

# Exhibit D

**This is a notice of a settlement of a class action lawsuit.**

**This is not a notice of a lawsuit against you.**

If you are a person who was not an Oregon Community Credit Union (“OCCU”) member or accountholder, but to whose cellular telephone OCCU placed or caused to be placed an artificial or prerecorded voice call from October 8, 2020 through April 4, 2025, you may be entitled to compensation as a result of the settlement in the class action lawsuit captioned:

*Arthur v. Oregon Community Credit Union*, No. 6:24-cv-01700-MC (D. Or.)

**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 the class action settlement.**

- The settlement will result in a \$1,950,000 fund to fully settle and release certain claims of persons who were not OCCU members or accountholders, but to whose cellular telephones OCCU placed an artificial or prerecorded voice call between October 8, 2020 and April 4, 2025.
- The settlement fund will be used to pay settlement amounts to approved settlement class members who elect to participate, after deducting the costs of settlement notice and administration, attorneys’ fees, litigation costs and expenses, and an incentive award to Angela Arthur, the consumer who initiated the class action against OCCU.
- If you are a settlement class member, your legal rights are affected, and you now have a choice to make:

<b>SUBMIT A TIMELY CLAIM FORM:</b>	If you submit an approved claim form by [date], you will receive a share of the settlement fund after certain amounts are deducted, and you will release certain Telephone Consumer Protection Act (“TCPA”)-related claims you may have against OCCU.
<b>DO NOTHING:</b>	If you do nothing, you will <u>not</u> receive a share of the settlement fund, but if you are a settlement class member you will release certain TCPA-related claims you may have against OCCU.
<b>EXCLUDE YOURSELF:</b>	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 TCPA-related claims you may have against OCCU. The deadline to exclude yourself is [date].
<b>OBJECT:</b>	You may write to the Court about why you do not like the settlement. The deadline to object is [date].

### **Why is this notice available?**

This is a notice of a settlement in a class action lawsuit. The settlement would resolve the class action lawsuit Ms. Arthur filed against OCCU. Please read this notice carefully. It explains the class action lawsuit, the settlement, and legal rights you may have, including the process for receiving a settlement payment, excluding yourself from the settlement, or objecting to the settlement.

### **What is the class action about?**

Ms. Arthur filed a class action lawsuit against OCCU alleging that OCCU violated the TCPA by placing calls to cellular telephones in connection with which OCCU used an artificial or prerecorded voice absent prior express consent. The TCPA allows for damages in the amount of \$500 per violation, and up to \$1,500 for willful violations. However, prior express consent is a complete defense to a claim under the TCPA. You can find additional information about Ms. Arthur’s claims in her class action complaint, which is available at [www.ArthurOCTCPASettlement.com](http://www.ArthurOCTCPASettlement.com) in the court documents section.

### **Why is this a class action?**

In a class action, one or more people called “class representatives” file a class action 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 at once, except for those who first exclude themselves from the class.

### **Why is there a settlement?**

Ms. Arthur, on the one hand, and OCCU, on the other, have agreed to settle the class action lawsuit to avoid the time, risk, and expense associated with it, and to achieve a final resolution of the disputed claims. Under the settlement, settlement class members will obtain a payment in settlement of claims Ms. Arthur raised in the class action lawsuit. Ms. Arthur and her attorneys think the settlement is fair and reasonable.

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

The settlement resolves claims on behalf of the following settlement class:

All persons throughout the United States (1) to whom Oregon Community Credit Union placed, or caused to be placed, a call, (2) directed to a number assigned to a cellular telephone service, but not assigned to an Oregon Community Credit Union member or accountholder, (3) in connection with which Oregon Community Credit Union used, or caused to be used, an artificial or prerecorded voice, (4) from October 8, 2020 through April 4, 2025.

### **What does the settlement provide?**

OCCU will establish a settlement fund in the amount of \$1,950,000 to compensate members of the settlement class. Out of the settlement fund will be paid:

- a. Settlement compensation to approved, participating settlement class members;
- b. Notice and administration costs not to exceed \$80,000;
- c. An award of attorneys’ fees not to exceed one-third of the settlement fund, subject to the Court’s approval;
- d. Litigation costs and expenses incurred in litigating the TCPA claims in this matter not to exceed \$12,500, subject to the Court’s approval; and
- e. An incentive award to Ms. Arthur not to exceed \$5,000, subject to the Court’s approval.

