

LONG FORM NOTICE OF CLASS ACTION SETTLEMENT AND FINAL APPROVAL HEARING

If you received a Fax Advertisement from Medical Waste Services, LLC d/b/a Medical Waste Services or Larry D. Casey between February 25, 2015, and February 11, 2020, a class action settlement may affect your rights. More information about this settlement is set forth in this Notice. Please read it carefully as your rights may be impacted even if you do nothing at all.

*A state court in Missouri authorized this Notice.
This is not a solicitation from a lawyer.*

SUMMARY

- Associated Management Services, Inc., and Charles D. Fuszner, D.M.D., P.C. (“Plaintiffs” or “Class Representatives”) filed a putative class action lawsuit (“Action”) against Medical Waste Services, LLC d/b/a Medical Waste Services and Larry D. Casey (“Defendants”) alleging that Defendants violated the Telephone Consumer Protection Act, 47 U.S.C. § 227. (“TCPA”) by sending to Plaintiffs and the putative class members unsolicited fax advertisements that did not contain the required opt-out notice and without prior express invitation or permission or an established business relationship. The class action is called *Associated Management Services, Inc., et al. v. Medical Waste Services, LLC d/b/a Medical Waste Services, et al.*, Case No. 19SL-CC00832-01, and is pending in the 21st Judicial Circuit Court, State of Missouri, St. Louis County.
 - A proposed settlement has been reached in the Action, and you may be a Settlement Class Member. You are a Settlement Class Member if you are a resident of the United States and, between February 25, 2015 and February 11, 2020 received an unsolicited telephone facsimile message of material advertising the commercial availability or quality of any property, goods, or services by or on behalf of Defendants, **AND**
 - You did not provide prior express invitation or permission for the sending of such Fax Advertisement **AND** you did not have an established business relationship with Defendant; **OR**
 - The Fax Advertisement (a) did not display a clear and conspicuous opt-out notice on the first page stating that the recipient may make a request to the sender of the advertisement not to send any future advertisements to a telephone facsimile machine or machines and that failure to comply, within 30 days, with such a request meeting the requirements under 47 C.F.R. § 64.1200(a)(4)(v) is unlawful, (b) did not display a clear and conspicuous opt-out notice on the first page with a telephone number for sending the opt-out request, or (c) did not display a clear and conspicuous opt-out notice on the first page with a facsimile number for sending the opt-out request.
- If the settlement is finally approved by the Court, Settlement Class Members who submit a timely claim that satisfies the requirements set forth in this Notice will receive a \$60 payment by check.
- Your legal rights are affected whether you act or not, and you have a choice to make now:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
Do Nothing	You will get no benefit from the settlement. You will give up any right to ever be a part of any other lawsuit against Defendants that relates in any way to the use of a telephone facsimile machine, computer, or other device to send unsolicited facsimile advertisements to Settlement Class Members.
Submit A Claim Form by June 5, 2020	You will receive a \$60 check if you submit a timely Claim Form that satisfies the requirements for making a claim <u>AND</u> the Court finally approves the settlement. You will also give up any right to ever be a part of any other lawsuit against Defendants that relates in any way to the use of a telephone facsimile machine, computer, or other device to send a facsimile advertisement to Settlement Class Members. A Claim Form is available at www.medwastefaxsettlement.com and may be submitted by mail, or a claim may be submitted online through the settlement website.
Ask to be Excluded by April 26, 2020	You will not receive a benefit from the settlement. You will keep the ability to sue Defendants in a different lawsuit for the claims at issue in this lawsuit. This is the only option that allows you to ever be part of any other lawsuit against Defendants that relates in any way to the use of a telephone facsimile machine, computer, or other device to send a facsimile advertisement to Settlement Class Members.
Submit an Objection by April 26, 2020	You may choose to stay in the lawsuit and the Settlement Class, but object to this settlement. By objecting to the settlement, you give up your right to be excluded from the settlement and your right to file your own action. If you object to the settlement, you may ask a lawyer to represent you at your own cost. The Court will hold a Final Approval Hearing in this case on May 6, 2020, to consider whether to approve the settlement and the request by the lawyer representing Settlement Class Members for attorneys’ fees and costs and incentive awards to the Class Representatives. To object to the settlement or the application for attorneys’ fees and costs or incentive awards, you must timely file a written objection meeting the requirements set forth later in this Notice with the Court and serve a copy on Class Counsel and Defendants’ counsel at the addresses listed below. If you have filed such an objection, you must appear in person or by counsel at the Final Approval Hearing on May 6, 2020.

BASIC INFORMATION

1. What is this Notice about?

The Court issued this Notice because you have a right to know about a proposed settlement in the class action lawsuit, *Associated Management Services, Inc., et al. v. Medical Waste Services, LLC d/b/a Medical Waste Services, et al.*, Case No. 19SL-CC00832-01, pending in the 21st Judicial Circuit Court, State of Missouri, St. Louis County. This lawsuit is based on certain Fax Advertisements Defendants sent to Settlement Class Members.

