

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION**

A state court authorized this Notice and Website

Notice of Class Action and Settlement

Bulgajewski v. R.T.G. Furniture Corp., Civil Action No. 18-CA-007000

A proposed class action Settlement has been reached in this lawsuit. In this lawsuit, a job applicant (the “Class Representative”) alleged that R.T.G. Furniture Corp., its affiliates and related entities (the companies that are parties to this Settlement are listed below and collectively referred to as “RTG” herein) procured background checks on applicants without providing them a stand-alone disclosure document in violation of 15 U.S.C. 1681b(b)(2)(A)(i)-(ii) of the Fair Credit Reporting Act (“FCRA”). For that reason, it is alleged that the background checks were not properly authorized. RTG denies these allegations, and the Court has not ruled for either side. Instead, the parties have agreed to settle the lawsuit to avoid the expense, disruption and delay of further litigation.

If you received a postcard notice addressed to you regarding a proposed Settlement in this lawsuit, and records show that you applied for a position at RTG between August 16, 2015 and January 31, 2018, then you are a member of the class whose rights and options may be affected by this Settlement. The class is referred to as the “Settlement Class” and the members referred to as “Settlement Class Members.”

The purpose of this Notice and website is to inform you of this lawsuit, the proposed Settlement and your rights and options, and to alert you that the Court will hold a Fairness Hearing to consider this Settlement and related matters on **January 28, 2019, at 10:00 a.m.** at the George E. Edgecomb Courthouse, 800 E. Twiggs Street, Courtroom 503, Tampa, Florida 33602. The Court may reschedule the Fairness Hearing and related deadlines without further written notice other than as posted on this website. If the Court alters any of those dates or times, the revised dates and times shall be posted on this website.

Your rights and options are summarized in the chart below. For more information, please see the remainder of this Notice, which is organized by the topics listed in the table of contents. Your rights are affected whether you act or do not act, so read this Notice carefully.

YOUR KEY LEGAL RIGHTS AND OPTIONS	
SUBMIT A CLAIM BY FEBRUARY 27, 2019	If you submit a timely and valid claim, and the Settlement is approved and becomes final, you will receive \$55.00 . You must submit a Claim Form through the Settlement website by February 27, 2019 . Submitting a Claim Form through the Settlement website is the only way to receive a benefit from the Settlement. If you do not submit a Claim Form, you will not receive any money.
ASK TO BE EXCLUDED BY JANUARY 8, 2019	If you ask to be excluded from the Settlement and follow the required procedures, then you will not receive any benefit from this Settlement. However, you will maintain the right to bring a lawsuit at your expense for legal claims that were or could have been brought in this lawsuit. The procedures required to exclude yourself are explained below.
OBJECT BY JANUARY 8, 2019	You may write to the Court explaining why you dislike any part of the Settlement, including the proposed award of fees and expenses to the attorneys representing the Settlement Class. In order to object, you must remain a member of the Settlement Class, which means that you cannot ask to be excluded. The procedures required to object are explained below.
DO NOTHING	If you do nothing, you will remain a member of the Settlement Class and release the legal claims described in this Notice, including all claims relating to whether, between August 16, 2015 and January 31, 2018, RTG procured consumer reports on job applicants without making lawful disclosures and without proper authorization pursuant to the FCRA. You will give up any rights to sue RTG for claims that were or could have been brought in this lawsuit, but you will not release or give up any claims you may have under 15 U.S.C. § 1681b(b)(3) of the Fair Credit Reporting Act, requiring individuals subject to an adverse employment action, based in whole or in part on their consumer report, be provided a copy of the consumer report and a summary of their rights under the FCRA. If you do not submit a Claim Form, you also will not receive any money.

