

UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF CALIFORNIA

**If You Received a Text Sent By or on Behalf of Abacus
Data Systems Inc., You May be Entitled to a Payment
from a Class Action Settlement.**

A federal court authorized this notice. You are not being sued. This is not a solicitation from a lawyer.

- A Settlement¹ has been reached in a class action lawsuit about whether Abacus Data Systems Inc. violated the Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”), based on text messages sent by or on behalf of Abacus Data Systems. Abacus Data Systems denies the allegations in the lawsuit and the Court has not decided who is right.
- The Settlement offers payments to Settlement Class Members who file valid Claims.
- Your legal rights are affected whether you act or do not act. Read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:	
SUBMIT A CLAIM FORM	If you are a member of the Settlement Class, you must submit a completed Claim Form to receive a payment. If the Court approves the Settlement and it becomes final and effective, and you remain in the Settlement Class, you will receive your payment by check.
EXCLUDE YOURSELF	You may request to be excluded from the Settlement and if you do, you will receive no benefits from the Settlement.
OBJECT	Write to the Court if you do not like the Settlement.
GO TO A HEARING	Ask to speak in Court about the fairness of the Settlement.
DO NOTHING	You will not receive a payment if you fail to timely submit a completed Claim Form, and you will give up your right to bring your own lawsuit against Abacus Data Systems about the claims in this case.

- 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. If it does, and after any appeals are resolved, benefits will be distributed to those who submit qualifying Claim Forms. Please be patient.

¹ Capitalized terms herein have the same meanings as those defined in the Settlement Agreement, a copy of which may be found online at the Settlement Website, www.ADSTCPAsettlement.com.

QUESTIONS? CALL 1-855-917-3577 OR VISIT www.ADSTCPAsettlement.com

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BASIC INFORMATION

1. Why is there a notice?

A Court authorized this notice because you have a right to know about a proposed Settlement of a class action lawsuit known as *Paul Izor, individually and on behalf of all others similarly situated, v. Abacus Data Systems Inc.*, N.D. Cal. Case no. 4:19-cv-01057-HSG, and about all of your options before the Court decides whether to give Final Approval to the Settlement. This notice explains the lawsuit, the Settlement, and your legal rights.

The United States District Court, Northern District of California is overseeing this case. The person that sued, Paul Izor, is called the “Plaintiff.” Abacus Data Systems Inc. is called the “Defendant.”

2. What is this litigation about?

The lawsuit alleges that Abacus Data Systems violated the Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”), based on unsolicited autodialed texts to individuals, some of whom may have been registered on the national Do Not Call registry. The lawsuit seeks actual and/or statutory damages under the TCPA on behalf of the named Plaintiff and similarly situated classes of individuals in the United States.

Abacus Data Systems denies each and every allegation of wrongdoing, liability and damages that was or could have been asserted in the litigation, and that the claims in the litigation would be appropriate for class treatment if the litigation were to proceed through trial.

The Plaintiff’s Complaint, the Settlement Agreement, and other case-related documents are posted on the settlement website, www.ADSTCPAsettlement.com. The Settlement resolves the lawsuit. The Court has not decided who is right.

3. What is the Telephone Consumer Protection Act?

The Telephone Consumer Protection Act (commonly referred to as the “TCPA”) is a federal law that restricts, among other things, unsolicited autodialed text messages.

4. Why is this a class action?

In a class action, one person called the “Class Representative” (in this case, Plaintiff Paul Izor) sues on behalf of himself and other people with similar claims.

All of the people who have claims similar to Plaintiff’s are members of the Settlement Class, except for those who exclude themselves from the class.

5. Why is there a settlement?

The Court has not found in favor of Plaintiff or Abacus Data Systems. Instead, the parties have agreed to a Settlement. By agreeing to the Settlement, the parties avoid the costs and uncertainty of a trial, and if the Settlement is approved by the Court, Settlement Class Members will receive the benefits described in this notice. Abacus Data Systems denies all legal claims in this case, but is settling to avoid the uncertainties and costs attendant with litigation. Plaintiff and his lawyers think the proposed Settlement is best for everyone who is affected.

WHO IS PART OF THE SETTLEMENT

6. Who is included in the Settlement?

The Settlement Class includes: All regular users or subscribers of numbers assigned to a cellular telephone service, paging service, specialized mobile radio service, radio common carrier service, or any service for which the called party is charged for the call to which a text message was transmitted by Trumpia on behalf of Abacus Data Systems Inc. between February 26, 2015 and the date the Preliminary Approval Order is entered.

Excluded from the Settlement Class are (A) the Judges who have presided over the Litigation and their immediate family members; (B) Defendant, Defendant's officers, Defendant's directors, and their immediate family members; and (C) the legal representatives of any such excluded person(s).

