

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Ronald Munday, *on behalf of himself and all others
similarly situated,*

Plaintiff,

v.

Navy Federal Credit Union,

Defendant.



**NOTICE REGARDING RIGHT TO BENEFIT FROM
CLASS ACTION SETTLEMENT**

A Settlement Agreement has been reached in a class action lawsuit alleging that Navy Federal Credit Union (“NFCU”) used an automatic telephone dialing system to call cellular telephones without the prior express consent of the called party. NFCU’s records show that you may have received these calls as a wrong number call and may be entitled to payment under the Settlement Agreement reached in the case.

A settlement fund of \$2,750,000.00 has been established to pay valid claims, attorney’s fees, costs, any incentive award to the Class Representative (Ronald Munday) and settlement administration costs. You are entitled to receive a share of the fund. The final cash payment will depend on the total number of valid and timely claims filed by all Class Members. Your legal rights are affected whether you act or don’t act so read this notice carefully.

YOUR OPTIONS	
Option 1: Submit a Claim Form Deadline: January 18, 2017	Complete and submit a Claim Form and receive up to \$1,500.00 By completing and submitting a Claim Form, you may recover up to \$1,500.00 from the Settlement Fund.
Option 2: Ask to Be Excluded Deadline: January 18, 2017	Get out of this lawsuit and get no benefits from it Instead of submitting a Claim Form, you may ask to be excluded from the lawsuit. By excluding yourself, you cannot recover as part of this settlement and you keep a right to sue on your own.
Option 3: Object to Settlement Agreement Deadline: January 18, 2017	Object to the terms of the Settlement Agreement. You may object to the terms of the Settlement Agreement and have your objections heard at the February 17, 2017 Fairness Hearing.

1. What is this lawsuit about?

In the lawsuit, the Plaintiff alleges that NFCU violated the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq*, when it called him on his cellular telephone using an automatic telephone dialing system without his prior express consent. Plaintiff alleges that NFCU was calling his number searching for someone else and continued to call him after he informed NFCU it was calling the wrong number.

NFCU denies any wrongdoing, denies that it did not have prior express written consent and denies

that it violated the Telephone Consumer Protection Act or any other law.

Both sides have agreed to settle the lawsuit to avoid the cost, delay, and uncertainty of litigation.

You can read Plaintiff's Complaint, the Settlement Agreement, other case documents, and submit a claim form at www.NFsettlement.com.

2. Why is this a class action?

In a class action, a Class Representative (in this case, Plaintiff Ronald Munday), sues on behalf of a group (or a "Class") of people. Here, the Class Representative sued on behalf of people who have similar claims regarding calls to their cellular telephones by NFCU.

3. Why is there a Settlement?

To avoid the cost, risk, and delay of litigation, the Parties reached a settlement agreement as to Plaintiff's and the Class claims.

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

For settlement purposes, the Court has certified a Class consisting of all people who meet the following definition:

All persons whom Navy Federal called on their cellular telephone number using an automatic telephone dialing system between October 9, 2011 through September 15, 2016 where the result of the call was that Navy Federal coded the number as a "wrong number" in its records based on information provided by the call recipient.

5. How do I recover?

Submit a Claim Form. This is the only way to get a payment. You have the right as a member of the Settlement Class to receive an equal share of the Settlement Fund up to \$1,500.00.

The final cash payment will depend on the total number of valid and timely claims filed by all Class Members. Each claiming Class Member will be entitled to an equal share of the Settlement Fund, after deductions from the fund for administrative costs, attorney's fees and expenses, any incentive award to the plaintiff and subject to a cap of \$1,500.00.

You can submit a claim form online at www.NFsettlement.com.

Or, you can download the claim form online and mail it to:

*NF Settlement Claims Administrator
c/o A.B. Data, Ltd.
P.O. Box 173023
Milwaukee, WI 53217*

All claim forms must be mailed or filed online no later than **January 18, 2017**.

After all valid claim forms are counted, the Settlement Administrator will provide each claiming Settlement Class Member their share of the Settlement Fund after the deductions above. Any excess settlement funds or benefit checks not cashed by Settlement Class Members will be provided to a charitable organization. The parties have recommended the Consumer Federation of America as an appropriate organization.

6. What am I giving up to receive these benefits?

By staying in the Class, all of the Court's orders will apply to you, and you give NFCU a "release." A release means that you cannot sue or be part of any other lawsuit against Defendant about the claims or issues in this lawsuit with respect to the claims in the action and that you will be bound by the Settlement Agreement.

