

Official Notice from the U.S. District Court for the Northern District of West Virginia

**People who got certain telemarketing calls from a certain DIRECTV dealer can get an estimated *minimum* cash payment of \$324. The estimated *average* cash payment is over \$461.**

**You don't have to remember having received the calls.  
You can check to see if your number was called by visiting  
[www.DIRECTVClassActionSettlement.com](http://www.DIRECTVClassActionSettlement.com) or by submitting a  
Claim Form on the Settlement Website.**

**Don't worry. You are not being sued.  
This is an official Court Notice, not an ad for a lawyer.**

DIRECTV, LLC has settled a class action that claimed that its dealer AC1, based in Ohio, made telemarketing calls to people whose numbers were on the National Do Not Call Registry, without consent.

You are included in the Settlement if your telephone number is one of 113,997 known numbers that received calls.

You can fill out a short Claim Form what we estimate to be a *minimum* of \$324 in cash, and an estimated *average* of over \$464. The answer to Question 12 below explains how these amounts were calculated. These payments will come from a \$16.85 million Settlement Fund. This fund will also be used to pay the costs of notifying people about the Settlement, the lawyers' fees, and awards to the people who helped bring the lawsuit.

If you are included, your legal rights are affected whether you act or do not act. Read this Notice carefully.

The Court in charge of this case hasn't decided to approve it yet. Payments will only be made if the Court decides the Settlement is fair and approves the Settlement. The Court has ordered this Notice.

## **Your legal rights and options in this lawsuit**

### **1. Fill Out a Claim Form.**

The only way to get a payment. You must submit a valid Claim Form either online or by mail postmarked by August 7, 2023.

### **2. Object.**

Write to the Court about why you do not like something about the Settlement by August 7, 2023.

### **3. Ask to be excluded from the Settlement Class.**

If you don't want to be a part of the Settlement, you must send a written request to be excluded. You won't get any money, but you will keep any rights to sue DIRECTV yourself for the same legal issues in this lawsuit.

### **4. Do nothing.**

You won't get any money and you will lose any rights to sue DIRECTV for the same legal issues in this lawsuit.

## **Basic information**

### **5. Why should I read this Notice?**

This Notice explains the lawsuit, the Settlement, your rights, what payments are available, and how to get them. The Hon. John P. Bailey of the United States District Court for the Northern District of West Virginia is in charge of this class action. The lawsuit is known as *Vance v. DIRECTV, LLC*, Case No. 5:17-CV-179. Judge Bailey authorized this Notice.

### **6. What is this lawsuit about?**

Consumers in West Virginia sued DIRECTV claiming that it is legally responsible for telemarketing calls placed by DIRECTV's dealer, AC1 Communications, to people whose telephone numbers were listed on the National Do Not Call Registry. The consumers alleged that these calls violated the Telephone Consumer Protection Act, which prohibits telemarketers from initiating two or more calls in a calendar year to numbers on the Registry.

### **7. What is a class action and who is involved?**

In a class action lawsuit, one or more people called "Settlement Class Representatives" sue on behalf of other people who have similar claims. These people together are a "class" or "Settlement Class Members." One court resolves the issues in the case for everyone in the class—except for those people who choose to exclude themselves from the class. In this case, the Court appointed David Vance, Roxie Vance, and Carla Shultz as the Settlement Class Representatives. These individuals are each from West Virginia and received telemarketing calls from AC1 Communications.

### **8. Why is there a Settlement?**

DIRECTV and the Class Representatives spent more than five years in Court fighting this case. Shortly after an appeals court decided to hear DIRECTV's appeal, both sides agreed to a Settlement. The Settlement gives Settlement Class Members guaranteed payments now whereas in a trial, Class Members might get nothing or might get payments only years from now. Because there is a Settlement, the Court has not decided who should win the case.

## **Who is included in the Settlement**

To see if you can get a payment, you first need to determine whether you are included in this lawsuit.

