

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

Kran v. Hearst Communications, Inc., et al., Case No. 15-cv-02058

If you received at least two calls promoting subscriptions to the *San Francisco Chronicle*, but your telephone number is registered on the National Do Not Call List, a class action settlement may affect your rights.

A Federal Court authorized this notice. You are not being sued. This is not a solicitation from a lawyer.

- A Settlement has been reached in a class action lawsuit against Hearst Communications, Inc. (“Hearst”) and A Marketing Resource, LLC (“AMR,” and collectively “Defendants”). The suit concerns whether the Defendants violated a federal law called the Telephone Consumer Protection Act (the “TCPA”) by making telephone calls in order to sell subscriptions (or renewal to subscriptions) to the *San Francisco Chronicle* to individuals whose numbers had been registered on the National Do Not Call Registry for at least 30 days (the “DNC List” and the “Telephone Calls”, respectively). Defendants deny any wrongdoing and maintain that the Telephone Calls do not violate the TCPA. The Settlement does not establish who is correct, but rather is a compromise to end the lawsuit.
- You are included in the Settlement if (1) you had your telephone number(s) registered with the National Do Not Call Registry for at least thirty days prior to the first Telephone Call, (2) you received more than one Telephone Call within a twelve-month period, (3) you were not a subscriber to the *San Francisco Chronicle* for a period of at least 18 months prior to the first Telephone Call (or you never subscribed at all). You may be entitled to a cash payment if you affirm that you received such calls.
- Those who submit valid claims will be eligible to receive shares of a \$2.1 million settlement fund that Hearst has agreed to establish based upon the number of calls they received, up to \$500 per call. Each individual who submits a valid claim will receive a portion of this fund, after all notice and administration costs, the incentive award, and attorneys’ fees have been paid. Hearst has also agreed to implement procedures to ensure they do not call individuals registered on the DNC List in the future unless they have an existing business relationship with such individuals.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT A CLAIM FORM	This is the only way to receive a payment.
EXCLUDE YOURSELF	You will receive no payment, but you will retain any rights you currently have to sue Defendants about the issues in this case.
OBJECT	Write to the Court explaining why you don’t like the Settlement.
ATTEND A HEARING	Ask to speak in Court about the fairness of the Settlement.
DO NOTHING	You will receive no payment under the Settlement and give up your rights to sue the Defendants about the issues in this case.

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 provided only after any issues with the Settlement are resolved. Please be patient.

BASIC INFORMATION

1. What is this notice and why should I read it?

A Court authorized this notice to let you know about a proposed Settlement with Hearst. You have legal rights and options that you may act on before the Court decides whether to approve the proposed Settlement. You may be eligible to receive a cash payment as part of the Settlement. This notice explains the lawsuit, the Settlement, and your legal rights.

Chief Judge Michael J. Davis of the U.S. District Court for the District of Minnesota is overseeing this class action. The case is called *Kran v. Hearst Communications, Inc., et al.*, Case No. 15-cv-02058. The person who filed the lawsuit, Neil Kran, is the Plaintiff. The companies he sued, Hearst and AMR, are the Defendants. You need not live in Minnesota to get a payment under the Settlement.

2. What is a class action lawsuit?

A class action is a lawsuit in which one or more plaintiffs—in this case, Neil Kran—sue on behalf of a group of people who have similar claims. Together, this group is called a “Class” and consists of “Class Members.” In a class action, the court resolves the issues for all Class Members, except those who exclude themselves from the class. After the Parties reached an agreement to settle this case, the Court granted preliminary approval of the Settlement and recognized it as a case that should be treated as a class action for settlement purposes.

THE CLAIMS IN THE LAWSUIT AND THE SETTLEMENT

3. What is this lawsuit about?

The lawsuit alleges that Defendants placed the Telephone Calls to certain individuals whose numbers were registered on the DNC List. The lawsuit alleges Defendants violated a federal law called the Telephone Consumer Protection Act.

