

United States District Court for the Northern District of Illinois

**If you received a telemarketing call on a cell phone for Allstate between April 19, 2013 and February 21, 2017, you may be entitled to benefits under a class action settlement.**

*A federal court authorized this notice. This is not a solicitation from a lawyer.*

- A Plaintiff (“Class Representative”) brought a lawsuit alleging that Oh Insurance Agency violated the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, by causing calls to be made to cell phones using an automatic telephone dialing system or an artificial or prerecorded voice, without consent, and that Allstate Insurance Company is vicariously liable for the call.
- A settlement has been reached in this case, which, if approved, will provide a \$10,500,000 fund (“Settlement Fund”) from which eligible persons whose addresses are known and received a postcard notice regarding this case will receive cash awards. In addition, the limited subset of class members whose addresses are not known will have the opportunity to a claim to receive a cash award if the records in the case reflect that the person filing a claim received one of the affected calls. **If you received a postcard notice through the mail, you do not need to file a claim to receive your award.** The cash awards are estimated to be about \$100 to \$120 per award.
- You are in the “Settlement Class” if you were called on one of 53,743 specific cell phone numbers to which Oh Insurance Agency made calls using a SalesDialers-brand dialing system for the purpose of encouraging the purchase of Allstate goods or services, between April 19, 2013 and February 21, 2017.
- In addition to paying settlement awards to Settlement Class Members, the Settlement Fund will be used to pay attorneys’ fees and costs to attorneys representing the Class Representative and the Class (“Class Counsel”), any award to the Class Representative, the reasonable costs of notice and administration of the Settlement, and a possible charitable contribution if there are uncashed settlement award checks.
- **Your legal rights are affected whether you act or don’t act. Read this notice carefully.**
- **En el sitio web, [www.ohagencytelemarketingsettlement.com](http://www.ohagencytelemarketingsettlement.com), hay una notificación completa del acuerdo en Español. Para un operador telefónico de habla Español, llame al 1-855-222-6832.**

**YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT**

<b>If you received a postcard notice and do nothing</b>	You will receive a payment and will give up any rights to sue Oh Agency, Allstate, or anyone else separately regarding the legal claims in this case.
<b>If You Did Not Receive a Postcard Notice in The Mail, You Must Submit a Claim Form</b>	If you did not receive a postcard notice in the mail regarding this case, you must submit a valid and timely claim form online at <a href="http://www.ohagencytelemarketingsettlement.com">www.ohagencytelemarketingsettlement.com</a> or by mail to Oh Agency TCPA Settlement Administrator, c/o KCC Class Action Services, P.O. Box 404000, Louisville KY 40233-4000. If you fail to submit a claim and your phone number is on the Class List of 53,743, you will not receive a settlement payment and will give up any rights to sue Oh Agency, Allstate, or anyone else separately regarding the legal claims in this case. The deadline to file your claim form is October 15, 2019.
<b>Exclude Yourself or “Opt Out” of the Settlement</b>	Get no payment. If you exclude yourself, you will not waive any rights you may have against Oh Agency, Allstate, or anyone else with respect to the legal claims in this case.
<b>Object</b>	Write to the Court about why you believe the Settlement is unfair. Even if you file a valid and timely objection, if you received a postcard notice in the mail regarding this case, you will still receive payment in this case. If you did not receive a postcard notice in the mail regarding this case, if you submit a valid claim form, you may still receive a payment even if you object.
<b>Go to the Fairness Hearing</b>	Ask to speak in Court about the fairness of the Settlement if you file a valid and timely objection.

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. Payments will be made to Class Members that received a postcard notice in the mail and on valid and timely claims if the Court approves the Settlement and after any appeals are resolved. Please be patient.

