

IMPORTANT LEGAL NOTICE:

YOU MAY BE ENTITLED TO BENEFITS FROM A CLASS ACTION SETTLEMENT

A proposed settlement has been reached in a class action alleging that Delta Drugs, II. Inc. (“Defendant”) or its vendors recorded phone calls without consent between itself and third parties, through means of telephone or other device, in violation of the Invasion Of Privacy Act, California Penal Code. §§ 630, et seq. (“IPA”). Defendant strongly denies any claims of wrongdoing, but has agreed to settle the lawsuit (defined below) to avoid the burden and cost of further litigation. You are a Settlement Class member if you were involved in a recorded conversation by means of telephone or other device, without consent, during the period commencing January 1, 2020 through and including May 25, 2022. Capitalized terms used in this Notice, other than those defined in this Notice, shall have the same meaning as set forth in the Settlement Agreement.

Your Legal Rights Are Affected Even If You Do Not Act. Please Read This Notice Carefully.

A SUMMARY OF YOUR RIGHTS AND CHOICES

You May:	Summary:	Due Date:
Submit a Claim Form to Opt In to Join the Settlement Class	If you are a valid Settlement Class Member and wish to receive your portion of the Settlement Fund, you need to complete and submit the enclosed Claim Form, either by mailing it to PO Box 3593, Baton Rouge, LA 70821 or submitting it online at www.DeltaDrugsSettlement.com . After the Court’s final approval of the Settlement, you will then be issued a payment for an amount that shall be calculated pro rata based on the number of Valid Claim Forms that are submitted by the Settlement Class. All unclaimed Settlement Funds will then be divided and given 50% to Public Justice, and 50% to the Electronic Privacy Information Center (EPIC).	September 22, 2022
Do Nothing	If you do nothing, you will become a Class Member bound by the terms of the Settlement Agreement and Final Judgment, thus forfeiting your right to sue on your own regarding any claims that are part of the settlement. However, your failure to timely submit a Valid Claim Form will forfeit your right to receive your portion of the Settlement Fund.	No Deadline
Ask to Be Excluded	You can exclude yourself from the settlement by submitting an Opt-Out Form to the Claims Administrator. If you do so, you will not be eligible to receive a settlement payment. But you will retain the right to sue Defendant on your own regarding any claims that are part of the settlement.	September 22, 2022
Submit an Objection	You may remain a part of the Settlement Class and object to the settlement. You may appear and speak at the Final Approval Hearing on your own or through a lawyer hired by you at your own expense. If the settlement is approved over your objection, however you will be bound by the settlement and give up your right to sue on your own regarding any claims that are part of the settlement.	September 22, 2022

THESE RIGHTS AND OPTIONS

– AND THE DEADLINES TO EXERCISE THEM –

ARE EXPLAINED IN THIS NOTICE

WHAT THIS NOTICE CONTAINS

BASIC INFORMATION

1. Why is there a Notice? 3
2. What is a class action and who is involved? 3
3. What lawsuit is involved in this settlement? 3
4. What is this Class Action about? 3
5. Why is there a Settlement? 4

SETTLEMENT MEMBERS

6. Am I a Member of the Settlement Class? 4

THE PROPOSED SETTLEMENT

7. What benefits will I receive as a member of the Settlement Class? 5
8. Is there any money available now? 5

YOUR RIGHTS AND OPTIONS

9. What happens if I do nothing? 5
10. If I remain in the Settlement Class, what claims do I give up? 5
11. Why would I ask to be excluded? 5
12. How do I exclude myself from the Settlement Class? 5
13. Can I object to the settlement? 6
14. When is the Final Approval Hearing? 7
15. Do I have to attend the Final Approval Hearing? 7
16. What is required if I object and want to attend the Final Approval Hearing? 7
17. May I speak at the Final Approval Hearing? 7

THE LAWYERS REPRESENTING YOU

18. Does the Settlement Class have a lawyer? 7
19. Do I need to hire my own lawyer? 7
20. How will Class Counsel be paid? 7
21. Will the Class Representatives request any payments in addition to the settlement benefits? 7

MORE INFORMATION

22. Where can I get more information? 8
23. May I contact the Court or Defendant directly? 8

1. Why is there a Notice?

The purpose of this Notice is to inform potential class members about the proposed settlement of a class action lawsuit. This Notice explains:

- What the lawsuit and the settlement are about;
- Who is a member of the Settlement Class;
- Who represents the Settlement Class Members in the lawsuit;
- What your legal rights and choices are; and,
- How and by when you need to act.