CONTENTS

BASIC INFORMATION3

1. What is the purpose of this Notice and Website?

2. What is a class action lawsuit and who is involved?

3. What is this class action lawsuit about?

4. Why is there a Settlement?

WHO IS IN THE SETTLEMENT?.....4

5. Am I part of this Class?

6. Who are the parties to this Settlement?

SETTLEMENT BENEFITS — WHAT YOU GET4

7. What benefits can Class Members receive from the Settlement?

8. How do I claim the Settlement benefit?

9. What is the deadline to submit a Claim Form?

10. What if I don't submit a fully completed Claim Form by the deadline?

11. Can someone else sign my Claim Form or claim my Settlement benefit for me?

12. When will I get my Settlement benefit?

13. What do I give up to stay in the Settlement Class?

14. Does this release include unknown claims?

EXCLUDING YOURSELF FROM THE SETTLEMENT6

15. How do I exclude myself from this Settlement and the Settlement Class?

16. Where do I mail an exclusion request?

17. What is the deadline to mail an exclusion request?

18. Is there any other way to exclude myself from the Settlement and Settlement Class?

19. If I exclude myself, can I still get benefits from this Settlement?

THE LAWYERS REPRESENTING YOU7

20. Do I have a lawyer in this case?

21. Can I get my own lawyer or intervene in the case?

22. How will the lawyers representing the Settlement Class be paid, and will there be incentive payments to the Class Representatives?

OBJECTING TO THE SETTLEMENT.....7

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

24. Where do I send my objection?

25. What is the deadline for objecting?

26. What if my objection doesn't meet all of the requirements described in this Notice?

27. What happens after I object?

28. What is the difference between objecting and excluding myself from the Settlement?

FAIRNESS HEARING9

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

30. Do I have to come to the hearing?

31. May I speak at the hearing?

32. How do I notify the Court if I intend to speak at the hearing?

33. Where do I send the notice that I intend to speak at the hearing?

34. What is the deadline for sending a notice that I intend to speak at the hearing?

IF YOU DO NOTHING.....10

35. What happens if I do nothing at all?

ADDITIONAL INFORMATION10

36. How do I get additional information?

BASIC INFORMATION

1. What is the purpose of this Notice and Website?

There is a class action lawsuit pending in the Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida, known as *Bulgajewski v. R.T.G. Furniture Corp.*, Civil Action No. 18-CA-007000. The judge overseeing this case authorized this Notice. If you are a Settlement Class Member, you have various options before the Court decides whether to approve the proposed Settlement. This Notice explains the lawsuit, the Settlement, your legal rights, the available Settlement benefits, who is eligible for them, and how to get them.

2. What is a class action lawsuit and who is involved?

In a class action lawsuit, one or more persons called “Class Representatives” sue on behalf of other people who have similar claims. All of these people together are called a “Class” or “Class Members.” The lawyers who represent the Class are called “Class Counsel.” In a class action lawsuit, all factual questions and legal issues are resolved together for everyone in the Class, except for those people who choose to exclude themselves from the Class.

3. What is this class action lawsuit about?

In this lawsuit, the Class Representative alleged that RTG procured background checks on job applicants using a disclosure form that she contends is not in the format required by the Fair Credit Reporting Act. For that reason, she contends that those background checks were not properly authorized. RTG denies that it violated the law and has asserted defenses to the Class Representative’s claims. The Class Representative’s Amended Class Action Complaint and Defendant’s Answer are posted on this website.

4. Why is there a Settlement?

RTG denies the Class Representative’s allegations, and the Court did not decide in favor of any party. Instead, both sides agreed to settle to avoid the costs, delay, and disruption of continued litigation, and in order to provide certainty and benefits to the people affected. After a full investigation, the Class Representative and Class Counsel believe the Settlement is fair and reasonable.

WHO IS IN THE SETTLEMENT?

5. Am I part of this Class?

The Court has certified a Settlement Class consisting of all persons as to whom RTG (including its affiliates) procured a background check, including a consumer report, in conjunction with an application for employment, promotion, or job change within the Class Period of August 16, 2015 through January 31, 2018. The Settlement Class does not include any judge to whom this case is assigned, any member of the judge’s immediate family, or the judge’s staff or their immediate families.

Using records available to RTG, the parties have identified persons who applied for a position at RTG between August 16, 2015 and January 31, 2018. If you received a postcard notification of this Settlement addressed to you, then you are probably a member of the Settlement Class. In order to submit a valid Claim Form and receive Settlement benefits, as described below, you will have to verify that you applied for a position at RTG between August 16, 2015 and January 31, 2018.

