

*Gebka v. Allstate Insurance Company*

Pending in the Northern District of Illinois Eastern Division, Case No. 1:19-cv-06662

**If you received two or more calls promoting Allstate Insurance, you may be entitled to up to \$500 per call with the average estimated payout being \$1,000.**

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

- A proposed settlement will provide \$4,500,000 (the “Settlement Funds”) to fully settle and release claims of the Settlement Class, which is defined as:

The approximately 7,451 individuals to whom: (a) Allstate or anyone allegedly acting on its behalf made at least two telephone calls based on leads provided by, through, and/or directed by Richardson Marketing Group and related entities within a 12-month period (b) promoting Allstate insurance (c) between October 8, 2015 and present (d) where the person’s telephone number was registered on a Do Not Call registry for more than 31 days before the first call.

Excluded from the Settlement Class are the Judge to whom the Action is assigned and any member of the Court’s staff and immediate family (to the extent they received a listed call), and all persons who opt out of or are otherwise excluded from the Settlement Class.

- Allstate denies Plaintiff’s allegations and any wrongdoing whatsoever. The Court has not ruled on the merits of Plaintiff’s claims or Allstate’s defenses. By entering into the settlement, Allstate has not conceded the truth or validity of any of the claims against it.
- The Settlement Funds shall be used to pay amounts related to the settlement, including awards to Settlement Class Members who submit a valid and timely claim form to receive payment (“Claim Form”), attorneys’ fees and costs to attorneys representing Plaintiff and the Settlement Class (“Class Counsel”), any service award for Plaintiff and the costs of notice and administration of the settlement. Class Counsel estimate that Settlement Class Members who timely submit a valid Claim Form will receive up to \$500 per call with the average estimated payout being \$1,000, depending on the number of valid claims received. Any monies remaining in the Settlement Fund after the distribution of checks and the expiration date for negotiating those checks has passed will be distributed to National Consumer Law Center as cy pres. No Settlement Class Member will receive more than \$500 per call.
- Your rights and options, and the deadlines to exercise them, are explained in this Notice. Your legal rights are affected whether you act or do not act. Read this Notice carefully. Please refer to the Settlement Agreement, which contains defined terms used herein.

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS (This chart summarizes your rights and options only; please see below for further information.)	
SUBMIT A CLAIM FORM	If you submit a valid Claim Form online or postmarked by August 8, 2022, you will receive a payment of up to \$500 per call and will give up your rights to sue Allstate and any other Released Parties related to a Released Claim. Claim Forms may be submitted by mail to <i>Gebka v. Allstate</i> Settlement Administrator, P.O. Box 43501, Providence, RI 02940-3501 or through the Settlement Website or by calling 1-844-594-2519.
EXCLUDE YOURSELF OR “OPT OUT” OF THE SETTLEMENT	If you ask to be excluded from the Class, you will not receive a payment. This is the only option that allows you to pursue your own claim(s) against Allstate or other Released Parties related to a Released Claim. The deadline for excluding yourself from the Class is August 8, 2022.
OBJECT TO THE SETTLEMENT	If you wish to object to the settlement, you must write to the Court explaining why you believe the settlement is unfair in any respect. The deadline for objecting is August 8, 2022. To obtain a monetary benefit from this settlement, you must still submit a Claim Form. If you submit only an objection without a Claim Form, you will not receive any monetary benefit from the settlement and you will give up your rights to sue Allstate or any other Released Parties related to a Released Claim.
DO NOTHING	If you do nothing, you will not receive any monetary award and you will give up your rights to sue Allstate or any other Released Parties related to a Released Claim.
GO TO THE FINAL APPROVAL HEARING	You may attend the Final Approval Hearing. At the Final Approval Hearing, you may ask to speak in Court about the fairness of the settlement. To speak at the Final Approval Hearing, you must file with the Court a document which includes your name, address, telephone number, your signature, and your intention to appear at the Final Approval Hearing. This must be filed no later than August 8, 2022.

- 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 disbursed if the Court approves the settlement and after any appeals are resolved. Please be patient.

### BASIC INFORMATION

#### 1. What is the purpose of this Notice?

**THE PURPOSE OF THIS NOTICE IS TO INFORM YOU THAT A PROPOSED SETTLEMENT HAS BEEN REACHED IN THE PUTATIVE CLASS ACTION LAWSUIT ENTITLED *GEBKA v. ALLSTATE INSURANCE COMPANY*, FILED IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION, CASE NO. 1:19-CV-06662. BECAUSE YOUR RIGHTS WILL BE AFFECTED BY THIS SETTLEMENT, IT IS EXTREMELY IMPORTANT THAT YOU READ THIS NOTICE CAREFULLY. THIS NOTICE SUMMARIZES THE SETTLEMENT AND YOUR RIGHTS UNDER IT.**

#### 2. What does it mean if I received an e-mail or postcard about this settlement?

If you received an e-mail or postcard describing this settlement, it is because the call records compiled in this case indicate that you may be a member of the Settlement Class.

