

Breda v. Celco Partnership d/b/a Verizon Wireless
USDC for the District Court of Massachusetts, Case No. 1:16-cv-11512-DJC

If you received calls on your cellular telephone from Celco Partnership d/b/a Verizon Wireless (“Verizon”), you may be entitled to benefits under a class action settlement.

A federal court authorized this Notice. This is not a solicitation from a lawyer.

- A proposed settlement will provide \$3,950,000 (the “Settlement Fund”) to fully settle and release claims of the Settlement Class, defined as:

(1) the 61,485 persons in the United States (2) whose cellular telephone number (3) was listed as a “can be reached” number on a Verizon account and (4) received a prerecorded collection call from Defendant (5) during which the person answering the call pressed a key or keys indicating that Defendant was calling the wrong number, and which (6) thereafter received at least one additional prerecorded collection call from Defendant on the same telephone number and concerning the same Defendant account (7) within four years of the filing of the complaint in this action.

Excluded from the Settlement Class are any judges to whom the action was assigned and any member of the Court’s staff and immediate family (to the extent they received a listed call) and all persons who opt out of or are otherwise excluded from the Settlement Class.

- Verizon denies Plaintiff’s allegations and any wrongdoing whatsoever. The Court has not ruled on the merits of Plaintiff’s claims or Verizon’s defenses. By entering into the Settlement, Verizon has not conceded the truth or validity of any of the claims against it.
- The Settlement Fund shall be used to pay amounts related to the Settlement, including awards to Settlement Class Members who submit a valid and timely Claim Form to receive payment (“Claim Form”), attorneys’ fees and costs to attorneys representing Plaintiff and the Settlement Class (“Class Counsel”), any service award for Plaintiff, and the costs of notice and administration of the Settlement. Class Counsel estimate that Settlement Class Members who timely submit a valid Claim Form will receive between \$390 and \$785 depending on the number of valid claims submitted and the number of calls that you received (average calculation is \$71 to \$143 per call) (“First Distribution”). Any monies remaining after the First Distribution checks are distributed and the expiration date for negotiating those checks has passed will be distributed on a pro rata basis to those Settlement Class Members who cashed their First Distribution checks (the “Second Distribution”) unless the administrative costs to make this Second Distribution outweigh the distribution or, after administrative costs, the amount of the Second Distribution would be nominal, provided, however, that no Settlement Class Member will receive more than \$500 per call.
- Your rights and options, and the deadlines to exercise them, are explained in this Notice. Your legal rights are affected whether you act or do not act. Read this Notice carefully. Please refer to the Settlement Agreement, which contains defined terms used herein.

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS

(This chart summarizes your rights and options only; please see below for further information.)

SUBMIT A CLAIM FORM	If you submit a valid Claim Form postmarked by March 7, 2022 , you will receive a payment and will give up your rights to sue Verizon and any other Released Parties related to a Released Claim. Claim Forms may be submitted by mail to Breda TCPA Settlement, c/o Epiq, P.O. Box 3685, Portland, OR 97208-3685, through the Settlement Website, or by calling 1-855-675-3077.
EXCLUDE YOURSELF OR “OPT-OUT” OF THE SETTLEMENT	If you ask to be excluded, you will not receive a payment. This is the only option that allows you to pursue your own claims against Verizon or other Released Parties related to a Released Claim. The deadline for excluding yourself is March 7, 2022 .
OBJECT TO THE SETTLEMENT	If you wish to object to the Settlement, you must write to the Court about why you believe the Settlement is unfair in any re-spect. The deadline for objecting is March 7, 2022 . To obtain a benefit from this Settlement, you must still submit a Claim Form. If you only submit an objection without a Claim Form, you will not receive any benefit from the Settlement and will give up your rights to sue Verizon or any other Released Parties related to a Released Claim.

DO NOTHING	If you do nothing, you will not receive any monetary award and you will give up your rights to sue Verizon or any other Released Parties related to a Released Claim.
GO TO THE FINAL APPROVAL HEARING	You may attend the Final Approval Hearing. At the Final Approval Hearing, you may ask to speak in Court about the fairness of the Settlement. To speak at the Final Approval Hearing, you must file a document which includes your name, address, telephone number, and signature with the Court, which must also state your intention to appear at the Final Approval Hearing. This must be filed no later than April 12, 2022 .

- 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. Payments will be disbursed if the Court approves the Settlement and after any appeals are resolved. Please be patient.

