

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO.: 3:17-cv-00022-KDB-DCK**

Curtis Neal, *on behalf of himself* )  
*and others similarly situated,* )

Plaintiff, )

v. )

Wal-Mart Stores, Inc., d/b/a Walmart )  
and )  
Synchrony Bank, f/k/a GE Capital Retail Bank, )

Defendants. )

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Roy Campbell *on behalf of himself* )  
*and all others similarly situated,* )

Plaintiff, )

v. )

Synchrony Bank, )

Defendant. )

**WEBSITE NOTICE**

**This is a notice of a settlement of a class action lawsuit.**

**If you received an automated, or artificial or prerecorded voice call on your cellular telephone from Synchrony Bank (“Synchrony”) from June 17, 2016 through October 19, 2020, where the subject of the call was a Synchrony account that did not belong to you, and you did not provide Synchrony your cellular telephone number, you may be entitled to compensation as a result of the settlement in the class action lawsuits captioned:**

*Neal v. Wal-Mart Stores, Inc., d/b/a Walmart and Synchrony Bank, f/k/a GE Capital Retail Bank, No. 3:17-cv-00022(W.D.N.C.), and Campbell v. Synchrony Bank, No. 3:18-cv-00501(W.D.N.C.)*

**A federal court authorized this notice.**

**This is not a solicitation from a lawyer.**

**Please read this notice carefully.**

**It explains your rights and options to participate in a class action settlement.**

- Curtis Neal and Roy Campbell sued Synchrony alleging that it placed calls to cellular telephone numbers in violation of the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227. Synchrony denies the allegations against it, and denies that it violated the TCPA.
- A settlement will result in a \$2.9 million fund to fully settle and release claims of persons (1) to whom Synchrony placed, or caused to be placed (either by one of its own employees or by an agent or vendor), a call, (2) directed to a telephone number assigned to a cellular telephone service, (3) by using an automatic telephone dialing system or an artificial or prerecorded voice, (4) from June 17, 2016 through October 19, 2020, (5) where the subject of the call was a Synchrony account that did not belong to the recipient of the call, and (6) where the recipient of the call did not provide Synchrony the telephone number to which it placed, or caused to be placed, the call.
- The settlement fund will be used to pay settlement amounts to class members who elect to participate, after deducting the costs of settlement notice and administration, attorneys’ fees, costs, and expenses, and service awards to Mr. Neal and Mr. Campbell.
- Your legal rights are affected, and you now have a choice to make:

## YOUR OPTIONS

<b>Option 1: Submit a Claim Form</b>  <b>Deadline: March 1, 2021</b>	<b>Complete and submit a claim form and receive a share of the settlement fund</b>  If you submit a valid claim form, you will receive a share of the settlement fund after fees and expenses are deducted, and you will release TCPA claims you may have against Synchrony and other released parties. You may complete a claim form at <a href="http://www.NealTCPAsettlement.com">www.NealTCPAsettlement.com</a> .
<b>Option 2: Ask to be Excluded (Opt Out)</b>  <b>Deadline: February 15, 2021</b>	<b>Get out of this lawsuit and get no benefits from it</b> If you exclude yourself from the settlement, you will <u>not</u> receive a share of the settlement fund, and you will <u>not</u> release any TCPA claims you may have against Synchrony and other released parties.
<b>Option 3: Object to the Settlement</b>  <b>Deadline: February 15, 2021</b>	<b>Object to the terms of the settlement agreement.</b> You may object to the terms of the settlement agreement and have your objections heard at the March 15, 2021 final fairness hearing.
<b>Option 4: Do Nothing</b>	<b>Do Nothing</b> If you do nothing, you will not receive a share of the settlement fund, but, if you are a class member, you will release any TCPA claim(s) you have against Synchrony and other released parties.

### Why is this notice available?

This is a notice of a proposed settlement in a class action lawsuit. The settlement would resolve the lawsuits Mr. Neal and Mr. Campbell filed against Synchrony. Please read this notice carefully. It explains the lawsuits, the settlement, and your legal rights, including the process for receiving a settlement award, excluding yourself from the settlement, or objecting to the settlement.

### What are the lawsuits about?

Mr. Neal and Mr. Campbell filed class action lawsuits against Synchrony alleging that it violated the TCPA by using an automatic telephone dialing system, or an artificial or prerecorded voice to place calls to cellular telephones without prior express consent. Synchrony denies the allegations, denies that it used an automatic telephone dialing system to place calls to class members, and denies that it violated the TCPA. The Court did not decide who is right or wrong. The parties have agreed to a settlement.

### **Why is this a class action?**

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.

