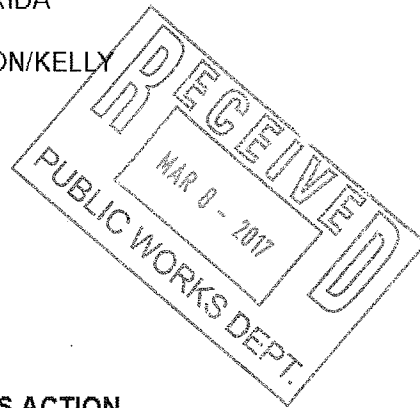


UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
Orlando Division
CASE NO.: 6:16-CV-00933-DALTON/KELLY

LEHIGH ACRES LOT OWNERS
ASSOCIATION, INC.,
Plaintiff,

v.

THINK SIMPLICITY INC. and
ALEXANDER PEROVICH,
Defendants.



**NOTICE OF PENDENCY OF CLASS ACTION,
PROPOSED SETTLEMENT, HEARING AND CLAIM FORM**

TO: All natural persons and entities in the United States who were sent a facsimile advertisement, by or on behalf of Think Simplicity, Inc. and/or Alexander Perovich, between April 30, 2015 and February 22, 2017, that advertised Think Simplicity, Inc.'s products and/or services, where the advertisement failed to contain opt-out language compliant with the requirements of the TCPA and/or its accompanying regulations.

This Notice is given pursuant to Rule 23 of the Federal Rules of Civil Procedure and by Order of the United States District Court for the Middle District of Florida (the "Court"). The purpose of this Notice is to inform you of a class action lawsuit, now pending in this Court, which has been brought on behalf of individuals and entities who received a facsimile advertising the services of Think Simplicity, Inc. This Notice explains the lawsuit, the proposed settlement (the "Settlement"), your legal rights, what benefits may be provided, and who will receive them.

Accompanying this Notice is a Proof of Claim form (the "Claim Form"), which you must fill out send to the Settlement Administrator within the time limits discussed in this notice in order to participate in this proposed settlement and receive \$390.

1. Why Should You Read this Notice?

Your rights may be affected by the Settlement in *Lehigh Acres Lot Owners Association, Inc. v. Think Simplicity Inc. and Alexander Perovich* (Case No. 16-CV-00933-DALTON/KELLY), pending in the Court (the "Litigation"). Lehigh Acres Lot Owners Association, Inc. (the "Settlement Class Representative") has agreed to settle and release all claims against Think Simplicity Inc. and Alexander Perovich (the "Defendants") in the Litigation in exchange for the Defendants' agreement to make the settlement payments to members of the Settlement Class who file a claim as set forth below.

You may be a member of the Settlement Class and could therefore be entitled to receive the benefits of the Settlement. As a member of the Settlement Class, however, you would also be bound by the release and other provisions of the Settlement if it is approved by the Court. You may elect to opt out of the Settlement Class and the Settlement, as explained below, if you comply with the procedures described in this Notice. You also have a right to object to the Settlement or portions thereof, but only if you comply with the procedures decried in this Notice.

2. What is the Litigation about?

The lawsuit is about whether the Defendants violated the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227, and the FCC regulations promulgated under the TCPA by faxing advertisements that did not contain the requisite opt-out notice. The Representative Plaintiff asserts that the Defendants are liable for statutory damages in connection with their sending of fax advertisements. Defendants deny all allegations of wrongdoing and liability in connection with the Litigation. No determination has been made on the merits of the claims against the Defendants. This Notice does not imply that there has been or would be any finding of violation of the law or that recovery could be had in any amount if the Litigation were not settled.

The Plaintiff and Defendants have agreed, and the Court has ordered that, for settlement purposes only, the Litigation may be maintained as a class action under Federal Rule of Civil Procedure 23, subject to final approval at the conclusion of the settlement process. If the Settlement is not finally approved, or if Defendants withdraw from the Settlement Agreement pursuant to its terms, the Litigation will return to the same status as before the Settlement was signed, and the Court will later determine if the case may proceed as a class action.

3. How Do You Know If You Are a Part of the Settlement?

The Settlement Class includes all natural persons and entities in the United States who:

- (i) were sent a facsimile by or on behalf of Think Simplicity, Inc. or Alexander Perovich;
- (ii) between April 30, 2015 and February 22, 2017;
- (iii) that advertised Think Simplicity, Inc.'s products and/or services,
- (iv) where the advertisement failed to contain opt-out language compliant with the requirements of the TCPA and/or its accompanying regulations.

You are receiving this Notice because it is believed that you meet the above criteria and that you are a member of the Settlement Class. There are approximately 272 persons in the Settlement Class.

4. What Are the Benefits of the Settlement and What Is the Release?

Each member of the Settlement Class who submits a valid, timely Claim Form will be sent a check in the amount of \$390 within the timeframe provided for in the Settlement. Any monies from checks that remain uncashed within 180 days of issuance will be returned to the Defendants.

In exchange for the consideration provided by the Defendants, if the Settlement is approved by the Court, the Litigation will be dismissed with prejudice as to the Defendants. The Defendants will receive a release and discharge of liability from the Settlement Class Representative and from the Settlement Class. The Settlement Class would not include individuals and entities who elect to opt out of the Settlement as discussed below.

More details are in the Settlement Agreement which can be viewed at www.class-settlement.com.

5. What Are Your Options?

If you are a member of the Settlement Class, you can file a claim, do nothing, or exclude yourself from the Settlement Class, or object to the Settlement. Each choice has certain consequences. You can discuss your choice with Class Counsel or your own attorney.

