

If you received a call on a cell phone from Cavalry Portfolio Services, LLC between February 8, 2009 and January 26, 2016, 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.

- Cory Horton and Kevin Krejci (“Class Representatives”) each brought lawsuits alleging that debt collector Cavalry Portfolio Services, LLC (“Cavalry”) is liable under the Telephone Consumer Protection Act (the “TCPA”), 47 U.S.C. § 227, to persons who were called on cell phones by Cavalry without consent (“Calls”).
- A settlement (“Settlement”) has been reached, which affects certain individuals who received one or more Calls from Cavalry between February 8, 2009 and January 26, 2016 (“Settlement Class Period”).
- The Settlement, if approved, will provide a Debt Relief Fund of up to \$18,000,000, and a Cash Fund of \$6,150,000, from which eligible persons who file valid and timely claims will receive either debt relief or cash awards.
- You are in the “Settlement Class” if you were called on a cell phone associated with one of 1,035,232 Open and Closed Accounts to which Cavalry made Calls between February 8, 2009 and January 26, 2016, while using the Aspect Ensemble Pro system, or the Avaya Proactive Contact 5.0 system. In addition to paying settlement awards to Settlement Class Members, the Cash Fund will be used to pay attorneys’ fees and costs to attorneys representing the Class Representatives and the Settlement Class (“Class Counsel”), incentive awards to the Class Representatives, the reasonable costs of notice and administration of the Settlement, and a 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.**
- **Questions? Call 1-833-900-1645 or visit www.CPSTCPASettlement.com**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

<p>Submit a Claim Form by: July 29, 2020</p>	<p>This is the only way to get debt relief or cash. You can submit a valid and timely claim form online at www.CPSTCPASettlement.com or by mail to CPS TCPA Settlement, c/o JND Legal Administration, P.O. Box 91237, Seattle, WA 98111. If you fail to submit a claim, you will not receive a settlement payment.</p>
<p>Do Nothing</p>	<p>Get no debt relief or cash. Give up any rights to sue Cavalry separately regarding the legal claims in this case.</p>
<p>Exclude Yourself or "Opt Out" of the Settlement by: July 29, 2020</p>	<p>Get no debt relief or cash. If you exclude yourself, you will not waive any rights you may have against Cavalry with respect to the legal claims in this case.</p>
<p>Object by: July 29, 2020</p>	<p>Write to the Court about why you believe the Settlement is unfair. Even if you file a valid and timely objection, you can still submit a claim form to receive a payment.</p>
<p>Go to a Hearing on: September 28, 2020</p>	<p>Ask to speak in Court about the fairness of the Settlement if you file a valid and timely objection.</p>

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 on valid and timely claims if the Court approves the Settlement and after any appeals are resolved. Please be patient.

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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 litigation, 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 indicate you may have received one or more Calls from Cavalry between February 8, 2009 and January 26, 2016.

More specifically, the Settlement Class comprises individuals that Cavalry called on cell phone numbers while attempting to collect 1,035,232 Accounts between February 8, 2009 and January 26, 2016, while using the Aspect Ensemble Pro system, or the Avaya Proactive Contact 5.0 system.

The Court in charge of the cases is the United District Court for the Southern District of California. The cases which are part of this settlement are *Horton v. Cavalry Portfolio Services, LLC*, No. 13cv0307 JAH WVG and *Krejci v. Cavalry Portfolio Services, LLC*, 16cv00211 JAH WVG. Cory Horton and Kevin Krejci are the “Plaintiffs” or “Class Representatives,” and the company sued, Cavalry, is the “Defendant.”

You received this notice because Plaintiffs and Defendant settled Plaintiffs’ claims.

2. What is this class action litigation 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 Representatives filed and/or pursued this litigation alleging that Cavalry is liable under the TCPA for calls it made to cell phones while attempting to collect using what Plaintiffs contend are automatic telephone dialing systems, the Aspect Ensemble Pro system, or the Avaya Proactive Contact 5.0 system, without consent (“Calls”).

