

Notice of Proposed Class Action Settlement Braun v. The Philadelphia Inquirer, LLC

This is not a solicitation from a lawyer.

The United States District Court for the Eastern District of Pennsylvania authorized this Notice.

- A proposed Settlement has been reached with The Philadelphia Inquirer, LLC (“Defendant”) over allegations that Defendant knowingly intercepted the Plaintiffs’ and Settlement Class Members’ electronic communications without the proper consent, and then disclosed to Facebook the contents of those electronic communications, which included (i) Facebook IDs (“FID”) and (ii) software code containing the name of videos allegedly watched and corresponding URLs (“Video Media” and collectively the FID and Video Media are referred to as the “Personal Viewing Information”), stemming from the Defendant’s use of Facebook’s Meta Pixel on its website, Inquirer.com, and its mobile application.
- The Defendant has agreed to establish a \$1,125,000.00 Settlement Fund to pay all the costs associated with the administration of this Settlement, issuing class notice, paying Approved Claims, paying Service Award Payments, paying the Fee Award and Costs and paying any Taxes and Tax-Related Expenses. The value of each Settlement Payment shall be determined by dividing the Net Settlement Fund by the number of valid Claim Forms approved by the Settlement Administrator. The Settlement also includes injunctive relief to address the Defendant’s alleged use of the challenged technology.
- Your legal rights will be affected whether you act or do not act. You should read this entire Notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:	
FILE A CLAIM FORM DEADLINE: OCTOBER 27, 2024	Submitting a Claim Form is the only way to be eligible to receive a pro-rata Settlement Payment from the Net Settlement Fund under the terms of the Settlement.
EXCLUDE YOURSELF FROM THIS SETTLEMENT DEADLINE: OCTOBER 27, 2024	This is the only option that allows you to sue, continue to sue, or be part of another lawsuit against the Defendant and Defendant Releasees, for the claims this Settlement resolves. If you exclude yourself, you will give up the right to receive a Settlement Payment.
OBJECT TO OR COMMENT ON THE SETTLEMENT DEADLINE: OCTOBER 27, 2024	You may object to the Settlement by writing to the Court and informing it why you do not think the Settlement should be approved. If you exclude yourself from the Settlement, you cannot object to it. If you object, you may also file a Claim Form to receive a Settlement Payment.
GO TO THE FINAL APPROVAL HEARING MARCH 26, 2025	You may attend the Final Approval Hearing where the Court may hear arguments concerning approval of the Settlement. If you wish to speak at the Final Approval Hearing, you must make a request to do so in your written objection or comment. You are <u>not</u> required to attend the Final Approval Hearing.
DO NOTHING	If you do nothing, you will not receive a Settlement Payment and you will give up your rights to sue the Defendant and Defendant Releasees for the claims this Settlement resolves.

Questions? Visit www.InquirerClassActionSettlement.com or call toll-free 1-833-772-3989.

- 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. No Settlement Payments will be issued unless the Court approves the Settlement, and it becomes final.

BASIC INFORMATION

1. Why is there a Notice?

The Court authorized this Notice because you have the right to know about the proposed Settlement of this class action lawsuit and about all of your rights and options before the Court decides whether to grant final approval of the Settlement. This Notice explains the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for the benefits, and how to receive those benefits.

The case is known as *Braun, et al. v. The Philadelphia Inquirer, LLC*, Case No. 2:22-cv-04185-JMY (“Action”), pending in the U.S. District Court for the Eastern District of Pennsylvania. The people who filed this lawsuit are called the “Plaintiffs” and the company they sued, The Philadelphia Inquirer, LLC, is called the “Defendant.”

2. What is this lawsuit about?

Plaintiffs allege Defendant knowingly intercepted Plaintiffs’ and Participating Settlement Class Members’ electronic communications without the proper consent, then disclosed to Facebook the contents of these electronic communications, which included (i) Facebook IDs (“FID”) and (ii) software code containing the name of videos allegedly watched and corresponding URL (“Video Media” and collectively the FID and Video Media are referred to as the “Personal Viewing Information”). The Defendant denies these allegations.