This Notice explains the settlement, including your legal rights, who is a Settlement Class Member, the benefit available to Settlement Class Members, and how to make a claim for a benefit.

2. What is this lawsuit about?

Plaintiffs claim that Defendants violated the Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”), by sending to Plaintiffs and the putative class members unsolicited fax advertisements that did not contain the required opt-out notice and without prior express invitation or permission or an established business relationship. Defendants deny wrongdoing or liability related to Plaintiffs’ claims, but they have agreed to settle the case to avoid the uncertainties, expenses, and time of further litigation.

3. What is a class action?

In a class action lawsuit, one or more “Class Representatives” (in this case, Plaintiffs Associated Management Services, Inc., and Charles D. Fuszner, D.M.D., P.C.) sue on behalf of others, called “Class Members,” who have similar claims. In a class action, one court resolves in one case the claims of all Class Members except for those who choose to exclude themselves from the class. Plaintiffs and Defendants have agreed to treat this case as a class action for purposes of this settlement. The Court has agreed for the reasons set forth in the Court’s Preliminary Approval Order available at www.medwastefaxsettlement.com.

4. Why is there a settlement in this case?

The Court did not decide in favor of Plaintiffs or Defendants. Instead, both sides agreed to a settlement. That way, they avoid the risk and expense of continued litigation and trial, and Settlement Class Members who satisfy certain conditions will receive a benefit without the risk that their claims ultimately may be found to lack merit if this case were to proceed through litigation. Plaintiffs and Class Counsel believe this settlement is in the best interest of all Settlement Class Members.

WHO IS IN THE CLASS?

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

The Court has decided that everyone who fits this description is a Settlement Class Member:

All persons in the United States who from February 25, 2015, until February 11, 2020 (1) were sent by or on behalf of Defendants a telephone facsimile message of material advertising the commercial availability or quality of any property, goods, or services, (2) with respect to whom Defendants cannot provide evidence of prior express invitation or permission for the sending of such fax or (3) with whom Defendants did not have an established business relationship, and (4) the fax identified in subpart (1) of this definition (a) did not display a clear and conspicuous opt-out notice on the first page stating that the recipient may make a request to the sender of the advertisement not to send any future advertisements to a telephone facsimile machine or machines and that failure to comply, within 30 days, with such a request meeting the requirements under 47 C.F.R. § 64.1200(a)(4)(v) is unlawful, (b) did not display a clear and conspicuous opt-out notice on the first page with a telephone number for sending the opt-out request, or (c) did not display a clear and conspicuous opt-out notice on the first page with a facsimile number for sending the opt-out request.

6. Are there exceptions to the Settlement Class?

Yes. The Class does not include (a) Defendants and their employees, (b) the Judge to whom the Action is assigned; and (c) any member of the Judge’s staff or immediate family.

7. I’m still not sure I’m included.

If you are not sure whether you are included, you can get help by calling toll-free 1-866-524-0413, visiting www.medwastefaxsettlement.com, or writing with questions to Medical Waste Fax Settlement Administrator, P.O. Box 43502, Providence, RI 02940-3502. You can also contact Class Counsel, Ronald J. Eisenberg, Schultz & Associates LLP, 640 Cepi Drive, Suite A, Chesterfield, MO 63005-1221, (636) 733-6647, reisenberg@sl-lawyers.com.

THE SETTLEMENT

8. What benefit is available under the settlement?

The settlement provides that Defendants will provide a \$60 payment to each Settlement Class Member who submits a timely and valid claim.

9. Is the money available now?

No. The Court has not yet decided whether to approve the settlement. If the Court does not approve the settlement, no settlement payments will be made. If you want to participate in the settlement, however, you must submit the Claim Form available at www.medwastefaxsettlement.com by June 5, 2020.

YOUR RIGHTS AND OPTIONS

10. What am I giving up if I stay in the Settlement Class?

If you stay in the Settlement Class, then you cannot sue Defendants for claims that relate in any way to the use of a telephone facsimile machine, computer, or other device to send an unsolicited facsimile advertisement to Settlement Class Members. If the Court finally approves the settlement, then you will be bound by the Settlement Agreement available at www.medwastefaxsettlement.com.

11. How can I make a claim?

To receive payment, you must submit a valid Claim Form. Your Claim Form must include all of the required information, must be verified by you, and must be submitted on or before June 5, 2020. You may obtain a Claim Form online at www.medwastefaxsettlement.com, then print and mail it to Medical Waste Fax Settlement Administrator, P.O. Box 43502, Providence, RI 02940-3502, or submit it electronically through the settlement website.