Each member of the settlement class who submits an approved claim form will be entitled, subject to the provisions of the settlement agreement, to his or her equal share of the \$1,950,000 settlement fund as it exists after deducting:

- a. Notice and administration costs (including related taxes and expenses);
  - b. An award of attorneys' fees;
  - c. Litigation costs and expenses incurred in litigating the claims in this matter;
- and
- d. An incentive award to Ms. Arthur.

It is estimated that each participating and approved member of the settlement class will receive between \$4,000 and \$9,000. The actual amount each participating and approved member of the settlement class will receive may be more or less depending on the number of participating settlement class members who submit approved claims.

### **How can you get a payment?**

You must mail a valid claim form to the *Arthur v. Oregon Community Credit Union* Settlement Administrator, [address], [city], [state] [zip code] postmarked by [date]. Or, if you received a postcard notice and claim form in the mail, you may submit a valid claim through [www.ArthurOCTCPASettlement.com](http://www.ArthurOCTCPASettlement.com) by [date].

If you did not receive a postcard notice and claim form in the mail you may request a claim form by (1) writing to the *Arthur v. Oregon Community Credit Union* Settlement Administrator, [address], [city], [state] [zip code], and (2) submitting proof of receipt of an artificial or prerecorded voice call or message from OCCU to your cellular telephone between October 8, 2020 and April 4, 2025. If you receive a claim form in this manner, you must complete and return the claim form postmarked by [date] to participate in the settlement.

### **When will you be paid?**

If the Court grants final approval of the settlement, settlement payments will be sent to approved settlement class members who timely mailed or submitted approved claim forms no later than 30 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 connection with this settlement?**

If you fall within the settlement class, and unless you exclude yourself from the settlement, you will give up your right to sue or continue a lawsuit against OCCU over the released claims. Giving up your legal claims is called a release. If you fall within the settlement class, unless you formally exclude yourself from the settlement, you will release certain TCPA-related claims you may have against OCCU.

For more information about the release, released parties, and released claims, you may obtain a copy of the class action settlement agreement from the settlement website, [www.ArthurOCTCPASettlement.com](http://www.ArthurOCTCPASettlement.com), or from the clerk of the United States District Court for the District of Oregon.

### **How can you exclude yourself from the settlement?**

If you fall within the settlement class, you may exclude yourself from the settlement, in which case you will not receive a payment, and you will not release any TCPA-related claims you may have against OCCU. If you fall within the settlement class, and if you wish to exclude yourself from the settlement, you must mail a written request for exclusion to the claims administrator at the following address, postmarked by [date]:

*Arthur v. Oregon Community Credit Union* Settlement Administrator  
ATTN: EXCLUSION REQUEST  
[address]  
[city], [state] [zip code]

You must include in your request for exclusion your:

- a. Full name;
- b. Address;
- c. Telephone number to which OCCU placed an artificial or prerecorded voice call from October 8, 2020 through April 4, 2025, to demonstrate you are a member of the settlement 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 *Arthur v. Oregon Community Credit Union* 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 [date], at [time]. The hearing will take place by [by Zoom / in person]. 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 also hear objections to the settlement, if any. The Court may make a decision at that time, postpone a decision, or continue the hearing.

The date of the final fairness hearing may change without further notice. Settlement class members should check the settlement website, [www.ArthurOCTCPASettlement.com](http://www.ArthurOCTCPASettlement.com), or the

court's Public Access to Court Electronic Records ("PACER") site to confirm that the date has not changed.

### **Do you have to attend the final fairness hearing?**

No, there is no requirement that you attend the final fairness hearing. However, you are welcome to attend the hearing, [by Zoom / in person], at your own expense. You cannot speak at the hearing if you have excluded yourself from the settlement class because the settlement no longer affects your legal rights.

### **What if you want to object to the settlement?**

If you fall within the settlement class, and if you do not exclude yourself from the settlement class, you can object to the settlement, or any part of it, if you do not believe it is fair, reasonable, and adequate. If you fall within the settlement class, and if you wish to object, you must mail a written notice of objection, postmarked by [date], to class counsel, counsel for OCCU, and to the Court, at the following addresses:

Class Counsel:

Aaron D. Radbil  
Greenwald Davidson Radbil  
PLLC  
5550 Glades Road  
Suite 500  
Boca Raton, FL 33431

Counsel for OCCU:

Kimberley Hanks McGair  
Farleigh Wada Witt  
121 SW Morrison Street  
Suite 600  
Portland, Oregon 97204

The Court:

United States District Court for  
the District of Oregon  
Wayne L. Morse U.S.  
Courthouse  
405 East Eighth Avenue  
Eugene, OR 97401

You must include in your objection your:

- a. Full name;
- b. Address;
- c. Telephone number to which OCCU placed an artificial or prerecorded voice call from October 8, 2020 through April 4, 2025, to demonstrate that the objector is a member of the settlement class;
- d. A statement of the objection;
- e. A description of the facts underlying the objection;
- f. A description of the legal authorities that support each objection;
- g. A statement noting whether the objector intends to appear at the Fairness Hearing;

- h. A list of all witnesses that the objector intends to call by live testimony, deposition testimony, or affidavit or declaration testimony;
- i. A list of exhibits that the objector intends to present at the Fairness Hearing;  
and
- j. A signature from the settlement class member.