6. Who are the parties to this Settlement?

The parties to this Settlement are the Class Representative and the Settlement Class Members, on the one hand, and R.T.G. Furniture Corp., RTG Furniture Corp. of Georgia, RTG Furniture of Texas, L.P., Rooms To Go North Carolina Corp., Rooms To Go Louisiana Corp., Rooms To Go Alabama Corp., Rooms To Go Mississippi Corp., Rooms To Go Tennessee Corp., Roomstogo.com, Inc., and Retail Management Services Corp. (“RTG”), on the other. These companies are separate legal entities, and they are referred to as “RTG” herein solely for convenience.

SETTLEMENT BENEFITS — WHAT YOU GET

7. What benefits can Class Members receive from the Settlement?

You will receive a check for **\$55.00** if the Court approves the Settlement and it becomes final and you are a Settlement Class Member who submits a timely and valid Claim Form.

8. How do I claim the Settlement benefit?

To claim a benefit under the Settlement, you must complete a Claim Form electronically through the Settlement website by **February 27, 2019**. There is no charge to submit a Claim Form, and you will not be asked for personal information other than confirming or updating your name, address and telephone number. You will also have to verify that you applied for a position at RTG between August 16, 2015 and January 31, 2018.

To complete and submit a Claim Form online, click [here](#).

9. What is the deadline to submit a Claim Form?

February 27, 2019.

10. What if I don't submit a fully completed Claim Form by the deadline?

If you fail to submit a fully completed Claim Form by the required deadline, you will not receive any Settlement benefit. However, you will still be bound by the Settlement terms and release of liability unless you exclude yourself from the Settlement (see Item 14).

11. Can someone else sign my Claim Form or claim my Settlement benefit for me?

No. You may not assign or delegate to any individual or entity the right to receive a benefit under the Settlement or to submit a Claim Form on your behalf. However, if there is someone such as a trustee, guardian, or other person acting under a general power of attorney who was already authorized by law to represent you generally in your financial matters, that person may sign and submit a Claim Form on your behalf.

12. When will I get my Settlement benefit?

The Court will hold a Fairness Hearing on **January 28, 2019 at 10:00 a.m.** to decide whether to approve the Settlement as fair, reasonable, and adequate (See Item 29 below). If the Court approves the Settlement, there may still be appeals that delay the conclusion of the case. Checks will be mailed within 45 days after all such issues and appeals have been resolved and the Court's judgment becomes final. Resolving all appeals can take time, so please be patient. You must deposit or cash your check within the period stated on the check; otherwise, it will be void.

13. What do I give up to stay in the Settlement Class?

Unless you exclude yourself (see Item 14 below), you will be part of the Settlement Class. That means that, if the Settlement is approved and becomes final, the Court's orders approving the Settlement and the judgment in this lawsuit will apply to and legally bind you and the Settlement Class. In that case, you will release the following **Released Claims** against all of the **Released Persons** listed below:

The **Released Claims** are: any and all claims, damages, rights, demands, actions, causes of action, suits, debts, liens, contracts, liabilities, agreements, costs, expenses, losses, or remedies of whatever kind or nature, whether foreseen or unforeseen, and whether known or unknown, that were or could have been asserted in the Action including, without limitation, claims based on, arising out of, or related directly or indirectly to any of the allegations, transactions, facts, matters or occurrences referenced in any complaints filed in the Action, including without limitation any and all claims (i) under the Fair Credit Reporting Act or any similar state or federal law or any common law doctrine protecting consumer information or privacy (ii) arising from any application for employment or any background check or consumer report obtained for employment purposes by RTG and its affiliates during the Class Period. The Released Claims include any right or opportunity to claim, seek, or obtain restitution, disgorgement, injunctive relief, or any other benefit. However, "Released Claims" do not include any claims pursuant to 15 U.S.C. § 1681b(b)(3) of the Fair Credit Reporting Act, requiring individuals subject to an adverse employment action, based in whole, or in part, on their consumer report, be provided a copy of the consumer report and a summary of their rights under the FCRA.

The **Released Persons** are: R.T.G. Furniture Corp., RTG Furniture Corp. of Georgia; RTG Furniture of Texas, L.P.; Rooms To Go North Carolina Corp.; Rooms To Go Louisiana Corp.; Rooms To Go Alabama Corp.; Rooms To Go Mississippi Corp.; Rooms To Go Tennessee Corp.; Roomstogo.com, Inc.; Retail Management Services Corp., and their past and present direct and indirect owners, parents, subsidiaries, affiliates, and divisions; the past and present officers, directors, trustees, beneficiaries, members, shareholders, employees, representatives, partners, direct and indirect owners, parents, subsidiaries, affiliates, divisions, joint venturers, consultants, agents, independent contractors, attorneys, and insurers of all of the foregoing; and the predecessors, successors, assigns, and legal representatives of all of the foregoing.

