

The U.S. District Court for the Western District of Missouri

**If you receive this notice, you could get a payment
from a class action settlement.**

*The U.S. District Court for the Western District of Missouri authorized this notice.
This is not a solicitation from a lawyer.*

- The settlement provides financial compensation to those who were sent a facsimile advertisement by Costco Wholesale Corporation (“Costco”) between April 2, 2011 and April 2, 2015.
- To qualify, your name must appear in the *List of Class Members*, which is a confidential document that has been submitted to the U.S. District Court for the Western District of Missouri (the “Court”).
- Your legal rights are affected whether you act or do not act. Read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
DO NOTHING	Remain a class member and receive a \$70 Costco Cash Card.
EXCLUDE YOURSELF	Get no payment. This is the only option that allows you to ever be a part of any other lawsuit against Costco about the legal claims in this case.
OBJECT	Write to the Court about why you don’t like the settlement.

- 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 made if the Court approves the settlement and after any appeals are resolved. Please be patient.
- **Any questions? Read on and visit www.CostcoFaxSettlement.com**

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BASIC INFORMATION

1. Why did I get this notice?

Costco's records show that you may have been sent a facsimile advertisement between April 2, 2011 and April 2, 2015.

The Court sent you this notice because you have a right to know about a proposed settlement of a class action lawsuit, and about all of your options, before the Court decides whether to finally approve the settlement. If the Court approves it and after any objections and appeals are resolved, an administrator appointed by the Court will make the payments that the settlement allows. You will be informed of the progress of the settlement. This package explains the lawsuit, the settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them.

The Court in charge of the case is the U.S. District Court for the Western District of Missouri, and the case is known as *The Backer Law Firm, LLC v. Costco Wholesale Corporation*, Case No. 4:15-CV-00327-SRB. The person who sued is called the Plaintiff, and the company it sued, Costco, is called the Defendant.

2. What is this lawsuit about?

The lawsuit claims Defendant sent unsolicited facsimile advertisements in violation of the federal Telephone Consumer Protection Act.

3. What is a class action and who is involved?

In a class action lawsuit, one or more people called a "Class Representative" (in this case, The Backer Law Firm, LLC) sue on behalf of other people who have similar claims. The people together are a "Class" or "Class Members." One court resolves the issues for everyone in the Class, except for those who choose to exclude themselves from the Class.

4. Why is there a settlement?

The Court did not decide in favor of the Class or the Defendant. Instead, both sides agreed to a settlement. That way, they avoid the cost of a trial, and the people affected will get compensation. The Class Representative and the attorneys think the settlement is best for everyone who is in the Class.

WHO IS IN THE CLASS?

5. How do I know if I am part of the settlement?

The Court has decided everyone who fits the following description is a Class Member:

All persons or entities appearing in the *List of Class Members* to whom Defendant Costco Wholesale Corporation sent one or more facsimiles promoting its products, services, or memberships between April 2, 2011 and April 2, 2015.

Excluded from the class are ABC Business Forms, Inc., Defendant and its officers, directors, and employees, Defendant's counsel, any persons who previously have settled TCPA claims with Defendant, the Court and Court personnel, and counsel for the Plaintiff.

If you have received this notice, it is because your name appeared in the *List of Class Members* and, therefore, you are included in the Class. Only those in the Class are eligible to receive a payment from this settlement.

6. I'm still not sure if I am included.

If you are still not sure whether you are included, you can get free help at **1-833-843-2649**, or by calling or writing to the class administrator in this case at the phone number and address listed in Question 13.

THE SETTLEMENT BENEFITS – WHAT YOU GET

7. What does the settlement provide?

Defendant have agreed to create a gross settlement fund of \$249,316.67. From this gross fund, Defendant will pay attorney's fees and costs, administration expenses, and an incentive award to the Class Representative, subject to approval by the Court. All remaining funds will be the net settlement fund available to be paid to Class Members who do not exclude themselves from this settlement. Any leftover or unused amounts in the net settlement fund will be donated to a non-profit charitable organization.

8. How much will my payment be?

Each Class Member who does not exclude themselves from this settlement will receive a \$70 Costco Cash Card. The Cash Card is redeemable at any Costco located in the United States, or online at www.costco.com. The Cash Card has no expiration date and requires no activation. Class Members do not have to be Costco members in order to use the Cash Card.

9. What happens to unclaimed money in the settlement fund?

Pursuant to the settlement agreement, any leftover or unused amounts in the net settlement fund will be donated to a non-profit charitable organization.

HOW YOU GET A PAYMENT – SUBMITTING A CLAIM FORM

10. How can I get a payment?

To receive a payment, you must be a Class member and remain in the Class. To remain in the Class, you are not required to do anything. Class Members will remain in the Class unless they take action to exclude themselves from the settlement.

11. When would I get my payment?

The Court will hold a hearing on **November 13, 2018 at 2:30 p.m.** to decide whether to approve the settlement. If the Court approves the settlement, there may be appeals. If there is no appeal, payment would likely occur within six months. If there is an appeal, it's uncertain whether these appeals can be resolved and resolving them can take time, perhaps more than a year. Please be patient.