## **9. Am I Included as part of the Class?**

The Court decided that all people who fit this definition are included in the Class:

All persons within the United States (a) whose telephone numbers were listed on the Do Not Call Registry, and (b) who received more than one telemarketing call within any twelve-month period from AC1.

The Settlement Class encompasses only those persons associated with 113,997 telephone numbers listed in a sealed court filing, Exhibit G to the Expert Report of Anya Verkhovskaya. Dkt. 301.

That list of phone numbers was obtained from telephone calling records kept by DIRECTV's dealer, AC1. The phone numbers were used to identify certain Settlement Class Members who should have received Notice via postcard or email.

If you received a postcard or emailed notice advising you of this Settlement, your name is associated with a phone number that received allegedly illegal telemarketing calls from AC1, and you should submit a claim for payment.

If you did not receive a postcard or emailed notice, you may still submit a Claim Form listing your phone number. If your phone number is on the list of 113,997, you may be entitled to payment. You can also check the Settlement Website [www.DIRECTVClassActionSettlement.com](http://www.DIRECTVClassActionSettlement.com) to see if your number is on the list, and then submit a Claim Form.

## **10. I'm still unsure if I am included.**

If you are still not sure whether you are included, you can get free help at [www.DIRECTVClassActionSettlement.com](http://www.DIRECTVClassActionSettlement.com), by calling the Settlement Administrator at 1-866-211-3496 or by calling the lawyers appointed to represent Settlement Class Members in this case, Bailey & Glasser LLP ("Bailey Glasser") of Charleston, West Virginia. Please do not contact the Court or DIRECTV.

## **The Settlement benefits**

### **11. What does the Settlement provide?**

DIRECTV will pay \$16.85 million to settle this case. That money will go into a "Settlement Fund" to pay for everything related to the Settlement. Most of the money will go to Settlement Class Members who submit valid Claim Forms (more about that in the answer to Question 13). The rest will be used to pay the costs of notifying people about the Settlement, the lawyers' fees and costs, and awards to the Settlement Class Representatives who helped bring the lawsuit.

### **12. How much will my payment be?**

If 20% of class members submit valid claims, we estimate that the *average* cash payment will be \$461; the *minimum* cash payment would be an estimated \$324.

However, we don't know enough right now to give you an exact number. The exact number will depend on how many class members submit claims, and how many calls in the class those class members received. (There are 113,997 class members, and they received a total of 324,943 calls.

Every class member received at least two calls, and some received more. The *average* class member received 2.85 calls.)

We also can't give you an exact number because we don't know what the amount of fees, costs, expenses, and awards will be deducted from the Settlement Fund.

The Settlement Website will periodically be updated to provide the estimated payment amount based on the number of participating Settlement Class Members.

### **13. How can I get a payment?**

To get a payment you have to complete and submit a valid Claim Form no later than August 7, 2023. Please file your claim electronically on [www.DIRECTVClassActionSettlement.com](http://www.DIRECTVClassActionSettlement.com). Not only is submitting online easier and more secure, but it is completely free and takes only minutes. You can get payment by a check or electronically through Zelle, PayPal, Venmo, and direct deposit. You can also fill out the paper Claim Form. Call toll-free, 1-866-211-3496 for a paper copy.

### **14. When will I get my payment?**

We can't give you a date yet. Payments will be made about two months after the Court approves the Settlement. The Court will consider final approval of the Settlement on August 24, 2023. Even if the Court approves the Settlement, there may be appeals. It is always uncertain whether and when appeals can be resolved, and resolving them can take more than a year.

All checks will expire and become void 180 days after they are issued. If there is any money left because of uncashed checks or returned electronic payments, you may get a second payment if you filed a valid claim. If there is money left after the second payments, that money may be donated to Consumer Action ([www.consumer-action.org](http://www.consumer-action.org)) to be used for their efforts to stop illegal telephone calls to consumers and to protect consumer privacy.

The Settlement Website will be updated to inform Settlement Class Members of the progress of the Settlement. Please be patient.

