

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

Willis v. iHeartMedia, Inc., Case No. 2016 CH 02455 (Cir. Ct. Cook Cnty., Ill.)

If You Received a Text Message on Your Cell Phone from iHeartMedia (or One of its Radio Stations) Advertising Goods or Services, a Class Action Settlement May Affect Your Rights.

An Illinois State 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 iHeartMedia, Inc. (“Defendant” or “iHeartMedia”). The suit concerns whether iHeartMedia (or its radio stations) violated a federal law called the Telephone Consumer Protection Act by sending unsolicited text messages to the cell phones of its listeners advertising its marketing partners’ goods and services (“Advertising Text Messages”). iHeartMedia denies any wrongdoing and maintains that the Advertising Text Messages were made with consumers’ consent and were authorized by law. The Settlement does not establish who is correct, but rather is a compromise to end the lawsuit.
- You are included in the Settlement if you received an Advertising Text Message on your cell phone from iHeartMedia (or one of its radio stations) between October 16, 2013 and April 19, 2016. You may be entitled to a cash payment if you affirm that you received such a text message without providing your consent.
- Those who submit valid claims will be eligible to receive an equal, or *pro rata*, share of an \$8.5 million settlement fund that iHeartMedia has agreed to establish. 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. iHeartMedia has also agreed to implement procedures to ensure that it has the appropriate consent to send text messages in the future.

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 Defendant 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 Defendant 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 the Defendant. 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.

Judge David B. Atkins of the Circuit Court of Cook County, Illinois, is overseeing this class action. The case is called *Willis v. iHeartMedia, Inc.*, Case No. 2016 CH 02455 (Cir. Ct. Cook Cnty., Ill.). The people who filed the lawsuit, Nicholas Willis and Beth Shvarts, are the Plaintiffs. The company they sued, iHeartMedia, is the Defendant. You need not live in Illinois 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, Nicholas Willis and Beth Shvarts—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?

This lawsuit alleges that iHeartMedia (or its radio stations) sent text messages advertising the goods and services of iHeartMedia's marketing partners. Plaintiffs allege that these text messages were often sent in response to a song request or contest entry for its radio stations, and that they violated a federal law called the Telephone Consumer Protection Act, 47 U.S.C. § 227, because consumers did not agree to receive the text messages.

iHeartMedia denies Plaintiffs' claims of wrongdoing and contends that it acted with consumers' consent. No court has decided who is right. The parties are instead entering into the Settlement to avoid time-consuming and expensive litigation. The Settlement is not an admission of wrongdoing by iHeartMedia. More information about the lawsuit can be found in the "Court Documents" section of the settlement website at www.radiotextmessagesettlement.com.

4. Why is there a settlement?

The Court has not decided whether the Plaintiffs or Defendant should win this case. Instead, both sides agreed to the Settlement. That way, they can avoid the uncertainty and expense of ongoing litigation, and Class Members will get compensation now rather than years from now—if ever. The Plaintiffs and their 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 Persons in the United States to whom Defendant iHeartMedia, Inc. sent (or had sent on its behalf) an Advertising Text Message to his or her cellular telephone from October 16, 2013 through April 19, 2016." An "Advertising Text Message" is any text message that contains material advertising the commercial availability or quality of any property, goods, or services.

6. What are the allegedly unconsented text messages about?

The text messages covered by this Settlement were text messages sent by iHeartMedia (or on its behalf) advertising the commercial availability or quality of any property, goods or services. The text messages were often sent in response to a consumer's text-message song request to or contest entry for a radio station.

THE SETTLEMENT BENEFITS

7. What does the Settlement provide?

Cash Payments to Class Members: iHeartMedia has agreed to create an \$8.5 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 September 8, 2016. The amount Class Members will receive will depend on the total number of valid claims received. If the number of valid claims is low, then the amount of individual payments will go up. But if the number of valid claims is high, then the amount of individual payments will go down.

Change in iHeartMedia's Practices: As part of the Settlement, iHeartMedia has agreed that it will maintain procedures to obtain recipients' prior express written consent to receive text messages on their cell phones if it performs text message advertising in the future.