12. What am I giving up to get a payment or stay in the Class?

Unless you exclude yourself, you are staying in the Class, and that means that you can't sue, continue to sue, or be part of any other lawsuit against the Defendant about the legal issues in this case. It also means that all of the Court's orders will apply to you and legally bind you. If you remain in the Class, you will agree to release certain claims as described in the settlement agreement, which describes exactly the legal claims that you give up if you remain in the Class.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you are a Class Member but don't want a payment from this settlement, but you want to keep the right to sue or continue to sue the Defendant, on your own, about the legal issues in this case, then you must take steps to get out.

This is called excluding yourself. It is sometimes referred to as opting out of the settlement class.

13. How do I get out of the settlement?

To exclude yourself from the settlement, you must send a letter by mail saying that you want to be excluded from *The Backer Law Firm, LLC v. Costco Wholesale Corporation*, Case No. 4:15-CV-00327-SRB. Be sure to include your name and address. You must mail your exclusion request **postmarked no later than October 29, 2018**, to:

**Costco Fax Settlement
c/o JND Legal Administration
P.O. Box 91307
Seattle, WA 98111**

If you ask to be excluded, you will not get any settlement payment, and you cannot object to the settlement. You will not be legally bound by anything that happens in this lawsuit. You may be able to sue (or continue to sue) the Defendant in the future.

14. If I don't exclude myself, can I sue Defendant for the same thing later?

If you are a Class Member, you **may not** sue Defendant for the same thing later. Unless you exclude yourself, you give up any right to sue the Defendant for the claims that this settlement resolves. If you have a pending lawsuit, speak to your lawyer in that case immediately. You must exclude yourself from this Class to continue your own lawsuit. Remember, **the exclusion deadline is October 29, 2018.**

15. If I exclude myself, can I get money from this settlement?

No. If you exclude yourself, you will not receive anything from this settlement. But, you may sue, continue to sue, or be part of a different lawsuit against the Defendant.

THE LAWYERS REPRESENTING YOU

16. Do I have a lawyer in this case?

The Court has appointed the law firm of Wood Law Firm, LLC, of Kansas City, to represent you and other class members. These lawyers are called Class Counsel. 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.

17. How will the lawyers be paid?

Class Counsel will ask the Court to approve payment of up to \$99,726.67 for attorney's fees, plus up to \$17,000 in litigation costs and expenses.

18. Will the Class Representative be awarded for its work?

In addition to the Class Representative's payment as a member of the Class, Class Counsel will ask the court to approve a payment of up to \$5,000.00 as an incentive award to the Representative Plaintiff for its efforts prosecuting this claim, representing the class, and obtaining settlement benefits for the Class.

OBJECTING TO THE SETTLEMENT

You can tell the Court you don't agree with the settlement or some part of it.

19. How do I tell the Court that I don't like the settlement?

If you're a Class Member, you can object to the settlement if you don't like any part 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 send a letter saying that you object to the class settlement in *The Backer Law Firm, LLC v. Costco Wholesale Corporation*, Case No. 4:15-CV-00327-SRB. Be sure to include your name, address, and the reasons you object to the settlement. Mail the objections to these three different places **postmarked no later than October 29, 2018:**

Court: Tracy Diefenbach
Courtroom Deputy to Honorable Stephen R. Bough
400 E. 9th Street
Kansas City, MO 64106

Class Counsel: Noah K. Wood, Esq.
Ari N. Rodopoulos, Esq.
Wood Law Firm, LLC
1100 Main St., Suite 1800
Kansas City, MO 64105

Defense Counsel: Todd W. Ruskamp, Esq.
Rebecca J. Schwartz, Esq.
Shook, Hardy & Bacon L.L.P.
2555 Grand Avenue
Kansas City, MO 64108

20. What's the difference between objecting and excluding?

Objecting is simply telling the Court that you don't like something about the settlement. You can object only if you stay in the class. Excluding yourself is telling the Court that you don't want to be part of the class. If you exclude yourself, you have no basis to object because the case no longer affects you.

THE COURT'S FAIRNESS 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.

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

The Court will hold a Fairness Hearing at **2:30 p.m. on November 13, 2018** in the U.S. District Court for the Western District of Missouri, 400 E. 9th Street, Kansas City, MO 64106. At this hearing, the Court will consider whether the settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court 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 to award the Class Representative. After the hearing, the Court will decide whether to approve the settlement. We do not know how long these decisions will take.

22. Do I have to come to the hearing?

No. Class Counsel will answer questions the judge may have. But, you are welcome to come at your own expense. If you send an objection, you don't 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 it's not necessary.

23. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter saying that it is your “Notice of Intention to Appear in *The Backer Law Firm, LLC v. Costco Wholesale Corporation*, Case No. 4:15-CV-00327-SRB.” Be sure to include your name, address, and state your intent to appear the the Fairness Hearing. Your Notice of Intention to Appear must be postmarked **no later than October 29, 2018**, and be sent to the three addresses set forth in Question 19. You cannot speak at the hearing if you excluded yourself.

IF YOU DO NOTHING

24. What happens if I do nothing at all?

If you do nothing, you’ll remain in the Class and may receive a settlement payment. But you won’t be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Defendant about the legal issues in this case ever again.

GETTING MORE INFORMATION

25. Are more details available?

Visit the website, **www.CostcoFaxSettlement.com**, where you will find the Court’s Preliminary Approval Order, the Petition, and the Settlement Agreement and Release. You may also contact the class administrator by calling toll-free **1-833-843-2649** or writing to:

**Costco Fax Settlement
c/o JND Legal Administration
P.O. Box 91307
Seattle, WA 98111**

DATE: September 28, 2018