## **What happens if you remain in the Settlement**

### **15. What am I giving up if I stay in the class?**

Unless you exclude yourself, you are staying in the class. That means that if the Court approves the Settlement, you are giving up the right to file your own lawsuit against, or seek further money from, DIRECTV for any of the issues or claims in the case—whether or not you are currently aware of those claims.

The specific scope of the claims you are releasing is in paragraph 13.01 of the Settlement Agreement, which is available through the "Court Documents" link on the Settlement Website. If you have any questions, you can talk to the lawyers listed in Question 27 for free, or you can, of course, talk to your own lawyer.

## **16. What happens if I do nothing at all?**

If you are a Settlement Class Member and do nothing (meaning you don't submit a Claim Form and don't exclude yourself), you will not get anything from this Settlement and you will release your claims as explained above.

## **The lawyers representing you**

### **17. Do I have a lawyer in this case?**

The Court has appointed the law firms of Bailey & Glasser, LLP; Law Office of Matthew P. McCue; Broderick Law, P.C.; and Paronich Law, P.C. to represent you and all Settlement Class Members. These firms are called "Class Counsel." The law firms are experienced in handling similar class action cases.

They believe, after fighting with DIRECTV in Court for more than five years, that the Settlement Agreement is fair, reasonable, and in the best interests of the Class. You will not be separately charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

### **18. How will the lawyers be paid?**

The Court will determine how much Class Counsel will be paid for attorneys' fees, costs, and expenses in this case. The amounts will be paid from the \$16.85 million Settlement Fund. Class Counsel will apply for an attorneys' fees award of no more than one-third of the Settlement Fund, plus approximately \$300,000 in lawsuit expenses.

Class Counsel will also ask the Court to approve awards of up to \$10,000 each to compensate the Settlement Class Representatives for their services on behalf of the class.

Class Counsel's application for an award of attorneys' fees, costs, and expenses and the Settlement Class Representative awards will be made available on the "Court Documents" page at [www.DIRECTVClassActionSettlement.com](http://www.DIRECTVClassActionSettlement.com).

## **Excluding yourself from the Class**

### **19. How do I get out of the Settlement?**

To exclude yourself from the class, and no longer be part of the Settlement, you must mail a letter stating that you want to be excluded from the class. Your letter must include: (1) your full name, address, and telephone number where he or she may be contacted; (2) the telephone number(s) on which you were called; and (3) a statement that you wish to be excluded from the Settlement. You must personally sign by the Settlement Class Member submitting the request.

You must mail your exclusion request no later than August 7, 2023, to:

Vance v. DIRECTV  
c/o Kroll Settlement Administration LLC  
PO Box 5324  
New York, NY 10150-5324

**20. If I do not exclude myself, can I sue DIRECTV for the same thing later?**

No. Unless you exclude yourself, you give up any right to sue DIRECTV for the claims being resolved by this Settlement. If you have a pending case against DIRECTV, please speak with your attorney immediately.

**21. If I exclude myself, can I get anything from the Settlement?**

No. If you exclude yourself, you should not submit a Claim Form to ask for a payment because you will no longer be eligible for any.

## **Objecting to the Settlement**

**22. How do I object to the Settlement or the request for attorneys' fees, costs, expenses, and incentive awards?**

You can object to the Settlement, Class Counsel's request for attorneys' fees, costs and expenses, and the request for awards for the Settlement Class Representatives. You can ask the Court to deny approval of the Settlement. 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 payments will be made now, and the litigation 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 file a written objection before the deadline, you may, but don't have to, appear at the Final Approval Hearing. If you want to appear, you can do so yourself or through your own attorney. If you appear through your own attorney, you are responsible for hiring and paying that attorney.

