

NOTICE OF CLASS ACTION SETTLEMENT

Peter Garvey v. Citizens for Rauner, Inc. and Bruce Rauner, Case No. 18-cv-07919 (N.D. Ill.)

You may be entitled to a payment from a class action settlement if you received one or more telephone calls or ringless voicemail messages from Citizens for Rauner, Inc. (“Rauner Campaign”) or in support of the gubernatorial campaign of Bruce V. Rauner (“Rauner”) (collectively, the “Defendants”) on your cellphone during the period from March 23, 2014 to May 13, 2021.

This is a court-authorized notice. This is not a solicitation from a lawyer, and you are not being sued.

Please read this notice carefully.

It summarizes your rights and options to participate in a class action settlement, which are affected whether or not you act. The full Settlement Agreement can be accessed at www.CitizensForRaunerTCPASettlement.com.

What is this notice about?

This notice provides important information about a proposed settlement in a class action lawsuit against the Rauner Campaign and Rauner. The lawsuit claims that Defendants violated the Telephone Consumer Protection Act (“TCPA”) when making calls and delivering prerecorded messages via voicemail to cellphones. Defendants deny the allegations. Although the court presiding over the lawsuit has not decided who is right or wrong, the parties have reached a compromise to end the lawsuit and provide compensation to those who may have been affected.

Why am I getting notice?

You have been identified as a potential member of the class settlement. Please read this notice carefully. It summarizes your rights and options to participate in the settlement, which are affected whether or not you act. The full Settlement Agreement can be accessed at www.CitizensForRaunerTCPASettlement.com.

What can I get from the settlement?

The settlement will provide a total of \$1,000,000 (the “Settlement Fund”) to fully settle and release the Class Members’ claims against the Rauner Campaign and Rauner. If you received a telephone call, text message or ringless voicemail message from the Rauner Campaign or Rauner and you fit the definition of the Settlement Class, as defined below, then you can choose whether to participate in the settlement.

The Court presiding over the lawsuit must still decide whether to approve the settlement. Settlement payments will be made only if the Court approves the settlement, and after any appeals are resolved. Please be patient.

What are my options?

Your rights and options—and the deadlines to exercise them—are explained in this notice. Please do not call or write the Court, the Court Clerk’s office, the Defendants or their respective counsel for more information. They will not be able to assist you.

Any questions? Read on. You can also visit www.CitizensForRaunerTCPASettlement.com.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

SUBMIT A TIMELY CLAIM FORM FOR MONETARY COMPENSATION	You may submit a claim to receive a payment. Under the settlement, all Settlement Class Members who timely submit a valid claim are eligible to receive an equal share of a \$1,000,000 Settlement Fund after deductions for attorneys' fees, litigation expenses, and administrative costs associated with the Settlement. To receive a payment, you must submit a claim by August 11, 2021. You can submit your claim online at the settlement website or mail it to the Settlement Administrator. Please see below for further instructions.
DO NOTHING	If you do nothing, you will <u>not</u> receive a share of the Settlement Fund, but if you are a Class Member you will still be bound by all orders of the Court. Unless you exclude yourself from the settlement, you will not be able to file or continue a lawsuit against the Released Parties regarding any of the Released Claims. <i>Submitting a valid and timely Claim Form is the only way to receive a payment from this settlement.</i>
EXCLUDE YOURSELF	If you exclude yourself from the settlement, you will <u>not</u> receive a share of the Settlement Fund, and you will not release any claims you have against Defendants. The deadline for excluding yourself is August 11, 2021 . You must follow the process below to opt out. If the settlement is approved and you do not exclude yourself, you will be bound by the settlement and will release certain claims described below.
OBJECT	You may write to the Court about why you do not believe the settlement is fair, reasonable, and adequate. The deadline for objecting is August 11, 2021 , and the procedure for objecting is explained below.

