

1 United States District Court for the Northern District of California

2 **If you have or had an AT&T post-paid wireless plan**
3 **YOU MAY BE ENTITLED TO A PAYMENT**
4 **by check or bill credit from a class action settlement.**

5 *A federal court authorized this notice. It is not a solicitation from a lawyer.*

6 *You are not being sued. Please do not contact the Court.*

7 *Your legal rights are affected whether you act or don't act.*

8 *Read this notice carefully.*

9 **Overview**

- 10 • California AT&T customers claimed in a class action lawsuit that AT&T has charged its
11 post-paid wireless service customers a monthly Administrative Fee that was unfair and not
12 adequately disclosed. AT&T has denied and continues to deny that it did anything wrong
13 or that the lawsuit has any merit. The customers and AT&T have reached a proposed
14 settlement to resolve the lawsuit on a class action basis, as described below.
- 15 • If you received a notice about this settlement by email, mail, or text message, you very
16 likely are in the Settlement Class according to AT&T's records and are eligible to file a
17 claim for a payment from the settlement.
- 18 • **IMPORTANT: You must file a claim by October 29, 2022, to receive a payment**
19 **from the settlement. Click here to file a claim.** (Read below or see Questions 6-7 for
20 details)
- 21 • Your legal rights are affected, and you have a choice to make. Your options are explained
22 here.

23 **YOUR LEGAL RIGHTS AND OPTIONS**

24 FILE A CLAIM	25 File a claim by October 29, 2022 , to receive a payment. See 26 Questions 6-7.
27 DO NOTHING	28 Receive no payment and give up the right to sue AT&T for the issues in this lawsuit.
OPT-OUT	Receive no payment from the settlement and retain any right you may have to sue AT&T about the issues in this lawsuit. To opt-out, you must mail or email a request for exclusion by September 29, 2022 . See Question 11 for details.

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OBJECT OR COMMENT ON THE SETTLEMENT	Object or comment on the settlement by September 29, 2022 . See Question 12 for details. If you object or comment, you can still file a claim and receive a payment.
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- Questions? Read below, or visit www.ATTVianuClassActionSettlement.com or call (888) 564-8288 for more information.

Information about the Lawsuit and Class

1. What is this lawsuit about?

10 The lawsuit concerns AT&T customers in California who purchased post-paid wireless service data plans from AT&T and were charged an Administrative Fee. Plaintiffs alleged, generally, that AT&T's representations and advertisements regarding the price of its post-paid wireless service plans were misleading because the prices did not include the Administrative Fee, and that AT&T implemented, charged, and increased the Administrative Fee in a deceptive and unfair manner. Plaintiffs Ian Vianu, Elizabeth Blum, and Dominic Gutierrez filed a class action lawsuit against AT&T about these issues. The complaint in this case and AT&T's Answer are available at www.ATTVianuClassActionSettlement.com. AT&T has denied and continues to deny that it did anything wrong or that the lawsuit has any merit. AT&T states that it will continue to charge the Administrative Fee and contends that it has the right to increase the Administrative Fee.

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Plaintiffs and AT&T have now agreed to a settlement to resolve this lawsuit, as described below. The Court has not decided whether Plaintiffs' claims and/or AT&T's defenses are valid. By agreeing to the settlement, neither AT&T nor Plaintiffs make any admissions regarding any liability by AT&T or the merits of the allegations, claims, or defenses in this case.

The United States District Court for the Northern District of California is overseeing this lawsuit. The lawsuit is known as *Vianu v. AT&T Mobility LLC*, Case No. 3:19-cv-03602-LB.

2. Why is this a class action?

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In a class action, one or more people sue on behalf of themselves and other people with similar claims. All of these people together make up the Settlement Class and are Settlement Class Members. One court resolves the issues for all Settlement Class Members, except for those who exclude themselves from the Settlement Class.

3. Who is in the Settlement Class?

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The "Settlement Class" in this case is defined as:

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All consumers residing in California (based on the account holder's last known billing address) with a post-paid wireless service plan from AT&T Mobility LLC through a Consumer or Individual Responsibility User (IRU) account and who were charged an Administrative Fee on

1 such account between June 20, 2015 and June 16, 2020.