### **Why is there a settlement?**

Mr. Neal and Mr. Campbell, on the one hand, and Synchrony, on the other, agreed to settle the lawsuits to avoid the time, risk, and expense associated with them, and to achieve a final resolution of the disputed claims. The proposed settlement was reached after Mr. Neal, Mr. Campbell, and Synchrony attended a mediation. Under the settlement, participating class members will obtain a payment in settlement of the claims Mr. Neal and Mr. Campbell raised in the lawsuits. Mr. Neal and Mr. Campbell, and their attorneys, think the settlement is fair and reasonable.

### **How do you know if your claims are included in the settlement?**

This settlement resolves claims on behalf of the following class:

All persons and entities throughout the United States (1) to whom Synchrony Bank placed, or caused to be placed (either by one of its own employees or by an agent or vendor), a call, (2) directed to a telephone number assigned to a cellular telephone service, (3) by using an automatic telephone dialing system or an artificial or prerecorded voice, (4) from June 17, 2016 through October 19, 2020, (5) where the subject of the call was a Synchrony account that did not belong to the recipient of the call, and (6) where the recipient of the call did not provide Synchrony the telephone number to which it placed, or caused to be placed, the call.

### **What does the settlement provide?**

Synchrony will establish a settlement fund in the amount of \$2.9 million to compensate members of the class. Out of the settlement fund will be paid:

- a. Settlement compensation to class members;
- b. Notice and administration costs;
- c. An award of attorneys’ fees not to exceed one-third of the settlement fund, subject to the Court’s approval;
- d. Costs and expenses incurred litigating the claims in this matter, subject to the Court’s approval; and

e. Service awards to Mr. Neal and Mr. Campbell not to exceed \$10,000 each (i.e., a total of \$20,000), subject to the Court's approval.

Each class member who submits a timely and valid claim form will be entitled, subject to the provisions of the settlement agreement, to his or her equal share of the \$2.9 million settlement fund as it exists after deducting:

- a. Notice and administration costs;
- b. An award of attorneys' fees;
- c. Costs and expenses incurred by Mr. Neal and Mr. Campbell in litigating the claims in this matter; and
- d. Service awards to Mr. Neal and Mr. Campbell.

It is estimated that each participating class member will receive between \$25 and \$50. The actual amount each participating class member will receive may be more or less depending on the number of class members who submit timely, valid claims.

### **How can you get a payment?**

You must mail a valid claim form to the *Neal and Campbell v. Synchrony Bank* Settlement Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103 postmarked by March 1, 2021. Or you must submit a valid claim through [www.NealTCPAsettlement.com](http://www.NealTCPAsettlement.com) by March 1, 2021.

### **When will you be paid?**

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 after the judgment in the lawsuit becomes final. If there is an appeal of the settlement, payment may be delayed.

### **What rights are you giving up in this settlement?**

If you fall within the class, you will give up your right to sue or continue a lawsuit against Synchrony and other released parties over the released claims, unless you exclude yourself from the settlement (opt out) by following the instructions set out in this notice before the opt-out deadline. Giving up your legal claims is called a release. Unless you formally opt out from the settlement, you will release your TCPA-related claims against Synchrony and other released parties.

For more information on the release, released parties, and released claims, you may obtain a copy of the class action settlement agreement on the settlement website, [www.NealTCPAsettlement.com](http://www.NealTCPAsettlement.com), or from the Clerk of the United States District Court for the Western District of North Carolina.

### **How can you exclude yourself from the settlement (opt out)?**

You may exclude yourself (opt out) from the settlement, in which case you will not receive a payment, and you will not release your claims against Synchrony and other released parties. If you wish to exclude yourself from the settlement, you must mail a written request for exclusion to the claims administrator at the following address, postmarked by February 15, 2021:

*Neal and Campbell v. Synchrony Bank* Settlement Administrator  
ATTN: EXCLUSION REQUEST  
P.O. Box 58220  
Philadelphia, PA 19102

You must include in your request for exclusion your:

- a. Full name;
- b. Address;
- c. Telephone number called by Synchrony demonstrating that you are a member of the class; and
- d. A clear and unambiguous statement that you wish to be excluded from the settlement, such as “I request to be excluded from the settlement in the *Neal and Campbell v. Synchrony Bank* action.”

You must sign the request personally.

### **When and where will the Court decide whether to approve the settlement?**

The Court will hold a final fairness hearing on March 15, 2021, at 10:00 a.m.. The hearing will take place in the United States District Court for the Western District of North Carolina, 401 West Trade Street, Charlotte, North Carolina 28202. At the final fairness 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 make a decision at that time, postpone a decision, or continue the hearing.