1. Why should I read this Notice?

This is a notice of a proposed settlement in a class action lawsuit. The settlement would resolve the class action lawsuit that Plaintiff filed against the Rauner Campaign and Rauner. Please read this notice carefully. It explains the lawsuit, the settlement, and your legal rights, including the process for receiving a settlement check, excluding yourself from the settlement, or objecting to the settlement.

2. What is this lawsuit about?

Plaintiff filed this lawsuit against the Rauner Campaign and Rauner alleging that they violated the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* ("TCPA") when making telephone calls and delivering prerecorded messages via ringless voicemail to cellular telephones. The complaint in this lawsuit is posted at www.CitizensForRaunerTCPASettlement.com, and contains all of the allegations. Defendants have denied these allegations, and the Court has not decided who is right and who is wrong; however, to avoid the expense, inconvenience, and distraction of continued litigation, the parties have agreed to the settlement described in this notice.

3. What is a class action and who is involved?

In a class action, one or more people called "Class Representatives" file a 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, except for those who exclude themselves from the class. Here, Plaintiff Garvey is the "Class Representative." The parties that the Class Representative sued—the Rauner Campaign and Rauner—are called the "Defendants" in this case.

4. Why is this lawsuit a class action?

The Court has preliminarily decided that, for settlement purposes, this lawsuit can be certified as a class action because it meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal court.

5. Why is there a settlement?

The Court has not found in favor of either Plaintiff or Defendants. Instead, the parties have agreed to settle the lawsuit to avoid the time, risk, and expense associated with continued litigation. If the Court approves the Settlement, then the Settlement Class Members will receive compensation to resolve the claims asserted in the lawsuit. Plaintiff and his attorneys believe that the proposed class settlement is in the best interest of all Class Members.

6. How do I know if I am a part of the settlement class?

If you received a postcard notice, then Defendants' records indicate that you may be a member of the class. But you need to confirm whether you are part of this lawsuit. The settlement class is defined as all persons and entities throughout the United States (1) to whom Defendants placed or caused to be placed one or more telephone calls or ringless voicemail messages; (2) directed to a number assigned to a cellular telephone service; (3) using an automatic telephone dialing system, or artificial or prerecorded voice; (4) from March 23, 2014 to May 13, 2021.

7. Who represents me in this case?

In a class action, one or more people or entities called Class Representatives sue on behalf of people and entities that have similar claims. In this case, Plaintiff Garvey, acting both individually and in a representative capacity, sued the Rauner Campaign and Rauner, and the Court has appointed Plaintiff Garvey to be the Settlement Class Representative for all Settlement Class Members in this case. The Court has also appointed the law firm of Sawin Law Ltd. in Chicago, Illinois to act as Class Counsel to represent the interests of Class Members. You may retain your own counsel to represent you at your own expense if you would like.

8. How will Class Counsel be paid?

Class Counsel will ask the Court to approve the payment of their attorneys' fees up to 33 1/3% of the Fund, plus expenses, for investigating the facts, litigating the lawsuit, negotiating the settlement, and obtaining approval of the settlement. To date, Class Counsel has not received any payment for their services in conducting this litigation on behalf of the Class Representative and the Settlement Class; nor has Class Counsel been reimbursed for their expenses directly related to their representation of the Settlement Class. The fees and expenses awarded by the Court will be paid out of the Settlement Fund. Class Counsel will also request that an incentive award of up to \$10,000 be paid from the Settlement Fund to Plaintiff Garvey for his service as a representative on behalf of the whole Settlement Class. The amount of any attorneys' fees or incentive award will be determined by the Court.

9. What does the settlement provide?

Defendants will establish a Settlement Fund in the amount of \$1,000,000. Out of the Settlement Fund, Defendants will pay: (a) settlement compensation to the Class Members; (b) the costs and expenses of administrating the class action settlement; (c) an award of attorneys' fees to Class Counsel, subject to the Court's approval; (d) costs and expenses incurred by counsel for Plaintiff Garvey in litigating this matter, subject to the Court's approval; and (e) an incentive award to Plaintiff Garvey of up to \$10,000, subject to the Court's approval.