A. File a claim.

The Settlement contemplates a payment of \$390 to each member of the Settlement Class that submits a timely and valid Claim Form to the Settlement Administrator at the address identified on the last page of this notice.

In order to be entitled to receive any payment from the Settlement, you must complete and sign a Claim Form and submit it to the Settlement Administrator, by mail with a postmark no later than April 22, 2017, or by fax, or online at www.class-settlement.com.

B. Do nothing.

If you do nothing, you will remain a member of the Settlement Class. You will lose your right to file your own separate lawsuit against Defendants about their alleged advertising faxes. You will receive no payment in connection with the Settlement.

C. Opt out of the Settlement Class

You have the right to exclude yourself from the class action by filing a written request for exclusion with the Settlement Administrator at the address identified on the final page of this notice.

If you exclude yourself from the Class, you will retain any claims you might have against Defendants, you will not be bound by any judgment or disposition of this case, and you will not share in any recovery, if any, awarded by the Court or provided in a settlement agreement. Your request for exclusion must be filed on or before April 22, 2017 and it must contain (1) the name of this Litigation, (2) your name, address, and fax number and (3) a statement that you wish to be excluded (for example, "Exclude me from the *Lehigh v. Think Simplicity*"). You must also serve copies of the request for exclusion on the attorneys for the Class and the Defendants at the addresses identified on the final page of this notice, postmarked by the same date.

D. Object to the Settlement

The Court has scheduled a hearing to consider the fairness, reasonableness, and adequacy of the Settlement with the Defendants, to be held on Friday, June 16, 2017 at 10:00 a.m., in Courtroom 4A of the George C. Young Courthouse at 401 West Central Boulevard, Orlando, Florida 32801, Judge Dalton presiding (the "Fairness Hearing").

You have a right to appear at the Fairness Hearing and the right to object to the Settlement. Anyone who objects to the Settlement, in whole or in part, may appear and present such objections. In order to be permitted to do so, however, you must, on or before May 8, 2017: (i) file with the Court a notice of your intention to appear, together with a written statement setting forth the factual and legal basis for your objections, if any, to the matter to be considered and the basis for those objections, together with any documentation that you intend to rely upon at the Fairness Hearing and a list of all witnesses, if any, you intend to call to support your objection; and (ii) simultaneously serve copies of all such materials by hand delivery or First-Class Mail, postage pre-paid, upon the attorneys of the Class and Defendants at the addresses identified on the final page of this notice.

If you do not comply with the foregoing procedure and deadlines for submitting written objections and/or appearing at the Fairness Hearing, you may lose substantial legal rights, including but not limited to, the right to appear at the Fairness Hearing and the right to contest approval of the Settlement or any component of the Settlement. If the Court does not approve the Settlement, the Settlement will be null and void and you will not recover under the Settlement.

6. What Fees Will Be Paid to the Attorneys and What Is the Participation Award for the Plaintiff?

At the Fairness Hearing, counsel for the Settlement Class will apply to the Court for a fee, inclusive of costs, of \$29,702.40, an amount equal to twenty-eight percent of the total amount available and potentially recoverable by the Settlement Class members. The Representative Plaintiff intends to seek an incentive award from the Court in the amount of \$5,000 for his services as Settlement Class Representative.

7. How Do You Learn More about this Litigation?

If you have any questions regarding this Notice, the Settlement, or the Litigation generally, you can obtain additional information from counsel for the Settlement Class or the Settlement Administrator. Additionally, you can visit the office or the website of the Clerk of the Circuit Court of U.S. District Court for the Middle District of Florida. However, **please do not contact the Judge, the Judge's staff, or the Clerk of the Court with any questions because they cannot answer your questions or give you advice about the Litigation.**

<i>Settlement Administrator's Address</i>	<i>Class Counsel's Address</i>	<i>Defendants' Counsel's Address</i>
Class-settlement.com Attn: Simplicity Settlement PO Box 9009 Hicksville, NY 11802-9009	Richard Bennett Bennett & Bennett 1200 Anastasia Avenue Office 360 Coral Gables, FL 33134	Daniel Stabile Shutts & Bowen LLP 200 S. Biscayne Blvd. Suite 4100 Miami, FL 33131

PROOF OF CLAIM



12172104

Lehigh Acres Lot Owners Association, Inc. v. Think Simplicity Inc. & Alexander Perovich,
Case No. 6:16-CV-00933

In order to make a claim under the settlement you must fill in the following, sign, and send to the Settlement Administrator by one of the methods stated below:

1. You Must Provide Your Contact Information to Receive a \$390 Settlement Check by mail:

Name of person signing form: _____

Company (if applicable): Indian River County Public Wrk

Street Address: _____

City/State/Zip Code: _____

Contact Telephone Number: _____

Current Fax Number(s): _____

Email address: _____

2. You Must Verify Ownership of the Fax Number(s) Listed in No. 1.

"I or my company was the subscriber for the fax number 772-778-9391 for at least some time during the Class Period from April 30, 2015 and February 22, 2017.

I make this statement under penalty of perjury."

X _____

Authorized Signature

Sign above line and print name here: _____

3. You Must Return this Claim Form to the Settlement Administrator by April 22, 2017:

Mail this Claim Form to: Class-Settlement.com
Attn: Simplicity Settlement
PO Box 9009
Hicksville, NY 11802-9009

OR

(b) Fax this Claim Form to: (888) 894-9253

OR

(c) Submit this form electronically at www.class-settlement.com

Username: 12172104

Password: gopbuynol