Cavalry denies that it violated the TCPA and specifically denies that it used an automatic telephone dialing system to call any class member without prior express consent.

3. Why is there a settlement?

The Court did not decide in favor of the Class Representatives or Defendant. Both sides agreed to a settlement instead of going to trial. That way, they avoid the risk and cost of a trial. The Class Representatives and their attorneys think the Settlement is best for all Settlement 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. You are in the Settlement Class if you were called by Cavalry on a cell phone while it was attempting to collect using the Aspect Ensemble Pro

or the Avaya Proactive Contact 5.0 dialing systems between February 8, 2009 and January 26, 2016.

Excluded from the Class are individuals who are not or were not regular users or subscribers of cell phones associated with 1,035,232 Open and Closed Accounts, are officers or directors of Cavalry or of any Cavalry affiliate, any justice, judge, or magistrate judge of the United States or any State, their spouses, and persons within the third degree of relationship to either of them, or the spouses of such persons, and all persons who validly exclude themselves or opt out of the Settlement Class.

If you have questions about whether you are a Class Member, or are still not sure whether you are included, you can call 1-833-900-1645 or visit www.CPSTCPASettlement.com for more information.

THE SETTLEMENT BENEFITS - WHAT YOU GET

5. What does the Settlement provide?

Cavalry has agreed to establish a Debt Relief Fund of up to \$18,000,000, and to establish a Cash Fund of \$6,150,000.

If your Account had an outstanding balance with Cavalry as of January 2, 2020, you have an Open Account with Cavalry and you can claim a *pro rata* share of debt relief of up to \$599 or claim a *pro rata* share from the Cash Fund. You can claim debt relief or cash but not both.

If your Account did not have an outstanding balance with Cavalry as of January 2, 2020, you have a Closed Account with Cavalry and you can claim a *pro rata* share from the Cash Fund but not debt relief.

The Cash Fund will also be used to pay Class Counsel's attorneys' fees and costs, pay incentive awards to the Class Representatives, and pay costs and expenses of settlement administration.

Any remaining money from uncashed checks may be redistributed in one further distribution to valid claimants. However, if a further distribution would be administratively infeasible (e.g., less than \$1 per qualifying claimant), any remaining money will instead be donated to a not-for-profit public interest organization. If approved by the Court, any remaining money will be donated to The Jump\$tart Coalition for Personal Financial Literacy.

HOW CAN I GET SETTLEMENT RELIEF

6. How can I get settlement relief with an Open Account?

If you received a postcard, the Identification Number on the front of the postcard tells you if your account was Open or Closed as of January 2, 2020.

If you have an Open Account, you can claim a *pro rata* share of debt relief of up to \$599 or claim a *pro rata* share from the Cash Fund. You can claim debt relief or cash but not both.

If you choose debt relief, the amount of debt relief will depend on the total number of valid and timely claims filed by all Settlement Class Members who request debt relief.

There are 674,760 Open Accounts as of January 2, 2020. If 5% of Settlement Class Members with Open Accounts submit valid claims for debt relief, each will receive a debt relief award of \$533. If 10% of Settlement Class Members with Open Accounts submit valid claims for debt relief, each will receive a debt relief award of \$266.

If you choose cash, the amount of your cash award will depend on the total number of valid and timely

claims filed by all Settlement Class Members who request a cash award.

There are 1,035,232 Settlement Class Members, of which 674,760 have Open Accounts and 360,472 have Closed Accounts as of January 2, 2020. All 1,035,232 Settlement Class Members are eligible to submit valid claims for cash. If 5% of Settlement Class Members submit valid claims for cash, each will receive a cash award of \$63 after subtracting for administrative costs, incentive awards, fees, and litigation costs. If 10% of Settlement Class Members submit valid claims for cash, each will receive a cash award of \$31 after subtracting for administrative costs, incentive awards, fees, and litigation costs.