#### 3. What is this class action lawsuit about?

In a class action, one or more people called Class Representatives (here, Plaintiff, Thomas Gebka) sues on behalf of people who allegedly have similar claims. This group is called a Class and the persons included are called Class Members. One court resolves the issues for all of the Class Members, except for those who exclude themselves from the Class.

Here, Plaintiff claims Allstate violated the Telephone Consumer Protection Act (“TCPA”) by placing or being responsible for the placing of two or more calls promoting Allstate insurance where the person’s telephone number was registered on a Do Not Call registry. Allstate denies these allegations and any wrongdoing. The Court has conditionally certified a class action for settlement purposes only. The Honorable Sharon Coleman is the Judge in charge of this action.

#### 4. Why is there a settlement?

The Court did not decide in favor of Plaintiff or Allstate. Instead, the parties agreed to this settlement. This way, the parties avoid the risk, uncertainty and cost of a trial, and the Settlement Class Members will receive compensation. Plaintiff and Class Counsel think the settlement is best for all persons in the Settlement Class.

#### WHO IS IN THE SETTLEMENT CLASS?

#### 5. How do I know if I am a part of the Settlement Class?

The Court has certified a class action for settlement purposes only. The Settlement Class is defined as:

The approximately 7,451 individuals to whom: (a) Allstate or anyone allegedly acting on its behalf made at least two telephone calls based on leads provided by, through, and/or directed by Richardson Marketing Group and related entities within a 12-month period (b) promoting Allstate insurance (c) between October 8, 2015 and present (d) where the person’s telephone number was registered on a Do Not Call registry for more than 31 days before the first call.

The approximately 7,451 persons have been identified by call records compiled in the litigation. If you are still not sure whether you are included, you can visit other sections of the Settlement Website, [www.AllstateTCPASettlement.com](http://www.AllstateTCPASettlement.com), you may write to the Settlement Administrator at *Gebka v. Allstate* Settlement Administrator, P.O. Box 43501, Providence, RI 02940-3501, or you may call the Toll-Free Settlement Hotline, 1-844-594-2519, for more information.

#### THE LAWYERS REPRESENTING YOU

#### 6. Do I have lawyers in this case?

The Court has appointed the law firm of Keogh Law, Ltd. as Class Counsel to represent you and the other persons in the Settlement Class. You will not be personally charged by these lawyers.

#### 7. How will Class Counsel be paid?

Class Counsel will ask the Court to approve payment of up to 36% of the Settlement Fund after class administration costs, which is \$1,602,000 for attorneys’ fees, plus reasonable expenses. Class Counsel also will ask the Court to approve payment of \$10,000 to Plaintiff for his services as Class Representative if permitted by law. The Court may award less than these requested amounts.

#### THE SETTLEMENT BENEFITS – WHAT YOU GET

#### 8. What does the settlement provide?

**Settlement Fund.** Allstate will make a one-time, all-inclusive payment of \$4,500,000 into a fund (the “Settlement Fund”), which will cover: (1) cash payments to Settlement Class Members who submit timely and valid Claim Forms; (2) an award of attorneys’ fees and expenses to Class Counsel, plus expenses, as approved by the Court; (3) a service award to the Plaintiff, Thomas Gebka, in an amount approved by the Court; and (4) the costs of notice and administration of the settlement.

**Cash Payments.** All members of the Settlement Class are eligible to submit a Claim Form and receive a cash payment. To submit a Claim Form, follow the procedures described under Question 11 below. Settlement Class Members will have the option to select receipt of their Settlement Awards by either check or secure electronic payment. If no option is selected or the secure electronic payment cannot be completed, the Settlement Award shall be paid by check. The Settlement Administrator shall send each Settlement Class Member their Settlement Award within 45 calendar days after the Effective Date.

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

Your share of the Settlement Fund will depend on the number of valid Claim Forms that Settlement Class Members submit and the number of calls you received. Class Counsel estimates that the amount of the cash award (while dependent upon the number of claims) will be \$1,000 based on \$500 per call. **This is an estimate only. The final cash payment amount will depend on the total number of valid and timely claims submitted by Settlement Class Members and the number of calls you received. No Settlement Class Member will receive more than \$500 per call.**

### 10. What am I giving up to stay in the Settlement Class?

Unless you exclude yourself from the settlement, you will be a Settlement Class Member and will be bound by the release of claims in the settlement. This means that if the settlement is approved, you cannot rely on any Released Claim to sue, or continue to sue, Allstate or other Released Parties, on your own or as part of any other lawsuit, as explained in the Settlement Agreement. It also means that all of the Court's orders and rulings will apply to you and legally bind you. Unless you exclude yourself from the settlement, you will agree to release Allstate and all other Released Parties from any and all of the Released Claims, as defined in the Settlement Agreement.