10. What benefits can I receive from the Settlement?

Under the settlement, the Rauner Campaign and Rauner have agreed to provide monetary compensation to Class Members who timely submit valid claims. The total Settlement Fund is \$1,000,000. The amount of the check that you will be sent is not yet known, because it depends on the number of Class Members who timely submit valid claims, the costs of settlement administration, attorneys' fees and costs, and an incentive award for the Class Representative, all of which will be paid from the Settlement Fund. Every Settlement Class Member who submits a timely, valid claim will be sent a check in the same amount. ***Submitting a timely and valid Claim Form is the only way to receive a payment from the Settlement and is the only thing you need to do to receive a payment.*** Claim Forms are available at www.CitizensForRaunerTCPASettlement.com. Claim Forms may be submitted online at www.CitizensForRaunerTCPASettlement.com, or mailed to the Settlement Administrator at *Garvey v. Citizens For Rauner* Settlement Administrator, P.O. Box 43434, Providence, RI 02940-3434.

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

Unless you exclude yourself from the settlement, you will be part of the Settlement Class, which means you give up your right to sue, continue to sue, or be part of any other lawsuit against the Rauner Campaign or Rauner regarding any of the claims released under the Settlement Agreement. Giving up your legal claims is called a "release." For more information on the release, released parties, and released claims, you may obtain a copy of the Settlement Agreement from the Clerk of the United States District Court for the Northern District of Illinois, or on the dedicated settlement website, www.CitizensForRaunerTCPASettlement.com.

12. How can I get a settlement award?

Submitting a timely and valid Claim Form is the only way to receive a payment from the Settlement and is the only thing you need to do to receive a payment. Claim Forms are available at www.CitizensForRaunerTCPASettlement.com. Claim Forms may be submitted online at www.CitizensForRaunerTCPASettlement.com, or mailed to the Settlement Administrator at *Garvey v. Citizens For Rauner* Settlement Administrator, P.O. Box 43434, Providence, RI 02940-3434. Claim Forms must be either postmarked by August 11, 2021, or submitted through www.CitizensForRaunerTCPASettlement.com by August 11, 2021. If the Court grants final approval of the settlement, settlement checks will be mailed to Class Members who timely mailed or submitted valid Claim Forms. Note that if you receive a settlement award check, you will have ninety (90) days to cash the check sent to you. If you do not cash the check within that time period, then your check will be void and the funds will be utilized as the Court deems appropriate, including distribution to a charitable organization.

13. How do I exclude myself from the Settlement Class?

If you want to exclude yourself from the Settlement Class (sometimes referred to as "opting out"), then you will not be eligible to recover any benefits as a result of this Settlement. However, you will keep the right to sue or continue to sue Defendants on your own and at your own expense about any of the Released Claims.

To exclude yourself from the Settlement Class, you must send a letter by mail that: (a) is signed by you; (b) includes your full name, address and the telephone phone number at which Defendants called, texted or left you a voicemail; (c) identifies the name and case number of this lawsuit (*Garvey v. Rauner, et al.*, No. 18-cv-07919); and (d) includes the following statement: "I/we request to be excluded from the Settlement Class in the *Garvey v. Citizens for Rauner, Inc. TCPA* action," or words to that effect. No request for exclusion will be valid unless all the information described above is included and the request for exclusion is submitted timely.

You must mail your exclusion request postmarked no later than August 11, 2021 to the following address:

Garvey v. Citizens For Rauner Settlement Administrator
P.O. Box 43434
Providence, RI 02940-3434

14. How do I tell the Court that I do not agree with the settlement?

If you do not exclude yourself from the settlement, you can object to the settlement or any part of the settlement that you do not believe is fair, reasonable, and adequate.

