

Flu Shot TCPA Settlement
Settlement Administrator
c/o A.B. Data, Ltd.
P.O. Box 173082
Milwaukee WI 53217

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LEGAL NOTICE

Lowe v. CVS Pharmacy, Inc.,
No. 1:14-cv-03687 (N.D. Ill.)

A class action settlement has been proposed in this lawsuit pending in the U.S. District Court for the Northern District of Illinois (“Court”).

This case claims that CVS Pharmacy, Inc. and MinuteClinic, LLC (“CVS”) violated the Telephone Consumer Protection Act (“TCPA”) by making automated calls to cell phones playing a flu shot and discount coupon message without consent, and violated the Illinois Automatic Telephone Dialers Act (“IATDA”) by impeding caller ID in such calls to both landline and cell phones. CVS and its vendor, West Corporation, deny that they did anything wrong.

YOU ARE RECEIVING THIS NOTICE BECAUSE OUR RECORDS INDICATE THAT YOU ARE A CLASS MEMBER ENTITLED TO MONEY UNDER A PROPOSED CLASS ACTION SETTLEMENT.

Who Is Included? If you received this notice, records in the Action indicate that you are a member of the Settlement Class. The “Settlement Class” means the persons on the Class List. For self-identification purposes, the Class List may be described as all persons in the United States whom CVS called using an unattended message in MinuteClinic’s 2013 flu shot reminder campaign that offered a CVS Pharmacy retail coupon, where: (1) the call was made to a cell phone number, or (2) the person was an Illinois resident.

Summary of the Settlement: CVS agreed to establish a Settlement Fund of \$15,000,000 to pay Class Members who make valid and timely claims or for whom a valid mailing address can otherwise be located; pay any incentive award to the Class Representative; pay attorneys’ fees and costs; and pay settlement notice and administration costs. Plaintiff will request up to \$15,000 as an incentive award, and up to \$5,000,000 in attorneys’ fees, plus costs (not anticipated to exceed \$450,000). Any remaining monies from uncashed settlement checks may be redistributed or paid to the Illinois Bar Foundation or other non-profit.

Can I Get Money from the Settlement? Yes, if you received this notice by mail, you do not need to do anything to receive a *pro rata* Cash Award. Class Members who received calls on more than one phone number may receive one Cash Award per phone number called. Class Counsel estimate that the amount of the Cash Award may be about **\$35**.

Do I Have a Lawyer? Yes. The Court appointed attorneys with Burke Law Offices, LLC, Broderick Law, P.C., the Law Office of Matthew P. McCue, and Murray Murphy Moul Basil LLP as Class Counsel. The lawyers will be paid from the Settlement Fund. You may enter an appearance in the case through your own attorney if you so desire.

What Should I Do? Class Members who are mailed this Notice have three options: (1) **Do Nothing**. If you received this notice by mail and the Settlement is approved, you will be automatically mailed a Cash Award by check from the Settlement Fund. You will be legally bound by all orders and judgments of the Court, and you will not be able to sue or continue to sue Defendants about the legal claims resolved by this Settlement. This includes giving up the right to sue separately for between \$500 and \$1,500 per violation plus injunctive relief under the TCPA, and/or \$500 per violation plus costs and attorneys’ fees and up to three times actual damages under the IATDA. (2) Remain a Class Member but **Object to the Settlement**. Instructions for objecting are available at www.FluShotTCPA.com. Objections and supporting documents must be sent to the Settlement Administrator by November 1, 2019 (which can be done confidentially pursuant to the terms of the Settlement Agreement). You may pay for and be represented by a lawyer who may send the objection for you. (3) **Exclude yourself from the Settlement Class** by mailing a request to the Settlement Administrator. You must state in writing your name, address, telephone number, and that you want to be excluded from the Settlement Class in *Lowe v. CVS Pharmacy, Inc.*, No. 1:14-cv-03687 (N.D. Ill.). Exclusions must be signed and postmarked no later than November 1, 2019.

Scheduled Hearing: The judge scheduled a hearing for 2:30 p.m. on Thursday, January 30, 2020, in Courtroom 1225 of the Everett McKinley Dirksen U.S. Courthouse, 219 South Dearborn Street, Chicago, IL 60604, regarding whether to give final approval to the Settlement, including the amounts of any attorneys’ fees, costs, and Class Representative award. The hearing may be changed without notice. It is not necessary for you to appear at this hearing, but you may attend at your own expense.

This is a summary notice only; for more information: Visit: www.FluShotTCPA.com; Call: 1-866-828-2348; or write to: Flu Shot TCPA Settlement Administrator, P.O. Box 173082, Milwaukee WI 53217.