Two class actions were originally filed alleging violations of the Video Privacy Protection Act, 18 U.S.C. § 2710 (“VPPA”) and the Pennsylvania Wiretapping and Electronic Surveillance Control Act, 18 Pa. C.S. § 5701 *et seq.* (“Pennsylvania Wiretap Act”): *Jason Braun, et al., v. The Philadelphia Inquirer*, Case No. 2:22-cv-04185-JMY, and *Stephanie Carter v. The Philadelphia Inquirer*, Case No. 2:22-cv-04355-JMY. These actions were consolidated under the *Braun* case.

3. Why is this a class action?

In a class action, one or more people called the “Plaintiffs,” or “Class Representatives” sue on behalf of all people who have similar claims. Together, all of these people are called a “class” or “class members.” One court resolves the issues for all class members, except for those class members who exclude themselves from the class.

The Plaintiffs and Settlement Class Representatives in this case are Jason Braun and Stephanie Carter.

4. Why is there a Settlement?

The Plaintiffs and Defendant disagree over the legal claims made in this Action. Defendant has denied and continues to deny any wrongdoing whatsoever. The Action has not gone to trial, and the Court has not decided in favor of the Plaintiffs or the Defendant (collectively referred to as the “Parties”). Instead, the Parties have agreed to settle the Action and agree that the Settlement Agreement offers significant benefits to all Settlement Class Members and is fair, reasonable, adequate, and in the best interest of the Plaintiffs and all Settlement Class Members.

WHO IS INCLUDED IN THE SETTLEMENT?

5. How do I know if I am part of the Settlement?

The Settlement Class includes approximately 180,000 individuals who maintained a digital subscription account with the Defendant at any time from October 1, 2019 until January 16, 2024, and who used Facebook during that time.

6. Are there exceptions to individuals who are included in the Settlement Class?

Yes, excluded from the Settlement Class are: (1) the Judge presiding over this Action; (2) the Defendant, its subsidiaries, parent companies, successors, predecessors, and any entity in which the Defendant or its parents have a controlling interest and their current or former officers, directors, and employees; and (3) Settlement Class Members who submit a valid Request for Exclusion prior to the Opt-Out Deadline.

7. What if I am still not sure whether I am part of the Settlement?

If you are still not sure whether you are a Settlement Class Member, you may go to the Settlement Website at www.InquirerClassActionSettlement.com, or call toll-free 1-833-772-3989. You may also email the Settlement Administrator at info@InquirerClassActionSettlement.com.

THE SETTLEMENT CLASS MEMBER BENEFITS

8. What does the Settlement provide?

The Settlement provides for a \$1,125,000.00 Settlement Fund to pay all the costs associated with the administration of this Settlement, issuing class notice, paying Approved Claims, paying Service Award Payments, paying the Fee Award and Costs, and paying any Taxes and Tax-Related Expenses.

9. Are there other Settlement benefits?

The Defendant has also agreed to certain business practice revisions. Within ninety (90) days of service of the Preliminary Approval Order, Defendant will suspend operation of the Facebook or Meta Pixel on any pages on its website or app that track video content and have a URL that identifies the video content viewed (if any), unless and until the VPPA is amended, repealed, or otherwise invalidated (including by judicial decision on the use of website pixel technology by the U.S. Supreme Court, any federal court of appeals, any U.S. Federal District Court located in the Commonwealth of Pennsylvania, or a Pennsylvania state court of general jurisdiction). Nothing herein shall prohibit the use of the Facebook or Meta Pixel where the disclosure of information to Facebook does not identify specific video materials that a user has requested or where Defendant has obtained consent that is compliant with the VPPA and Pennsylvania Wiretap Act. Defendant shall provide written certification of its compliance with the practice revisions in this paragraph at or before the Final Approval Hearing.

10. What am I giving up in order to receive a Settlement Payment or stay in the Class?

Unless you exclude yourself, you are choosing to remain in the Class. If the Settlement is approved and becomes final, all of the Court's orders will apply to you and legally bind you. You will not be able to sue, continue to sue, or be part of any other lawsuit against The Philadelphia Inquirer, LLC about the legal issues in this Action, resolved by this Settlement, and released by the Settlement Agreement and Release. The specific rights you are giving up are called Released Claims (see next question).