BASIC INFORMATION

1. What is the purpose of this Notice?

THE PURPOSE OF THIS NOTICE IS TO INFORM YOU THAT A PROPOSED SETTLEMENT HAS BEEN REACHED IN THE PUTATIVE CLASS ACTION LAWSUIT ENTITLED *BREDA V. CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS*, FILED IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS, CASE NO. 1:16-CV-11512-DJC. BECAUSE YOUR RIGHTS WILL BE AFFECTED BY THIS SETTLEMENT, IT IS EXTREMELY IMPORTANT THAT YOU READ THIS NOTICE CAREFULLY. THIS NOTICE SUMMARIZES THE SETTLEMENT AND YOUR RIGHTS UNDER IT.

2. What does it mean if I received an email or postcard about this Settlement?

If you received an email or postcard describing this Settlement, Verizon’s records indicate that you may be a member of the Settlement Class. The members of the Settlement Class include:

(1) the 61,485 persons in the United States (2) whose cellular telephone number (3) was listed as a “can be reached” number on a Verizon account and (4) received a prerecorded collection call from Defendant (5) during which the person answering the call pressed a key or keys indicating that Defendant was calling the wrong number, and which (6) thereafter received at least one additional prerecorded collection call from Defendant on the same telephone number and concerning the same Defendant account (7) within four years of the filing of the complaint in this action.

Excluded from the Settlement Class are any judges to whom the action was assigned and any member of the Court’s staff and immediate family (to the extent they received a listed call) and all persons who opt out of or are otherwise excluded from the Settlement Class.

3. What is this class action lawsuit about?

In a class action, one or more people called Class Representatives (here, Plaintiff Robin Breda) sue on behalf of people who allegedly have similar claims. This group is called a class and the persons included are called class members. One court resolves the issues for all of the class members, except for those who exclude themselves from the class.

Here, Plaintiff claims Verizon violated the Telephone Consumer Protection Act (“TCPA”) by placing prerecorded calls to cellular telephones without prior express consent. Verizon denies these allegations and any wrongdoing. The Court has conditionally certified a class action for settlement purposes only. The Honorable Denise J. Casper is in charge of this action.

4. Why is there a settlement?

The Court did not decide in favor of Plaintiff or Verizon. Instead, the parties agreed to this Settlement. This way, the parties avoid the risk and cost of a trial, and the Settlement Class Members will receive compensation. Plaintiff and Class Counsel think the Settlement is best for all persons in the Settlement Class.

WHO IS IN THE SETTLEMENT CLASS

5. How do I know if I am a part of the Settlement Class?

The Court has certified a class action for settlement purposes only. The Settlement Class is defined as:

(1) the 61,485 persons in the United States (2) whose cellular telephone number (3) was listed as a “can be reached” number on a Verizon account and (4) received a prerecorded collection call from Defendant (5) during which the person answering the call pressed a key or keys indicating that Defendant was calling the wrong number, and which (6) thereafter received at least one additional prerecorded collection call from Defendant on the same telephone number and concerning the same Defendant account (7) within four years of the filing of the complaint in this action.

If you are still not sure whether you are included, you can visit the Settlement Website at BredaTCPASettlement.com, write to the Settlement Administrator at Breda TCPA Settlement, c/o Epiq, P.O. Box 3685, Portland, OR 97208-3685, or call the toll-free Settlement hotline at 1-855-675-3077 for more information.

THE LAWYERS REPRESENTING YOU

6. Do I have lawyers in this case?

The Court has appointed the law firms of Keogh Law, Ltd. and Lemberg Law LLC as Class Counsel to represent you and the other persons in the Settlement Class. You will not be personally charged by these lawyers.

7. How will Class Counsel be paid?

Class Counsel will ask the Court to approve payment of up to 33% of the Settlement Fund, which is \$1,316,666.66 for attorneys’ fees, plus reasonable expenses. Class Counsel also will ask the Court to approve payment of \$15,000 to Plaintiff for her services as Class Representative if permitted by law. The Court may award less than these amounts.

THE SETTLEMENT BENEFITS – WHAT YOU GET

8. What does the Settlement provide?

Settlement Fund. Verizon will make a one-time, all-inclusive payment of \$3,950,000 into a fund (the “Settlement Fund”), which will cover: (1) cash payments to Settlement Class Members who submit timely and valid Claim Forms; (2) an award of attorneys’ fees and expenses to Class Counsel, plus expenses, as approved by the Court; (3) service award to the Plaintiff, Robin Breda, in an amount approved by the Court; and (4) the costs of notice and administration of the Settlement.

