

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

TOMORROW BLACK-BROWN
on behalf of herself and all other similarly
situated,

Plaintiff,

vs.

TERMINIX INTERNATIONAL COMPANY
LIMITED PARTNERSHIP,

Defendant.

Case No. 1:16-cv-23607

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT
WITH ATTACHED CLAIM FORM**

TO: Persons who may have received an autodialed and/or prerecorded payment and/or debt-collection call within the United States to their cellular telephone number from Terminix International Company Limited Partnership (“Terminix”) on or after August 22, 2012 through July 28, 2017 without providing consent to receive such calls (the “Settlement Class”).

A. WHY HAVE YOU RECEIVED THIS NOTICE? This is a Court-authorized notice of a proposed settlement (“Notice”) in a class action lawsuit. The settlement would resolve a lawsuit brought on behalf of individuals who allege they received, but did not consent to receive, automated and/or prerecorded payment and/or debt-collection calls within the United States on their cellular phones made by persons or entities working on behalf of Terminix. This lawsuit relates only to such calls that were made without the called party’s consent and that were made to a cellular phone using an automatic telephone dialing system or prerecorded voice message. You have been identified as someone who may have received one of these automated or prerecorded telephone calls on or after August 22, 2012 through July 28, 2017.

B. WHAT IS THE CONSENT TO RECEIVE AUTOMATED PAYMENT AND/OR DEBT COLLECTION CALLS? If you or a member of your household provided Terminix with your cellular phone numbers in connection with purchasing or receiving services from Terminix, then you provided consent to receive automated and prerecorded payment and/or debt collection calls, unless you subsequently revoked such consent by contacting Terminix. This lawsuit only applies to individuals that did not give such consent, or who were called after they revoked their consent.

C. WHAT IS THIS LAWSUIT ABOUT AND WHY IS THERE A SETTLEMENT? This lawsuit alleges that Terminix (“Defendant”) violated the federal Telephone Consumer Protection Act (“TCPA”) by making automated and/or prerecorded payment and/or debt-collection telephone calls to the cell phones of called parties within the United States who did not give consent to receive such calls. Defendant denies the claims in Plaintiff’s complaint and denies that it violated the TCPA. The Court did not decide in favor of the Plaintiff or the Defendant. Instead, both sides have agreed to a Settlement. The Settlement avoids the cost, risk, and delay of trial.

D. WHAT IS 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 arrange to make payments of \$60.00 to each class member who submits a proper and approved claim form, to pay a service award to Plaintiff for serving as the class representative, and to pay attorneys’ fees and expenses awarded by the Court. If the Court approves the settlement, all Settlement Class Members who submit a valid and timely Proof of Claim Form (attached) will be mailed a check for \$60.00. Settlement Class Members will also give up any right to file or continue a lawsuit against Terminix and its affiliates, subsidiaries and agents, as well as The ServiceMaster Company LLC and its affiliates, subsidiaries and agents (“Released Parties”), arising from automated payment and/or debt- collection calls to cell phones within the United States made by or on behalf of Terminix. Unless you formally exclude yourself from this Settlement, you will release your claims, whether or not you submit a Claim Form and receive payment. The Court has preliminarily approved this settlement, subject to a fairness hearing that will occur on February 23, 2018, at 10:00 a.m., 10th Floor Clyde Atkins U.S. Courthouse, United States District Court for the Southern District of Florida, 301 N. Miami Ave., Miami, FL 33128.

E. WHAT ARE YOUR OPTIONS?

1. Return a Valid, Completed Claim Form: To receive a settlement payment, you must complete, sign, and return a Claim Form on or before **December 26, 2017** which is ninety (90) days after this Notice was mailed to you. The Claim Form is attached to this Notice and is also available online at www.terminixtcpasettlement.com. If the Court approves the settlement and if your Claim Form is timely, valid, and complete, you will be mailed a check for \$60 after the Court’s order approving the Settlement becomes final. If there is an appeal of the Settlement, payment will be delayed. The Settlement Administrator will include information about the timing of payment at www.terminixtcpasettlement.com.