11. What are the Released Claims?

Released Claims include any and all claims, liabilities, rights, demands, suits, obligations, or damages whatsoever, including but not limited to consequential damages, losses or costs, punitive damages, attorneys' fees and costs, action or causes of action, penalties, remedies, of every kind or description—whether known or Unknown (as the term "Unknown Claims" is defined herein), suspected or unsuspected, asserted or unasserted or could have been asserted, liquidated or unliquidated, legal, administrative, statutory, or equitable—that relate to or arise from the actions and

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activities alleged in the Action including, but not limited to, actions and activities relating to Defendant's use of the Facebook or Meta Pixel.

More information is provided in the Settlement Agreement and Release, which is available at www.InquirerClassActionSettlement.com.

HOW TO GET A SETTLEMENT PAYMENT — SUBMITTING A CLAIM FORM

12. How do I make a claim for a Settlement Payment?

Visit www.InquirerClassActionSettlement.com to submit your claim online or to download a full Claim Form to complete and return it by mail. Claim Forms must be submitted online by **October 27, 2024**. Claim Forms submitted by mail must be postmarked no later than **October 27, 2024**. Settlement Class Members can also complete and submit the Claim Form that was included with the notice that was mailed to them.

Settlement Class Members can also request a Claim Form by calling toll-free 1-833-772-3989 or by writing to the Settlement Administrator:

Mail: The Philadelphia Inquirer Video Privacy Settlement, Attn: Claim Form Request, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103.

Email: Info@InquirerClassActionSettlement.com

13. Where do I send my completed Claim Form?

Completed Claim Forms must be mailed to the Settlement Administrator at: The Philadelphia Inquirer Video Privacy Settlement, Attn: Claim Form Submissions, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103. Claim Forms submitted by mail must be postmarked no later than **October 27, 2024**.

14. What happens if my contact information changes after I submit a claim?

If you need to update your contact information after you submit a Claim Form, you may notify the Settlement Administrator of any changes by writing to the Settlement Administrator via mail or email. Please include your Notice ID number with any written requests to assist the Settlement Administrator in identifying you.

15. When and how will I receive a Settlement Payment?

Settlement Payments will be issued by the Settlement Administrator after the Settlement is approved and becomes Final. Settlement Payments will be issued via the payment selection made on the Claim Form. It is your responsibility to tell the Settlement Administrator of any updates to your payment information.

The Settlement approval process may take time and there may be appeals that must be resolved before any Settlement Payments can be issued. Please be patient and check www.InquirerClassActionSettlement.com for updates.

THE LAWYERS REPRESENTING YOU

16. Do I have a lawyer in this case?

Yes, the Court has appointed Spector Roseman & Kodroff, P.C. and Goldenberg Schneider, LPA as Class Counsel to represent you and the Settlement Class for the purposes of this Settlement. You may hire your own lawyer at your own cost and expense if you want someone other than Class Counsel to represent you in this Action.

Questions? Visit www.InquirerClassActionSettlement.com or call toll-free 1-833-772-3989.

17. How will Class Counsel be paid?

Class Counsel shall apply to the Court for an award to be paid from the Settlement Fund not to exceed one-third (33.33%) of the Settlement Fund for fees, or \$374,962.25 plus 33.33% of any interest earned, and reimbursement of expenses not to exceed \$15,000.00. The Fee Application will also include a request for Service Award Payments for both of the Settlement Class Representatives in recognition of their contributions to this Action in an amount not to exceed \$5,000 each. The Court may award less than these amounts.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you are a Settlement Class Member and want to keep any right you may have to sue or continue to sue the Defendant and/or the other Defendant Releasees on your own based on the claims raised in this Action or released by the Released Claims, then you must take steps to get out of the Settlement. This is called excluding yourself from—or “opting out” of—the Settlement.

18. How do I get out of the Settlement?

To exclude yourself from the Settlement, you must complete and sign a Request for Exclusion. The Request for Exclusion must be in writing and identify the case of the proceeding, *Braun v. The Philadelphia Inquirer, LLC*, Case No. 2:22-cv-04185-JMY (E.D. Pa.), include the full name and current address of the individual requesting exclusion, and include a statement requesting to be excluded from the Settlement Class.

The Request for Exclusion must be postmarked or received by the Settlement Administrator at the address below no later than **October 27, 2024**:

The Philadelphia Inquirer Video Privacy Settlement
Attn: Exclusion Requests
P.O. Box 58220
Philadelphia, PA 19102

You cannot exclude yourself by telephone or by email.