To object, you must file a written objection with the Court and send said written objection via first-class mail to the attorneys and Court listed below **postmarked no later than August 11, 2021**. In order for your written objection to be effective, it must: (a) contain a heading which includes the name of the case and case number; (b) provide your name, address, telephone number and signature; (c) contain the name, address, bar number and telephone number of your counsel, if represented by an attorney; (d) contain a statement of the specific basis for each objection; (e) contain evidence demonstrating that you are a member of the class; (f) contain a list of any legal authority you will present at the final approval hearing; (g) contain a statement as to whether you intend to appear at the final approval hearing; and (h) contain the telephone number at which Defendants contacted you.

Class Counsel:

John Sawin
Sawin Law Ltd.
55 W. Wacker Drive, Suite 900
Chicago, Illinois 60601
Tel. (312) 853-2490
jsawin@sawinlawyers.com

Rauner's Counsel:

Jordan Vick
Seyfarth Shaw LLP
233 S. Wacker Drive, Suite 8000
Chicago, Illinois 60606

Rauner Campaign's Counsel:

Shane Bradwell
O'Hagan Meyer
One E. Wacker Drive, Suite 3400
Chicago, Illinois 60601

The Court:

U.S. District Court for the
Northern District of Illinois
Dirksen Federal Building
219 S. Dearborn Street
Chicago, Illinois 60604

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

Objecting is telling the Court that you do not believe the settlement is fair, reasonable, and adequate. Conversely, excluding yourself means that you do not want to be part of the settlement. You can object only if you do not exclude yourself from the settlement. If you exclude yourself, you have no basis to object to the Settlement because it no longer affects you.

16. What happens if I do nothing at all?

If you do nothing and the Court approves the Settlement Agreement, you will not receive a share of the Settlement Fund, but you will release any claim you have against Defendants related to the allegations of this case. Unless you exclude yourself from the settlement, you will not be able to sue, continue to sue, or be part of any other lawsuit against Defendants regarding any of the Released Claims as defined in the Settlement Agreement.

17. When and where will the Court decide whether to approve the settlement?

The Court will hold a final approval hearing on September 7, 2021 at 11:00 a.m. The hearing will take place in the United States District Court for the Northern District of Illinois, Dirksen Federal Building, 219 S. Dearborn Street, Chicago, Illinois 60604. At the final approval 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 hear objections to the settlement, if any. The Court may also decide how much to award to Class Counsel in attorneys' fees, costs, and expenses. The Court may make a decision at that time, postpone a decision, or continue the hearing.

You do not need to attend the final approval hearing. Class Counsel will appear on behalf of the Class. But you may attend or have your own lawyer appear at your own expense.

18. 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 explained in Question 14 above. To speak at the Final Approval Hearing, you must also file with the Clerk of the Court your "Notice of Intention to Appear in the Garvey v. Citizens for Rauner, Inc. TCPA Action." Be sure to include your name, address, telephone number and your signature. Your Notice of Intention to Appear must be filed no later than August 11, 2021, and must be sent to all addresses listed in response to Question 14. You cannot speak at the hearing if you excluded yourself from the settlement.

19. Is this the entire Settlement Agreement?

No. This notice is only a summary of the proposed settlement. More details are in the Settlement Agreement, which was filed with the Court, and posted at the dedicated settlement website located at www.CitizensForRaunerTCPASettlement.com.

DO NOT CALL OR WRITE TO THE COURT, THE CLERK OF THE COURT, CITIZENS FOR RAUNER, RAUNER OR THEIR COUNSEL ABOUT THE SETTLEMENT. IF YOU HAVE ANY QUESTIONS, YOU MAY CONTACT CLASS COUNSEL AT THE ADDRESS LISTED ABOVE.

MORE INFORMATION IS ALSO AVAILABLE AT THE CASE WEBSITE, www.CitizensForRaunerTCPASettlement.com. PLEASE MONITOR THE CASE WEBSITE FOR UPDATES AND OTHER IMPORTANT INFORMATION.