

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

THIS IS NOT A SOLICITATION.

THE SENDING OF THIS NOTICE BY FACSIMILE HAS BEEN APPROVED BY THE COURT.

A settlement has been reached in a class action lawsuit, about unsolicited fax advertisements promoting goods or services that did not contain proper opt out notices.

Richard Shenkan
SHENKAN INJURY LAWYERS, LLC
6550 Lakeshore Street
West Bloomfield, MI 48323

What Is The Lawsuit About?

Robert W. Mauthe, M.D., P.C. ("Plaintiff") brought an action against Versa Cardio, LLC. ("Versa" or "Defendant") in the United States District Court for the Eastern District of Pennsylvania, Case: 1:16-cv-00999, alleging that it received unsolicited fax advertisements from Defendant promoting its goods or services that did not contain a proper opt out notice. Plaintiff alleged that these faxes violated the Telephone Consumer Protection Act ("TCPA"). Defendant denies it violated the TCPA and the court has not decided who is right. Versa will vigorously defend the lawsuit if the proposed settlement is not approved. Versa has not admitted fault or liability, but has agreed to settle this action to avoid the costs and uncertainties of litigation.

Who Is Included In The Settlement Class?

The Settlement Class is defined as: all persons and entities residing in the United States who received on or after June 1, 2014, through the date of preliminary settlement approval on a telephone facsimile machine, computer, or other device an unsolicited advertisement from or on behalf of Versa Cardio. Defendant's records show that you are a member of the Settlement Class.

The Proposed Settlement

Without admitting any fault or liability, and in exchange for a release of all claims against it, if the Settlement is finally approved, Defendant has agreed to fund a \$850,000 Settlement Fund. Before making payments to Settlement Class Members, the Settlement Fund will be used to pay notice and administrative expenses, an Incentive Award to the Plaintiff of up to \$10,000, attorneys' fees (an amount not to exceed 1/3 of the Settlement Fund) and reasonable litigation expenses. Each Settlement Class Member who submits a valid claim will receive an equal share of the Settlement Fund after these deductions. Your share of the Settlement Fund depends on how many Settlement Class Members submit Claim Forms. This notice is being sent to approximately 306,887 Settlement Class Members. Based on the experience with other similar settlements, Class Counsel estimate that your share will be approximately \$29.00.

Who Represents You?

The Court appointed the following firms to represent the Settlement Class as Class Counsel:

Elizabeth Ryan, John Roddy
BAILEY & GLASSER LLP
99 High Street, Suite 304
Boston, MA 02110

Edward A. Broderick, Anthony I. Paronich
BRODERICK & PARONICH, P.C.
99 High Street, Suite 304
Boston, MA 02110

Your Legal Rights And Options

(1) Submit a Claim Form. You must complete and submit the attached Claim Form by **March 17, 2019** to receive a payment. The value of each individual settlement payment cannot be determined until the Claims Deadline has passed and all claims have been verified. **(2) Exclude Yourself.** If you do not wish to participate in the Settlement you may exclude yourself from it by sending (via US Mail) a request to the Settlement Administrator, *VC TCPA Settlement Administrator*, EXCLUSIONS, P.O. Box 173001, Milwaukee, WI 53217-8042, postmarked no later than **March 17, 2019**. The Notice of Exclusion must state your name or your company's name, address, the fax number to which you were sent the fax, the case name and number, and state that you wish to be excluded from the Settlement Class. If you exclude yourself from the Settlement you will not receive a payment and you will not release any claims against Versa. **(3) Object.** If you do not exclude yourself, you can file an objection, either on your own or through an attorney, explaining why you think the Court should not approve the Settlement. The objection must contain the case name and number; your name and address; the fax number to which you were sent the fax; a statement of your objection; an explanation of the legal and factual basis for the objection; and documentation, if any, to support your objection. The objection must be filed by **March 17, 2019** with (1) the Clerk of the United States District Court, Eastern District of Pennsylvania, 601 Market St., Philadelphia, PA 19106 and the Settlement Administrator; *VC TCPA Settlement Administrator*, OBJECTIONS, P.O. Box 173001, Milwaukee, WI 53217-8042 **(4) Do Nothing.** If you do nothing you will not receive a monetary recovery, but you will be bound by all the terms of the Settlement Agreement.

What Am I Giving Up Under The Settlement?

If the Settlement becomes final, you will be releasing Versa for any claims you may have relating in any way to any advertising faxes it sent to you during the Class Period. The Released Claims are fully explained in the Settlement Agreement, available at www.vctcpasettlement.com.

Final Approval Hearing

The Court has scheduled a Final Approval Hearing before the Honorable Jeffrey L. Schmehl on June 21, 2019 at 9:30 AM in Courtroom 3041 of the United States District Courthouse for the Eastern District of Pennsylvania, 601 Market St., Philadelphia, PA 19106. You or your attorney may attend this hearing if you desire and request to address the Court regarding any matters relating to this Settlement.

More Information

More information is available at www.vctcpasettlement.com. You may also inspect the pleadings and other papers that have been filed in this case at the office of the Clerk of the Court, U.S. District Court for the Eastern District of Pennsylvania, 601 Market St., Philadelphia, PA 19106. If you have questions about this notice or the proposed Settlement, you may contact Settlement Class Counsel. **THE COURT AND THE DEFENDANT CANNOT PROVIDE INFORMATION.**

