15 for free, or you can, at your own expense, talk to your own lawyer if you have any questions about the Released Claims or what they mean.

14. If I exclude myself, can I still get a payment?

No. You will not get a payment from the Settlement Fund if you exclude yourself from the Settlement.

**QUESTIONS? CALL 1-xxx-xxx-xxxx OR VISIT
www.XXXXXXX.com**

THE LAWYERS REPRESENTING YOU

15. Do I have a lawyer in the case?

The Court has appointed the following lawyers as “Class Counsel” to represent all members of the Settlement Class.

Manuel S. Hiraldo, Esq.
Hiraldo P.A.
401 E. Las Olas Blvd., Ste. 1400
Fort Lauderdale, FL 33301

Ignacio J. Hiraldo, Esq
IJH Law
1200 Brickell Ave., Ste. 1950
Miami, FL 33131

Michael Eisenband, Esq.
Eisenband Law, P.A.
515 E. Las Olas Blvd., Suite 120
Fort Lauderdale, FL 33301

You will not be charged for these lawyers. If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense.

16. How will the lawyers be paid?

Class Counsel intend to request up to 40% of the value of the Settlement Fund for attorneys’ fees plus reimbursement of reasonable, actual out-of-pocket expenses incurred in the litigation. The fees and expenses awarded by the Court will be paid out of the Settlement Fund. The Court will decide the amount of fees and expenses to award.

Class Counsel will also request that a Service Award of \$10,000.00 be paid from the Settlement Fund to the Class Representative for her service as representative on behalf of the whole Settlement Class.

OBJECTING TO THE SETTLEMENT

17. How do I tell the Court if I do not like the Settlement?

If you are a Settlement Class Member (and do not exclude yourself from the Settlement Class), you can object to any part of the Settlement. To object, you must timely submit a letter that includes the following:

- 1) A heading that includes the case name and case number— Adler v. All Hours Plumbing Drain Cleaning 24-7-365, Case No. 3:21-cv-00174-FDW (D. of Utah)."

**QUESTIONS? CALL 1-xxx-xxx-xxxx OR VISIT
www.XXXXXXX.com**

- 2) Your name, address, telephone number, the cell phone number at which you received text messages from Defendant and if represented by counsel, the name, bar number, address, and telephone number of your counsel;
- 3) A signed statement stating, under penalty of perjury, that you received one or more text message from Defendant and are a member of the Settlement Class;
- 4) A statement of all your objections to the Settlement including your legal and factual basis for each objection;
- 5) A statement of whether you intend to appear at the Final Approval Hearing, either with or without counsel, and if with counsel, the name of your counsel who will attend;
- 6) The number of times in which your counsel and/or counsel’s law firm have objected to a class action settlement within the five years preceding the date that you file the objection, the caption of each case in which counsel or the firm has made such objection, and a copy of any orders related to or ruling upon counsel’s or the firm’s prior objections that were issued by the trial and appellate courts in each listed case;
- 7) A list of all persons who will be called to testify at the Final Approval Hearing in support of the objection; and
- 8) Any and all agreements that relate to the objection or the process of objecting—whether written or verbal—between you or your counsel and any other person or entity.

If you wish to object, you must file your objection with the Court (using the Court’s electronic filing system or in any manner in which the Court accepts filings) and mail your objection to each of the following three (3) addresses, and your objection must be postmarked by **XXXXXXXXXX**.

| Clerk of the Court | Class Counsel | Defendant’s Counsel |
|---|---|--|
| UNITED STATES DISTRICT COURT DISTRICT OF UTAH Orrin G. Hatch United States Courthouse 351 South West Temple, Rm. 1.100 Salt Lake City, Utah 84101 | Manuel S. Hiraldo, Esq. Hiraldo P.A. 401 E. Las Olas Blvd., Ste. 1400 Fort Lauderdale, FL 33301 | Neil E. Asnen KLEIN MOYNIHAN TURCO LLP 450 7TH AVE 40TH FL NEW YORK, NY 10123 212-246-0900 |

18. What is the difference between objecting and asking to be excluded?

Objecting is telling the Court that you do not like something about the Settlement. You can object to the Settlement only if you do not exclude yourself. Excluding yourself is telling the Court that you do not want to be part of the Settlement. If you exclude yourself, you have no basis to object to the Settlement because it no longer affects you.

THE FINAL APPROVAL HEARING

The Court will hold a hearing to decide whether to approve the Settlement and any requests for fees and expenses (“Final Approval Hearing”).

**QUESTIONS? CALL 1-xxx-xxx-xxxx OR VISIT
www.XXXXXXX.com**

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

The Court has scheduled a Final Approval Hearing on **xxxxxxx at xxx a.m. at the xxxxxxxxxxxxxxxx**. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check **www.XXXX.com** for updates. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will also consider the requests by Class Counsel for attorneys' fees and expenses and for a Service Award to the Class Representative. If there are objections, the Court will consider them at that time. After the hearing, the Court will decide whether to approve the Settlement. It is unknown how long these decisions will take.

20. Do I have to attend the hearing?

No. Class Counsel will answer any questions the Court may have. But, you are welcome to attend the hearing at your own expense. If you send an objection, you do not have to come to Court to talk about it. As long as you submitted your written objection on time to the proper addresses and it complies with all the other requirements set forth above, the Court will consider it. You may also pay your own lawyer to attend the hearing, but it is not necessary.

21. May I speak at the hearing?

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, your timely filed objection must include a statement of whether you intend to appear at the Final Approval Hearing (*see* Question 17 above).

You cannot speak at the hearing if you exclude yourself from the Settlement.

IF YOU DO NOTHING

22. What happens if I do nothing at all?

If you are a Settlement Class member and do nothing, you will receive a Settlement Claim Check if You are determined to be Settlement Class Member. No claim form is required to be filed. Further, unless you exclude yourself, you will be bound by the judgment entered by the Court.

GETTING MORE INFORMATION

23. How do I get more information?

This Notice summarizes the proposed Settlement. You are urged to review more details in the Settlement Agreement. For a complete, definitive statement of the Settlement terms, refer to the Settlement Agreement at **www.XXXXXX.com**. You also may write with questions to the Settlement Administrator at **XXXXXXXX Settlement Administrator, P.O. Box XXXX, XXXX, XX XXXXX** or call the toll-free number, **1-xxx-xxx-xxxx**.