## WHAT THIS NOTICE CONTAINS

### **BASIC INFORMATION.....PAGE 3**

1. Why is there a notice?
2. What is this class action lawsuit about?
3. Why is there a Settlement?

### **WHO IS IN THE SETTLEMENT? .....PAGE 4**

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

### **THE SETTLEMENT BENEFITS - WHAT YOU GET .....PAGE 4**

5. What does the Settlement provide?

### **HOW YOU GET A PAYMENT .....PAGE 4**

6. How and when can I get a payment?
7. What am I giving up to get a payment or stay in the Class?

### **EXCLUDING YOURSELF FROM THE SETTLEMENT .....PAGE 6**

8. How do I exclude myself from the Settlement?

### **THE LAWYERS REPRESENTING YOU .....PAGE 6**

9. Do I have a lawyer in this case?
10. How will the lawyers and Class Representatives be paid?

### **OBJECTING TO THE SETTLEMENT .....PAGE 7**

11. How do I tell the Court that I do not think the Settlement is fair?

### **THE COURT'S FAIRNESS HEARING .....PAGE 7**

12. When and where will the Court decide whether to approve the Settlement?
13. May I speak at the hearing?

### **IF YOU DO NOTHING .....PAGE 8**

14. What happens if I do nothing at all?

### **GETTING MORE INFORMATION.....PAGE 8**

15. How do I get more information?

## BASIC INFORMATION

### 1. Why is there a notice?

A court authorized this notice because you have a right to know about a proposed Settlement of this class action lawsuit, and about all of your options, before the Court decides whether to approve the Settlement. If the Court approves the Settlement and after any objections or appeals are resolved, an administrator appointed by the Court will make the payments that the Settlement allows. Because your rights will be affected by this Settlement, it is important that you read this notice carefully.

If you received a notice in the mail, it is because records produced in the Litigation indicate that you were called on one of 53,743 specific cell phone numbers to which Oh Insurance Agency made calls using a SalesDialers-brand dialing system for the purpose of encouraging the purchase of Allstate goods or services, between April 19, 2013 and February 21, 2017. If this is the case, you are entitled to benefits under the Settlement, as a “Settlement Class Member.” If you did not receive a postcard notice in the mail but believe you received a call from the Oh Insurance Agency encouraging the purchase of Allstate goods or services, between April 19, 2013 and February 21, 2017 on a cell phone for which you are the user or subscriber, you have the option of filing a claim as described below.

The Court in charge of the case is the United States District Court for the Northern District of Illinois, and the case is known as *Abante Rooter & Plumbing, Inc. v. Oh Ins. Agency*, No. 1:15-cv-09025 (N.D. Ill.). The proposed Settlement would resolve all claims in this case, as well as the claims at issue in the Litigation. The entity that sued is called the “Plaintiff” or “Class Representative,” and the companies sued, Oh Insurance Agency (“Oh Agency”) and Allstate Insurance Company (“Allstate”), are referred to herein as “Defendants.”

The Court preliminarily approved the Settlement on May 29, 2019, and pursuant to the Court’s order, notice is now being disseminated to potential Class Members, in order to notify them of the proposed Settlement and their rights thereto.

### 2. What is this class action lawsuit about?

A class action is a lawsuit in which the claims and rights of many people are decided in a single court proceeding. Representative plaintiffs, also known as “class representatives,” assert claims on behalf of the entire class.

The Class Representative pursued this Litigation alleging that Oh Agency violated the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, by causing telemarketing calls to be made to cellular telephone numbers to encourage the purchase of Allstate goods or services using an automatic telephone dialing system or an artificial or prerecorded voice, without the prior express consent of the called party, and that Allstate is vicariously liable for said calls.

Defendants deny that they did anything wrong, or that this case is appropriate for treatment as a class action.

### 3. Why is there a Settlement?

The Court did not decide in favor of the Class Representative or Defendants. Both sides agreed to a settlement instead of going to trial. That way, they avoid the cost of a trial, and the people affected will get compensation. The Class Representative and its attorneys think the Settlement is best for all Class Members.

## WHO IS IN THE SETTLEMENT?

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

The Court has certified a class action for settlement purposes only. Generally, you are in the Settlement Class if you received an unsolicited Allstate telemarketing call from Oh Agency on your cell phone between April 19, 2013 and February 21, 2017. More specifically, the Settlement Class is defined as:

**All persons in the United States (i) to whom Oh Insurance Agency made a call for the purpose of encouraging the purchase of Allstate goods or services (ii) to a cellular telephone number (iii) using SalesDialers (iv) between April 19, 2013 and February 21, 2017, limited to calls to telephone numbers on the Class List. The Class List is comprised of the users or subscribers of the 53,743 unique cell phone numbers listed therein.**

If you have questions about whether you are a Class Member, or are still not sure whether you are included, you can call 1-855-222-6832 or visit [www.ohagencytelemarketingsettlement.com](http://www.ohagencytelemarketingsettlement.com) for more information.