Your Claim Form must be postmarked or submitted online on or before **July 29, 2020**. Claims may be submitted electronically via the Settlement Website, www.CPSTCPASettlement.com, or by mail to:

CPS TCPA Settlement, c/o JND Legal Administration, P.O. Box 91237, Seattle, WA 98111

The Court will hold a hearing on September 28, 2020, 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. How can I get settlement relief with a Closed Account?

If you received a postcard, the Identification Number on the front of the postcard tells you if your account is Open or Closed.

If you have a Closed Account, you can claim a *pro rata* share from the Cash Fund. You are not eligible for debt relief.

The amount of your cash award will depend on the total number of valid and timely claims filed by all Settlement Class Members who request a cash award.

There are 1,035,232 Settlement Class Members, of which 674,760 have Open Accounts and 360,472 have Closed Accounts as of January 2, 2020. All 1,035,232 Settlement Class Members are eligible to submit valid claims for cash. If 5% of Settlement Class Members submit valid claims for cash, each will receive a cash award of \$63 after subtracting for administrative costs, incentive awards, fees, and litigation costs. If 10% of Settlement Class Members submit valid claims for cash, each will receive a cash award of \$31 after subtracting for administrative costs, incentive awards, fees, and litigation costs.

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8. What am I giving up to get settlement relief or stay in the Settlement Class?

If you are a Settlement 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 Cavalry regarding violations arising out of Calls Cavalry made to you using the Aspect Ensemble Pro or the Avaya Proactive Contact 5.0 dialing systems between February 8, 2009 and January 26, 2016, 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 without the prior express consent of the called party, the TCPA provides for damages of \$500 per violation, or up to \$1,500 for willful violations, plus an injunction limiting future conduct. However, Cavalry has denied that it is responsible for the Calls, and in any future lawsuit it will have a full range of potential defenses, including that it is not responsible for the calls, that it did not use an automatic telephone dialing system and/or that it had prior express consent to make the calls. This Settlement permits Settlement Class Members the opportunity to obtain a smaller amount of money, risk-free.

If you file a Claim Form for benefits or do nothing at all, you will be unable to file your own lawsuit regarding the claims described in this Notice, and you will release Cavalry 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, administrators, successors, and assigns, relinquish and discharge each and all of the Released Parties from each of the Released Claims (as defined below).

Claims Released: Upon Final Approval, each member of the Settlement Class shall, by operation of the Judgment, be deemed to have fully, conclusively, irrevocably, forever, and finally released, relinquished, and discharged the Released Persons in all capacities, including individual and trustee capacities, from any and all claims, causes of action, suits, obligations, debts, demands, agreements, promises, liabilities, damages, losses, controversies, costs, expenses and attorneys' fees of any nature whatsoever, whether based on any federal law, state law, common law, territorial law, foreign law, contract, rule, regulation, any regulatory promulgation (including, but not limited to, any opinion or declaratory ruling), common law or equity, whether known or unknown, suspected or unsuspected, asserted or unasserted, foreseen or unforeseen, actual or contingent, liquidated or unliquidated, punitive or compensatory, as of the date of Final Approval, that relate to or arise out of Cavalry's alleged use of the Aspect Ensemble Pro system or the Avaya Proactive Contact 5.0 system during the Settlement Class Period to make, place, dial or initiate calls, any and all claims for violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227 and the regulations promulgated thereunder or related thereto, and any and all claims for violation of any laws of any state that regulate, govern, prohibit or restrict the making, placing, dialing or initiating of calls using an automatic telephone dialing system, an artificial or prerecorded voice, or any automated process or technology.

The Settlement Agreement (available at the website) 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 10 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 Cavalry on your own about the legal issues in this case, then you must take steps to exclude yourself from the Settlement.

9. 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 *Horton v. Cavalry Portfolio Services, LLC*, Case No. 13CV0307 JAH WVG (S.D. Cal.) and *Krejci v. Cavalry Portfolio Services, LLC*, 16cv00211 JAH WVG (S.D. Cal.). Be sure to include your

full name, address, and the cell phone number at which you were called by Cavalry. 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 July 29, 2020**, to:

CPS TCPA Settlement, c/o JND Legal Administration, P.O. Box 91237, Seattle, WA 98111

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 lawsuit. You may be able to sue (or continue to sue) Cavalry 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

10. Do I have a lawyer in this case?

The Court appointed the following law firms to represent you and other Class Members:

Terrell Marshall Law Group, PLLC and Lemberg Law, LLC.