In summary, the Release includes Class Plaintiff and each and all Settlement Class Members, on behalf of themselves and their respective spouses, heirs, executors, administrators, representatives, agents, attorneys, partners, successors, predecessors-in-interest, assigns, and other person claiming through any of them, will be deemed to have fully released and forever discharged Allstate and the Released Parties from any and all claims, causes of action, suits, obligations, debts, demands, agreements, promises, liabilities, damages, losses, controversies, costs, expenses, and attorneys' fees of any nature whatsoever, whether based on any federal law such as the TCPA, state law, common law, territorial law, foreign law, contract, rule, regulation, any regulatory promulgation (including, but not limited to, any opinion or declaratory ruling), or in equity, whether known or unknown, suspected or unsuspected, asserted or unasserted, foreseen or unforeseen, actual or contingent, liquidated or unliquidated, punitive or compensatory, as of the date of the Final Approval Order, that arise out of or relate in any way to Allstate or anyone allegedly acting on its behalf making telephone calls based on leads provided by, through, and/or directed by Richardson Marketing Group and related entities where the person's telephone number was registered on a Do Not Call registry for more than 31 days before the first call.

If you have any questions about the Release or what it means, you can speak to Class Counsel, listed under Question 6, for free; or, at your own expense, you may talk to your own lawyer. The Release does not apply to persons in the Settlement Class who timely exclude themselves.

## HOW TO OBTAIN A PAYMENT

### 11. How can I get a payment?

To receive a payment, you must timely submit a properly completed Claim Form. You may submit a Claim Form on the Settlement Website: [www.AllstateTCPASettlement.com](http://www.AllstateTCPASettlement.com), or by calling the Toll-Free Settlement Hotline, 1-844-594-2519. **Read the instructions carefully, fill out the form completely and accurately, sign it and submit by the deadline.** A Claim Form may be submitted by mail to the Settlement Administrator at: *Gebka v. Allstate* Settlement Administrator, P.O. Box 43501, Providence, RI 02940-3501, or via the Settlement Website. To be deemed timely, Claim Forms must be submitted via the Settlement Website, or postmarked prior to or on the last day of the Claim Filing Deadline, which is August 8, 2022.

## WHEN WILL I RECEIVE MY SETTLEMENT PAYMENT?

### 12. When will I receive a settlement payment?

The Court will hold a hearing on September 23, 2022 to decide whether to approve the settlement. If the Court approves the settlement, after that, there may be appeals. It is always uncertain whether these appeals can be resolved, and resolving them can take time, perhaps more than a year. Everyone who sends in a Claim Form will be informed of the progress of the settlement through information posted on the Settlement Website at [www.AllstateTCPASettlement.com](http://www.AllstateTCPASettlement.com). Please be patient.

## EXCLUDING YOURSELF FROM THE SETTLEMENT

### 13. How do I get out of the settlement?

If you want to keep the right to sue or continue to sue Allstate or a Released Party, as defined in the Settlement Agreement, then you must take steps to exclude yourself from or “opt out” of the settlement.

Persons in the Settlement Class may request exclusion from the settlement by sending a written request to the Settlement Administrator at the address designated in the Class Notice no later than the Opt-Out and Objection Deadline. Exclusion requests must: (i) be signed by the person in the Settlement Class who is requesting exclusion; (ii) include the full name and address of the person in the Settlement Class requesting exclusion; and (iii) include the following statement: **“I/we request to be excluded from the settlement in the Allstate TCPA action.”**

No request for exclusion will be valid unless all of the information described above is included. No person in the Settlement Class, or any person acting on behalf of or in concert or participation with that person in the Settlement Class, may exclude any other person in the Settlement Class from the Settlement Class.

**To be valid, you must mail your exclusion request postmarked no later than August 8, 2022 to the Settlement Administrator at *Gebka v. Allstate* Settlement Administrator, P.O. Box 43501, Providence, RI 02940-3501.**

### 14. If I do not exclude myself, can I sue Allstate for the same thing later?

No. If you do not exclude yourself, you give up any right to sue (or continue to sue) Allstate or any Released Parties for the claims that this settlement resolves.