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3 Excluded from the Settlement Class are any Judge presiding over this Action and any
4 members of their families; AT&T and affiliated entities and individuals and their respective
5 officers and directors; and any otherwise covered consumers, other than Plaintiffs, who assert
6 claims and seek relief in connection with the Administrative Fee and who have provided AT&T
7 with an unresolved written Notice of Dispute (pursuant to AT&T's contractual dispute resolution
8 procedures) before the Execution Date.

9 If you received a notice of this settlement by mail, email, or text message, you very likely
10 are in the Settlement Class according to AT&T's records.

11 People in the Settlement Class are called "Settlement Class Members."

12 **Information about the Settlement and** 13 **About Filing a Claim for a Payment**

14 **4. What are the terms of the proposed settlement?**

15 The complete terms of the proposed settlement are set forth in the Settlement Agreement,
16 which is available at www.ATTVianuClassActionSettlement.com. This notice provides only a
17 summary of the terms of the settlement. The settlement benefits and other terms are summarized
18 below.

19 **5. What are the benefits of the proposed settlement?**

20 If the settlement is approved and becomes final, AT&T will pay Fourteen Million Dollars
21 (\$14,000,000.00) into a Settlement Fund. This money will be used to: (1) make settlement
22 payments to Settlement Class Members, as described at Questions 6-9 below; (2) pay the costs of
23 distributing notice and settlement payment checks to Settlement Class Members and other costs
24 of administering the settlement; and (3) pay court-awarded attorneys' fees and expenses of the
25 attorneys appointed by the Court to represent the Class ("Settlement Class Counsel") and any
26 service awards granted to the Plaintiffs. As explained below, if you file a claim by the deadline
27 and are eligible for a payment, it is estimated that your settlement payment will be approximately
28 \$20.00, but the final amount may be higher or lower.

29 **6. How do I get a payment?**

30 You need to file a claim by **October 29, 2022** to receive a settlement payment.

31 **7. How do I file a claim for a payment?**

32 File Online: To file a claim online visit www.ATTVianuClassActionSettlement.com

33 File By Mail: If you prefer, you can also print a paper claim form, available at
34 www.ATTVianuClassActionSettlement.com, fill it out, and mail it to the address listed on the
35 form. Or, if you received notice of this settlement by mail you can fill out the claim form that is
36 attached to that notice and mail it to the address listed on the form.

1 **The deadline to file a claim online or by mail is October 29, 2022.** The Settlement
2 Administrator will review all claims and determine eligibility.

3 **8. How much will the payments be?**

4 If you file a valid claim by the deadline and are eligible for a payment, it is currently
5 estimated that your settlement payment will be approximately \$20.00, but the final amount may
6 be higher or lower. **You must submit a claim by the deadline to receive a payment.**

7 **9. How and when will payments be sent?**

8 Settlement payments will be issued to valid claimants after the settlement is approved and
9 becomes final, by account credit (for current AT&T customers) or mailed check (for former
10 AT&T customers).

11 For any settlement payment checks that are uncashed or deemed undeliverable by the
12 Settlement Administrator, those amounts will be treated as unclaimed property of the
13 corresponding Settlement Class Member, subject to applicable state unclaimed property
14 procedures (the additional administrative costs of such unclaimed property process will be
15 deducted from the unclaimed property amounts on a *pro rata* basis).

16 **Your other rights and options**

17 **10. What happens if I do nothing?**

18 If you do nothing, you will not receive any settlement payment. **You must file a claim by
19 October 29, 2022 to receive a payment.**

20 If you do nothing, you will give up any right you may have to sue AT&T about the issues
21 in this lawsuit. You will also be legally bound by all of the orders that the Court issues and
22 judgments the Court makes in this class action.