7. What if I am not sure whether I am included in the Settlement?

If you are not sure whether you are in the Settlement Class, or have any other questions about the Settlement, visit the settlement website at www.ADSTCPAsettlement.com. You also may call or send questions to the Settlement Administrator at 1-855-917-3577 or info@ADSTCPAsettlement.com.

THE SETTLEMENT BENEFITS

8. What does the Settlement provide?

Abacus Data Systems has agreed to fund a Settlement Fund totaling \$1,950,000. The Settlement Fund will be used to pay all settlement costs, including settlement administration costs, any attorneys' fees, costs, and expenses awarded to Class Counsel by the Court, any service award awarded to the Class Representative by the Court, and all Approved Claims. Members of the Settlement Class who submit Approved Claims shall receive a pro rata share of the Settlement Fund minus a pro rata share of Settlement Costs. Although the exact amount of each claimant's share of the Settlement Fund is unknown at this time, the parties expect each claimant's share will be between \$400 and \$600. Only Approved Claims will be paid. Only one claim per telephone number will be validated and deemed an Approved Claim.

9. How do I file a Claim?

If you qualify for a cash payment you must complete and submit a valid Claim Form. You can file your Claim Form online at www.ADSTCPAsettlement.com, or send it by U.S. Mail to the address below. The deadline to file a Claim online is **11:59 p.m. PST on November 17, 2020**.

Claim Forms submitted by mail must be postmarked on or before **November 17, 2020** to:

Abacus Data Systems Settlement Administrator
PO Box 3519
Portland, OR 97208-3519

No matter which method you choose to file your Claim Form, please read the Claim Form carefully and provide all the information required. Only one claim per telephone number will be validated and deemed an Approved Claim.

10. When will I receive my payment?

Payments to Settlement Class Members will be made only after the Court grants Final Approval to the Settlement and after any appeals are resolved (*see* "Final Approval Hearing" below). If there are appeals, resolving them can take time. Please be patient.

QUESTIONS? CALL 1-855-917-3577 OR VISIT www.ADSTCPAsettlement.com

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want benefits from the Settlement, and you want to keep the right to sue or continue to sue Abacus Data Systems on your own about the legal issues in this case, then you must take steps to get out of the Settlement. This is called excluding yourself – or it is sometimes referred to as “opting-out” of the Settlement Class.

11. How do I get out of the Settlement?

To exclude yourself from the Settlement, you must send a timely letter by mail to:

Abacus Data Systems Settlement Administrator
PO Box 3519
Portland, OR 97208-3519

Your request to be excluded from the Settlement must be personally signed by you, be dated, include your full name (or, if a business, business name), address, and the telephone number that allegedly received a text or texts sent by or on behalf of Abacus Data Systems, and must clearly state that you wish to be excluded from the Litigation and the Agreement. Absent excluding yourself or “opting-out” you are otherwise a member of the Settlement Class.

Your exclusion request must be postmarked no later than **November 17, 2020**. You cannot ask to be excluded on the phone, by email, or at the website. Opt outs must be made individually and cannot be made on behalf of other members of the Settlement Class.

12. If I do not exclude myself, can I sue Abacus Data Systems for the same thing later?

No. Unless you exclude yourself, you give up the right to sue Abacus Data Systems or any of the Released Parties for the claims that the Settlement resolves. You must exclude yourself from this Settlement to pursue your own lawsuit.

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

Unless you opt-out of the Settlement, you cannot sue or be part of any other lawsuit against Abacus Data Systems or any of the Released Parties about the issues in this case, including any existing litigation, arbitration, or proceeding. Unless you exclude yourself, all of the decisions and judgments by the Court will bind you.

The Settlement Agreement is available at www.ADSTCPAsettlement.com. The Settlement Agreement provides more detail regarding the Release and describes the Released Claims with specific descriptions in necessary, accurate legal terminology, so read it carefully. You can talk to the law firm representing the Class (Class Counsel) listed in Question 15 for free, or you can, at your own expense, talk to your own lawyer if you have any questions about the Released Claims or what they mean.

14. If I exclude myself, can I still get a payment?

No. You will not get a payment from the Settlement Fund if you exclude yourself from the Settlement.

THE LAWYERS REPRESENTING YOU

15. Do I have a lawyer in the case?

The Court has appointed Avi R. Kaufman and Rachel E. Kaufman of Kaufman P.A. (located at 400 NW 26th Street, Miami, FL 33127; telephone number 305-469-5881) and Stefan Coleman of Law Offices of Stefan Coleman, P.A. (located at 11 Broadway Suite 615, New York, NY 10004; telephone

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number 877-333-9427) as “Class Counsel” to represent all members of the Settlement Class. You will not be charged for these lawyers. If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense.