Cash Payments. All members of the Settlement Class are eligible to submit a Claim Form and receive a cash payment (“Settlement Award”). To submit a Claim Form, follow the procedures described under Question 11 below. Settlement Class Members will have the option to select receipt of their Settlement Awards by either check or secure electronic payment. If no option is selected or the secure electronic payment cannot be completed, the Settlement Award shall be paid by check. The Settlement Administrator shall send each Settlement Class Member their Settlement Award within 45 calendar days after the Effective Date (“First Distribution”). **Any monies remaining after the First Distribution checks are distributed and the expiration date for negotiating those checks has passed will be distributed on a pro rata basis to those Settlement Class Members who cashed their First Distribution checks (the “Second Distribution”)** unless the administrative costs to make this Second Distribution outweigh the distribution or, after administrative costs, the amount of the Second Distribution would be nominal, **provided, however, that no Settlement Class Member will receive more than \$500 per call.**

9. How much will my payment be?

Your share of the Settlement Fund will depend on the number of valid Claim Forms Settlement Class Members submit and the number of calls you received. Class Counsel estimate that Settlement Class Members who timely submit a valid Claim Form will receive between \$390 and \$785 depending on the number of valid claims received and the number of calls you received (average calculation is \$71 to \$143 per call) (“First Distribution”). **This is only an estimate. The final Settlement Award amount will depend on the total number of valid and timely claims submitted by Settlement Class Members and the number of calls you received. No Settlement Class Member will receive more than \$500 per call.**

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

Unless you exclude yourself from the Settlement, you will be a Settlement Class Member and will be bound by the release of claims in the Settlement. This means that if the Settlement is approved, you cannot rely on any Released Claim to sue, or continue to sue, Verizon or other Released Parties, on your own or as part of any other lawsuit, as explained in the Settlement Agreement. It also means that all of the Court's orders will apply to you and legally bind you. Unless you exclude yourself from the Settlement, you will agree to release Verizon and all other Released Parties from any and all of the Released Claims, as defined in the Settlement Agreement.

In summary, the Release includes all claims of any kind, whether known or unknown, that were asserted in the action, or that could have been asserted in the action based on the facts alleged in Plaintiff's Class Action Complaint, including, but not limited to, claims arising under the TCPA or similar statute or law, whether, federal, state, or local, or which concern the use of any automatic telephone dialing system, pre-recorded voice, or similar device.

If you have any questions about the Release or what it means, you can speak to Class Counsel, listed under Question 6, for free; you may also talk to your own lawyer at your own expense. The Release does not apply to persons in the Settlement Class who timely exclude themselves.

HOW TO OBTAIN A PAYMENT

11. How can I get a payment?

To receive a payment, you must timely submit a properly completed Claim Form. You may submit a Claim Form by mail to the Settlement Administrator at Breda TCPA Settlement, c/o Epiq, P.O. Box 3685, Portland, OR 97208-3685, on the Settlement Website at BredaTCPASettlement.com, or by calling the toll-free Settlement hotline at 1-855-675-3077. **Read the instructions carefully, fill out the form completely and accurately, sign it, and submit by the deadline below.** To be deemed timely, Claim Forms must be submitted via the Settlement Website, toll-free number, or postmarked prior to or on the last day of the claim filing deadline, which is **March 7, 2022**.

RECEIVING YOUR SETTLEMENT AWARD

12. When would I receive a Settlement Award?

The Court will hold a hearing on **May 2, 2022**, to decide whether to approve the Settlement. If the Court approves the Settlement, 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. Everyone who sends in a Claim Form will be informed of the progress of the Settlement through information posted on the Settlement Website at BredaTCPASettlement.com. Please be patient.

EXCLUDING YOURSELF FROM THE SETTLEMENT

13. How do I get out of the Settlement?

If you want to keep the right to sue or continue to sue Verizon or a Released Party, as defined in the Settlement Agreement, you must take steps to exclude yourself from, or "opt out" of, the Settlement.

Persons in the Settlement Class may request exclusion from the Settlement by sending a written request to the Settlement Administrator at the address designated below no later than the opt-out and objection deadline of **March 7, 2022**. Exclusion requests must: (i) include the case name and civil action number of the action; (ii) be signed by the person in the Settlement Class who is requesting exclusion; (iii) include the full name and address of the person in the Settlement Class requesting exclusion and the subject telephone number that Defendant called which caused the person to be included in the Settlement Class; and (iv) include the following statement: "**I request to be excluded from the Settlement in the Breda TCPA action.**"

No request for exclusion will be valid unless all information described above is included. No person in the Settlement Class, or any person acting on behalf of or in concert or participation with that person in the Settlement Class, may exclude any other person in the Settlement Class from the Settlement Class.

