

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Philip Charvat on behalf of himself	)	
and others similarly situated,	)	
	)	
Plaintiff,	)	Case No. 1:12-cv-05746
	)	
v.	)	Judge Wood
	)	Mag. Judge Rowland
Elizabeth Valente, Resort Marketing Group, Inc.,	)	
Carnival Corporation & PLC,	)	
Royal Caribbean Cruises, Ltd., NCL (Bahamas) Ltd.,	)	
	)	
Defendants.	)	

*A federal court authorized this Notice. It is not a solicitation from a lawyer.*

A settlement has been reached in a class action lawsuit claiming that a travel agency called Resort Marketing Group, Inc. (“RMG”), made automated telephone calls to consumers to offer a free cruise with Carnival Corporation & PLC (“Carnival”), Royal Caribbean Cruises, Ltd. (“Royal Caribbean”), and NCL (Bahamas), Ltd. (“Norwegian”) (collectively “Cruise Defendants”) (the “Settlement”). The lawsuit claims that RMG violated the Telephone Consumer Protection Act (“TCPA”) and that the Cruise Defendants should be held vicariously liable for RMG’s conduct. RMG and the Cruise Defendants deny the claims and deny they violated the TCPA. The Court has not made a decision as to who is right; rather, the parties resolved the dispute by settlement.

The Settlement includes people who received pre-recorded telephone calls between July 23, 2009 and March 8, 2014 on their residential or cellular telephone lines initiated by RMG during which RMG offered a free cruise with Carnival, Royal Caribbean, or Norwegian cruise lines as a promotion (“Settlement Class Members”).

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>SUBMIT A CLAIM FORM</b>	This is the only way you can get a payment from the Settlement.
<b>EXCLUDE YOURSELF FROM THE SETTLEMENT</b>	This is the only option that allows you to sue, continue to sue, or be part of another lawsuit against Resort Marketing Group, Carnival, Royal Caribbean and Norwegian relating to the legal claims the Settlement resolves. However, you will give up the right to get a payment from this Settlement.
<b>OBJECT TO THE SETTLEMENT</b>	You may write to the Court if you do not like the Settlement.
<b>GO TO THE FINAL APPROVAL HEARING</b>	You may ask to appear and speak to the Court about the fairness of the Settlement.
<b>DO NOTHING</b>	You will not get a payment from the Settlement and you will give up certain legal rights.

- These rights and options—**and the deadlines to exercise them**—are explained in this Notice.

## WHAT THIS NOTICE CONTAINS

<b>BASIC INFORMATION</b> .....	<b>PAGE 3</b>
1. Why did I get this Notice?	
2. What is this lawsuit about?	
3. Why is this case a class action?	
4. Why is there a settlement?	
<b>WHO IS INCLUDED IN THE SETTLEMENT CLASS</b> .....	<b>PAGE 3</b>
5. How do I know whether I am part of the Settlement?	
6. Are there exceptions to being included?	
7. What if I am still not sure whether I am part of the Settlement?	
<b>THE SETTLEMENT BENEFITS—WHAT YOU GET IF YOU QUALIFY</b> .....	<b>PAGE 4</b>
8. What does the Settlement provide?	
9. How much will my payment be?	
<b>HOW TO RECEIVE A PAYMENT—SUBMITTING A CLAIM FORM</b> .....	<b>PAGE 4</b>
10. How do I receive a cash payment?	
11. When will I receive my payment?	
12. What if my name or address changes after I submit a Claim Form?	
13. What rights am I giving up to get a payment or stay in the Settlement Class?	
14. What legal claims am I releasing?	
<b>THE LAWYERS REPRESENTING YOU</b> .....	<b>PAGE 5</b>
15. Do I have a lawyer in this case?	
16. How will the lawyers be paid?	
<b>EXCLUDING YOURSELF FROM THE SETTLEMENT</b> .....	<b>PAGE 6</b>
17. How do I get out of the Settlement?	
18. If I exclude myself, can I still get a cash payment from this Settlement?	
19. If I do not exclude myself, can I sue Defendants for the same legal claims later?	
<b>OBJECTING TO THE SETTLEMENT</b> .....	<b>PAGE 6</b>
20. How do I tell the Court that I do not like the Settlement?	
21. May I come to Court to speak about my objection?	
22. What is the difference between objecting to the Settlement and asking to be excluded from it?	
<b>THE COURT’S FINAL APPROVAL HEARING</b> .....	<b>PAGE 7</b>
23. When and where will the Court decide whether to approve the Settlement?	
24. Do I have to come to the hearing?	
25. May I speak at the hearing?	
<b>IF YOU DO NOTHING</b> .....	<b>PAGE 8</b>
26. What happens if I do nothing at all?	
<b>GETTING MORE INFORMATION</b> .....	<b>PAGE 8</b>
27. How do I get more information?	