Defendants deny these allegations and that the Telephone Calls violated the law. No court has decided who is right. Plaintiff and Hearst are entering into the Settlement to avoid time-consuming and expensive litigation. The Settlement is not an admission of wrongdoing by Defendants. More information about the complaint in the lawsuit and the Defendants’ answers can be found in the “Court Documents” section of the settlement website at www.SFChronicleCallsClassAction.com.

4. Why is there a Settlement?

The Court has not decided whether the Plaintiff or the Defendants should win this case. Instead, Plaintiff and Hearst have agreed to a Settlement. That way, they can avoid the uncertainty and expense of ongoing litigation, and Class Members will get compensation now rather than years later—if ever. The Class Representative and his attorneys (“Class Counsel”) believe that the Settlement is in the best interests of the Class Members.

WHO’S INCLUDED IN THE SETTLEMENT?

5. How do I know if I am in the Settlement Class?

The Court decided that this Settlement includes a Class of “all individuals in the United States (1) who had his or her telephone number(s) registered with the National Do Not Call Registry for at least thirty days prior to the first Telephone Call, (2) who received more than one Telephone Call within a twelve-month period, (3) who were not a subscriber to the *San Francisco Chronicle* for a period of at least 18 months prior to the first Telephone Call (or who have never subscribed at all). A “Telephone Call” is any call to a telephone number registered with the National Do Not Call Registry more than thirty (30) days after its registration placed by either Hearst or A Marketing Resource, LLC purportedly on behalf of

Hearst to promote subscriptions or the renewal of subscriptions to Hearst's *San Francisco Chronicle* newspaper.

If you meet the above definition, you are a Class Member. Most Class Members will receive a postcard summary of this notice in the mail.

6. What were the allegedly unconsented calls about?

The calls covered by this Settlement promoted subscriptions or renewals of subscriptions to the *San Francisco Chronicle* newspaper.

THE SETTLEMENT BENEFITS

7. What does the Settlement provide?

Cash Payments to Class Members: Hearst has agreed to create a \$2.1 million Settlement Fund, from which Class Members who submit valid claims will receive cash payments. To get a payment, Class Members must submit a valid claim before the deadline of **October 27, 2016**. The amount Class Members will receive will depend on the total number of valid claims received and the number of calls they received. Class Members can receive up to \$500 per call received.

All un-cashed checks issued to Class Members and any unclaimed money in the Settlement Fund will be redistributed to the other Class Members with valid claims, up to \$1,500 per call, if practical, or otherwise as directed by the Court.

Change In Practices: As part of the Settlement, Hearst has also agreed to implement procedures to ensure that individuals who have registered their telephone numbers on the DNC List do not receive Telephone Calls in the future, unless that telephone number is associated with a current subscription to the *San Francisco Chronicle* or a subscription to the *San Francisco Chronicle* that ended within eighteen months of the call. Hearst has also agreed to provide or continue to provide individuals with the option to elect to receive, and unsubscribe from, Telephone Calls through various channels such as its telephonic customer service systems and by contacting it by other available means.

HOW TO GET BENEFITS

8. How do I make a claim?

If you want to get Settlement benefits, you must fill out and submit a valid Claim Form. An online claim form is available on this [website](#) and can be filled out and submitted online. If you received a postcard in the mail about the Settlement, the postcard will tell you how to submit a Claim Form. You can also get a paper Claim Form by calling 1-855-730-8635. We encourage you to submit a claim online. It's faster and it's free.

The Claim Form requires you to provide the following information: (1) name, (2) current address, (3) telephone number that received the Telephone Calls, and (4) affirmation that you (a) received more than one telephone call promoting subscriptions or the renewal of subscriptions to Hearst's *San Francisco Chronicle* newspaper in a 12-month period, (b) that such telephone calls were made to the telephone number while it had been registered with the National Do Not Call Registry for at least thirty (30) days prior to receipt of the first telephone call, (c) that you are the owner and/or primary user of that telephone number, and (d) that you had not been a subscriber to the *San Francisco Chronicle* for at least 18 months prior to receipt of the first telephone call.