14. Does this release include unknown claims?

Yes. If you do not exclude yourself from this Settlement, you are releasing any claims that fall within the definition of "Released Claims" (see Item 12 above) even if you do not know about those claims. California Civil Code § 1542 reads as follows:

"A general release does not extend to claims, which the creditor does not know or expect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor."

Unless you exclude yourself from the Settlement, you give up the protections of this law and any and all other similar state statutes limiting the effect of general releases.

EXCLUDING YOURSELF FROM THE SETTLEMENT

15. How do I exclude myself from this Settlement and the Settlement Class?

To exclude yourself from the Settlement and the Settlement Class, you must send a letter by U.S. mail containing all of the following:

- (a) your name;
- (b) your physical address;
- (c) a phone number;
- (d) the Claim Number included on the postcard notice sent to you regarding this Settlement;
- (e) the following statement: "I hereby request to be excluded from the Settlement in *Bulgajewski v. R.T.G. Furniture Corporation*, Case No.: 18-CA-007000, and understand that I will not be entitled to receive any proceeds from the Settlement."; and
- (f) your personal signature (reproduced, facsimile, conformed, or other non-original signatures are not valid).

16. Where do I mail an exclusion request?

You must mail your exclusion request to the Settlement Administrator at:

***Bulgajewski v. R.T.G. Furniture Corp.* Settlement Administrator
c/o KCC Class Action Services
P.O. Box 404000
Louisville, KY 40233-4000**

17. What is the deadline to mail an exclusion request?

To be honored and valid, an exclusion request **must be postmarked no later than January 8, 2019**. Requests for exclusion from the Settlement Class that are not postmarked on or before that date will not be honored.

18. Is there any other way to exclude myself from the Settlement and Settlement Class?

No. You cannot exclude yourself by telephone or email. You cannot exclude yourself by mailing a request to any other location or after the deadline. You cannot exclude yourself by having an actual or purported agent or attorney acting on behalf of you or a group of Settlement Class Members sign the letter. You must personally sign the letter to be excluded from the Class.

19. If I exclude myself, can I still get benefits from this Settlement?

No. If you exclude yourself from the Settlement, you will not get any money from this Settlement. If you exclude yourself, you should not submit a Claim Form. If you exclude yourself and still submit a Claim Form, your Claim Form will not be accepted for payment and you will not receive any money from the Settlement.

THE LAWYERS REPRESENTING YOU

20. Do I have a lawyer in this case?

Yes. The Court has decided preliminarily that the following lawyers will represent you and all Settlement Class Members. Together these lawyers are called "Class Counsel." They are experienced in handling class action cases.

Marc R. Edelman medelman@forthepeople.com MORGAN & MORGAN One Tampa City Center 201 N. Franklin Street, 7th Floor Tampa, FL 33602 Telephone: (813) 223-5505	C. Ryan Morgan rmorgan@forthepeople.com MORGAN & MORGAN P.O. Box 4979 Orlando, FL 33802 Telephone: (407) 420-1414	Andrew Frisch afrisch@forthepeople.com MORGAN & MORGAN 600 North Pine Island Road, Suite 400 Plantation, Florida 33324 Telephone: (954) 318-0268
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21. Can I get my own lawyer or intervene in the case?

Yes. If you want your own lawyer, you may hire one at your own expense to enter an appearance on your behalf. However, you do not have to hire a lawyer to submit a Claim Form, object to the Settlement, speak at the Fairness Hearing or exclude yourself from the Settlement Class. This Notice describes how to do each of these things. If you want to intervene in the case and become a party, you must file a motion with the Court by **January 8, 2019**.

22. How will the lawyers representing the Settlement Class be paid, and will there be incentive payments to the Class Representatives?

