

This is a notice of a settlement of a class action lawsuit.

This is not a notice of a lawsuit against you.

You are not being sued.

If you received a call with an artificial or prerecorded voice from Citibank, N.A. (“Citibank”) on your cellular telephone between August 15, 2014 and July 31, 2024 concerning a past-due credit card account, and you are not a current or former Citibank cardholder, customer, or authorized user, you may be entitled to compensation as a result of the settlement in the class action lawsuit captioned:

Christine Head v. Citibank, N.A., Case No. 3:18-cv-08189-ROS (D. Arizona)

Receiving notice of this class action, however, does not necessarily mean that you are a Class Member or that you are entitled to compensation. Only persons who fit within the definition of the Settlement Class can receive money from the Settlement Fund.

A federal court authorized this notice.

This is not a solicitation from a lawyer.

Please read this notice carefully.

It explains your rights and options to potentially participate in the class action settlement if you are a member of the Settlement Class.

- Citibank will create a \$29.5 million fund to fully settle and release claims of persons to whom Citibank placed a call in connection with a past-due credit card account, directed to a number assigned to a cellular telephone service, but not assigned to a current or former Citibank cardholder, customer, or authorized user, in connection with which Citibank used an artificial or prerecorded voice, between August 15, 2014 and July 31, 2024.
- The Settlement Fund will be used to pay settlement awards to Settlement Class Members who elect to participate, after deducting the costs of settlement notice and administration, attorneys’ fees, litigation costs and expenses, and incentive awards to Christine Head and Robert Newton, the consumers who initiated class actions against Citibank.
- If you are a Settlement Class Member, your legal rights are affected, and you now have a choice to make:

SUBMIT A TIMELY CLAIM FORM:	If you submit a valid Claim Form by December 20, 2024, you will receive a share of the Settlement Fund after attorneys’ fees, costs, and expenses are deducted, and you will release certain claims you may have against Citibank. It is expected that each approved claimant will receive between \$350 and \$850, depending on the number who submit timely, valid claims.
DO NOTHING:	If you do nothing, you will <u>not</u> receive a share of the Settlement Fund, and if you are a Settlement Class Member, you will release claims you may have against Citibank.
EXCLUDE YOURSELF:	If you are a Settlement Class Member and you exclude yourself from the settlement, you will <u>not</u> receive a share of the Settlement Fund, and you will <u>not</u> release any claims you may have against Citibank. The deadline to exclude yourself is December 20, 2024.
OBJECT:	If you are a Settlement Class Member and you want to object to the settlement, you can write to the Court about why you do not like the settlement. The deadline to object is December 20, 2024.

Why is this notice available?

This is a notice of a settlement. The settlement would resolve the class action lawsuits Ms. Head and Mr. Newton filed against Citibank. Please read this notice carefully. It explains the class action lawsuits, the settlement, and legal rights you may have, including the process for receiving a settlement payment if you are a Settlement Class Member, excluding yourself from the settlement, or objecting to the settlement.

What is the class action about?

Ms. Head and Mr. Newton filed class action lawsuits against Citibank, alleging that Citibank violated the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, by placing calls to cellular telephone numbers of noncustomers, in connection with which Citibank used an artificial or prerecorded voice, absent prior express consent. More specifically, Ms. Head and Mr. Newton allege that Citibank violated the TCPA by placing calls regarding past-due credit card accounts, using an artificial or prerecorded voice, to cellular telephone numbers not assigned to current or former Citibank cardholders, customers, or authorized users, between August 15, 2014 and July 31, 2024.

The TCPA allows for damages of \$500 per violation, and up to \$1,500 for willful violations. However, prior express consent is a complete defense to a claim under the TCPA.

Citibank denies that it violated the TCPA, and asserts a number of defenses—including prior express consent—that could impact the amount of damages available, if any, to Class Members if Ms. Head and Mr. Newton were to have ultimately prevailed on their claims. No decision has been rendered by the Court on whether Citibank violated the TCPA.

You can find additional information about Ms. Head’s and Mr. Newton’s claims at www.HeadTCPAsettlement.com, in the Court Documents Page.

Why is this a class action?

In a class action, one or more people called “class representatives” file a class action lawsuit on behalf of people who have similar claims. All of these people together are a “class” or “class members.” The court accordingly resolves claims for all class members at once, except for those who first exclude themselves from the class. The Court previously certified this matter as a class action.