## BASIC INFORMATION

### 1. Why did I get this Notice?

This is a court authorized Notice of a proposed Settlement in a class action before Judge Andrea R. Wood of the United States District Court for the Northern District of Illinois, who is overseeing this class action. The case is known as *Charvat v. Resort Marketing Group, Inc et al.*, Case No. 1:12-cv-05746. The person that filed this lawsuit is called the Plaintiff, and the companies he sued – Resort Marketing Group, Inc. Carnival, Royal Caribbean, and Norwegian – are called the Defendants. If finally approved, the Settlement would resolve a lawsuit brought on behalf of consumers who Plaintiff alleged received automated promotional calls from RMG offering the goods and services of Carnival, Royal and Norwegian. The Court has granted preliminary approval of the Settlement and has conditionally certified the Settlement Class for purposes of settlement only. This Notice explains the nature of the class action lawsuit, the terms of the Settlement, and the legal rights and obligations of the Settlement Class Members. Please read the instructions and explanations below so that you can better understand your legal rights.

### 2. What is this lawsuit about?

The class action lawsuit claims that RMG made pre-recorded telemarketing calls to landlines and cell phones offering free cruises with Carnival, Royal Caribbean, and Norwegian as promotions and that these calls violated the TCPA. The lawsuit alleges that Carnival, Royal Caribbean, and Norwegian authorized RMG to make these calls on their behalf. Defendants deny all of the allegations made in the lawsuit and deny they did anything wrong.

More information and specific details about the lawsuit can be found at [www.RMGTCPASettlement.com](http://www.RMGTCPASettlement.com).

### 3. Why is this case a class action?

In a class action, one or more people called Class Representatives or Plaintiffs (in this case, Philip Charvat) sue on behalf of other people with similar claims. Together, these people are called a Class or Class Members. One court resolves the issues for all Class Members, except for those who exclude themselves from the Settlement Class.

### 4. Why is there a settlement?

To resolve this matter without the expense, delay and uncertainties of litigation, the Plaintiff and Defendants have reached a Settlement, which resolves all claims against the Defendants. The Settlement is not an admission of wrongdoing by the Defendants and does not imply that there has been, or would be, any finding that the Defendants violated the TCPA. In fact, the Defendants vigorously deny that they violated the TCPA or any similar laws, and the Cruise Defendants vigorously deny that they authorized RMG to make any calls on their behalf, and further deny that they should be held vicariously liable for RMG's actions. The Court did not decide in favor of the Plaintiff or Defendants. Instead, both sides agreed to a settlement. This way, they avoid the cost and burden of a trial and the people affected can get benefits. The Class Representative and his attorneys think the Settlement is best for all Settlement Class Members.

## WHO IS INCLUDED IN THE SETTLEMENT CLASS

### 5. How do I know whether I am part of the Settlement?

You are included in the Settlement as a Settlement Class Member if you were the owner, subscriber, or user of a residential or cellular telephone line that received pre-recorded telemarketing calls between July 23, 2009 and March 8, 2014 that were initiated by RMG during which you were offered a free cruise with Carnival, Royal Caribbean and Norwegian cruise lines and your phone number is contained in the call records produced by RMG in this case (the "Call Records"). The Call Records contain all phone numbers that RMG used to initiate pre-recorded telemarketing calls to promote its business. Any person submitting a claim with a telephone number not found in the records of RMG is ineligible for distribution from the settlement fund.

## 6. Are there exceptions to being included?

Yes. The Settlement does not include any trial judge that may preside over this lawsuit, the Defendants, any of the Released Parties (defined in Question 14 below), Class Counsel and their employees, the immediate family of any of the foregoing persons, any member of the Settlement Class who has timely submitted a request for exclusion (see Question 17 below), or any person who has previously released the claims asserted in this lawsuit.