To date, Class Counsel has not received any attorneys' fees or reimbursement for any of the expenses associated with this lawsuit since it was filed. Subject to the Court's approval, RTG will pay all reasonable attorneys' fees, costs, and expenses, in an amount to be determined by the Court. Class Counsel has agreed their request for attorneys' fees and costs will not

exceed \$170,000. Charlotte Bulgajewski may also ask the Court for a service award of up to \$3,500. These attorneys' fees, costs, expenses and service award payments will be over and above the \$55 paid to each Class Member. Consequently, these awards will not reduce the recovery to you and other members of the Settlement Class.

Any fees, costs, expenses or incentive awards requested by Class Counsel must be approved by the Court. Class Counsel's motion for fees and expenses and for the award of an incentive payment to the Class Representative will be on file with the Court and posted on this Settlement website by **December 31, 2018**.

OBJECTING TO THE SETTLEMENT

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

If you are a Settlement Class Member and you do not exclude yourself, you can object to any part of the Settlement that you do not like, including the requested award of attorneys' fees and expenses to Class Counsel or the incentive payment to the Class Representative (see Item 22).

To object, you must file with the Court and serve on Class Counsel and RTG's Counsel (at the addresses below) a written objection referencing this lawsuit (*Bulgajewski Class Action*, No. 18-CA-007000). Your objection must:

- (a) state your full name, current address, and telephone number;
- (b) include the Claim Number listed on the postcard notice sent to you regarding this Settlement;
- (c) contain your original signature (conformed, reproduced, facsimile, or other non-original signatures will not be valid, nor is the signature of an attorney sufficient);
- (d) state that you object to the Settlement, in whole or in part;
- (e) state the legal and factual basis for your objection;
- (f) attach copies of any documents that you want the Court to consider in support of your objection;
- (g) identify by name, address, and bar number any attorney who represents you with respect to the objection or who assisted or advised you in any way with respect to the objection;
- (h) list by case name and civil action number all class action settlements to which you (or any attorney that meets the description of subsection (g) immediately above) have objected within the last five years; and
- (i) attach a copy of any orders relating to or ruling upon the objector's prior objections that were issued by the trial and appellate courts in each case.

In addition, if you are represented in your objection by an attorney who intends to seek fees and expenses from anyone other than you, your objection must also include (i) a description of the attorney's legal background and prior experience in connection with class action litigation; (ii) the amount of fees sought by the attorney for representing the objector and the factual and legal justification for the fees being sought; (iii) a statement regarding whether the fees being sought are calculated on the basis of a lodestar, contingency, or other method; (iv) the number of hours already spent by the attorney and an estimate of the hours to be spent in the future; (v) the attorney's hourly rate; and (vi) any and all agreements that relate to the objection or the process of objecting, whether written or verbal, between the objecting Settlement Class Member and his or her counsel and any other person or entity.

24. Where do I send my objection?

You must send your objection to each of the following:

Clerk of Court	Clerk of Court Thirteenth Judicial Circuit Court George Edgecomb Courthouse 800 E. Twiggs Street Tampa, Florida 33602 Re: <i>Bulgajewski Class Action</i> , No. 18-CA-007000
Class Counsel	Marc R. Edelman MORGAN & MORGAN One Tampa City Center 201 N. Franklin Street, 7th Floor Tampa, FL 33602 Re: <i>Bulgajewski Class Action</i> , No. 18-CA-007000
RTG's Counsel	Cullan E. Jones HUNTON ANDREWS KURTH LLP 2200 Pennsylvania Avenue, NW Washington, D.C. 20037 Re: <i>Bulgajewski Class Action</i> , No. 18-CA-007000

25. What is the deadline for objecting?

To be considered by the Court, an objection must be postmarked or deposited with an overnight delivery service or hand-delivered **no later than January 8, 2019.**

26. What if my objection doesn't meet all of the requirements described in this Notice?

If you file an objection that does not meet all of the requirements described in this Notice, you will waive any objection to the Settlement (including the requested award of attorneys' fees, costs, and expenses to Class Counsel and the incentive payment to the Class Representatives), and you will be bound by all the terms of the Settlement and by all proceedings, orders, and judgments, including, but not limited to, the release in the Settlement Agreement if the Settlement is approved and becomes final.

27. What happens after I object?

If you object in accordance with the required procedures, the Court will consider your objection in deciding whether to approve the Settlement.

If you object, then Class Counsel or Counsel for RTG may take your testimony under oath before the Fairness Hearing by a deposition at an agreed-upon location. They may also seek from you any documentary evidence or other tangible things that are relevant to your objection.