HOW TO GET BENEFITS

8. How do I make a claim?

If you are a Class Member and you want to get settlement benefits, you must complete and submit a valid Claim Form by **September 8, 2016**. 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 (844) 850-7145. 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) your name, address, and email address, (2) the cellular telephone number at which you received the Advertising Text Messages, and (3) a sworn statement that you received the text messages without first providing your consent.

9. When will I get my payment?

The hearing to consider the fairness of the Settlement is scheduled for August 11, 2016 at 2:00 p.m. 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 the case?

Yes, the Court has appointed lawyers Rafey S. Balabanian and Benjamin H. Richman of Edelson PC, Jeremy M. Glapion of the Glapion Law Firm, and Ari Marcus of Marcus & Zelman, as the attorneys to represent you and other Class Members. These attorneys are called "Class Counsel." In addition, the Court appointed Plaintiffs Nicholas Willis and Beth Shvarts to serve as the Class Representatives. They are Class Members 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. 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 \$3,400,000.00 and will also request a collective incentive award of \$5,000.00 for the Class Representatives. 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 Representatives. 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 Defendant 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 and you will no longer be a member of the Class. You will keep your right to start your own lawsuit against Defendant 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 Defendant in this class action.

15. How do I ask to be excluded?

You can send a letter stating that you want to be excluded from the Settlement in *Willis v. iHeartMedia, Inc.*, Case No. 16 CH 02455 (Cir. Ct. Cook Cnty, Ill.). Your letter must also include your (1) name and address, (2) the cellular telephone number at which you received the Advertising Text Messages, (3) a statement that you wish to be excluded from the Class, and (4) your signature. You must mail your exclusion request no later than **July 8, 2016** to:

Willis v. iHeartMedia Settlement Administrator
P.O. Box 30222
College Station, TX 77842-3222

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

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

No. Unless you exclude yourself, you give up any right to sue the Defendant 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 *Willis v. iHeartMedia, Inc.*, Case No. 16 CH 02455 (Cir. Ct. Cook Cnty, Ill.), no later than **July 8, 2016**. Your objection should be sent to the Circuit Court of Cook County at the following address:

Clerk of the Circuit Court of Cook County - Chancery Division
Richard J. Daley Center, 8th Floor
50 West Washington Street
Chicago, IL 60602

The objection must be in writing, must be personally signed, and must include the following information: (1) your full name and current address, (2) the cellular telephone number on which you believe you received the text messages at issue, (3) a statement that you believe you are a Class Member, (4) the specific grounds for your objection, (5) all documents or writings that you desire the Court to consider, (6) the name and contact information of any and all attorneys representing, advising, or in any way assisting you in connection with the preparation or submission of your objection or who may profit from the pursuit of your objection, and (7) a statement indicating whether you (or your counsel) intend to appear at the Final Approval Hearing. If you are represented by a lawyer, he or she must file an appearance or seek *pro hac vice* admission to practice before the Court.

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 the Defendant's lawyers at the addresses listed below:

Class Counsel	Defense Counsel
Benjamin H. Richman EDELSON PC 350 North LaSalle Street 13th Floor Chicago, IL 60654	David Eisen WILSON ELSER LLP 555 South Flower St. Suite 2900 Los Angeles, CA 90071

Class Counsel will file with the Court and post on the settlement website its request for attorneys' fees and incentive award on June 24, 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 FINAL APPROVAL HEARING

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

The Court will hold the Final Approval Hearing at **2:00 p.m. on August 11, 2016**, before the Honorable David B. Atkins in Courtroom 2102 of the Richard J. Daley Center, 50 West Washington Street, Chicago, Illinois 60602. The purpose of the hearing is for the Court to determine whether the Settlement is fair, reasonable, 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 Representatives.

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.radiotextmessagesettlement.com.

21. Do I have to come to the hearing?

No. Class Counsel will answer any questions the Court may have. You are, however, welcome to come 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 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 do I get more information?

This notice summarizes the proposed Settlement. For the precise terms and conditions of the Settlement, please see the Settlement Agreement available at www.radiotextmessagesettlement.com, contact Class Counsel at 1-866-354-3015, or visit the office of the Clerk of the Circuit Court of Cook County – Chancery Division, Richard J. Daley Center, 8th Floor, 50 West Washington Street, Chicago, Illinois 60602, between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Court holidays.

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