

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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BRIAN RICHARDSON, *et al.*, individually )  
and on behalf of all others similarly situated, ) No. 15-cv-06325-WB  
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Plaintiffs, )  
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v. )  
)  
VERDE ENERGY USA, INC., )  
)  
)  
Defendant. )  
)  
)  

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**NOTICE OF CLASS ACTION SETTLEMENT**

*A United States Federal Court authorized this Notice. This is not a solicitation from a lawyer. Your legal rights will be affected whether or not you act. Please read this Notice carefully.*

Your rights may be affected by the proposed settlement (“Settlement”) of the above-captioned class action lawsuit, and *Schley v. Verde Energy USA, Inc.*, No. 2:17-cv-00887-WB (E.P. Pa.) (collectively, the “Action”), if you received a call made by or on behalf of Verde Energy USA, Inc. (“VERDE”) on your cellular or landline telephone where the call was made using a pre-recorded or artificial voice messages during the period from October 16, 2013 to February 14, 2019 (the “Settlement Class”).

**If you are covered by the above description of the Settlement Class, you are a Settlement Class Member and you are entitled to a monetary payment if you submit a Claim Form. If you received this Notice, you are probably a Settlement Class Member. The amount of the actual payment that you may receive depends on the number of valid Claim Forms received.**

**What are My Options?** As a Settlement Class Member, you have the following options:

YOUR LEGAL RIGHTS AND OPTIONS IN THE SETTLEMENT:	
<b>DO NOTHING.</b>	Get no payment. Remain a Settlement Class Member. Give up certain rights.

**YOUR LEGAL RIGHTS AND OPTIONS IN THE SETTLEMENT:**

<p><b>SUBMIT A CLAIM FORM ONLINE AT THE SETTLEMENT WEBSITE, BY EMAIL, BY FAX, OR BY MAIL POSTMARKED BY APRIL 13, 2020.</b></p>	<p>If you wish to obtain a cash payment as a Settlement Class Member, you must timely fill out and return a Claim Form (“Claim Form”) which is included with this Notice and also available online at <a href="http://www.Edpatcpasettlement.com">www.Edpatcpasettlement.com</a>. Claim Forms must be completed, signed and submitted to the Settlement Administrator online, by email, or by fax no later than APRIL 13, 2020, or by mail if postmarked no later than APRIL 13, 2020.</p>
<p><b>EXCLUDE YOURSELF FROM THE SETTLEMENT CLASS (OPT OUT) BY SUBMITTING A WRITTEN REQUEST FOR EXCLUSION SO THAT IT IS POSTMARKED NO LATER THAN APRIL 13, 2020.</b></p>	<p>If you exclude yourself from the Settlement, you will receive no payment pursuant to this Settlement. This is the only option that allows you to ever potentially be part of any other lawsuit or other legal proceeding against VERDE concerning the claims asserted in this Action.</p>
<p><b>OBJECT TO THE SETTLEMENT SO THAT THE OBJECTION IS RECEIVED NO LATER THAN APRIL 13, 2020</b></p>	<p>You may write to the Court about why you do not like the Settlement. You can do this only if you do not exclude yourself from the Settlement.</p>

**What Is the Case About?** This class action lawsuit claims that VERDE violated a law called the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (“TCPA”), by calling cellular and landline phones without proper consent using a pre-recorded or artificial voice messages during the period from October 16, 2013 to February 14, 2019. VERDE denies that it violated the law or did anything wrong and has asserted many defenses, including that VERDE obtained the requisite consents prior to making calls to the Settlement Class Members, among other things. VERDE does not admit any wrongdoing. Under the proposed Settlement, which must be approved by the Court, VERDE will pay a non-reversionary amount of Three Million Dollars (\$3,000,000) (the “Settlement Amount”) and, as needed pursuant to the terms of the Agreement, additional funds up to the Maximum Settlement Amount of Five Million Dollars. Note that capitalized terms used in this Notice not otherwise defined have the meanings ascribed to them in the Parties’ Settlement Agreement dated December 19, 2019 (the “Agreement”). A copy of the Agreement, this Notice, the Claim Form, and other relevant documents related to this Action may be accessed online at the Settlement Website, [www.Edpatcpasettlement.com](http://www.Edpatcpasettlement.com).

**Why am I receiving this Notice:** The Court overseeing this lawsuit has ordered that notice of the Settlement be sent to all Settlement Class Members as defined above, to advise them of (a) the terms of the proposed Settlement, (b) their rights concerning the Settlement, and (c) their rights in connection with a final approval hearing to be held before the United States District Court for the Eastern District of Pennsylvania (the “Court”), at the U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106 on May 27, 2020 at 2:00 p.m. to consider the fairness, reasonableness, and adequacy of the Settlement and the application for attorneys’ fees and reimbursement of litigation expenses to Class Counsel, and related matters (the “Final Approval Hearing”). The time and date of the Final Approval Hearing may be changed by the Court without further notice to the Settlement Class but will be posted on the Settlement Website. This Notice also describes the steps to be taken by those who wish to be excluded from the Settlement Class and, for those who

remain in the Settlement Class, the steps necessary to obtain his/her share of the distribution of the Net Settlement Fund in the event that the Settlement is approved by the Court. Current and former affiliates and employees of VERDE, and their legal representatives, heirs, successors and assigns, may not participate in this Settlement or receive a payment.

**Can I get money from the Settlement?** Yes, if you are a Settlement Class Member and submit a valid and timely Claim Form, you will be an Authorized Claimant and entitled to a portion of the Settlement. The total amount available to make the various payments set forth in the Agreement is up to \$5,000,000 (*i.e.*, the Maximum Settlement Amount). How much each Authorized Claimant receives will depend on how many Settlement Class Members submit valid and timely Claim Forms, and the amount remaining after deducting Court-approved attorneys' fees and costs, administration costs, and service awards.