These lawyers are called Class Counsel. The names and mailing addresses for Class Counsel are listed in Question 12. 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.

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

11. How will the lawyers and Class Representatives be paid?

Class Counsel will ask the Court to approve payment of up to \$2,000,000 to compensate them for attorneys' fees for investigating the facts, litigating the case, and negotiating the Settlement, plus actual costs of up to \$100,000. Class Counsel will also request incentive awards of up to \$10,000 each to the Class Representatives, as compensation for their 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 Cash Fund.

OBJECTING TO THE SETTLEMENT

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

12. 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 *Horton v. Cavalry Portfolio Services, LLC*, Case No. 13CV0307 JAH WVG (S.D. Cal.) and *Krejci v. Cavalry Portfolio Services, LLC*, 16cv00211 JAH WVG (S.D. Cal.). Be sure to include your full name, address, current phone number, cellular telephone number Cavalry called you on, the reasons you object to the Settlement, and whether you intend to appear at the fairness hearing on your own behalf or through counsel. All objections shall identify any lawyer that represents you as to your objection and provide that lawyer's address and telephone number, but you do not have to have a lawyer. 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 Cavalry. **Your objection to the Settlement must be filed no later than July 29, 2020.**

The objection must be provided as follows to the following:

<p><u>For Filing:</u></p> <p><i>Horton v. Cavalry Portfolio Services, LLC</i> Case No. 13CV0307 JAH WVG U.S. District Court, Southern District of California</p>	<p><u>By Mail:</u></p> <p>Beth E. Terrell Adrienne D. McEntee Terrell Marshall Law Group, PLLC 936 N. 34th St., Suite 300 Seattle, Washington 98103</p> <p>Sergei Lemberg Stephen Taylor Lemberg Law, LLC 43 Danbury Road Wilton, Connecticut 06897</p> <p><i>Attorneys for Plaintiff and the Settlement Class</i></p> <p>Tomio B. Narita SIMMONDS & NARITA LLP 44 Montgomery Street, Suite 3010 San Francisco, California 94104-4816</p> <p><i>Attorneys for Defendant</i></p>
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THE FAIRNESS HEARING

13. 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 2:30 p.m. on September 28, 2020, at the United States District Court for the Southern District of California, 333 West Broadway, San Diego, California 92101, in Courtroom 13B. 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 Class Counsel attorneys' fees, expenses, and an incentive award to the Class Representative as described above, and in what amount. 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 12 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 Final Approval Hearing, and shall be foreclosed from seeking any review of the Settlement or the terms of the Agreement by appeal or other means.

14. 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 *Horton v. Cavalry Portfolio*

Services, LLC, Case No. 13CV0307 JAH WVG (S.D. Cal.) and *Krejci v. Cavalry Portfolio Services, LLC*, 16cv00211 JAH WVG (S.D. Cal.). Be sure to include your full name, address, and telephone number, as well as 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 **July 29, 2020**. Copies of your notice of intent to appear must also be sent to the attorneys for the Plaintiffs and Settlement Class and to the attorneys for Defendant at the addresses provided above. You may not be permitted to 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

15. What happens if I do nothing at all?

If you do nothing, and are a Settlement Class Member, you will not receive a payment after the Court approves the Settlement and any appeals are resolved. In order to receive a payment, you must submit a claim form. 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 Cavalry regarding the legal issues in this case.

GETTING MORE INFORMATION

16. 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 1-833-900-1645, writing to: CPS TCPA Settlement, c/o JND Legal Administration, P.O. Box 91237, Seattle, WA 98111; or visiting the website at www.CPSTCPASettlement.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.

Call 1-833-900-1645 or visit www.CPSTCPASettlement.com for more information.