




Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBraal, Deputy County Attorney
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MEMORANDUM

TO: Board of County Commissioners

FROM: Dylan Reingold, County Attorney 

DATE: August 23, 2017

SUBJECT: *JWD Automotive, Inc. d/b/a Napa Auto Care of Cape Coral v. DJM Advisory Group LLC et al. Class Action Lawsuit*

BACKGROUND.

The above-referenced litigation involves the allegation that DJM Advisory Group LLC, Banner Life Insurance Company and William Penn Life Insurance Company of New York sent faxes in violation of the federal Telephone Consumer Protection Act. Indian River County received the attached Notice of Class Action Settlement with Attached Claim Form because an Indian River County fax number was contained in a list of fax numbers to which advertisements were sent. The defendants in this litigation have agreed to make up to \$3,500,000.00 available to those who submit proper claims. Class members who received more than one fax and have copies of those faxes will receive \$500 per fax. Other class members will receive \$500.

By September 29, 2017, the Indian River County Board of County Commissioners ("Board") has to decide whether to opt out of the settlement. No action is required in order to stay in the settlement class. If the Board decides to stay in the settlement class, the County will have until October 21, 2017 to file a claim. The Board also has the right to file an objection to the proposed settlement by September 29, 2017. If the Board decides to stay in the settlement class, the Board will relinquish its right to file a lawsuit concerning the issues and claims at stake in the litigation.

FUNDING.

There is no funding associated with this item if the Board decides to stay in the settlement class and file a claim.

RECOMMENDATION.

The County Attorney's Office recommends that the Board vote to stay in the settlement class and file a claim.

ATTACHMENT(S).

Notice of Class Action Settlement with Attached Claim Form