

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF INDIANA

**If You Received Unwanted Telephone Contact from C.R. England, Inc.,
You May Be Entitled to a Payment from a Class Action Settlement**

A federal court authorized this Notice. You are not being sued. This is not a solicitation from a lawyer.

A Settlement Agreement has been reached in a class action lawsuit alleging that C.R. England, Inc., (“C.R. England”) sent unwanted recruitment text messages to mobile telephone numbers after the called party texted “stop,” “stopall,” “unsubscribe,” “cancel,” “end,” or “quit” in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”).

A settlement fund of \$315,000.00 has been established to pay valid claims, any attorneys’ fees, costs, any Incentive Award to the Class Representative (Derrick Virgne) and settlement administration costs. You may be entitled to receive a share of the fund. The final cash payment will depend on the total number of valid and timely claims filed by all Class Members. Your legal rights are affected whether you act or don’t act, so read this Notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT A CLAIM FORM	If you are a member of the Settlement Class, you must submit a completed Claim Form to receive a payment. You do this online. If you submit an Approved Claim, the Court approves the Settlement and it becomes Final and effective, and you remain in the Settlement Class, you will receive your payment by check.
EXCLUDE YOURSELF	You may request to be excluded from the Settlement and, if you do, you will receive no benefits from the Settlement.
OBJECT	Write to the Court if you do not like the Settlement.
GO TO A HEARING	Ask to speak in court about the fairness of the Settlement.
DO NOTHING	You will not receive a payment if you fail to timely submit a completed and approved Claim Form, and you will give up your right to bring your own lawsuit against C.R. England about the claims in this case.

- 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. If it does, and after any appeals are resolved, benefits will be distributed to those who submit Approved Claims. Please be patient.

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BASIC INFORMATION

1. Why is there a Notice?

A court authorized this Notice because you have a right to know about a proposed Settlement of a class action lawsuit known as *Virgne v. C.R. England, Inc.*, Case No. 1:2019-cv-2011 in the U.S. District Court for the Southern District of Indiana and about all of your options before the Court decides whether to give Final Approval to the Settlement. This Notice explains the lawsuit, the Settlement, and your legal rights.

Judge Sarah Evans Barker of the United States District Court for the Southern District of Indiana is overseeing this case. The person who sued, Derrick Virgne is called the “Plaintiff.” C.R. England is called the “Defendant.”

2. What is this litigation about?

The lawsuit alleges that C.R. England sent messages to Plaintiff’s wireless telephone number using an automatic telephone dialing system after he texted “stop” in violation of the TCPA and seeks actual and statutory damages under the TCPA on behalf of the named Plaintiff and a class of all similarly situated individuals in the United States.

C.R. England denies each and every allegation of wrongdoing, liability, and damages that were or could have been asserted in the litigation and that the claims in the litigation would be appropriate for class treatment if the litigation were to proceed through trial.

The Plaintiff’s Complaint, Settlement Agreement, and other case-related documents are posted on the Settlement Website, www.TruckingTCPAsettlement.com. The Settlement resolves the lawsuit. The Court has not decided who is right.

3. What is the Telephone Consumer Protection Act?

The Telephone Consumer Protection Act (commonly referred to as the “TCPA”) is a federal law that restricts telephone solicitations and the use of automated telephone equipment.

4. Why is this a class action?

In a class action, one person called the “Class Representative” (in this case, Plaintiff Derrick Virgne) sues on behalf of himself and other people with similar claims.

All of the people who have claims similar to the Plaintiff’s claims are Settlement Class Members, except for those who exclude themselves from the Class.

5. Why is there a settlement?

The Court has not found in favor of either Plaintiff or C.R. England. Instead, both sides have agreed to a settlement. By agreeing to the Settlement, the parties avoid the costs and uncertainty of a trial, and if the Settlement is approved by the Court, Settlement Class Claimants will receive the benefits described in this Notice. C.R. England denies all legal claims in this case. Plaintiff and his lawyers think the proposed Settlement is best for everyone who is affected.

WHO IS PART OF THE SETTLEMENT

6. Who is included in the Settlement?

The Settlement includes all persons who received messages on their cell phone from C.R. England. Specifically, the Settlement Class is defined as:

(1) All persons within the United States (2) to whose cellular telephone number (3) C.R. England, Inc., sent a text message (4) using its vendor Twilio as part of its recruitment campaign, (5) after the cellular phone owner replied with the opt out phrase “stop,” “stopall,” “unsubscribe,” “cancel,” “end,” or “quit,” in any combination of uppercase and lowercase letters, (6) between January 1, 2019 and June 30, 2019.

Persons meeting this definition are referred to collectively as the “Settlement Class” and, individually, as “Settlement Class Members.”

7. What if I am not sure whether I am included in the Settlement?

If you are not sure whether you are in the Settlement Class or have any other questions about the Settlement, visit the Settlement Website at www.TruckingTCPAsettlement.com or call the toll-free number, 1-866-771-1660. You also may send questions to the Settlement Administrator at Trucking TCPA Settlement Administrator, P.O. Box 43501, Providence, RI 02940-3501.