## THE SETTLEMENT BENEFITS - WHAT YOU GET

### 5. What does the Settlement provide?

Defendants have agreed to pay a total settlement amount of \$10,500,000, which will be used to create a Settlement Fund to pay cash awards to Settlement Class Members who received a postcard notice regarding this case as well as Settlement Class Members who did not receive a postcard notice but who submit a valid and timely claim, pay Class Counsel's attorneys' fees and costs, pay a service award to the Class Representative, and pay costs and expenses of notice and settlement administration.

Any remaining monies from uncashed Settlement Relief may be redistributed in further distributions to Settlement Class Members who cashed their settlement checks. However, if a further distribution would be administratively infeasible, the remaining monies will instead be donated to a *cy pres* recipient. The Parties have proposed that such money be disbursed to the Electronic Privacy Information Center.

## HOW YOU GET A PAYMENT

### 6. How and when can I get a payment?

Each Settlement Class Member who received a postcard notice regarding this case will receive Settlement Relief without submitting a claim form. Any Settlement Class Member who did not receive a postcard notice regarding the case but who submits a valid and timely claim form will also receive Settlement Relief. Settlement Relief is a cash payment. The final cash payment amount will depend on the total number of Settlement Class Members with known addresses who received postcard notice regarding the case plus valid and timely claims filed by Settlement Class Members who did not receive postcard notice, and will be distributed on a *pro rata* basis from the Settlement Fund, less notice and administration costs, Class Counsel's attorneys' fees and costs, and any Class Representative award. Settlement Class Members who received calls on more than one cell phone may submit one claim per cell phone number. Class Counsel estimate that the amount of the cash award (while dependent upon the number of claims) may be within the range of \$100 to \$120. Eligible Settlement Class Members may make one claim per associated unique cellular telephone number called.

Claims may be submitted electronically via the Settlement Website, [www.ohagencytelemarketingsettlement.com](http://www.ohagencytelemarketingsettlement.com), or by mail to:

Oh Agency TCPA Settlement Administrator  
c/o KCC Class Action Services  
P.O. Box 404000  
Louisville KY 40233-4000

If you did not receive a postcard notice and are filing a claim form, the deadline to file your claim form is October 15, 2019.

The Court will hold a hearing on November 13, 2019, to decide whether to approve the Settlement. If the Settlement is approved, appeals may still follow. Whether the appeals, if any, can be resolved is uncertain, and resolving them can take time, perhaps more than a year. Please be patient.

#### **7. What am I giving up to get a payment or stay in the Class?**

If you are a Class Member, unless you exclude yourself, you will be bound by the release of claims in the Settlement. This means that, if the Settlement is approved, you can't sue, continue to sue, or be part of any other lawsuit against Oh Agency, Allstate, or anyone else having to do with TCPA and/or any other federal or state telemarketing law for violations arising out of telemarketing calls made by Oh Agency to encourage the purchase of Allstate goods or services using its SalesDialers dialer between April 19, 2013 and February 21, 2017, including but not limited to claims of any type or nature alleging that Allstate is vicariously liable for said Oh Agency calls, and all of the decisions and judgments by the Court will bind you.

For non-emergency calls or text messages to a cell phone number made using an automatic telephone dialing system or an artificial or prerecorded voice without the prior express consent of the called party, the TCPA provides for damages of \$500 per violation, or up to \$1,500 for knowing or willful violations, plus an injunction limiting future conduct. However, Defendants have denied that they made or caused to be made any illegal calls to anyone, and in any future lawsuit, they will have a full range of potential defenses, including that they had prior express consent to make the calls and that Allstate is not vicariously liable for them. In addition, the TCPA does not provide for attorneys' fees to prevailing individual plaintiffs. This Settlement permits Class Members the opportunity to obtain a smaller amount of money, risk-free.

If you do not opt out of this Settlement, you will be unable to file your own lawsuit regarding the claims described in this Notice, and you will release Defendants from any liability for the Released Claims defined below and in the Settlement.

Remaining in the Settlement Class means that you, as well as anyone claiming through you such as heirs, successors, and assigns, relinquish and discharge each and all of the Released Parties from each of the Released Claims (as defined below).