9. When will I get my payment?

The hearing to consider the fairness of the Settlement is scheduled for **November 10, 2016**. If the Court approves the Settlement, eligible Class Members whose claims were approved by the Settlement

Administrator will be sent a check. Please be patient. All checks will expire and become void 90 days after they are issued.

THE LAWYERS REPRESENTING YOU

10. Do I have a lawyer in this case?

Yes, the Court has appointed lawyers Jay Edelson, Rafey S. Balabanian, Benjamin H. Richman and Eve-Lynn J. Rapp of Edelson PC as the attorneys to represent you and other Class Members. These attorneys are called "Class Counsel." In addition, the Court appointed Plaintiff Neil Kran to serve as the Class Representative. He's a Class Member like you. Class Counsel can be reached by calling 1-866-354-3015.

11. Should I get my own lawyer?

You don't need to hire your own lawyer because Class Counsel is working on your behalf. But if you want your own lawyer, you will have to pay that lawyer. For example, you can ask your lawyer to appear in Court for you if you want someone other than Class Counsel to represent you.

12. How will the lawyers be paid?

Class Counsel will ask the Court for attorneys' fees and expenses of up to 40% of the Settlement Fund and will also request an award of \$1,000 for the Class Representative. The Court will determine the proper amount of any attorneys' fees and expenses to award Class Counsel and the proper amount of any award to the Class Representative. The Court may award less than the amounts requested. Any money not awarded will stay in the Settlement Fund to pay Class Members.

YOUR RIGHTS AND OPTIONS

13. What happens if I do nothing at all?

If you do nothing, you will receive no payment under the Settlement, you will be in the Class, and if the Court approves the Settlement, you will also be bound by all orders and judgments of the Court. Unless you exclude yourself, you won't be able to start a lawsuit or be part of any other lawsuit against the Defendants for the claims or legal issues being resolved by this Settlement.

14. What happens if I ask to be excluded?

If you exclude yourself from the Settlement, you will receive no payment under the Settlement. However, you will not be in the Class. You will keep your right to start your own lawsuit against Defendants for the same legal claims made in this lawsuit. You will not be legally bound by the Court's judgments related to the Class and the Defendants in this class action.

15. How do I ask to be excluded?

You can ask to be excluded from the Settlement. To do so, you must send a letter stating that you want to be excluded from the Settlement in *Kran v. Hearst Communications, Inc.*, Case No. 15-cv-02058. Your letter must also include your (1) name and address, (2) the telephone number at which you received the Telephone Calls, (3) a statement that you wish to be excluded from the Class, (4) the caption for this case, (i.e. *Kran v. Hearst Communications, Inc.*) and (5) your signature. You must mail your exclusion request postmarked no later than **September 2, 2016** to:

Kran v. Hearst Settlement Administrator
P.O. Box 40007
College Station, TX 77842-4007

You can't exclude yourself on the phone or by email.

16. If I don't exclude myself, can I sue the Defendants for the same thing later?

No. Unless you exclude yourself, you give up any right to sue the Defendants for the claims being resolved by this Settlement.

17. If I exclude myself, can I get anything from this Settlement?

No. If you exclude yourself, do not submit a Claim Form to ask for a payment.

18. How do I object to the Settlement?

If you do not exclude yourself from the Class, you can object to the Settlement if you don't like any part of it. You can give reasons why you think the Court should deny approval by filing an objection. To object, you must file a letter or brief with the Court stating that you object to the Settlement in *Kran v. Hearst Communications, Inc., et al.*, Case No. 15-cv-02058 postmarked no later than **September 2, 2016**. Your objection should be sent to the United States District Court for the District of Minnesota at the following address:

Clerk of Court
United States Courthouse
300 South Fourth Street, Suite 202
Minneapolis, MN 55415

If you are represented by a lawyer, the lawyer must file your objection through the Court's CM/ECF system. Include your lawyer's contact information in the objection.