THE SETTLEMENT BENEFITS

8. What does the Settlement provide?

To fully settle and release claims of the Settlement Class Members, C.R. England has agreed to fund a Settlement Fund of \$315,000.00 to make payments to the Settlement Class Members and pay for Notice and Administrative costs of the Settlement, Attorneys’ Fees and Expenses incurred by counsel for the Settlement Class, and an Incentive Award for Plaintiff (the “Settlement Fund”).

Each Settlement Class Member is entitled to an equal share of the Settlement Fund after deducting from the Fund the Notice and Administrative costs and any Attorneys’ Fees and Expenses and Incentive Award approved by the Court.

Settlement Class Claimants who submit Approved Claims will be sent their Claim Settlement Payments to the address they submitted on their Claim Form within 30 days following the Effective Date.

9. How do I file a Claim?

If you qualify for a payment, you must complete and submit a valid Claim Form at the Settlement Website, www.TruckingTCPAsettlement.com. To be valid, a Claim Form must be completed fully and accurately, certified and submitted timely.

You must submit a Claim Form through the Settlement Website by December 7, 2020.

Please read the Claim Form carefully and provide all the information required. Only one Claim Form may be submitted per Settlement Class Member.

10. When will I receive my payment?

Payments to Settlement Class Members will be made only after the Court grants Final Approval to the Settlement and after any appeals are resolved (*see* “The Final Approval Hearing” below). If there are appeals, resolving them can take time. Please be patient.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want benefits from the Settlement, and you want to keep the right to sue or continue to sue C.R. England on your own about the legal issues in this case, then you must take steps to get out of the Settlement. This is called excluding yourself—or it is sometimes referred to as “opting out” of the Settlement Class.

11. How do I get out of the Settlement?

To exclude yourself from the Settlement, you must send a timely letter by mail to:

Trucking TCPA Settlement Administrator
P.O. Box 43501
Providence, RI 02940-3501

Your request to be excluded from the Settlement must state: (a) the Requester’s full name, address, the name of the Action and telephone number; (b) the telephone number at which the Requester allegedly received a text message that is the subject of this Settlement Agreement; (c) the Requester’s personal and original signature, or the original signature of a person previously authorized by law, such as a trustee, guardian, or person acting under a valid power of attorney, to act on behalf of the Requester; and (d) it must contain a statement that indicates a desire to be excluded from the Settlement Class in the Action, such as “I hereby request that I be excluded from the proposed Settlement Class in *Derrick Virgne v. C.R. England, Inc.*, Case No. 1:19-CV-02011.” Class, mass and group Requests for Exclusion are prohibited.

Your exclusion request must be postmarked no later than **December 7, 2020**. You cannot ask to be excluded on the phone, by email, or at the Settlement Website.

You may opt out of the Settlement Class only for yourself.

12. If I do not exclude myself, can I sue C.R. England for the same thing later?

No. Unless you exclude yourself, you give up the right to sue C.R. England for the claims that the Settlement resolves. You must exclude yourself from this Settlement Class in order to pursue your own lawsuit.

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

Unless you opt out of the Settlement, you cannot sue or be part of any other lawsuit against C.R. England about the issues in this case, including any existing litigation, arbitration, or proceeding. Unless you exclude yourself, all of the decisions and judgments by the Court will bind you.

The Settlement Agreement is available at www.TruckingTCPAsettlement.com. The Settlement Agreement provides more detail regarding the Releases and describes the Released Claims with specific descriptions in necessary, accurate legal terminology, so read it carefully. You can talk to the law firm representing the Settlement Class listed in Question 15 for free, or you can, at your own expense, talk to your own lawyer if you have any questions about the Released Claims or what they mean.

14. If I exclude myself, can I still get a payment?

No. You will not get a payment from the Settlement Fund if you exclude yourself from the Settlement.

THE LAWYERS REPRESENTING YOU

15. Do I have a lawyer in the case?

The Court has appointed the following lawyers as “Class Counsel” to represent all members of the Settlement Class.

Stephen Taylor
Sergei Lemberg
LEMBERG LAW, L.L.C.
43 Danbury Road, 3rd Floor Wilton, CT 06897
Telephone: (203) 653-2250
Facsimile: (203) 653-3424

You will not be charged for these lawyers. If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense.

16. How will the lawyers be paid?

Class Counsel intend to request attorneys' fees of up to 33% of the Settlement Fund, in addition to reasonable and actual out-of-pocket expenses incurred in the litigation. The fees and expenses awarded by the Court will be paid out of the Settlement Fund. The Court will decide the amount of fees and expenses to award.

Class Counsel will also request that an Incentive Award of \$10,000.00 be paid from the Settlement Fund to the Class Representative for his service as representative on behalf of the whole Settlement Class.