2. Do Nothing: If you do nothing, you will receive no money from the Settlement. Unless you exclude yourself from the Settlement, you will not be able to file or continue a lawsuit against the Released Parties regarding any released claims. You will not be paid unless you submit a valid and timely Claim Form.

3. Opt Out of the Settlement: You have the right to exclude yourself from the Settlement by sending a written request for exclusion to the Settlement Administrator at Terminix TCPA Settlement Administrator, 1801 Market Street, Suite 660; Philadelphia, PA 19103.

Your completed, signed statement advising of your election to opt out must be postmarked no later than December 26, 2017, which is ninety (90) days after this Notice was mailed to you. If your request is not postmarked by that date, your right to opt out will be deemed waived and you will be bound by all orders and judgments entered in connection with the Settlement. Your request must list your name, street address, all of your telephone numbers between August 22, 2012 and the present, the name and number of this case, and it must indicate your request for exclusion (for example, "Exclude me from the Terminix settlement").

4. Object to the Settlement: If you wish to object to any aspect of the Settlement or plaintiff's counsel's request for attorneys' fees, you must file a written objection with the Clerk of the United States District Court for the Southern District of Florida, 400 N. Miami Ave.; 8th Floor SOUTH; Miami, Florida 33128. Your objection must be postmarked by **December 26, 2017**, which is ninety (90) days after this Notice was mailed to you, and must refer to the name and number of this case. You must also serve copies of your objection on Class Counsel (Jonathan Cohen and John Yanchunis, Morgan & Morgan Complex Litigation Group, 201 N. Franklin St., 7th Floor, Tampa, FL 33602) and Defendant's attorney (Rachel Niewoehner, Harrison Law LLC, One North LaSalle St., Suite 2001, Chicago, IL 60602), postmarked by the same date. Your objection must include your name, telephone number, and street address, all attorneys who have assisted you in the preparation and filing of your objection, a list of all other class action cases in which you or your counsel have filed objections to the settlements, and a statement of the reasons for your objections. Additionally, if you want to state your objection in person at the fairness hearing, either on your own behalf or through counsel, you must indicate in your written objection your intention to appear at the hearing and identify the names of any witnesses you intend to call to testify, as well as any evidence you intend to introduce.

F. WHEN WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT? The Court will hold a final fairness hearing on February 23, 2018, at 10:00 a.m., 10th Floor, Clyde Atkins U.S. Courthouse, United States District Court for the Southern District of Florida, 301 N. Miami Ave., Miami, FL 33128, and hear any timely and properly-filed objections and arguments about the settlement and request for attorney's fees. Unless you object to the settlement, you are not required to attend this hearing. The fairness hearing may be continued to a future date without further notice.

G. WHO REPRESENTS THE CLASS, AND WHAT WILL THEY BE PAID? Tomorrow Black-Brown is the Class Representative. Her attorneys are Class Counsel. They are: Jonathan Cohen and John Yanchunis, Morgan & Morgan Complex Litigation Group, 201 N. Franklin Street, 7th Floor Tampa, FL 33602. As part of the settlement, Plaintiff will seek a service award of \$5,000 for her service on behalf of the Class in this litigation. Class Counsel may seek an award of attorneys' fees in an amount less than or equal to \$295,000.

H. WHERE CAN YOU GET MORE INFORMATION? This Notice only summarizes the litigation and the settlement. You can obtain more information about the settlement at www.terminixtcpasettlement.com or by contacting the Settlement Administrator at the following email address: TerminixTCPA@AdministratorClassAction.com. You may also contact Class Counsel. The court files for this case are available for your inspection at the Clerk of the United States District Court for the Southern District of Florida, 400 N. Miami Ave.; 8th Floor SOUTH; Miami, Florida 33128.

**DO NOT CONTACT THE JUDGE, THE JUDGE'S STAFF,
OR THE CLERK OF THE COURT BECAUSE THEY ARE NOT PERMITTED TO ANSWER
YOUR QUESTIONS ABOUT THIS SETTLEMENT.**