If the Settlement is approved, upon the Final Settlement Date, the Releasing Persons shall, by operation of the Judgment, be deemed to have fully, conclusively, irrevocably, forever, and finally released, relinquished, and discharged the Released Persons from any and all Released Claims—i.e., all claims, demands, causes of actions, suits, damages, and fees arising under the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227, and/or any other federal or state telemarketing laws, whether in law or equity, that have been or could have been brought by a Releasing Person against Oh Agency or Allstate Insurance Company in connection with Oh Agency making or causing to be made telemarketing calls promoting Allstate goods or services, where such call was made between April 19, 2013 and February 21, 2017, including but not limited to claims of any type or nature alleging that Allstate Insurance Company is vicariously liable for said Oh Agency calls. "Released Persons" means Defendants Oh Insurance Agency and Allstate Insurance Company, and all of their predecessors, successors, parents, subsidiaries, affiliates, officers, directors, partners, members, principals, employees, agents, attorneys, servants, and assigns. "Releasing Persons" means Plaintiff (including Plaintiff's principal Fred Heidarpour) and each member of the Class identified on the Class List and not opting out, and their respective assigns, heirs, successors, predecessors, parents, subsidiaries, affiliates, officers, directors, shareholders, members, managers, partners, principals, representatives, and employees (each solely in their respective capacity as such).

The Settlement Agreement (available at the website, [www.ohagencytelemarketingsettlement.com](http://www.ohagencytelemarketingsettlement.com)) provides more detail regarding the release and describes the Released Claims with specific descriptions in necessary, accurate legal terminology, so read it carefully. You can talk to the law firms representing the Class listed in Question 9 for free, or you can, at your own expense, talk to your own lawyer if you have any questions about the Released Parties or the Released Claims or what they mean.

The release does not apply to Settlement Class Members who timely opt out of the Settlement.

## **EXCLUDING YOURSELF FROM THE SETTLEMENT**

If you don't want a payment from this Settlement, and you want to keep the right to sue or continue to sue Defendants on your own about the legal issues in this case, then you must take steps to exclude yourself from the Settlement.

### **8. How do I exclude myself from the Settlement?**

To exclude yourself from the Settlement, you must send a letter by mail saying that you want to be excluded from *Abante Rooter & Plumbing, Inc. v. Oh Ins. Agency*, No. 1:15-cv-09025 (N.D. Ill.). Be sure to include your name, address, and the cell phone number(s) at which you were called by Oh Agency during the Settlement Class Period. You must also include a statement that you wish to be excluded from the Settlement and sign the statement. **You must mail your exclusion request postmarked no later than October 15, 2019**, to:

Oh Agency TCPA Settlement Administrator  
c/o KCC Class Action Services  
P.O. Box 404000  
Louisville KY 40233-4000

If you ask to be excluded, you will not get any Settlement Relief, and you cannot object to the Settlement. You will not be legally bound by anything that happens in this Litigation. You may be able to sue (or continue to sue) Defendants in the future. Although no other person may exclude you from the Settlement Class, nothing prohibits you from obtaining the assistance of another, such as a lawyer or family member, in preparing or submitting any individual exclusion.

## **THE LAWYERS REPRESENTING YOU**

### **9. Do I have a lawyer in this case?**

The Court appointed the following attorneys to represent you and other Class Members: Alexander H. Burke and Daniel J. Marovitch of Burke Law Offices, LLC, Edward A. Broderick of Broderick Law, P.C., and Matthew P. McCue of The Law Office of Matthew P. McCue.

All of these lawyers are called Class Counsel. You will not be charged separately for these lawyers' services. If you want to be represented by your own lawyer, you may hire one at your own expense.

You may enter an appearance through your own attorney if you so desire, but you do not need to do so.

### **10. How will the lawyers and Class Representatives be paid?**

Class Counsel will ask the Court to approve payment of up to \$3,500,000 to compensate them for attorneys' fees for investigating the facts, litigating the case, and negotiating the Settlement, plus costs they incurred in the case not to exceed \$50,000. Class Counsel will also request an award of \$10,000 to the Class Representative, as compensation for its time and effort. The Court may award less than these amounts. These payments, along with the costs of administering the Settlement, will be made out of the Settlement Fund.

## OBJECTING TO THE SETTLEMENT

You can tell the Court that you do not agree with the Settlement or some part of it.