The date of the final fairness hearing may change without further notice. Class members should check this settlement website, [www.NealTCPAsettlement.com](http://www.NealTCPAsettlement.com), or the Court’s Public Access to Court Electronic Records (PACER) system to confirm that the date has not changed.

### **Do you have to attend the hearing?**

No, there is no requirement that you attend the hearing. However, you are welcome to attend the hearing at your own expense. You cannot speak at the hearing if you have excluded yourself from the class because the settlement no longer affects your legal rights.

### **What if you want to object to the settlement?**

If you do not exclude yourself from the settlement, you can object to the settlement, or any part of it, if you do not believe it is fair, reasonable, and adequate. If you wish to object, you must mail a written notice of objection, postmarked by February 15, 2021, to the Court and counsel for the parties at the following addresses:

#### Court

United States Courthouse  
Charles R. Jonas Federal Building  
401 West Trade Street, Room 210  
Charlotte, NC 28202

#### Class Counsel

Aaron D. Radbil  
Greenwald Davidson Radbil PLLC  
401 Congress Avenue  
Suite 1540  
Austin, Texas 78701

#### Synchrony's Counsel

Julia B. Strickland  
Stroock & Stroock & Lavan LLP  
2029 Century Park East  
18<sup>th</sup> Floor  
Los Angeles, California 90067

You must include in your objection your:

- a. Full name;
- b. Address;
- c. Documents establishing, or provide information sufficient to allow the parties to confirm, that you are a class member, including providing the cellular telephone number called;
- d. A statement of your specific objections;
- e. The grounds for your objection, as well as any documents you would like the court to consider; and
- f. The name of your attorney, if you are represented by one.

Any objection to the proposed settlement must be in writing. If you file a timely written objection, you may, but are not required to, appear at the Fairness Hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for hiring and paying that attorney.

### **By when must you enter an appearance?**

Any class member who objects to the settlement and wishes to enter an appearance must do so by February 15, 2021. To enter an appearance, you must file with the Clerk of the Court a written notice of your appearance and you must serve a copy of that notice, by U.S. mail or hand-delivery, upon class counsel and Synchrony's attorneys, at the addresses set forth below.

### **What if you do nothing?**

If you are a member of the class, 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 TCPA-related claims you have against Synchrony and other released parties. Unless you exclude yourself from the settlement, you will not be able to sue or continue a lawsuit against Synchrony and other released parties over the released claims.

### **What will happen if the Court does not approve the settlement?**

If the Court does not finally approve the settlement, or if it finally approves the settlement and the approval is reversed on appeal, or if the settlement does not become final for some other reason, you will receive no benefits from this settlement and the lawsuit will continue.

### **Who are Mr. Neal's and Mr. Campbell's attorneys?**

Mr. Neal's and Mr. Campbell's attorneys are:

Aaron D. Radbil  
Greenwald Davidson Radbil PLLC  
7601 N. Federal Highway  
Ste. A-230  
Boca Raton, FL 33487

Stephen Taylor  
Lemberg Law, LLC  
43 Danbury Road  
Wilton, CT 06897

The Court has appointed Mr. Neal's and Mr. Campbell's attorneys to act as class counsel. You do not have to pay class counsel. If you want to be represented by your own lawyer, and have that lawyer appear in Court for you in this case, you must hire one at your own expense.

### **Who are Synchrony's attorneys?**

Synchrony's attorneys are:

Julia B. Strickland  
Stephen J. Newman  
Stroock & Stroock & Lavan LLP  
2029 Century Park East, 18th Floor  
Los Angeles, CA 90067

### **Before what Court is this matter pending?**

This matter is pending in the United States District Court for the Western District of North Carolina, 401 West Trade Street, Charlotte, North Carolina 28202.

### **Where can you get additional information?**

This notice summarizes the proposed settlement. For the precise terms and conditions of the settlement, please see the settlement agreement available at [www.NealTCPAsettlement.com](http://www.NealTCPAsettlement.com), by contacting class counsel, by accessing the Court docket in this case, for a fee, through the Court's PACER system, or by visiting the office of the Clerk of the Court for the United States District Court for the Western District of North Carolina, 401 West Trade Street, Charlotte, North Carolina 28202, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

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

Or, to obtain additional information about this matter, please contact:

*Neal and Campbell v. Synchrony Bank* Administrator  
1650 Arch Street, Suite 2210  
Philadelphia, PA 19103  
Telephone: 1-855-635-0809  
Email: [info@NealTCPAsettlement.com](mailto:info@NealTCPAsettlement.com)

Please do not call the Judge about this case. The Judge will not be able to give you advice about this case. Furthermore, neither Synchrony nor Synchrony's attorneys represent you, and they cannot give you legal advice.