You can find the Court’s January 27, 2022 Order certifying the class, which is available at www.HeadTCPAsettlement.com, in the Court Documents Page.

Why is there a settlement?

Ms. Head and Mr. Newton, on the one hand, and Citibank, on the other, have agreed to a settlement to avoid the substantial time, risk, burdens, and expense associated with the lawsuits, and to achieve a final resolution of the disputed claims. The proposed settlement was reached after Ms. Head, Mr. Newton, and Citibank attended mediation with retired Judge Steven Gold, an experienced mediator. Under the settlement, Settlement Class Members who submit a timely and valid claim will obtain a payment in settlement of the claims raised in the class action lawsuits. Ms. Head, Mr. Newton, and their attorneys think the settlement is fair and reasonable.

Did the Court rule on the merits of Ms. Head’s and Mr. Newton’s claims?

No. The Court did not decide whether Citibank violated the TCPA. Citibank denies that it violated the TCPA.

How do you know if your claims are included in the settlement?

The settlement resolves claims on behalf of the following Settlement Class:

All persons and entities throughout the United States (1) to whom Citibank, N.A. placed a call in connection with a past-due credit card account, (2) directed to a number assigned to a cellular telephone service, but not assigned to a current or former Citibank, N.A. customer or authorized user, (3) via its Aspect dialer and with an artificial or prerecorded voice, (4) from August 15, 2014 through July 31, 2024.

What does the settlement provide?

Citibank will establish a Settlement Fund in the amount of \$29.5 million to compensate members of the Settlement Class who submit timely and valid claims. The Settlement Fund will be used to pay:

- a. Settlement awards to participating Settlement Class Members;
- b. Notice and administration costs not to exceed \$975,000;
- c. An award of attorneys’ fees not to exceed one-third of the Settlement Fund (\$9,833,333.33), subject to the Court’s approval;

- d. Litigation costs and expenses incurred in litigating the TCPA claims in this matter not to exceed \$60,000, subject to the Court's approval;
- e. An incentive award to Ms. Head not to exceed \$15,000, subject to the Court's approval; and
- f. An incentive award to Mr. Newton not to exceed \$10,000, subject to the Court's approval.

Each member of the Settlement Class who submits a timely and valid Claim Form will be entitled, subject to the provisions of the Settlement Agreement, to his or her equal share of the \$29.5 million Settlement Fund as it exists after deducting:

- a. Notice and administration costs;
- b. Attorneys' fees;
- c. Litigation costs and expenses incurred in litigating the claims in this matter; and
- d. Incentive awards to Ms. Head and Mr. Newton.

It is estimated that each participating member of the Settlement Class will receive between \$350 and \$850. The actual amount each participating member of the Settlement Class will receive may be more or less, depending on the number of Settlement Class Members who submit timely, valid claims.

Participating Settlement Class Members will be limited to a recovery of \$2,500 unless they provide documentary evidence in the form of, for example, telephone records from their wireless carrier, screen shots from their cellular telephones, or other documentary evidence demonstrating that they received more than five prerecorded calls from Citibank. In such circumstances, participating Settlement Class Members who provide documentary evidence demonstrating that they received more than five prerecorded calls from Citibank may receive additional compensation in the form of a *pro rata* portion of the remaining funds if participating Settlement Class Members have already received \$2,500 each. Participating Settlement Class Members will be notified if settlement awards reach the maximum \$2,500 threshold so that they have an opportunity to provide documentation of receipt of more than five prerecorded calls and receive an additional payment.

How can you get a payment?

To receive a payment, you must mail a valid Claim Form to the *Head v. Citibank, N.A.* Claims Administrator, P.O. Box 301134, Los Angeles, CA 90030-1134 postmarked by December 20, 2024. Or you may submit a claim through www.HeadTCPAsettlement.com by December 20, 2024. The Claim Form is available on the settlement website. For a Claim Form to be considered valid, you must include: (1) your name and address; (2) your Claim ID number; (3) the cellular telephone number that you used or subscribed to during the Settlement Class Period; (4) your signature; and (5) an affirmation that you are not and were not a Citibank account holder, customer, or authorized user and received a call with an artificial or prerecorded voice from Citibank on your cellular telephone between August 15, 2014 and July 31, 2024 concerning a past-due credit card account.

When will you be paid?