### 11. How do I tell the Court that I do not think the Settlement is fair?

If you are a Settlement Class Member and do not exclude yourself, you can object to the Settlement, or any part of the Settlement, for example if you do not think the Settlement is fair. You can state reasons why you think the Court should not approve it. The Court will consider your views. To object, you must file a written statement with the Court saying that you object to the proposed Settlement in *Abante Rooter & Plumbing, Inc. v. Oh Ins. Agency*, No. 1:15-cv-09025 (N.D. Ill.). Be sure to include: (a) your name, address, telephone number and, if different, the cellular telephone number at which you were called by Oh Agency during the Settlement Class Period; (b) if represented by counsel, the name, address, and telephone number of your counsel; (c) the specific grounds for the objection, and whether it applies only to you, to a specific subset of the Class, or to the entire Class; and (d) a statement of whether you intend to appear at the Fairness Hearing, either with or without counsel. Any documents that you wish for the Court to consider must also be attached to the objection, and your objection should also be sent to Class Counsel and counsel for Defendants. **Your objection to the Settlement must be filed and postmarked to the Parties' respective attorneys no later than October 15, 2019.**

The objection must be provided as follows to the following:

For Filing:

*Abante Rooter & Plumbing, Inc. v.*  
*Oh Ins. Agency*, No. 1:15-cv-09025 (N.D. Ill.)  
U.S. District Court, Northern District of Illinois  
219 South Dearborn Street  
Chicago, IL 60604

By Mail:

Alexander H. Burke  
Burke Law Offices, LLC  
155 N. Michigan Ave., Suite 9020  
Chicago, IL 60601

***Counsel for Plaintiff and the Settlement Class***

Mark J. Levin  
Ballard Spahr LLP  
1735 Market St., 51st Floor  
Philadelphia, PA 19103

***Counsel for Allstate Insurance Company***

John D. Dalton  
Kaufman Dolowich & Voluck, LLP  
135 S. LaSalle St., Suite 2100  
Chicago, IL 60603

***Counsel for Oh Insurance Agency***

## THE COURT'S FAIRNESS HEARING

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

The Court will hold a hearing to decide whether to approve the Settlement. This Fairness Hearing will be held at 11:00 a.m. on November 13, 2019, at the United States District Court for the Northern District of Illinois, 219 S. Dearborn St., Chicago, Illinois 60604, in Courtroom 1903. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check the Settlement Website for updates. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate, and whether to award attorneys' fees, expenses, and an incentive award to the Class Representative as described above, and in what

amounts. If there are objections, the Court will consider them. At or after the hearing, the Court will decide whether to approve the Settlement. We do not know how long it will take the Court to issue its decision. You do not have to come to this hearing, but you may attend at your own expense. However, any Settlement Class Member who fails to object to the Settlement in the manner described in Section 11 shall be deemed to have waived any such objection, shall not be permitted to object to any terms or approval of the Settlement at the Fairness Hearing, and shall be foreclosed from seeking any review of the Settlement or the terms of the Agreement by appeal or other means.

### **13. May I speak at the hearing?**

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must file a notice with the Court saying that you intend to appear at the Fairness Hearing in *Abante Rooter & Plumbing, Inc. v. Oh Ins. Agency*, No. 1:15-cv-09025 (N.D. Ill.). Be sure to include your name, address, phone number and, to the extent not otherwise submitted in relation to a filed objection, copies of any papers, exhibits or other evidence that you intend to present to the Court. Your notice of intention to appear must be filed no later than October 15, 2019. Copies of your notice of intent to appear must also be sent to the attorneys for the Plaintiff and Settlement Class and to the attorneys for Defendants at the addresses provided above.

You cannot speak at the hearing if you exclude yourself from the Settlement or do not file a timely notice of intent to appear.

## **IF YOU DO NOTHING**

### **14. What happens if I do nothing at all?**

If you do nothing, and are a Class Member, and received a postcard notice in mail regarding this case, you will receive a payment after the Court approves the Settlement and any appeals are resolved. If you **did not receive a postcard notice in the mail regarding the case, in order to receive a payment, you must submit a claim form**. Regardless of whether you received a postcard notice, if you are a Settlement Class Member, unless you exclude yourself, you won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Oh Agency, Allstate, or any other person having to do with the legal issues in this case.

## **GETTING MORE INFORMATION**

### **15. How do I get more information?**

This notice summarizes the proposed Settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement by calling the Settlement Administrator toll-free at 1-855-222-6832, writing to:

Oh Agency TCPA Settlement Administrator  
c/o KCC Class Action Services  
P.O. Box 404000  
Louisville KY 40233-4000

or visiting the website at [www.ohagencytelemarketingsettlement.com](http://www.ohagencytelemarketingsettlement.com), where you will also find answers to common questions about the Settlement, a claim form, plus other information to help you determine whether you are a Class Member and whether you are eligible for a payment.

**En el sitio web, [www.ohagencytelemarketingsettlement.com](http://www.ohagencytelemarketingsettlement.com),  
hay una notificación completa del acuerdo en Español.**