

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA

**You Are Receiving this Notice Because You May Have Received a Text Message Relating to Offers Available at Certain Pandora Jewelry stores. 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.*

- This notice concerns the proposed Settlement to resolve claims in the lawsuit *Ramos v. Hopele of Fort Lauderdale, LLC*, Case No. 17-cv-62100 (S.D. Fla.).<sup>1</sup>
- Plaintiff Katiria Ramos (“Plaintiff”) alleges that Defendants Hopele of Fort Lauderdale, LLC d/b/a Pandora @ Galleria (“Hopele”), and Pandora Jewelry, LLC (“Pandora”) (collectively, “Defendants”), violated the Telephone Consumer Protection Act 47 U.S.C. § 227, et seq. (the “TCPA”) by sending text messages using an automatic telephone dialing system to the cellular telephones of persons who had not previously consented in writing to receive such text messages.
- Defendants deny Plaintiff’s allegations, deny any wrongdoing whatsoever, and have not conceded the truth or validity of any of the claims against them. By entering into the Settlement, the parties seek to avoid the risks and costs associated with further litigation. The Court has not decided who is right.
- The Settlement offers payments to Settlement Class Members who file valid Claims.
- Your legal rights are affected whether you act or do not act. Read this Notice carefully.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>SUBMIT A CLAIM FORM</b>	If you are a member of the Settlement Class, you must submit a completed Claim Form to receive a payment. If 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.
<b>EXCLUDE YOURSELF</b>	You may request to be excluded from the Settlement and if you do, you will receive no benefits from the Settlement.
<b>OBJECT</b>	Write to the Court if you do not like the Settlement.
<b>GO TO A HEARING</b>	Ask to speak in court about the fairness of the Settlement.
<b>DO NOTHING</b>	You will not receive a payment if you fail to timely submit a completed Claim Form, and you will give up your right to bring your own lawsuit against Defendants 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 qualifying Claim Forms. Please be patient.

---

<sup>1</sup> Capitalized terms have the same meanings as those defined in the Settlement Agreement, a copy of which may be found online at the Settlement Website below.

## **BASIC INFORMATION**

### **1. Why is there a Settlement?**

A court authorized this Notice because you have a right to know about a proposed Settlement of a class action lawsuit known as *Ramos v. Hopele of Fort Lauderdale, LLC*, Case No. 17-cv-62100 (S.D. Fla.) 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 Federico A. Moreno of the United States District Court, Southern District of Florida, is overseeing this case.

### **2. What is this lawsuit about?**

The lawsuit alleges that Defendants sent text messages to Plaintiff's wireless telephone number without prior express written consent 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 individuals in the United States. Specifically, the Complaint alleges that Defendants sent text messages relating to offers available at certain Pandora stores.

Defendants deny 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.RamosTCPAClassAction.com](http://www.RamosTCPAClassAction.com). The Settlement resolves the lawsuit. The Court has not decided who is right.

### **3. What is the Telephone Consumer Protection Act?**

The TCPA is a federal law that restricts telephone solicitations and the use of automated telephone equipment. The Plaintiff here alleged that Defendants sent marketing text messages to individuals without the requisite prior express written consent in violation of the TCPA. Among other things, Defendants deny that they used an automatic dialing system, as is required by the TCPA, and also deny that they did not have consent.

### **4. Why is this a class action?**

In a class action, the individual called the "Class Representative" (in this case, Plaintiff Katiria Ramos) sues on behalf of herself and other people with similar claims. All of the people who have claims similar to the Plaintiff are members of the Settlement Class, except for those who exclude themselves from the class.

### **5. Why is there a settlement?**

The Court has not found in favor of either Plaintiffs or Defendants. 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. Defendants deny all legal claims in this case. Plaintiffs and their 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 Class consists of:

All persons who, from October 26, 2013 through July 10, 2019, received a text message from (i) Hopele, (ii) Hopele of Tallahassee, LLC, (iii), Hopele of Flat Iron, LLC, (iv) Hopele of Birmingham, LLC, (v) Hopele of Altamonte, LLC, and/or (vi) HLCP Partners of Birmingham, LLC without providing prior express written consent to those entities or Pandora.