## 7. What if I am still not sure whether I am part of the Settlement?

If you are not sure whether you are included, go to [www.RMGTCPASettlement.com](http://www.RMGTCPASettlement.com) or call 1-855-636-6134 for more information.

## THE SETTLEMENT BENEFITS—WHAT YOU GET IF YOU QUALIFY

### 8. What does the Settlement provide?

The Settlement provides cash payments to Settlement Class Members who file valid Claim Forms. Defendants will create a Settlement Fund of at least \$7,000,000 (the “Floor”) and up to \$12,500,000 (the “Ceiling”). The final Settlement Fund amount will depend on the number of Claim Forms filed. The Settlement Fund will be used to pay Class Counsel’s attorneys’ fees and expenses, an incentive award to the Class Representative, and notice and administration costs, before making payments to Settlement Class Members who file a valid Claim Form.

### 9. How much will my payment be?

Each RMG telemarketing call you received will have a **maximum** value of \$300. You may file a claim for up to three calls per telephone number included in the Call Records. This means that your maximum payment amount *could be* \$900 per telephone number. Although payment amounts could be \$300-\$900, actual payment amounts will be based on the total number of calls and valid Claim Forms received. For example:

- If, after deducting attorneys’ fees and expenses, the incentive award, and settlement administration costs, the amount needed to pay all valid claims is *less* than the balance of the Settlement Fund, then each Settlement Class Member who submits a valid Claim Form will receive \$300 per call for up to three calls, and the remaining funds will be donated *cy pres* to the National Consumer Law Center ([www.nclc.org](http://www.nclc.org)) or other approved recipient.
- If, after deducting attorneys’ fees and expenses, the incentive award, and settlement administration costs, the amount needed to pay all valid claims is *greater* than the Settlement Fund Ceiling, then each Settlement Class Member who submits a valid Claim Form will receive a proportionately reduced payment amount, meaning each Settlement Class Member will receive the same reduced payment amount per call for up to three calls.

## HOW TO RECEIVE A PAYMENT—SUBMITTING A CLAIM FORM

### 10. How do I receive a cash payment?

To receive a cash payment, you must submit a Claim Form postmarked by November 3, 2017. Claim Forms may be submitted online at [www.RMGTCPASettlement.com](http://www.RMGTCPASettlement.com), or by mailing the completed Claim Form to RMG TCPA Settlement Administrator, P.O. Box 404022, Louisville, KY 40233-4022. Claim Forms are available for printing from the website or upon request by calling 1-855-636-6134.

**11. When will I receive my payment?**

The Court will hold a Final Approval Hearing on April 4, 2018 to decide whether to grant final approval to the Settlement. If the Court approves the Settlement, there may be appeals. It is always uncertain whether appeals will be filed and, if so, how long it will take to resolve them. Settlement payments will be provided as soon as possible, if and when the Court grants final approval to the Settlement and after any appeals are resolved.

**12. What if my name or address changes after I submit a Claim Form?**

If your name or address needs to be corrected, you must send a letter to the Settlement Administrator at RMG TCPA Settlement Administrator, P.O. Box 404022, Louisville, KY 40233-4022.

**13. What rights am I giving up to get a payment or stay in the Settlement Class?**

Unless you exclude yourself, you will stay in the Settlement Class. If the Settlement is approved and becomes final, all of the Court's orders will apply to you and will legally bind you. You won't be able to sue, continue to sue, or be part of any other lawsuit against any of the Defendants about the issues in this case. The legal claims you are giving up are described in Question 14.

**14. What legal claims am I releasing?**

If the Settlement becomes final, all Settlement Class Members who do not exclude themselves—and their respective assigns, heirs, successors, predecessors, parents, subsidiaries, officers, directors, shareholders, members, managers, partners, principals, representatives, employees—will release and forever discharge the Defendants and all of their present, former and future predecessors, successors, subsidiaries, and all of their respective officers, directors, partners, members, principals, insurers, insureds, employees, shareholders, attorneys, servants, and assigns (“Released Parties”) of and from all claims, demands, causes of actions, suits, damages, fees (including attorneys’ fees), and expenses arising out of or relating to the telephone calls contained within the Call Records, including the use (or alleged use) of an automatic telephone dialing system or pre-recorded voice, or calling persons who were on the Do Not Call list or otherwise did not consent to such call, or otherwise arising under the TCPA or similar state laws governing such matters, including without limitation the claims alleged in the Third Amended Complaint.