16. How will the lawyers be paid?

Class Counsel intend to request attorneys’ fees in an amount not to exceed one-third of the Settlement Fund, plus reimbursement of out-of-pocket expenses incurred in the litigation not to exceed \$25,000. The fees and expenses awarded by the Court will be paid out of the Settlement Fund. The Court will decide the amount of fees and expenses to award.

Class Counsel also will request that a service award not to exceed \$5,000 be paid from the Settlement Fund to the Class Representative for his service as representative on behalf of the whole Settlement Class.

The deadline to file the request for attorneys’ fees and expenses and the request for a service award to the Class Representative is **October 13, 2020**. Once filed, these requests will be available for viewing on the Settlement Website.

OBJECTING TO THE SETTLEMENT

17. How do I tell the Court I do not like the Settlement?

If you are a member of the Settlement Class (and do not exclude yourself from the Settlement Class), you can object to any part of the Settlement, the request for attorneys’ fees and expenses, or the request for a service award to the Class Representative. To object, you must timely submit a letter that includes the following:

- 1) A caption or title that identifies it as “Objection to Class Settlement in *Izor v. Abacus Data Systems Inc.*, 4:19-cv-01057-HSG”;
- 2) Your name, address, and telephone number;
- 3) The name, address, and telephone number of any attorney for you with respect to the objection;
- 4) The factual basis and legal grounds for the objection, including any documents sufficient to establish the basis for your standing as a Settlement Class Member, including the phone number(s) at which you received text(s) covered by this Settlement; and
- 5) Identification of the case name, case number, and court for any prior class action lawsuit in which the you and/or your attorney (if applicable) has objected to a proposed class action settlement.

If you wish to object, you must file your objection with the Court by (a) using the Court’s electronic filing system, (b) mailing it to the Clerk of Court, United States District Court for the Northern District of California, Oakland Division, Ronald V. Dellums Federal Building & United States Courthouse, 1301 Clay Street, Suite 400 S, Oakland, CA 94612, or (c) filing it in person at that location. Your objection must be filed and/or postmarked by **November 17, 2020**.

18. What is the difference between objecting and asking to be excluded?

Objecting is telling the Court that you do not like something about the Settlement. You can object to the Settlement only if you do not exclude yourself. Excluding yourself is telling the Court that you do not want to be part of the Settlement. If you exclude yourself, you have no basis to object to the Settlement because it no longer affects you.

THE FINAL APPROVAL HEARING

The Court will hold a hearing to decide whether to approve the Settlement and any requests for attorneys’ fees and expenses and a service award (“Final Approval Hearing”).

QUESTIONS? CALL 1-855-917-3577 OR VISIT www.ADSTCPAsettlement.com

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

The Court has scheduled a Final Approval Hearing on **December 17, 2020 at 2:00p.m.**, in Courtroom 2 – 4th Floor of the United States District Court for the Northern District of California, Oakland Courthouse, located at 1301 Clay Street, Oakland, California 94612. The hearing may be moved to a different date, time, or location without additional mailed notice, so it is a good idea to check www.ADSTCPAsettlement.com for updates. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will also consider the requests by Class Counsel for attorneys' fees and expenses and for a service award to the Class Representative. If there are objections, the Court will consider them at that time. After the hearing, the Court will decide whether to approve the Settlement. It is unknown how long these decisions will take.

20. Do I have to attend the hearing?

No. Class Counsel will answer any questions the Court may have. You are welcome to attend the hearing at your own expense.

21. May I speak at the hearing?

If you attend the Final Approval Hearing, you may ask the Court for permission to speak if you so choose. However, you cannot speak at the hearing if you exclude yourself from the Settlement.

IF YOU DO NOTHING

22. What happens if I do nothing at all?

If you are a member of the Settlement Class and do nothing, meaning you do not file a timely Claim, you will not get benefits from the Settlement. Further, unless you exclude yourself, you will be bound by the judgment entered by the Court.

GETTING MORE INFORMATION

23. How do I get more information?

This notice summarizes the proposed Settlement. You are urged to review more details in the Settlement Agreement. For a complete, definitive statement of the Settlement terms, refer to the Settlement Agreement at www.ADSTCPAsettlement.com, by contacting class counsel Kaufman P.A. at (305) 469-5881, by accessing the Court docket in this case, for a fee, through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.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 California, 1301 Clay Street, Oakland, CA 94612, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays. You also may call or write with questions to the Settlement Administrator at 1-855-917-3577, Abacus Data Systems Settlement Administrator, PO Box 3519, Portland, OR 97208-3519, or at info@ADSTCPAsettlement.com.

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

QUESTIONS? CALL 1-855-917-3577 OR VISIT www.ADSTCPAsettlement.com