12. How can I get out of the Settlement Class?

To exclude yourself from the Settlement Class, you must send a letter to the Settlement Administrator at P.O. Box 43502, Providence, RI 02940-3502, postmarked no later than April 26, 2020. In your letter, you must state that you wish to be excluded from the Settlement Class and include your full name, address, telephone number, and the fax number(s) to which you subscribed and to which a Fax Advertisement from Defendants was sent.

13. How do I tell the Court that I do not like the settlement?

If you are a Settlement Class Member and have not excluded yourself from the Class, you can object to the settlement if you do not agree with any part of it. Your objection should include reasons why you think the Court should not finally approve the settlement, and the Court will consider your views. To object, you must file your written objection with the Court no later than April 26, 2020, and you must mail it to Class Counsel and Counsel for Defendants, postmarked no later than that same date.

<u>Court</u>	<u>Class Counsel</u>	<u>Counsel for Defendants</u>
21st Judicial Circuit Court 105 S. Central Ave. Clayton, MO 63105 Case No. 19SL-CC00832-01	Ronald J. Eisenberg Schultz & Associates LLP 640 Cepi Drive, Ste. A Chesterfield, MO 63005 (636) 733-6647	Matthew H. Noce HeplerBroom LLC 211 North Broadway, Ste. 2700 St. Louis, MO 63102

Your objection must be signed by you or your attorney and must include your full name, address, telephone number, and the fax number(s) to which you subscribed and to which a Fax Advertisement from Defendants was sent, a statement of the objection to the Settlement Agreement, an explanation of the legal and factual basis for the objection, and documentation, if any, to support the objection. If you intend to call witnesses at the Final Approval Hearing, you must identify them.

14. What is the difference between “objecting” and “excluding yourself”?

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

15. What happens if I do nothing at all?

If you do nothing, you will be included in the Settlement Class, but you will not receive any settlement payment. To receive payment, you MUST submit a timely and valid Claim Form. If you do nothing, once the settlement is finally approved, you will not be able to start, continue, or be part of any other lawsuit against Defendants related to the sending of unsolicited facsimile advertisements to Settlement Class Members.

THE COURT’S FINAL APPROVAL HEARING

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

The Court has scheduled a Final Approval Hearing at 10:30 a.m. on May 6, 2020, in Division 35 at the 21st Judicial Circuit Court, 105 S. Central Ave., Clayton, MO 63105. At this hearing, the Court will consider whether the settlement should be approved by the Court as fair, reasonable, and adequate. If there are timely objections, the Court will consider them. The Court will listen to people who have asked to speak at the hearing and will make its decisions.

17. What else will be decided at the Final Approval Hearing?

At the Final Approval Hearing, Class Counsel will ask the Court for an award of attorneys' fees and expenses in an amount up to \$82,500, which is approximately one-third of the value of the settlement. The Court will also consider Class Counsel's request for incentive awards of \$10,000 and \$5,000 to the Class Representatives for the benefits they have caused to be made available to the Class and the time and effort that they have invested in the case. Amounts awarded for attorneys' fees and to the Class Representatives will not diminish the amount paid to each Qualified Class Member.

18. Do I have to come to the hearing?

Not unless you file an objection to the settlement. Otherwise, Class Counsel will answer any questions that the Court may have, but you may come to the hearing.

THE LAWYERS REPRESENTING YOU

19. Do I have a lawyer in this case?

The Court appointed Ronald J. Eisenberg of Schultz & Associates LLP to represent you as Class Counsel. You do not have to pay Class Counsel.

20. Should I hire my own lawyer?

Class Counsel will represent you if you choose to stay in the Settlement Class. You may retain your own lawyer if you want someone other than Class Counsel to represent you, but you will be responsible for paying that lawyer. You are not required to pay Class Counsel. If you ask to be excluded from the Settlement Class, Class Counsel will not represent you. If you want a lawyer to represent you with respect to any claim you may have, then you will be required to pay that lawyer.

21. How will Class Counsel be paid?

If the settlement is finally approved, Class Counsel will be paid his attorneys' fees and expenses from the Settlement Fund in this case. Class Counsel will file a motion asking the Court for an award of attorneys' fees, inclusive of expenses, of up to \$82,500.

GETTING MORE INFORMATION

22. Where can I find more details about the settlement?

If you have questions about the settlement, write to Class Counsel at the address above. Include the case number, your name, your fax number, and your current street address on any correspondence. Alternatively, you can call Class Counsel at (636) 733-6647. You may also contact the Medical Waste Fax Settlement Administrator at 1-866-524-0413 or visit the settlement website, www.medwastefaxsettlement.com. This Notice only summarizes the litigation and the settlement. The court file for this case is available for your review at the office of the Circuit Clerk, 21st Judicial Circuit Court, 105 S. Central Ave., Clayton, MO 63105.

PLEASE DO NOT CALL OR DIRECT ANY INQUIRIES TO DEFENDANTS.