The objection must be in writing and include the case name *Kran v. Hearst Communications, Inc., et al.*, Case No. 15-cv-2058. Your objection must be personally signed and include the following information: (1) your name and address, (2) all arguments, citations, and evidence supporting your objection, including copies of any documents you rely on, (3) a statement that you are a Class Member, and (4) the telephone number at which you received the Telephone Call(s). If you wish to appear and be heard at the hearing on the fairness of the Settlement, you or your attorney must say so in your written objection.

In addition to filing your objection with the Court, you must send copies of your objection and any supporting documents to both Class Counsel and Hearst's lawyers at the addresses listed below:

Class Counsel	Defense Counsel
Benjamin H. Richman EDELSON PC 350 North LaSalle Street, Suite 1300 Chicago, Illinois 60654	Stephen H. Yuhan Hearst Corporation Office of General Counsel 300 West 57 th Street, 40 th Floor New York, New York 10019

Class Counsel will file with the Court and post on the settlement website its request for attorneys' fees and incentive award on **August 19, 2016**.

19. What's the difference between objecting and excluding myself from the Settlement?

Objecting simply means telling the Court that you don't like something about the Settlement. You can object only if you stay in the Class. Excluding yourself from the Class is telling the Court that you don't want to be part of the Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

THE COURT'S FAIRNESS HEARING

20. When and where will the Court hold a hearing on the fairness of the Settlement?

The Court will hold the final fairness hearing at **9:30 AM CST** on **November 10, 2016**, before the Honorable Michael J. Davis at the United States Courthouse for the District of Minnesota, 300 South Fourth Street, Minneapolis, MN 55415 in Courtroom 13E. The purpose of the hearing is for the Court to determine whether the Settlement is fair, reasonable, and adequate, and in the best interests of the Class. At the hearing, the Court will hear any objections and arguments concerning the fairness of the proposed Settlement, including those related to the amount requested by Class Counsel for attorneys' fees and expenses and the incentive award to the Class Representative.

Note: The date and time of the fairness hearing are subject to change by Court Order. Any changes will be posted at the settlement website, www.SFChronicleCallsClassAction.com or through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.mnd.uscourts.gov>.

21. Do I have to come to the hearing?

No. Class Counsel will answer any questions the Court may have. But you are welcome to come to the hearing at your own expense. If you send an objection, you don't have to come to Court to talk about it. As long as your written objection was filed or mailed on time and meets the other criteria described in the Settlement, the Court will consider it. You may also pay a lawyer to attend, but you don't have to.

22. May I speak at the hearing?

Yes. If you do not exclude yourself from the Settlement Class, you may ask the Court for permission to speak at the hearing concerning any part of the proposed Settlement. If you filed an objection (*see* Question 18 above) and intend to appear at the hearing, you must state your intention to do so in your objection.

GETTING MORE INFORMATION

23. Where can I get additional information?

This notice summarizes the proposed Settlement. For the precise terms and conditions of the Settlement, please see the Settlement Agreement available at www.SFChronicleCallsClassAction.com, contact Class Counsel at 1-866-354-3015, access the Court docket in this case through the Court's PACER system at <https://ecf.mnd.uscourts.gov>, or visit the office of the Clerk of the Court for the United States District Court for the District of Minnesota, United States Courthouse, 300 South Fourth Street, Suite 202 Minneapolis, MN 55415, between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding Court holidays.

**PLEASE DO NOT CONTACT THE COURT, THE JUDGE, OR THE DEFENDANTS WITH
QUESTIONS ABOUT THE SETTLEMENT OR CLAIMS PROCESS.**