19. If I exclude myself, can I still receive a Settlement Payment?

No. If you exclude yourself, you are telling the Court that you do not want to be part of the Settlement. You are only eligible to receive a Settlement Payment if you stay in the Settlement and submit a valid Claim Form.

20. If I do not exclude myself, can I sue the Defendant for the same thing later?

No. Unless you exclude yourself, you give up any right to sue the Defendant and Defendant Releasees for the claims that this Settlement resolves. You must exclude yourself from this Action to start or continue with your own lawsuit or be part of any other lawsuit against the Defendant or Defendant Releasees. If you have a pending lawsuit, speak to your lawyer in that case immediately.

OBJECT TO OR COMMENT ON THE SETTLEMENT

21. How do I tell the Court that I do not like the Settlement?

Settlement Class Members may object to the Settlement or Fee Application by submitting written objections to the Court no later than **October 27, 2024**. 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 Final Approval 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. For an objection to be considered by the Court, the objection must also set forth:

- (i) The name of the proceedings;
- (ii) The Settlement Class Member’s full name, current mailing address, email address, and telephone number;

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- (iii) A statement of the specific grounds for the objection, as well as any documents supporting the objection;
- (iv) The identity of any attorneys representing the objector;
- (v) A statement regarding whether the Settlement Class Member (or his/her attorney) intends to appear at the Final Approval Hearing;
- (vi) A statement identifying all class action settlements objected to by the Settlement Class Member in the previous 5 years; and
- (vii) The signature of the Settlement Class Member or the Settlement Class Member's attorney.

For an objection to be considered, it must be filed with the Court no later than **October 27, 2024**. A copy of the objection must also be mailed to Class Counsel at the address below, so it is postmarked no later than **October 27, 2024**.

Court	Class Counsel
Clerk of the Court James A. Byrne U.S. Courthouse 601 Market Street Philadelphia, PA 19106	Spector Roseman & Kodroff, P.C. Attn: Braun v. The Philadelphia Inquirer Objections 2001 Market Street, Suite 3420 Philadelphia, PA 19103

22. What is the difference between objecting and requesting exclusion?

Objecting is telling the Court you do not like something about the Settlement. You can object only if you stay in the Settlement Class (that is, do not exclude yourself). Requesting exclusion is telling the Court you do not want to be part of the Class or the Settlement. If you exclude yourself, you cannot object to the Settlement because it no longer affects you.

THE FINAL APPROVAL HEARING

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

The Court will hold a Final Approval Hearing on **March 26, 2025 at 10:00 A.M Eastern Time**, located at **James A. Byrne Courthouse, 601 Market Street, Philadelphia, PA 19106**.

The date and time of the Final Approval Hearing is subject to change without further notice to the Settlement Class, so please check www.InquirerClassActionSettlement.com for updates.

At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate, and will decide whether to approve the Settlement, Class Counsel's Application for Attorneys' Fees and Costs, and Expenses, and the Service Awards for the Class Representatives. If there are objections, the Court will consider them. The Court will also listen to people who have asked to speak at the hearing.

24. Do I have to come to the Final Approval Hearing?

No. Class Counsel will answer any questions the Court may have. However, you are welcome to attend at your own expense. If you submit a timely and complete objection, the Court will consider it, and you do not have to come to Court to talk about it.

25. May I speak at the Final Approval Hearing?

Yes. If you wish to attend and speak at the Final Approval Hearing, you must indicate this in your written objection (see Question 21). Your objection must state that it is your intention to appear at the Final Approval Hearing and must identify

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any witnesses you may call to testify or exhibits you intend to introduce into evidence at the Final Approval Hearing. If you plan to have your attorney speak for you at the Final Approval Hearing, your objection must also include your attorney's name, address, and phone number.

IF YOU DO NOTHING

26. What happens if I do nothing at all?

If you are a Settlement Class Member and you do nothing, you will not receive a Settlement Payment. You will also give up certain rights, including your right to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Defendant or Defendant Releasees about the legal issues in this Action and released by the Settlement.

GETTING MORE INFORMATION

27. How do I get more information?

This Notice summarizes the proposed Settlement. For the precise terms and conditions of the Settlement, please see the Settlement Agreement available at www.InquirerClassActionSettlement.com. You may also contact the Settlement Administrator by mail or email:

Mail: The Philadelphia Inquirer Video Privacy Settlement, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103.

Email: Info@InquirerClassActionSettlement.com

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

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