If the Court grants final approval of the settlement, settlement payments will be sent to Settlement Class Members who submitted timely and valid Claim Forms no later than 45 days after the judgment in the lawsuit becomes final. If there is an appeal of the settlement, payment will be delayed.

What rights are you giving up in connection with this settlement?

If you fall within the Settlement Class, and unless you exclude yourself from the settlement, you will give up your right to sue or continue a lawsuit against Citibank over the released claims. Giving up your legal claims is called a release. If you fall within the Settlement Class, unless you formally exclude yourself from the settlement, you will release certain claims you may have against Citibank.

For more information about the release, released parties, and released claims, you may obtain a copy of the class action Settlement Agreement from the settlement website, www.HeadTCPAsettlement.com, or from the clerk of the United States District Court for the District of Arizona.

How can you exclude yourself from the settlement?

If you fall within the Settlement Class, you may exclude yourself from the settlement, in which case you will not receive a payment, you will not release any claims you may have against Citibank, and you will not be able to object to the settlement. If you fall within the Settlement Class, and if you wish to exclude yourself from the settlement, you must mail a written request for exclusion to the Claims Administrator at the following address, postmarked by December 20, 2024:

Head v. Citibank, N.A. Claims Administrator
ATTN: EXCLUSION REQUEST
P.O. Box 301134
Los Angeles, CA 90030-1134

You must include in your request for exclusion your:

- a. Full name;
- b. Address;
- c. Claim ID number;
- d. Cellular telephone number called by Citibank demonstrating that you are a member of the Settlement Class;
- e. A clear and unambiguous statement that you wish to be excluded from the settlement, such as “I request to be excluded from the settlement in the *Head v. Citibank, N.A.* action;” and
- f. Signature. You must sign the request personally. If any person signs on your behalf, that person must attach a copy of the power of attorney authorizing that signature.

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

The Court will hold a final fairness hearing on January 14, 2025, at 1:00 p.m. (Mountain Standard time). The hearing will take place in the Sandra Day O’Connor U.S. Courthouse, 401 West Washington Street, Phoenix, AZ 85003-2118. At the final fairness hearing, the Court will consider whether the settlement is fair, reasonable, and adequate and, if so, whether final approval of the settlement should be granted. The Court will also hear objections to the settlement, if any. The Court may make a decision at that time, postpone a decision, or continue the hearing.

The date of the final fairness hearing may change without further notice. Settlement Class Members should check the settlement website, www.HeadTCPAsettlement.com, or the Court’s Public Access to Court Electronic Records (“PACER”) site to confirm whether the date has changed.

Do you have to attend the final fairness hearing?

No, there is no requirement that you attend the final fairness hearing. However, you are welcome to attend the hearing at your own expense. You cannot speak at the hearing if you have excluded yourself from the Settlement Class because the settlement no longer affects your legal rights.

What if you want to object to the settlement or the request for attorneys’ fees?

If you are a member of the Settlement Class, and if you do not exclude yourself from the Settlement Class, you can object to the settlement, or the request for attorneys’ fees and expenses and class representative service awards. If you are a member of the Settlement Class, and if you wish to object, you must mail a written notice of objection, postmarked by December 20, 2024, to Class Counsel, counsel for Citibank, and to the Court, at the following addresses:

Class Counsel:

Michael L. Greenwald
Greenwald Davidson Radbil PLLC
5550 Glades Road
Suite 500
Boca Raton, FL 33431

Matthew R. Wilson
Meyer Wilson Co., LPA
305 West Nationwide Blvd.
Columbus, OH 43215

Counsel for Citibank:

Daniel JT McKenna
Ballard Spahr LLP
1735 Market Street, 51st Floor
Philadelphia, PA 19103-7599

Matthew A. Morr
Ballard Spahr LLP
1225 17th Street, Suite 2300
Denver, CO 80202-5596

The Court:

United States District Court for the
District of Arizona
Sandra Day O’Connor
U.S. Courthouse, Suite 130
401 West Washington Street, SPC 1
Phoenix, AZ 85003-2118

You must include in your objection your:

- a. Full name;
- b. Address;
- c. Claim ID number;
- d. Cellular telephone number called by Citibank to demonstrate that you are a member of the Settlement Class;
- e. Statement that you are not a current or former Citibank customer, accountholder, or authorized user;
- f. Statement demonstrating membership in the Settlement Class;
- g. Identification of any documents to show that you are a member of the Settlement Class or which you desire the Court to consider;
- h. A statement setting forth the factual and/or legal basis of your objection and noting whether you intend to appear at the fairness hearing; and
- i. Your signature.