### 15. If I exclude myself, can I get a benefit from this settlement?

No. If you exclude yourself, you will not be able to submit a Claim Form for a settlement payment and you cannot object to the settlement.

## OBJECTING TO THE SETTLEMENT

### 16. How do I tell the Court that I do not think the settlement is fair?

If you are in the Settlement Class, you can object to the settlement or any part of the settlement that you think the Court should reject, and the Court will consider your views.

To object, the Settlement Class Member must make any objection in writing and file it with the Court by the Opt-Out and Objection Deadline. An objection must:

- (A) Attach documents establishing, or provide information sufficient to allow the Parties to confirm, that the objector is a Settlement Class Member, including providing the Claim ID, full name, address, the telephone number called, and whether he or she intends to appear at the Final Approval Hearing on his or her own behalf or through counsel;
- (B) Include a statement of such Settlement Class Member’s specific objections; and
- (C) State the grounds for objection and attach any documents supporting the objection.

**To be considered, you must file your objections with the Court and mail your objections to the addresses below no later than August 8, 2022.**

For Plaintiff:

Keith J. Keogh, Esq.  
Keogh Law, Ltd.  
55 W. Monroe Street, Ste. 3390  
Chicago, IL 60603

For Defendant:

Lewis Wiener, Esq.  
Frank Nolan, Esq.  
Eversheds Sutherland (US) LLP  
700 6th Street, NW, Ste 700  
Washington, DC 20001

Any Settlement Class Member who fails to comply with the provisions set forth above shall waive and forfeit any and all rights to appear separately and/or to object, and shall be bound by all the terms of this settlement, and by all proceedings, orders, and judgments in the litigation.

**17. What is the difference between objecting and excluding yourself?**

Excluding yourself means that you do not want to be a Settlement Class Member and participate in the settlement. If you exclude yourself, you have no basis to object because the case no longer affects you. Objecting is telling the Court that you do not like something about the settlement. You can object only if you do not exclude yourself from the settlement.

**IF YOU DO NOTHING**

**18. What happens if I do nothing at all?**

If you do nothing, you will not receive any monetary award and you will give up your rights to sue Allstate or any other Released Parties related to any Released Claims. For information relating to what rights you are giving up, see Question 10.

**THE FINAL APPROVAL HEARING**

**19. When and where will the Court decide whether to approve the settlement?**

The Court will hold a Final Approval Hearing at 9:15 a.m. on September 23, 2022 in Courtroom 1241, at the Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Chicago, IL 60604, which may be conducted by remote or electronic means. At this hearing, the Court will consider whether the settlement is fair, reasonable and adequate. If there are valid objections that comply with the requirements in Question 16 above, the Court also will consider them and will listen to people who have asked to speak at the hearing. The Court may also decide how much to pay to Class Counsel and Plaintiff.

The Final Approval Hearing may be moved to a different date or time without additional notice, so it is a good idea to check the Settlement Website for updates.

**20. Do I have to come to the hearing?**

No. Class Counsel will appear on behalf of the Settlement Class Members. But, you are welcome to come, or have your own lawyer appear, at your own expense.

**21. May I speak at the hearing?**

You may ask the Court for permission to speak at the Final Approval Hearing, but only in connection with an objection that you have timely submitted to the Court according to the procedure set forth in Question 16 above. A Settlement Class Member or his or her attorney intending to make an appearance at the Final Approval Hearing must: (i) file a notice of appearance with the Court no later than twenty (20) days prior to the Final Approval Hearing, or as the Court may otherwise direct; and (ii) serve a copy of such notice of appearance on all counsel for all Parties. The document must be filed with the Court no later than August 8, 2022. You cannot speak at the hearing if you exclude yourself from the settlement.

**GETTING MORE INFORMATION**

**22. How do I get more information?**

This Notice is only a summary of the proposed settlement. You can get a copy of the Settlement Agreement by visiting the Settlement Website, [www.AllstateTCPAsettlement.com](http://www.AllstateTCPAsettlement.com), or you can write to the address above or call the Toll-Free Settlement Hotline, 1-844-594-2519. You can also call Class Counsel with any questions at 1-866-726-1092.

**DO NOT CALL OR WRITE TO THE COURT, THE CLERK OF THE COURT, ALLSTATE INSURANCE COMPANY OR ALLSTATE INSURANCE COMPANY'S COUNSEL ABOUT THE SETTLEMENT. ALSO, TELEPHONE REPRESENTATIVES WHO ANSWER CALLS MADE TO THE TOLL-FREE NUMBER ARE NOT AUTHORIZED TO CHANGE THE TERMS OF THE SETTLEMENT OR THIS NOTICE.**