(i) Hopele of Tallahassee, LLC, (ii), Hopele of Flat Iron, LLC, (iii) Hopele of Birmingham, LLC, (iv) Hopele of Altamonte, LLC, and (v) HLCP Partners of Birmingham, LLC shall collectively be referred to as the “Other Hopele Entities.”

People included in the Settlement Class are called “Settlement Class Members.”

Excluded from the Settlement Class are (1) the trial judge presiding over this case; (2) Defendants and the Other Hopele Entities as well as any parent, subsidiary, affiliate or control person of Defendants and the Other Hopele Entities, and the officers, directors, agents, servants or employees of Defendants and the Other Hopele Entities; (3) any of the Released Parties; (4) the immediate family of any such person(s); (5) any Settlement Class Member who has timely opted out of this proceeding; and (6) Plaintiff’s Counsel, their employees, and their immediate family.

### **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.RamosTCPAClassAction.com](http://www.RamosTCPAClassAction.com) or call the toll-free number, 1-844-961-0315. You also may send questions to the Settlement Administrator at [info@RamosTCPAClassAction.com](mailto:info@RamosTCPAClassAction.com).

## **THE SETTLEMENT BENEFITS**

### **8. What does the Settlement provide?**

Defendants have agreed to make \$525,000 available to pay individuals who submit valid claim forms, settlement administration costs, attorneys’ fees, a service award to the Class Representative, and costs and expenses of the litigation. Each Settlement Class Member who timely submits a valid Claim Form will be entitled to receive a cash payment. There is a limit of one claim per Settlement Class. Upon receipt of a valid Claim Form, the Administrator will determine whether you are entitled to a payment. Depending on how many valid claim forms are submitted, it is possible that each Settlement Class Member’s payment will be reduced on a pro-rata basis to cover settlement administration costs, attorneys’ fees, a service award to the named Plaintiff, and the costs and expenses of the litigation.

**9. How do I file a claim?**

If you qualify for a cash payment, you must complete and submit a valid Claim Form online or print the form from the website and mail to the address on the form. You can file your Claim Form online at [www.RamosTCPAClassAction.com](http://www.RamosTCPAClassAction.com). The deadline to file a Claim is **11:59 p.m. EST on December 4, 2019**.

**10. When will I receive 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 “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 Defendants or the Other Hopele Entities 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:

Ramos TCPA Settlement  
c/o JND Legal Administration  
PO Box 91203  
Seattle, WA 98111

Your request to be excluded from the Settlement must be personally signed by you under penalty of perjury and contain a statement that indicates your desire to be “excluded from the Settlement Class” and that, absent of excluding yourself or “opting out,” you are “otherwise a member of the Settlement Class in the proposed settlement of *Ramos v. Hopele of Fort Lauderdale, LLC*, Case No. 17-cv-62100 (S.D. Fla.)” The request should also include your full name, address, and telephone number(s).

Your exclusion request must be postmarked no later than **October 7, 2019**. 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 Defendants for the same thing later?**

No. Unless you exclude yourself, you give up the right to sue Defendants and the Other Hopele Entities 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 Defendants or the Other Hopele Entities about the issues in this case, including any existing litigation, arbitration, or proceeding. Unless you exclude yourself, all the decisions and judgments by the Court will bind you.

The Settlement Agreement is available at [www.RamosTCPAClassAction.com](http://www.RamosTCPAClassAction.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 firms 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. Will I receive a payment if I exclude myself from the Settlement?**

No. You will not get a payment 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.