You can ask the Court to deny approval of the settlement by filing an objection. You cannot ask the Court to order a different settlement. The Court can only approve or reject the settlement. If the Court denies approval, no settlement payments will be sent out and the class action lawsuit will continue.

Any objection to the proposed settlement must be in writing. If you are a member of the Settlement Class, and if you file a timely written objection, you may, but are not required to, appear at the final fairness hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for hiring and paying that attorney.

By when must you enter an appearance?

Any Settlement Class Member who objects to the settlement and wishes to enter an appearance must do so by December 20, 2024. To enter an appearance, you must file with the clerk of the court a written notice of your appearance and you must serve a copy of that notice, by U.S. mail or hand-delivery, upon Class Counsel and counsel for Citibank, at the addresses set forth in this notice.

What if you do nothing?

If you are a member of the Settlement Class, you do nothing, and the Court approves the Settlement Agreement, you will not receive a share of the Settlement Fund, but you will release certain claims you may have against Citibank. If you fall within the Settlement Class, unless you exclude yourself from the settlement, you will not be able to sue or continue a lawsuit against Citibank over the released claims.

What will happen if the Court does not approve the settlement?

If the Court does not finally approve the settlement, or if it finally approves the settlement and the approval is reversed on appeal, or if the settlement does not become final for some other reason, you will receive no benefits from the settlement and the class action lawsuit will continue.

Who are the attorneys for the Settlement Class?

The attorneys for the Settlement Class are:

Michael L. Greenwald
Aaron D. Radbil
Greenwald Davidson Radbil PLLC
5550 Glades Road, Suite 500
Boca Raton, FL 33431
mgreenwald@gdrlawfirm.com
aradbil@gdrlawfirm.com

Matthew R. Wilson
Michael J. Boyle, Jr.
Meyer Wilson Co., LPA
305 West Nationwide Blvd.
Columbus, OH 43215
mwilson@meyerwilson.com
mboyle@meyerwilson.com

The Court has appointed these attorneys to act as Class Counsel. You do not have to separately pay Class Counsel. If you want to be represented by your own lawyer, and have that lawyer appear in court for you in this case, you must hire one at your own expense.

Who are Citibank's attorneys?

Citibank's attorneys are:

Daniel JT McKenna
Ballard Spahr LLP
1735 Market Street, 51st Floor
Philadelphia, PA 19103-7599
mckennad@ballardspahr.com

Matthew A. Morr
Ballard Spahr LLP
1225 17th Street, Suite 2300
Denver, CO 80202-5596
mormm@ballardspahr.com

Before what court is this matter pending?

This lawsuit is pending in the following court:

United States District Court for the District of Arizona
Sandra Day O'Connor U.S. Courthouse
401 West Washington Street, SPC 1
Phoenix, AZ 85003-2118

What if you believe you are a Settlement Class Member, but you did not receive a postcard notice?

Receiving this notice or a postcard notice does not necessarily mean that you are a Settlement Class Member, nor does not receiving a postcard notice necessarily mean that you are not a Settlement Class Member. To receive updates on this case, please check www.HeadTCPAsettlement.com. You may also contact the Claims Administrator or Class Counsel identified above.

What if you would like to update your contact information?

To update your contact information, please contact the Claims Administrator, Verita Global, at *Head v. Citibank, N.A.* Claims Administrator, P.O. Box 301134, Los Angeles, CA 90030-1134, or at www.HeadTCPAsettlement.com.

Where can you get additional information?

This notice summarizes the proposed settlement. For the precise terms and conditions of the settlement, please see the Settlement Agreement available at www.HeadTCPAsettlement.com, by contacting Class Counsel, by accessing the court docket in this case, for a fee, through the Court's PACER system, or by visiting the office of the clerk of the court for the United States District Court for the District of Arizona.

Or, to obtain additional information about this matter, please contact:

Head v. Citibank, N.A. Claims Administrator
P.O. Box 301134
Los Angeles, CA 90030-1134
1-844-504-1775

Please do not call the judge about this class action. Neither she, nor any court personnel, will be able to give you advice about this class action. Furthermore, because neither Citibank nor Citibank's attorneys represent you, they cannot give you legal advice about this class action.