7. How much will the Class Representative receive?

The Class Representative will receive his portion of the settlement as a Class Member and a payment

of up to \$10,000.00 as an incentive award for having pursued this action. Any incentive payment is subject to Court Approval. The Class Representative will file a motion for his incentive award by January 4, 2017.

8. Do I have a lawyer in this case?

To represent the class, the Court has appointed attorneys with the law firm of Lemberg Law, LLC, 43 Danbury Road, Wilton, CT 06897 as “Class Counsel.” You can contact Class Counsel at NavyFederalSettlement@leberglaw.com.

Class Counsel will request an award of attorney’s fees and expenses from the Court of up to 25% of the Settlement Fund. Any attorney’s fee and expense award is subject to Court Approval.

Class Counsel will make their request for attorney’s fees and expenses by January 4, 2017.

You may hire your own attorney to represent you in this matter. Your counsel may appear on your behalf at the Fairness Hearing. If you retain your own counsel, such retention will be at your own expense.

9. I don’t want to be part of this case; how do I ask to be excluded?

Answer: Send a Request to Be Excluded.

If you don’t want a payment from this settlement, but you want to keep the right to individually sue the Defendant about the issues in this case, then you must take steps to get out of the settlement. This is called excluding yourself, or “opting out”, of the Settlement Class. To exclude yourself, you must send a letter by mail that (i) states your full name, address and telephone number, (ii) contains, to the extent you know, the cellular telephone number as to which you seek exclusion, (iii) contains your signature or the signature of the person authorized by law to sign on behalf of the Class Member, and (iv) states unequivocally that the Class Member’s intent is to be excluded from the Settlement Class, to be excluded from the Settlement, not to participate in the Settlement, and/or to waive all rights to the benefits of the Settlement.

You must mail your exclusion request, postmarked no later than **January 18, 2017**, to:

*NF Settlement Claims Administrator
c/o A.B. Data, Ltd.
P.O. Box 173023
Milwaukee, WI 53217*

10. How do I object?

Any Settlement Class Member who has not requested to be excluded from the Settlement Class may object to the Settlement. In order to exercise this right, you must submit your objection to the settlement administrator. Class Counsel will file your objections with the Court. Your objection must (i) set forth the Settlement Class Member’s full name, current address, and telephone number; (ii) identify the cellular telephone number of the Settlement Class Member that brings him or her within the scope of the Settlement Class; (iii) contain the Settlement Class Member’s original signature or the signature of counsel for the Settlement Class Member; (iv) state that the Settlement Class Member objects to the Settlement, in whole or in part; (v) set forth a statement of the legal and factual basis for the Objection; and (vi) provide copies of any documents that the Settlement Class Member wishes to submit in support of his/her position.

Class Counsel and the Class Representative will move for attorney’s fees and expenses and any incentive award, respectively, by January 4, 2017. To view the motions for attorney’s fees and expenses or the motion for an incentive award you may (1) access them on this settlement website, www.NFsettlement.com under “Court Documents and Information,” where they will be posted upon filing or (2) by appearing in person during regular business hours at the Office of the Clerk of the United States District Court for the Central District of California at 411 West Fourth Street, Santa Ana, CA 92701-4516 or (3) by reviewing the motions online through the Public Access to Court Electronic Resources System (PACER), available online at www.pacer.gov.

To submit an objection, mail your objection to the Settlement Administrator by **January 18, 2017**, to address:

*NF Settlement Claims Administrator
c/o A.B. Data, Ltd.
P.O. Box 173023
Milwaukee, WI 53217*

The Fairness Hearing

The Court will hold a fairness hearing on **February 17, 2017**, in the courtroom of the Honorable Josephine L. Staton, U.S. Courthouse, *Central District of California, 411 West Fourth Street, Santa Ana, CA 92701-4516*. The purpose of the hearing will be for the Court to determine whether the proposed settlement is fair, reasonable, and adequate and in the best interests of the Class and to rule on applications for compensation for Class Counsel and an incentive award for the Class Representative. At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the proposed settlement.

You may appear at the Fairness Hearing. If you retain your own counsel, that counsel may appear on your behalf.

YOU ARE **NOT** REQUIRED TO ATTEND THIS HEARING TO BENEFIT FROM THIS SETTLEMENT. The hearing may be postponed to a later date without notice.

FOR MORE INFORMATION

Additional documents, including case documents, are available at www.NFsettlement.com or by calling the Settlement Help Line at 1-800-526-8244. All papers filed in this action are available through the Public Access to Court Electronic Resources System (PACER), available online at www.pacer.gov.

You may also contact Class Counsel at NavyFederalSettlement@leberglaw.com.