OBJECTING TO THE SETTLEMENT

17. How do I tell the Court I do not like the Settlement?

If you are a Settlement Class Member (and do not exclude yourself from the Settlement Class), you can object to any part of the Settlement. To object, you must timely submit a letter that includes the following:

- (i) set forth the Settlement Class Member's full name, address, and telephone number;
- (ii) identify the case name and caption, *Derrick Virgne v. C.R. England, Inc.*, Case No. 1:19-CV-02011;
- (iii) identify the phone number of the Settlement Class Member at which the Settlement Class Member claims to have received a text message subject to the Settlement;
- (iv) contain the Settlement Class Member's original signature or the signature of counsel for the Settlement Class Member;
- (v) state that the Settlement Class Member objects to the Settlement, in whole or in part;
- (vi) set forth the complete legal and factual bases for the objection, including citations to relevant authorities;
- (vii) provide copies of any documents that the Settlement Class Member wishes to submit in support of his/her position; and
- (viii) state whether the objecting Settlement Class Member intends on appearing at the Final Approval Hearing either *pro se* or through counsel, and whether the objecting Settlement Class Member plans on offering testimony at the Final Approval Hearing.

Class, mass and group Objections are prohibited. If you wish to object, you must submit your objection in writing and mailed or hand-delivered to the Clerk of the Court, Class Counsel and Defendant's Counsel and postmarked or delivered by no later than December 7, 2020. Objections may be filed by counsel for a Settlement Class Member, retained at the Settlement Class Member's expense, though any such counsel must file an appearance in the Action.

An objector is not required to attend the Final Approval Hearing. However, any Settlement Class Member who objects may appear at the Final Approval Hearing, either in person or through an attorney hired at his or her own expense, to object to the fairness, reasonableness, or adequacy of the Agreement or the underlying settlement. Any Settlement Class Member who fails to timely submit a written objection with the Court shall not be permitted to object to the Settlement Agreement at the Final Approval Hearing, shall be foreclosed from seeking any review of the Agreement by appeal or other means, and shall be deemed to have waived his or her objections and be forever barred from making any such objections in the Action or any other related action or proceeding.

Clerk of the Court	Class Counsel	Defendant's Counsel
United States District Court for the Southern District of Indiana Birch Bayh Federal Building & U.S. Courthouse 46 East Ohio Street Indianapolis, IN 46204	Stephen Taylor Sergei Lemberg LEMBERG LAW, L.L.C. 43 Danbury Road, 3rd Floor Wilton, CT 06897 Telephone: (203) 653-2250 Facsimile: (203) 653-3424	David S. Almeida Mark S. Eisen BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP 71 S. Wacker Drive, Ste. 1600 Chicago, IL 60606 Telephone: (312) 212-4949 Facsimile: (312) 767-9192

18. What is the difference between objecting and asking to be excluded?

Objecting is telling the Court that you do not like something about the Settlement. You can object to the Settlement only if you do not exclude yourself. Excluding yourself is telling the Court that you do not want to be part of the Settlement. If you exclude yourself, you have no basis to object to the Settlement because it no longer affects you.

THE FINAL APPROVAL HEARING

The Court will hold a hearing to decide whether to approve the Settlement and any requests for fees and expenses (“Final Approval Hearing”).

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

The Court has scheduled a Final Approval Hearing on **January 13, 2021 at 10:15 a.m.** in Room 216, United States Courthouse, Indianapolis, Indiana 46204. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check www.TruckingTCPAsettlement.com for updates. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will also consider the requests by Class Counsel for Attorneys’ Fees and Expenses and for an Incentive Award to the Class Representative. If there are objections, the Court will consider them at that time. After the hearing, the Court will decide whether to approve the Settlement. It is unknown how long these decisions will take.

20. Do I have to attend the hearing?

No. Class Counsel will answer any questions the Court may have. But you are welcome to attend the hearing at your own expense. If you send an objection, you do not have to come to Court to talk about it. As long as you submitted your written objection on time to the proper addresses and it complies with all the other requirements set forth above, the Court will consider it. You may also pay your own lawyer to attend the hearing, but it is not necessary.

21. May I speak at the hearing?

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, your timely filed objection must include a statement of whether you intend to appear at the Final Approval Hearing (*see* Question 17 above). You cannot speak at the hearing if you exclude yourself from the Settlement.

IF YOU DO NOTHING

22. What happens if I do nothing at all?

If you are a Settlement Class Member and do nothing, meaning you do not file a timely and approved claim, you will not get benefits from the Settlement. Further, unless you exclude yourself, you will be bound by the judgment entered by the Court.

GETTING MORE INFORMATION

23. How do I get more information?

This Notice summarizes the proposed Settlement. You are urged to review more details in the Settlement Agreement. For a complete, definitive statement of the Settlement terms, refer to the Settlement Agreement at www.TruckingTCPAsettlement.com. You also may write with questions to the Settlement Administrator at Trucking TCPA Settlement Administrator, P.O. Box 43501, Providence, RI 02940-3501 or call the toll-free number, 1-866-771-1660.