You can ask the Court to deny approval of the settlement by filing an objection. You cannot ask the Court to order a different settlement. The Court can only approve or reject the settlement. If the Court denies approval, no settlement payments will be sent out and the class action lawsuit will continue. If that is what you want to happen, you must object.

Any objection to the proposed settlement must be in writing. If you fall within the settlement class, and if you file a timely written objection, you may, but are not required to, appear at the final fairness hearing, [by Zoom / in person]. If you appear through an attorney, you are responsible for hiring and paying that attorney.

#### **By when must you enter an appearance?**

Any settlement class member who objects to the settlement and wishes to enter an appearance must do so by [date]. 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 counsel for OCCU, at the addresses set forth in this notice.

#### **What if you do nothing?**

If you are a member of the settlement class, you do nothing, and the Court approves the settlement agreement, you will not receive a share of the settlement fund, but you will release certain TCPA claims you may have against OCCU. If you fall within the settlement class, unless you exclude yourself from the settlement, you will not be able to sue or continue a lawsuit against OCCU over the released TCPA 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 from the settlement and the class action lawsuit will continue.

#### **Who is Ms. Arthur's attorney?**

Ms. Arthur's attorney is:

Aaron D. Radbil  
Greenwald Davidson Radbil PLLC  
5550 Glades Road  
Suite 500



Boca Raton, FL 33431

The Court has appointed Ms. Arthur's attorney 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 is OCCU's attorney?**

OCCU's attorney is:

Kimberley Hanks McGair  
Farleigh Wada Witt  
121 SW Morrison Street  
Suite 600  
Portland, Oregon 97204

**Before what court is this matter pending?**

Ms. Arthur filed his class action lawsuit in the following court:

United States District Court for the District of Oregon  
Wayne L. Morse U.S. Courthouse  
405 East Eighth Avenue  
Eugene, OR 97401

**Where can you get additional information?**

This notice summarizes the proposed settlement. For the precise terms and conditions of the settlement, please see the settlement agreement available at [www.ArthurOCTCPASettlement.com](http://www.ArthurOCTCPASettlement.com), by contacting class counsel, by accessing the court docket in this case, for a fee, through the court's PACER system, or by visiting the office of the clerk of the court for the United States District Court for the District of Oregon.

Or, to obtain additional information about this matter, please contact:

*Arthur v. Oregon Community Credit Union* Settlement Administrator  
[address]  
[city], [state] [zip code]  
[Telephone number]

Please do not call the judge about this class action. Neither he, nor any court personnel, will be able to give you advice about this class action. Furthermore, because neither OCCU nor OCCU's attorneys represent you, they cannot give you legal advice about this class action.

**Important Dates**

[Date]: Order Preliminarily Approving the Settlement Entered

- [Date]: Defendant to fund Settlement Fund (thirty days after entry of Order Preliminarily Approving the Settlement)
- [Date]: Notice Sent (thirty days after entry of Order Preliminarily Approving the Settlement)
- [Date]: Attorneys' Fees Petition Filed (forty days after entry of Order Preliminarily Approving the Settlement)
- [Date]: Opposition to Attorneys' Fees Petition (seventy-five days after entry of Order Preliminarily Approving the Settlement)
- [Date]: Deadline to Submit Claims, Send Exclusion, or File Objection (seventy-five days after entry of Order Preliminarily Approving the Settlement)
- [Date]: Reply in Support of Attorneys' Fees Petition (fourteen days after the deadline for settlement class members to submit claims, object to, or exclude themselves from, the settlement)
- [Date]: Motion for Final Approval Filed (thirty days before final fairness hearing)
- [Date]: Opposition to Motion for Final Approval Filed (fourteen days before final fairness hearing)
- [Date]: Reply in support of Motion for Final Approval (seven days before final fairness hearing)
- [Date]: Class Administrator will provide a sworn declaration attesting to proper service of the Class Notice and Claim Forms, and state the number of claims, objections, and opt outs, if any (ten days prior to Final Fairness Hearing)
- [Date]: Final Fairness Hearing