More information about the claims you are releasing can be found in Sections 2.38 and 15 of the Settlement Agreement, available at [www.RMGTCPASettlement.com](http://www.RMGTCPASettlement.com).

**THE LAWYERS REPRESENTING YOU**

**15. Do I have a lawyer in this case?**

Yes. Judge Wood appointed Alexander H. Burke and Daniel J. Marovitch of Burke Law Offices, LLC, Edward A. Broderick and Anthony Paronich of Broderick & Paronich, P.C., and Matthew P. McCue of the Law Office of Matthew P. McCue as “Class Counsel” to represent you and other Settlement Class Members. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

**16. How will the lawyers be paid?**

Class Counsel will ask the Court for attorneys’ fees of up to one third of the final Settlement Fund plus reimbursement of reasonable expenses. The maximum amount of the Settlement Fund will be \$12,500,000. (The maximum amount that can be awarded to Class Counsel, per the discretion of the Court, is \$4,166,625). Class Counsel will also seek reimbursement for expenses incurred over the five year course of this litigation, which are subject to court review and approval. Class Counsel will also seek a \$50,000 incentive award for the Class Representative in recognition of his service to the Class during the pendency of this litigation. The Court

may award less than these amounts. All of these amounts, as well as the costs of administering the notice and claims program, will be paid out of the Settlement Fund before any payments are made to Settlement Class Members.

## EXCLUDING YOURSELF FROM THE SETTLEMENT

If you want to keep the right to sue or continue to sue any of the Defendants about the legal claims in this case, and you do not want to receive a cash payment in this Settlement, you must take steps to get out of the Settlement. This is called excluding yourself or opting out of the Settlement.

### 17. How do I get out of the Settlement?

To exclude yourself from the Settlement, you must mail a written request for exclusion to the Settlement Administrator. Your letter must include (1) your full name; (2) your current mailing address; (3) your current telephone number; (4) the telephone number RMG used to make pre-recorded telemarketing calls to you; (5) a statement under penalty of perjury that you believe you are a member of the Settlement Class and that the number you listed as having received a call(s) from RMG is the one on which you received the call(s); (6) a statement indicating you want to be excluded from the Settlement Class in *Charvat v. Resort Marketing Group, Inc., et al.*, Case No. 1:12-cv-05746; and (7) the date and your signature. Your request for exclusion must be mailed to the Settlement Administrator at the address below and postmarked no later than November 3, 2017:

RMG TCPA Settlement Administrator Exclusions  
P.O. Box 404022  
Louisville, KY 40233-4022

### 18. If I exclude myself, can I still get a cash payment from this Settlement?

No. If you exclude yourself, you are telling the Court that you don't want to be part of the Settlement. You can only receive a cash payment if you stay in the Settlement (*i.e.*, do not exclude yourself) and file a Claim Form.

### 19. If I do not exclude myself, can I sue Defendants for the same legal claims later?

No. Unless you exclude yourself, you are giving up the right to sue Defendants and the Released Parties for the legal claims that this Settlement resolves. You must exclude yourself from *this* lawsuit to start or continue with your own lawsuit or be part of any other lawsuit against Defendants or any of the Released Parties about the legal claims resolved by this Settlement.

## OBJECTING TO THE SETTLEMENT

You can tell the Court if you don't agree with the Settlement or any part of it.

### 20. How do I tell the Court that I do not like the Settlement?

If you are a Settlement Class Member, you can object to the Settlement if you do not like it or a portion of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must submit a written objection to the Court by November 3, 2017, with copies sent to the Settlement Administrator, Class Counsel, and each of the Cruise Defendants' Counsel postmarked by November 3, 2017. Your objection must include (1) your full name, address, current telephone number, the telephone number that was called by RMG; (2) a statement under penalty of perjury that you believe you are a member of the Settlement Class and that the number(s) you listed as being called is the one on which you received a call from RMG; (3) the reasons why you object to the Settlement, including a detailed statement of the legal basis for your objection and any supporting documents; (4) state whether your objection is made only on your behalf or if it is made on behalf of others, provide information identifying who they are; (5) the identity of all

witnesses, including their names, addresses and summary of testimony, you intend to call at the Final Approval Hearing and copies of all evidence you plan to provide; (6) a statement indicating whether you and/or your attorney intend to appear at the Court’s Final Approval Hearing; and (7) your signature. If you plan to have your attorney appear at the Final Approval Hearing, that attorney must enter an appearance with the Clerk by November 3, 2017 and provide a list of all previous class action cases in which they have represented an objector.

