

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

MARK PREMAN, on behalf of himself and all others
similarly situated,

Plaintiff,

v.

POLLO OPERATIONS, INC.

Defendant

Case No. 6:16-cv-00443-Orl-41GJK

NOTICE OF CLASS ACTION SETTLEMENT

TO: All persons who received text messages on behalf of Pollo Operations from March 1, 2012 to March 15, 2017 to telephone numbers that had been reassigned to them after the original or prior owners of the telephone numbers consented to receive such text messages from Pollo Operations, who did not consent to receive such text messages, and who were identified through the reverse telephone number look-up process (“Settlement Class”).

A. WHY HAVE YOU RECEIVED THIS NOTICE? The Court ordered us to send you this Notice because your telephone number is contained on a list of telephone numbers to which advertising text messages were sent on behalf of Pollo Operations without your consent. You may have received such text messages because you were assigned your telephone number after the original or prior owner of the telephone number consented to receive such text messages from Pollo Operations. These telephone numbers are commonly called recycled numbers

B. WHAT IS THIS LAWSUIT ABOUT? Plaintiff filed this class action lawsuit against Pollo Operations Inc. (“Defendant”), alleging that it violated the federal Telephone Consumer Protection Act (“TCPA”). Defendant denied Plaintiff’s allegations and moved to dismiss the allegations. The parties have agreed to settle all claims about advertising text messages Defendant allegedly caused to be delivered to recycled numbers without adequate consent.

C. WHAT IS THE PROPOSED SETTLEMENT? Without admitting any fault or liability, and in exchange for a release of all claims against it, if the Settlement is finally approved, Defendant has agreed to arrange to make up to \$975,000.00 (the “Settlement Fund”) available to pay those class members who submit a proper and approved claim form, to pay a service award to Plaintiff for serving as the class representative, and to pay attorneys’ fees and expenses to Plaintiff’s attorneys. The claim form is attached and also available at www.PolloTextSettlement.com. If the Court approves the settlement, each Settlement Class Member who submits a timely and valid claim form will be paid \$50.00 regardless of the number of text messages received, subject only to a pro rata reduction in the event that the claims and other payments approved herein otherwise would exceed the total Settlement Fund. If more than one Settlement Class Member is validated for a single telephone number, the total amount payable for such telephone number shall still not exceed \$50.00. The Court has preliminarily approved this settlement, subject to a fairness hearing that will occur on **August 9, 2018**, at 9:30 a.m., in Room 5B, George C. Young United States Courthouse Annex, 401 West Central Boulevard, Orlando, Florida 32801.

D. WHAT ARE YOUR OPTIONS?

1. Return a Valid, Completed Claim Form: To receive a share of the settlement funds, you must complete, sign, and return a Claim Form on or before **July 16, 2018**. The Claim Form is attached to this Notice and also available online at www.PolloTextSettlement.com. If your Claim Form is timely and valid, you will be mailed a check for your share of the proceeds.

2. Do Nothing: If you do nothing, you will remain in the Class. You will be bound by the judgment against Defendant and you will release your claims against Defendant related to Defendant's text messaging, but you will receive nothing.

3. Opt Out of the Settlement: You are not required to participate in the settlement. You have the right to exclude yourself from the Class and the settlement by sending a written request for exclusion. But your completed, signed statement advising of your election to opt out must be postmarked no later than **June 25, 2018**. If your request is not postmarked by that date, your right to opt out will be deemed waived and you will be bound by all orders and judgments entered in connection with the settlement. Your request must list your name, street address, telephone number, and the name and number of this case, and it must indicate your request for exclusion (for example, "Exclude me from the Preman/Pollo settlement"). You must send your request to the following recipients, and they will inform the Court of your request.

Class Counsel	Defendant's Attorney	Settlement Administrator
John Yanchunis Morgan & Morgan 201 N. Franklin Street, 7th Fl Tampa, FL 33602	Jeffrey J. Mayer Akerman LLP 71 S. Wacker Dr., 46th Fl Chicago, IL 60606	Class Action Opt Out and Objections Preman v. Pollo Settlement PO BOX 30456 Philadelphia, PA 19103

4. Object to the Settlement: If you object to the settlement, and wish to file an objection rather than simply excluding yourself, you must file a written objection with the Clerk of the United States District Court for the Middle District of Florida, Orlando Division, 401 West Central Boulevard, Orlando, Florida 32801. Your objection must be postmarked by **June 25, 2018** and must refer to the name and number of this case. You must also serve copies of your objection on Class Counsel, Defendant's attorney and Angeion Group (at the addresses above), postmarked by the same date. Your objection must include your name, telephone number, and street address, all attorneys who assisted you in the preparation and filing of your objection, a list of all other class action cases in which you or your counsel have filed objections to settlements, and a statement of the reasons why you believe the Court should find that the proposed settlement is not the best interests of the Class. It is not sufficient to simply state that you object; you must state the reasons why you believe the settlement should not be approved. You may also appear at the final approval hearing in Room 5B, on **August 9, 2018** at 9:30 a.m. You are not required to attend this hearing.

E. WHEN WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT? The Court will hold a final fairness hearing on **August 9, 2018** at 9:30 a.m., in Room 5B, George C. Young United States Courthouse Annex, 401 West Central Boulevard, Orlando, Florida 32801, and hear any timely and properly-filed objections and arguments about the settlement. You are not required to attend this hearing. The fairness hearing may be continued to a future date without further notice.

F. WHO REPRESENTS THE CLASS, AND WHAT WILL THEY BE PAID? Mark Preman is the Class Representative. His attorneys are Class Counsel. They are: John Yanchunis and Jonathan Cohen, Morgan & Morgan Complex Litigation Group, 201 N. Franklin Street, 7th Floor, Tampa, FL 33602. As part of the settlement, Plaintiff shall be paid from the Settlement Fund, a service award of \$5,000.00 for his service on behalf of the Class in this litigation. Defendant has agreed that Class Counsel will be paid attorneys' fees totaling 25% of the Settlement Fund plus litigation costs and expenses in the amount of \$5,000 from the Settlement Fund. All fees and costs of the settlement administration will also be paid from the Settlement Fund.

G. WHERE CAN YOU GET MORE INFORMATION? If you have questions about this Notice or about the settlement, write to attorney John Yanchunis at the address listed above. Include the case number, your name, your telephone number, and your current street address on any correspondence. Alternatively, you can call Mr. Yanchunis's office at 813-223-5505.

This Notice only summarizes the litigation and the settlement. The court files for this case are available for your inspection at the Clerk of the United States District Court for the Middle District of Florida Orlando Division, 401 West Central Boulevard, Orlando, Florida 32801.

**DO NOT CONTACT THE JUDGE, THE JUDGE'S STAFF,
OR THE CLERK OF THE COURT BECAUSE THEY ARE NOT PERMITTED TO
ANSWER YOUR QUESTIONS ABOUT THIS SETTLEMENT.**