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

In a class action lawsuit, one or more people, called “Named Plaintiffs” or “Class Representatives,” sue on behalf of people who the Named Plaintiff believes have similar claims. The people together are called the “Class” or “Class Members.” In this case, the Named Plaintiff and the company being sued, the Defendant, have reached a proposed settlement. A Court has certified the Settlement Class and is considering whether to approve the settlement. All decisions that the Court makes concerning the settlement will affect everyone in the Settlement Class.

3. What lawsuit is involved in this settlement?

A class action was filed in the Superior Court of California, County of Los Angeles, entitled *David Vaccaro v. Delta Drugs, II, Inc.*, Case No. 20STCV28871. This lawsuit is referred to as the “Class Action.”

4. What is this Class Action about?

This Class Action alleges that Defendant violated a California law by recording telephone calls to individuals’ phones without their consent. Defendant strongly denies any wrongdoing, but has agreed to settle the lawsuit in order to avoid the burden and cost of further litigation.

5. Why is there a Settlement?

The Court did not decide in favor of the Named Plaintiff or Defendant. The Class Representative and Class Counsel (listed below) believe that the claims asserted in the Class Action have merit, but believe that the settlement is in the best interests of the Settlement Class. Class Counsel has evaluated information made available in the course of the lawsuit and settlement negotiations and have taken into account the risks and uncertainties of proceeding with the Class Action. Those risks include the uncertainty of maintaining class certification, prevailing on the merits, proving substantial damages at trial, and prevailing on post-trial motions and likely appeals. Based upon the consideration of these and other factors, including the substantial time and expense of further litigation, Class Counsel believes that it is in the best interests of the Settlement Class to settle the Class Action on the terms described below.

Defendant strongly denies any wrongdoing and does not believe it has any liability to the Class Representative or the Settlement Class. However, Defendant believes that it is in its best interest to settle the Class Action

under the terms of the Settlement Agreement and obtain closure on these matters to avoid the uncertainty, expense, and diversion of business resources resulting from further litigation.

The Parties engaged in settlement negotiations, participated in mediation before a professional mediator, and shared information pertaining to the claims asserted in the Class Action before reaching the settlement.

This Notice does not imply that any court has found or would have found that Defendant violated the law or that any member of the class would have recovered any amount of damages if the Class Action were not settled.

WHO IS IN THE SETTLEMENT?

6. Am I a Member of the Settlement Class?

You are a member of the Settlement Class if:

- Defendant or one of its vendors recorded a conversation by means of telephone or other device during the period commencing January 1, 2020, through and including May 25, 2022, without your consent.
- You are not a current or former employee, officer, director, agent, or legal representative of Defendant, or its affiliated entities.

THE TERMS OF THE PROPOSED SETTLEMENT

This Notice provides a summary of some, but not all, of the terms of the Settlement Agreement. You may visit www.DeltaDrugsSettlement.com to see a copy of the entire Settlement Agreement. The Settlement Agreement must be approved by the Court and become “Final” before any benefits are paid.

The settlement will create a fund of \$300,000. Plaintiff will request payment from the Settlement Fund for attorneys’ fees not to exceed \$ 100,000, administration costs not to exceed \$50,000, Court costs not to exceed \$10,000, and an incentive award to the named Plaintiff, not to exceed \$10,000. After these deductions, it is estimated that there will be approximately \$130,000 for the Settlement Class to be distributed pro rata.

7. What benefits will I receive as a member of the Settlement Class?

After the Court grants final approval of the Settlement, each Settlement Class Member who submitted a Valid Claim Form as described above will be issued payment for an amount that shall be calculated pro rata based on the number of Valid Claim Forms that are submitted by the Settlement Class. All unclaimed Settlement Funds will be divided and given to Public Justice (50%) and Electronic Privacy Information Center (EPIC) (50%).

8. Is there any money available now?

No. No money or benefits are available now because the Court has not yet decided whether to approve the settlement and because it is not yet final. There is no guarantee that money or benefits will ever be distributed.

