



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBraal, Deputy County Attorney
Kate Pingolt Cotner, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners
FROM: Dylan Reingold, County Attorney *DR*
DATE: March 16, 2017
SUBJECT: *Lehigh Acres Lot Owners Association, Inc. v. Think Simplicity, Inc. and Alexander Perovich Class Action Lawsuit*

BACKGROUND.

The above-referenced litigation involves the allegation that Think Simplicity, Inc. and Alexander Perovich violated the Telephone Consumer Protection Act by faxing advertisements that did not contain the requisite opt-out notice. Indian River County (the "County") has received a notice that it may be a member of the settlement class in this litigation. If the County submits a valid claim, the County would be entitled to \$390.

By April 22, 2017, the Indian River County Board of County Commissioners ("Board") has to decide whether to stay in the settlement class or exclude itself from the settlement class. 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 April 22, 2017 to file a claim. The Board also has the right to file an objection to the proposed settlement or attend the hearing on May 8, 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, if eligible.

ATTACHMENT(S).

Notice of Pendency of Class Action, Proposed Settlement, Hearing and Claim Form