You must file your objection with the Court by November 3, 2017 either in person or by mailing it to:

Clerk of Court  
 United States District Court for the Northern District of Illinois  
 Everett McKinley Dirksen United States Courthouse  
 219 South Dearborn Street  
 Chicago, IL 60604

You must also mail copies of your objection to all of the addresses below postmarked no later than November 3, 2017:

SETTLEMENT ADMINISTRATOR	CLASS COUNSEL	CRUISE DEFENDANTS’ COUNSEL
RMG TCPA Settlement Administrator P.O. Box 404022 Louisville, KY 40233-4022	Matthew P. McCue Law Office of Matthew P. McCue 1 South Avenue, Suite 3 Natick, MA 01760	Jeffrey Becker Swanson, Martin & Bell LLP 330 N. Wabash Ave., Ste. 3300 Chicago, IL 60611 Counsel for Carnival  <u>AND</u>  Catherine J. MacIvor Foreman Friedman, PA 2 S. Biscayne Blvd., Suite 2300 Miami, Florida 33131 Counsel for Royal Caribbean and Norwegian

**21. May I come to Court to speak about my objection?**

Yes. You or your attorney may speak at the Final Approval Hearing about your objection. To do so, your objection must include the information required above and be postmarked or filed by November 3, 2017.

**22. What is the difference between objecting to the Settlement and asking to be excluded from it?**

Objecting is simply telling the Court that you don’t like something about the Settlement. You can object only if you remain a member of the Settlement Class (that is, do not exclude yourself). Excluding yourself is telling the Court that you don’t want to be part of the Settlement Class. If you exclude yourself, you cannot object because the Settlement no longer affects you.

## THE COURT'S FINAL APPROVAL HEARING

The Court will hold a hearing to decide whether to approve the Settlement. You may attend and you may ask to speak, but you don't have to.

### **23. When and where will the Court decide whether to approve the Settlement?**

The Court will hold a Final Approval Hearing at 11:00 a.m. on April 4, 2018 at the U.S. District Court for the Northern District of Illinois, Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Chicago, Illinois. At this hearing, the Court will consider whether the Settlement is fair, reasonable and adequate. It will also consider whether to approve Class Counsel's request for an award of attorney's fees and expenses, as well as an incentive award for the Class Representative. If there are objections, the Court will consider them. Judge Wood will listen to people who have asked to speak at the hearing (*see* Question 20 above). After the hearing, the Court will decide whether to approve the Settlement.

### **24. Do I have to come to the hearing?**

No. Class Counsel will answer any questions Judge Wood may have. However, you are welcome to come to the hearing at your own expense. If you send an objection, you do not have to come to court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but that is not necessary.

### **25. May I speak at the hearing?**

Yes. You may ask the Court for permission to speak at the Final Approval Hearing (*see* Question 20 above).

## IF YOU DO NOTHING

### **26. What happens if I do nothing at all?**

If you are a member of the Settlement Class and you do nothing, you will give up the rights explained in Questions 13–14, including your right to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Defendants and the Released Parties about the legal issues in this case. If you do not file a Claim Form, you will not receive a cash payment from this Settlement.

## GETTING MORE INFORMATION

### **27. How do I get more information?**

This Notice summarizes the proposed Settlement. Complete details are provided in the Settlement Agreement. The Settlement Agreement and other related documents are available at [www.RMGTCPASettlement.com](http://www.RMGTCPASettlement.com). Additional information is also available by calling 1-855-636-6134 or by writing to RMG TCPA Settlement Administrator, P.O. Box 404022, Louisville, KY 40233-4022. Publicly-filed documents can also be obtained by visiting the office of the Clerk of the United States District Court for the Northern District of Illinois or reviewing the Court's online docket.