YOUR RIGHTS AND OPTIONS

This Notice is being sent to you so that you can decide whether to participate in the settlement.

9. What happens if I do nothing?

If you do nothing, you will be bound by the terms of the Settlement Agreement and Final Judgment, thus forfeiting your right to sue on your own regarding any claims that are part of the settlement. **However, your failure to timely submit a Valid Claim Form will forfeit your right to receive your portion of the Settlement Fund.**

10. If I remain in the Settlement Class, what claims do I give up?

If you remain in the Settlement Class, you give up your right to sue in court or arbitration or be part of any other lawsuit or arbitration against Defendant or its affiliates regarding any issues related to the Released Claims (please see the Settlement Agreement for the claims that will be released). Additionally, all of the Court's orders will apply to you and legally bind you.

In other words, this release applies to any claim any class member may have arising out of the Calls described in the Complaint, whether that claim arises under the IPA or any other legal theory or cause of action. For example, if a Settlement Class Member believes that a call as described in the Complaint violates some other law than the IPA or breached a contract, such a claim would be barred by this release. However, if the Class Member believes that they suffered some injury unrelated to the calls alleged in the Complaint, those claims would not be barred by the release.

11. Why would I ask to be excluded?

You should exclude yourself if you do not wish to participate in the settlement or be bound by any order or judgment entered in the action. You may want to exclude yourself from the Settlement Class if you already have filed (or intend to file) a lawsuit or arbitration against Defendant or its affiliates for the Released Claims and want to continue that lawsuit or arbitration individually, on your own behalf. If you do not exclude yourself, you will be legally bound by all orders of the Court regarding the Settlement Class, the Settlement Agreement, and the Released Claims. All Settlement Class Members who do not ask to be excluded will be forever barred from asserting against Defendant and its affiliates any and all actions, claims, causes of action, proceedings, or rights of any nature and description whatsoever regarding the Released Claims, as more fully described in the Settlement Agreement.

12. How do I exclude myself from the Settlement Class?

You may exclude yourself ("opt out") from the Settlement Class by submitting an Opt-Out Form available at the Settlement Website, www.DeltaDrugsSettlement.com. You may submit this form electronically through the Settlement Website or you may print out the form and mail it to the Claims Administrator. If you choose to mail your Opt-Out Form, please send it to the following address:

Vaccaro v. Delta Drugs II, Inc.
c/o Claims Administrator
PO Box 3593
Baton Rouge, LA 70821

The Opt-Out Form must be submitted electronically or postmarked no later than **September 22, 2022**.

If you exclude yourself from the settlement, you cannot object to the settlement and you will **not** receive any money or other benefits from the Settlement.

13. Can I object to the settlement?

Yes, but not if you exclude yourself from the Settlement Class. Objecting is simply telling the Court that you do not like something about the settlement but that you elect to remain in the Settlement Class. All objections that are submitted timely with the Claims Administrator will be considered at the Final Approval Hearing on October 25, 2022 at 9:00 a.m. If you do not serve an objection, you waive your right to appeal any Court order or judgment related to the settlement. If the settlement is ultimately approved over your objection, you will be bound by the settlement and give up your right to sue on your own regarding any claims that are part of the settlement.

To object to the settlement, you must submit a written objection to the Claims Administrator, including the following information:

- The name and case number of this lawsuit;
- Your full name, address, and mobile telephone number that was called by Delta Drugs;
- A written statement of all grounds for your objections accompanied by any legal support for such objections;
- Copies of any papers, briefs or other documents upon which your objection is based;
- A written statement as to whether you intend to appear at the Final Approval Hearing; and
- If you intend to appear at the Final Approval Hearing through counsel at your own expense, you must also identify the attorney(s) representing you who will appear at the Final Approval Hearing.

The deadline to submit your objection is September 22, 2022. The address for the Claims Administrator is:

Vaccaro v. Delta Drugs II, Inc.
c/o Claims Administrator
PO Box 3593
Baton Rouge, LA 70821

14. When is the Final Approval Hearing?

The Court will hold a Final Approval Hearing on October 25, 2022, at 9:00 a.m., in Department 6 of the Superior Court of Los Angeles County, the Honorable Elihu M. Berle presiding, located at 312 N. Spring Street, Los Angeles, California 90012. The date of the Final Approval Hearing may change, so please refer to the settlement website to confirm the date and time of the Final Approval Hearing. At the Final Approval Hearing, the Court will consider if:

- The settlement is fair, reasonable, and adequate;
- The settlement should be approved;
- Any objections to the settlement and, if so, whether those are valid;
- The amount of any Service Award for the Plaintiffs; and
- The amount of any attorney's fees and costs award for Class Counsel.