28. What is the difference between objecting and excluding myself from the Settlement?

Objecting is simply telling the Court that you do not like something about the Settlement. You can object only if you stay in the Settlement Class. Excluding yourself is telling the Court that you do not want to be part of the Settlement Class; by excluding yourself you will not receive any benefit from the Settlement or release any claims. If you exclude yourself, you have no basis to object because the case no longer affects you.

FAIRNESS HEARING

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

The Court will hold a Fairness Hearing on **January 28, 2019 at 10:00 a.m.** at the George Edgecomb Courthouse, 800 E. Twiggs Street, Courtroom 503, Tampa, Florida 33602. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are properly raised objections, the Court will consider them. The Court will listen to people who have asked to speak at the hearing through the procedures set forth in Item 31 below. After or during the hearing, the Court will decide whether to approve the Settlement and whether to approve the requested attorneys' fees, costs, expenses and incentive award. We do not know how long it will take the Court to make its decision.

The Court may reschedule the Fairness Hearing and related deadlines without further written notice other than as posted on this website. If the Court alters any of those dates or times, the revised dates and times shall be posted on this website.

30. Do I have to come to the hearing?

No. Class Counsel will answer questions the Court may have, but you may attend 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 send and file your written objection on time and in accordance with the requirements set forth in Items 23-28 above, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

31. May I speak at the hearing?

If you do not exclude yourself, you may ask the Court's permission to speak at the hearing about the proposed Settlement or the requests for attorneys' fees, costs, expenses, and incentive awards. To speak, you must have filed a timely written objection that meets all of the requirements described in Items 23-28 above. You must also send the Court a notice that you intend to appear and speak at the hearing.

32. How do I notify the Court if I intend to speak at the hearing?

You must file with the Court and serve on Class Counsel and RTG's Counsel (at the addresses in Item 33 below) a notice of intent to appear. Your notice must reference this lawsuit (*Bulgajewski Class Action*, No. 18-CA-007000) and contain all of the following information:

- (a) your name, address, and telephone number;
- (b) the name, address, and telephone number of any attorney representing you in connection with this Settlement;
- (c) whether you plan to testify at the Fairness Hearing; and
- (d) the identity of any other person whose testimony you plan to present at the Fairness Hearing.

33. Where do I send the notice that I intend to speak at the hearing?

You must send your notice to each of the following:

Clerk of Court	Clerk of Court Thirteenth Judicial Circuit Court George Edgecomb Courthouse 800 E. Twiggs Street Tampa, Florida 33602 Re: <i>Bulgajewski Class Action, No. 18-CA-007000</i>
Class Counsel	Marc R. Edelman MORGAN & MORGAN One Tampa City Center 201 N. Franklin Street, 7th Floor Tampa, FL 33602 Re: <i>Bulgajewski Class Action, No. 18-CA-007000</i>
RTG's Counsel	Cullan E. Jones HUNTON ANDREWS KURTH LLP 2200 Pennsylvania Avenue, NW Washington, D.C. 20037 Re: <i>Bulgajewski Class Action, No. 18-CA-007000</i>

34. What is the deadline for sending a notice that I intend to speak at the hearing?

Your notice must be postmarked or deposited with an overnight delivery service or hand-delivered to each of the addresses above by **January 8, 2019**.

IF YOU DO NOTHING

35. What happens if I do nothing at all?

If you do nothing, you will remain a member of the Settlement Class, and you will be bound by the terms of the Settlement and release of claims, but you will get no payment from this Settlement.

ADDITIONAL INFORMATION

36. How do I get additional information?

This Settlement website contains a copy of the full Settlement Agreement, a number of documents that have been filed with the Court (including the Amended Class Action Complaint, Answer, motions for preliminary and final approval of the Settlement, and motion for attorneys' fees, expenses, and incentive award), the Claim Form and other information about the litigation and the Settlement. You may also call the Settlement Administrator toll-free at 1-866-212-1672 or call Class Counsel or write to them at the addresses in Item 33 above.

DO NOT CONTACT THE COURT OR THE CLERK OR ROOMS TO GO OR ITS LAWYERS.

Dated: November 12, 2018

Issued and authorized by:

MARTHA J. COOK
Circuit Court Judge