**What Do I Give Up by Participating in the Settlement?** Each Settlement Class Member who does not file a valid and timely request to be excluded from the Settlement Class, regardless of whether they file a Claim Form, will be deemed to have forever released and discharged the Released Parties from the Released Claims, including any and all claims, liens, demands, actions, causes of action, obligations, damages, liabilities and/or costs, including attorneys' fees, of any nature whatsoever that arose during the time period from October 16, 2013 through January 17, 2020, whether legal or equitable or otherwise, that actually were, or could have been, asserted against the Released Parties in the Action based upon the facts alleged in the Action that arise from any violation of any provision of the TCPA (Telephone Consumer Protection Act) or any similar state statute, and any claim arising directly or indirectly out of, or in any way relating to, the claims that actually were, or could have been, asserted in the Action. The term Released Parties means VERDE and all of its past and present parents, subsidiaries, divisions, affiliates and persons and entities directly or indirectly under their control in the past or in the present; its assignors, predecessors, successors and assigns; and the past or present partners, members, directors, officers, managers, employees, stockholders, agents, licensees, agencies, attorneys, insurers, accountants, representatives, heirs and estates of any and all of the foregoing.

**How do I make a Settlement claim?** A Claim Form was sent to Settlement Class Members and is also available online through the Settlement Website at [www.Edpatcpasettlement.com](http://www.Edpatcpasettlement.com). You must submit your claim by completing and signing a Claim Form and submitting it to the Settlement Administrator (Angeion Group, LLC), in one of the following ways: (1) by submitting your Claim Form online through the Settlement Website [www.Edpatcpasettlement.com](http://www.Edpatcpasettlement.com); (2) by mail to: VERDE Settlement, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103; (3) by email to [info@Edpatcpasettlement.com](mailto:info@Edpatcpasettlement.com) (by submitting this Claim Form as an attachment); or (4) by fax to the Settlement Administrator at (215)-501-5959. You must submit a Claim Form to the Settlement Administrator **by no later than April 13, 2020**. If mailed, the submission must be postmarked **by no later than April 13, 2020**.

**Do I have a lawyer?** Plaintiffs and the Settlement Class are represented by the law firms of Berger Montague PC, Hughes Ellzey, LLP, Bursor & Fisher, P.A., and Marcus & Zelman, LLC who have been appointed by the Court as Class Counsel. You will not be charged personally for these lawyers. You may, however, hire an attorney at your own expense to represent you and speak on your behalf at the Final Approval Hearing.

**What costs are to be deducted from the Settlement?** Plaintiffs' Counsel will ask the Court for an award of attorneys' fees of \$1,000,000; reimbursement of Litigation Expenses of up to \$100,000; and a Service Award up to \$5,000 payable to each of the five named Plaintiffs for their service in representing the Settlement Class in this Action. Notice and administration costs of up to \$300,000 will also be paid out of the Settlement Amount.

**How do I exclude myself from the Settlement?** Each Settlement Class Member will be bound by the Court's determinations and judgments, including concerning the Settlement, unless such person mails a request for exclusion

from the Settlement, by first-class mail addressed to: VERDE Settlement, Attn.: Exclusions, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103. The exclusion request must be received or postmarked *by no later than April 13, 2020*. Each request for exclusion must clearly indicate the name, address and telephone number of the person seeking exclusion; that the sender requests to be excluded from the Settlement Class in the Action; and must be signed personally by the Settlement Class Member seeking exclusion, even if they are represented by counsel. Requests for exclusion must be submitted individually, and cannot be made collectively. Any request for exclusion shall not be effective unless it provides the required information and is made within the time stated above. If you exclude yourself from the Settlement Class, you will not be able to participate in the Settlement and you will receive no payment.

**How can I object to the Settlement?** Any Settlement Class Member who does not request exclusion may submit a written objection to the Settlement and may appear at the Final Approval Hearing if they wish to show good cause why the Settlement Agreement should not be approved as fair, reasonable, and adequate, provided that they must first have delivered by hand or served by U.S. first class mail to Berger Montague PC, Attn.: Shanon J. Carson, Lane L. Vines, 1818 Market Street, Suite 3600, Philadelphia, PA 19103; and Eckert, Seamans, Cherin & Mellott, LLC, Attn.: Kevin P. Allen, Joel L. Lennen, Louis A. DePaul, 600 Grant Street, 44<sup>th</sup> Floor, Pittsburgh, PA 15219, written objections that specifically state with specificity the grounds for any objection, such that they are received or postmarked by April 13, 2020. All written objections must include: (a) the case caption and the full name, address and telephone number of the objecting Settlement Class Member; (b) a written statement of all grounds for the objection accompanied by any legal support for the objection; (c) copies of any papers, briefs, exhibits, or other documents upon which the objection is based; (d) a list of all persons who will appear at the Final Approval Hearing in support of the objection; (e) a statement of whether the objector intends to appear at the Final Approval Hearing; and (f) the objector's signature, even if represented by counsel. Any Settlement Class Member who does not timely make his or her objection in the manner provided herein shall be deemed to have waived such objection and shall be foreclosed from making any objection to any aspect of the Agreement.

**What if I have a question about the Settlement?** You can get more information about the Settlement by visiting the Settlement Website at [www.Edpatcpasettlement.com](http://www.Edpatcpasettlement.com). You can also contact the Settlement Administrator, toll free at (844) 940-1884 or by email at [info@Edpatcpasettlement.com](mailto:info@Edpatcpasettlement.com).

**Please Do Not Contact The Court**