23 **11. How do I exclude myself (opt out) from the Settlement Class?**

24 To exclude yourself from the Settlement Class, you must mail or email a request for
25 exclusion to: AT&T Vianu Class Action Settlement, 1650 Arch Street, Suite 2210, Philadelphia,
26 PA 19103.

27 To be effective, your request for exclusion must be postmarked or emailed no later than
28 **September 29, 2022**, and must include the following information:

- 29 (a) your full name, telephone number, mailing address, and email address;
- 30 (b) a clear statement that you wish to be excluded from the Settlement Class;
- 31 (c) the name of this lawsuit: "Vianu v. AT&T Mobility LLC"; and
- 32 (d) for requests for exclusion sent by mail, your signature or the signature of an individual
33 authorized to act on your behalf. No signature is required for emailed requests for
34 exclusion.

1 If the person submitting the request for exclusion is doing so on behalf of a Settlement Class
2 Member (such as an attorney or estate), the request must also include the full name of the person
3 submitting the request and the basis of his, her or its authority to act on behalf of the Settlement
Class Member.

4 Any request for exclusion from a Settlement Class Member that is a co-account holder on an
5 account in the Settlement Class must be signed by all co-account holders on that account,
otherwise the request for exclusion is invalid for that account.

6 **12. How do I object or comment?**

7 If you have not excluded yourself from the Settlement Class, you can comment on or
8 object to the settlement, Settlement Class Counsel's request for attorneys' fees and litigation
9 expenses, and/or the request for service awards for the Plaintiffs who brought this lawsuit. To
object or comment, you must send a signed, written objection/comment including the following:

- 10 (a) the name of this lawsuit: "Vianu v. AT&T Mobility LLC";
- 11 (b) your full name, mailing address, telephone number, and email address;
- 12 (c) your signature or the signature of an individual authorized to act on your behalf;
- 13 (d) a description of the specific reasons for your objection;
- 14 (e) the name, address, bar number and telephone number of your attorney if you are
represented by an attorney; and
- 15 (f) a statement about whether or not you intend to appear at the Fairness Hearing either in
16 person or through an attorney.

17 To be considered by the Court, your comment or objection must be filed with the Court or
18 mailed to the Clerk of Court at the following address, filed/postmarked no later than **September**
19 **29, 2022**:

20 THE COURT
21 Office of the Clerk 22 USDC for the Northern District of California 23 450 Golden Gate Avenue 24 San Francisco, CA 94102-3489

25 Note that you can ask the Court to deny approval of the settlement by filing an objection,
26 but you cannot ask the Court to order a different settlement; the Court can only approve or reject
27 the settlement. If the Court denies approval, no settlement payments will be sent out and the
28 lawsuit will continue. If you would like to request that the Court deny approval, you must object.
You have the right to consult with your own attorney, at your own expense, before deciding how
best to proceed.

29 **13. What claims will be released by this Settlement?**

30 If you are in the Settlement Class definition and do not exclude yourself from the
31 Settlement Class, and the settlement is approved and becomes final, the settlement will be legally
32 binding on you and you will be bound by all judgments entered in the case. In exchange for the

1 settlement benefits, you will release all claims against AT&T and its affiliates listed in the
2 Settlement Agreement about the issues in this lawsuit. The Settlement Agreement, available at
3 www.ATTVianuClassActionSettlement.com, describes the claims you are releasing (giving up)
4 by staying in the Settlement Class (called “Released Claims”).

4 **14. Do I have a lawyer in this class action?**

5 Yes. The Court has appointed the following attorneys and law firms to represent the
6 Settlement Class Members. Together, these lawyers are called “Settlement Class Counsel”:

7 Roger N. Heller
8 Michael W. Sobol
9 Daniel E. Seltz
10 Lieff Cabraser Heimann & Bernstein LLP
11 275 Battery Street, 29th Floor
12 San Francisco, CA 94111
13 (800) 200-7793

11 Daniel M. Hattis
12 Hattis & Lukacs
13 400 108th Avenue NE, Suite 500
14 Bellevue, WA 98004
15 (425) 233-8650

15 You do not have to pay Settlement Class Counsel for their time or expenses incurred in
16 this case out of your pocket. Instead, Settlement Class Counsel will petition the Court for an
17 award of their fees and expenses; any amount awarded to Settlement Class Counsel will be paid
18 from the Settlement Fund.