All written objections must contain the following:

- Your full name
- Your address
- The telephone number where you may be contacted
- The telephone number(s) that you claim were called
- All grounds for the objection, with specificity and with factual and legal support for each stated ground
- The identity of any witnesses you may call to testify
- Copies of any exhibits that you intend to introduce into evidence at the Final Approval Hearing
- A statement of the identity (including name, address, law firm, phone number and email) of any lawyer who will be representing you with respect to any objection
- A statement of whether you intend to appear at the Final Approval Hearing with or without counsel
- A statement as to whether the objection applies only to the you, a specific subset of the Settlement Class, or the entire Settlement Class.

To be considered by the Court, your objection must be filed with the Court with an electronic filing stamped date on or before August 7, 2023 or sent to the Claims Administrator by mail (with a postmark date on or before August 7, 2023) or by email (sent on or before August 7, 2023).

**23. What is the difference between objecting and excluding myself from the class?**

Objecting means that you disagree with some aspect of the Settlement and think the Court should not approve the Settlement. An objection allows your views to be heard in court. You can object only if you stay in the class. Excluding yourself from the class means that you are no longer a Settlement Class Member and do not want the Settlement to apply to you. If you exclude yourself, you lose any right to receive any payments or benefits from the Settlement or to object to the Settlement because the case no longer affects you.

## **The Court's Final Approval Hearing**

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

The Court is scheduled to hold the Final Approval Hearing on August 24, 2023, in the courtroom of the Hon. John P. Bailey, at the United States Courthouse, 1125 Chapline Street, Wheeling, West Virginia. The hearing may be rescheduled to a different date or time or location without notice to Settlement Class Members. Please review the Settlement Website for any updated information regarding the Final Approval Hearing.

At the Final Approval Hearing, the Court will consider whether the Settlement is fair, reasonable and adequate. If there are objections, the Court will consider them. The Court may listen to people who appear at the hearing and who have provided notice of their intent to appear at the hearing. The Court may also consider Class Counsel's application for attorneys' fees, costs and expenses and for awards to Settlement Class Representatives.

**25. Do I have to come to the Final Approval Hearing?**

No. Class Counsel will answer any questions the Court may have. You may attend at your own expense if you wish. If you submit a written objection, you do not have to come to the Court to talk about it. As long as you submit your written objection on time, and follow the requirements above, the Court will consider it. You may also pay your own attorney to attend, but it is not required.

**26. May I speak at the Final Approval Hearing?**

Yes. You may ask the Court for permission to speak at the Final Approval Hearing. At the hearing, the Court may hear any objections and arguments concerning the fairness of the Settlement and/or Class Counsel's request for attorneys' fees, costs, expenses, and incentive awards. To do so, you must include in your objection a statement saying that you intend to appear at the Final Approval Hearing. If you have counsel representing you in your objections, you must include the lawyer's name, address, law firm, phone number and email. Please see Question 22 for a complete list of information your objection must include.

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

## Getting more information

### 27. How do I get more information?

This Notice summarizes the proposed Settlement. More details are in the Class Action Settlement Agreement and Release, in the Court's orders, and other relevant documents, which are available online at [www.DIRECTVClassActionSettlement.com](http://www.DIRECTVClassActionSettlement.com).

You can also get information about this case by accessing the Court docket, for a fee, through the Court's Public Access to Court Electronic Records (PACER) system at [www.cand.uscourts.gov](http://www.cand.uscourts.gov), or by visiting the office of the Clerk of the Court for the United States District Court for the Northern District of West Virginia, Wheeling Courthouse, between 9:00 a.m. and 5:00 p.m., Monday through Friday, excluding Court holidays.

You may also contact the Claims Administrator at 1-866-211-3496 or write to the Claims Administrator, Vance v. DIRECTV, c/o Kroll Settlement Administration LLC, PO Box 5324, New York, NY 10150-5324, or call Class Counsel Bailey & Glasser LLP at (304) 345-6555.

**PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK'S OFFICE  
TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.**

All questions regarding the Settlement or claims process should be directed to the Claims Administrator or to Class Counsel.

By order of the United States District Court for the Northern District of West Virginia