To be valid, you must mail your exclusion request postmarked no later than March 7, 2022, to the Settlement Administrator at Breda TCPA Settlement, c/o Epiq, P.O. Box 3685, Portland, OR 97208-3685.

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

No. If you do not exclude yourself, you give up any right to sue (or continue to sue) Verizon or any Released Parties for the claims that this Settlement resolves.

15. If I exclude myself, can I get a benefit from this Settlement?

No. If you exclude yourself, you will not be able to submit a Claim Form for a Settlement Award, and you cannot object to the Settlement.

OBJECTING TO THE SETTLEMENT

16. How do I tell the Court I do not think the Settlement is fair?

If you are in the Settlement Class, you can object to the Settlement or any part of the Settlement that you think the Court should reject, and the Court will consider your views.

To object, you must: (i) attach documents establishing, or provide information sufficient to allow the parties to confirm, that the objector is a member of the Settlement Class, including providing the Claim ID, full name, address, the telephone number Defendant called which caused the person to be in the Settlement Class, and whether he or she intends to appear at the Final Approval Hearing on his or her own behalf or through counsel; (ii) include a statement of such person’s specific objections; and (iii) state the grounds for the objection and attach any documents supporting the objection.

To be considered, you must file your objection with the Court and mail your objection to the addresses below no later than March 7, 2022.

For Plaintiff:

Keith J. Keogh, Esq.
Keogh Law, Ltd.
55 Monroe St., 3390
Chicago, IL 60603

For Defendant:

David G. Thomas, Esq.
Greenberg Traurig, LLP
One International Place, Suite 2000
Boston, MA 02110

Any such person who does not provide a written objection in the manner described above shall be deemed to have waived any objection and shall forever be foreclosed from making any objection to the fairness, reasonableness, or adequacy of the Settlement or the award of any attorneys’ fees, expenses, and costs and/or service payment.

17. What is the difference between objecting and excluding yourself?

Objecting is telling the Court that you do not like something about the Settlement. You can object only if you do not exclude yourself from the Settlement. Excluding yourself means that you do not want to be a Settlement Class Member and participate in the Settlement. If you exclude yourself, you have no basis to object because the case no longer affects you.

IF YOU DO NOTHING

18. What happens if I do nothing at all?

If you do nothing, you will not receive any monetary award, and you will give up your rights to sue Verizon or any other Released Parties related to any Released Claims. For information relating to what rights you are giving up, see Question 10.

THE FINAL APPROVAL HEARING

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

The Court will hold a Final Approval Hearing at **2:00 p.m.** on **May 2, 2022**, in Courtroom 11, 5th Floor, at the John Joseph Moakley U.S. Courthouse, 1 Courthouse Way, Suite 2300, Boston, MA 02210, which may be conducted by remote means. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are valid objections that comply with the requirements in Question 16 above, the Court also will consider them and will listen to people who have asked to speak at the hearing. The Court may also decide how much to pay to Class Counsel and Plaintiff.

The Final Approval Hearing may be moved to a different date or time without additional notice, so it is a good idea to check the Settlement Website for updates.

20. Do I have to come to the hearing?

No. Class Counsel will appear on behalf of the Settlement Class Members. However, you are welcome to come, or have your own lawyer appear, at your own expense.

21. May I speak at the hearing?

You may ask the Court for permission to speak at the Final Approval Hearing, but only in connection with an objection that you have timely submitted to the Court according to the procedure set forth in Question 16 above. To speak at the Final Approval Hearing, you must also file a document with the Court stating your intention to appear. For this document to be considered, it must include your name, address, telephone number, and signature. The document must be filed with the Court no later than **April 12, 2022**. You cannot speak at the hearing if you exclude yourself from the Settlement.

GETTING MORE INFORMATION

22. How do I get more information?

This Notice is only a summary of the proposed Settlement. You can get a copy of the Settlement Agreement by visiting the Settlement Website at BredaTCPASettlement.com, or you can write to the address below or call the toll-free Settlement hotline at 1-855-675-3077. You can also call Class Counsel with any questions at 1-866-726-1092.

Breda TCPA Settlement
c/o Epiq
P.O. Box 3685
Portland, OR 97208-3685

DO NOT CALL OR WRITE TO THE COURT, THE CLERK OF THE COURT, CELLCO PARTNERSHIP, D/B/A VERIZON WIRELESS, OR VERIZON WIRELESS' COUNSEL ABOUT THE SETTLEMENT.