18 The Court has also appointed Plaintiffs Ian Vianu, Elizabeth Blum, and Dominic
19 Gutierrez as class representatives to represent the Settlement Class.

20 **15. How will the lawyers be paid?**

21 Settlement Class Counsel (see Question 14) will file a motion on or before August 15,
22 2022, asking the Court to award them attorneys’ fees of up to \$3.5 million (which is 25% of the
23 \$14 million Settlement Fund) plus reimbursement of their litigation expenses. The attorneys’ fees
24 and expenses awarded by the Court will be the only payment to Settlement Class Counsel for
25 their efforts in achieving the settlement and for their risk in undertaking this representation on a
26 wholly contingent basis. In addition, Settlement Class Counsel will ask the Court on or before
27 August 15, 2022, to award each of the three Plaintiffs representing the Settlement Class a service
28 award of up to \$3,500 to compensate them for their efforts and commitment on behalf of the
Settlement Class in this lawsuit.

26 The Court will determine the amount of attorneys’ fees, expenses, and service awards to
27 award. Settlement Class Counsel’s application for attorneys’ fees, expenses, and service awards
28 will be available at www.ATTVianuClassActionSettlement.com when it is filed.

1 **16. Should I hire my own lawyer for this case?**

2 You do not need to hire your own lawyer because Settlement Class Counsel represents
3 you and the other members of the Settlement Class already. However, you have the right to hire
4 your own lawyer. If you want your own lawyer separate from Settlement Class Counsel, you will
5 have to pay that lawyer.

6 **The Court's Fairness Hearing**

7 **17. When and where will the Court decide whether to approve the settlement?**

8 The Court will hold a Fairness Hearing, currently scheduled for 9:30 a.m. on November 3,
9 2022, in the United States District Court for the Northern District of California, Courtroom B,
10 15th Floor, 450 Golden Gate Avenue, San Francisco, CA, 94102. The hearing may be moved to
11 a different date or time without additional notice and/or may be held remotely or telephonically.
12 Please check www.ATTVianuClassActionSettlement.com for updates or changes.

13 At the Fairness Hearing, the Court will consider whether the settlement should be
14 approved as fair, reasonable and adequate. The Court will also consider Settlement Class
15 Counsel's application for attorneys' fees, expenses, and service awards. If there are objections,
16 the Court will consider them. After the hearing, the Court will decide whether to approve the
17 settlement. We do not know how long these decisions will take.

18 **18. Do I have to come to the hearing?**

19 No. Settlement Class Counsel will answer questions the Court may have. But, you are
20 welcome to come at your own expense. If you submit an objection, you do not have to come to
21 the Court to talk about it. So long as you submitted your written objection on time, the Court will
22 consider it. You may also pay your own lawyer to attend, but it is not necessary.

23 **19. May I speak at the hearing?**

24 You may ask the Court for permission to speak at the Fairness Hearing. You cannot speak
25 at the hearing if you exclude yourself from the Settlement Class.

26 **Getting more information**

27 **20. Where can I get more information?**

28 More information can be found at www.ATTVianuClassActionSettlement.com. That
website includes important case deadlines, links to case documents including the full Settlement
Agreement, the complaint in this lawsuit, AT&T's Answer, and other information about the
lawsuit and the settlement. You can also get more information by calling (888) 564-8288, or by
calling Settlement Class Counsel at (800) 200-7793.

You can also get additional information 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

1 States District Court for the Northern District of California, 450 Golden Gate Ave., 16th Floor,
2 San Francisco, CA 94102, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding
3 Court holidays. Please note, however, that physical access to the office of the Clerk of the Court
4 may be limited or prohibited at times as a result of the COVID-19 pandemic. Please check the
5 Court's website, <https://www.cand.uscourts.gov>, for updates.

6 **PLEASE DO NOT CONTACT THE COURT**
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