15. Do I have to attend the Final Approval Hearing?

No. Your attendance at the Final Approval Hearing is not required even if you submit a written objection. However, you or your attorney may attend the hearing at your own expense.

16. What is required if I object and want to attend the Final Approval Hearing?

In addition to the requirements for submitting objections, as listed above in question 13, if you and/or your attorney intend to appear at the Final Approval Hearing, you must provide to the Claims Administrator (who shall forward it to Class Counsel and Defense Counsel) and file with the Clerk of the Court a notice of intention to appear at the Final Approval Hearing no later than thirty (30) days before the Final Approval Hearing or as the Court may otherwise direct.

The address for the Claims Administrator is:

Vaccaro v. Delta Drugs II, Inc.
c/o Claims Administrator
PO Box 3593
Baton Rouge, LA 70821

The address for the Clerk of the Court is:

Superior Court of Los Angeles
Dept 6
312 N. Spring Street
Los Angeles, California 90012

You may file the notice of intention to appear in person or electronically in the case of *David Vaccaro v. Delta Drugs, II, Inc.* Case No. 20STCV28871 in the Superior Court of California, County of Los Angeles.

17. May I speak at the Final Approval Hearing?

Yes, you may speak at the Final Approval Hearing to object to the proposed settlement, but only if you have submitted a written objection and filed a notice of intention to appear as described above (unless the Court provides otherwise). You may also enter an appearance through an attorney hired at your own expense.

THE LAWYERS REPRESENTING YOU

18. Does the Settlement Class have a lawyer?

Yes. The Court appointed the **Law Offices of Todd M. Friedman, P.C.** to represent you and the other Settlement Class Members. They are called “Class Counsel.” More information about this law firm, their practices, and their lawyers is available at <http://www.toddflaw.com>.

19. Do I need to hire my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf. However, you may hire an attorney at your own expense to represent you and speak on your behalf.

20. How will Class Counsel be paid?

Delta Drugs II, Inc. has agreed to pay Class Counsel attorneys’ fees and costs in an amount to be determined by the Court. The fee petition will seek no more than \$100,000, which amounts to thirty-three percent (33%) of the Settlement Fund, plus reimbursement of their costs and expenses in an amount not to exceed \$10,000. The Court may award less than this amount. Under the Settlement Agreement, any amount awarded to Class Counsel will be paid out of the Settlement Fund.

Class Counsel will file their motion for attorney's fees no later than July 22, 2022, and a copy of the motion will be available at www.DeltaDrugsSettlement.com.

21. Will the Class Representatives request any payments in addition to the Settlement Benefits?

Yes. Subject to approval by the Court, Delta Drugs II, Inc. has agreed to pay the Class Representative a reasonable amount to be determined by the Court. The Class Representative in this Class Action is the Named Plaintiff Vaccaro. Class Counsel will request that the Court grant an incentive award of up to \$10,000 for the Class Representative. Any amounts awarded will be paid from the Settlement Fund.

MORE INFORMATION

22. Where can I get more information?

This Notice is only a summary of relevant court documents. Please visit www.DeltaDrugsSettlement.com to see complete copies of case-related documents. If you have further questions, you may:

- Call the toll-free number: (833) 440-2133
- Write to the Claims Administrator:

Vaccaro v. Delta Drugs, II, Inc.
c/o Claims Administrator
PO Box 3593
Baton Rouge, LA 70821

- If you wish to contact Class Counsel regarding the settlement, you may contact them directly as follows:

Todd M. Friedman, Esq.
Adrian R. Bacon, Esq.
Law Offices of Todd M. Friedman, P.C.
21031 Ventura Blvd #340
Woodland Hills, CA 91364
Tel.: (877)- 619-8966

23. May I contact the Court or Defendant directly?

Please do not contact the Court, Defendant or Defense Counsel regarding this settlement. They cannot provide you any advice.