Scott A. Edelsberg, Esq.  
Edelsberg Law, P.A.  
19495 Biscayne Boulevard #607  
Aventura, Florida 33180  
305-975-3320

Andrew J. Shamis  
Shamis and Gentile, P.A.  
14 NE 1st Avenue, Suite 400  
Miami, Florida 33132  
305-479-2299

Manuel S. Hiraldo  
Hiraldo P.A.  
401 E. Las Olas Boulevard, Suite 1400  
Fort Lauderdale, Florida 33301  
954-400-4713

Joshua Levine  
Kopelowitz Ostrow Ferguson Weiselberg Gilbert  
One West Las Olas Blvd., Suite 500  
Fort Lauderdale, Florida 33301  
954-525-4100

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 one-third of the Total Settlement Value for attorneys’ fees plus reimbursement of reasonable, actual out-of-pocket expenses incurred in the litigation. The fees and expenses awarded by the Court will be deducted from the Total Settlement Value. The Motion for these fees and expenses will be posted on the Settlement Website when they are filed with the Court. The Court will decide the amount of fees and expenses to award.

Class Counsel will also request that a Service Award of \$5,000.00 for the named Plaintiff to be deducted from the Total Settlement Value for their services as representative on behalf of all Settlement Class Members.

## **OBJECTING TO THE SETTLEMENT**

### **17. How do I tell the Court if 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:

- 1) A heading that includes the case name and case number: *Ramos v. Hopele of Fort Lauderdale, LLC*, Case No. 17-cv-62100 (S.D. Fla.).
- 2) Your name, address, telephone number, the cell phone number at which you received text messages between October 26, 2013 through July 10, 2019 from Hopele or the Other Hopele Entities relating to offers available at certain Pandora stores, and if represented by counsel, the name, bar number, address, and telephone number of your counsel;
- 3) A signed statement stating, under penalty of perjury, that you received one or more text messages between October 26, 2013 through July 10, 2019 sent by or on behalf of Defendants or the Other Hopele Entities relating to offers available at certain Pandora stores and are a member of the Settlement Class;
- 4) A statement of all your objections to the Settlement including your legal and factual basis for each objection;
- 5) A statement of whether you intend to appear at the Final Approval Hearing, either with or without counsel, and if with counsel, the name of your counsel who will attend;
- 6) The number of times in which your counsel and/or counsel's law firm have objected to a class action settlement within the five years preceding the date that you file the objection, the caption of each case in which counsel or the firm has made such objection, and a copy of any orders related to or ruling upon counsel's or the firm's prior objections that were issued by the trial and appellate courts in each listed case;
- 7) A list of all persons who will be called to testify at the Final Approval Hearing in support of the objection; and
- 8) Any and all agreements that relate to the objection or the process of objecting-whether written or verbal-between you or your counsel and any other person or entity.

If you wish to object, you must file your objection with the Court (using the Court's electronic filing system or in any manner in which the Court accepts filings) and mail your objection to each of the following three (3) addresses, and your objection must be postmarked by October 7, 2019.

Clerk of the Court	Class Counsel	Defendants' Counsel
United States District Court for the Southern District of Florida Clerk of the Court 400 North Miami Avenue Room 8N09 Miami, FL 33128	Scott A. Edelsberg, Esq. Edelsberg Law, P.A. 19495 Biscayne Boulevard #607 Aventura, Florida 33180  Andrew J. Shamis Shamis and Gentile, P.A. 14 NE 1st Avenue, Suite 400 Miami, Florida 33132  Manuel S. Hiraldo Hiraldo P.A. 401 E. Las Olas Boulevard, Suite 1400 Fort Lauderdale, Florida 33301  Joshua Levine Kopelowitz Ostrow Ferguson Weiselberg Gilbert One West Las Olas Blvd., Suite 500 Fort Lauderdale, Florida 33301	Ian C. Ballon Nina D. Boyajian Greenberg Traurig, LLP 1840 Century Park East Suite 1900 Los Angeles, CA 90067  Mark A. Salky Greenberg Traurig, P.A. 333 S.E. 2nd Avenue Miami, FL 33131  Jeffrey B. Pertnoy Lawrence Silverman Three Brickell City Centre 98 SE 7 <sup>th</sup> Street Miami, Florida 33131

**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 November 19, 2019 at 1:45 p.m. at the Wilkie D. Ferguson, Jr. U.S. Courthouse, 400 North Miami Avenue, Miami, FL 33128. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check [www.RamosTCPAClassAction.com](http://www.RamosTCPAClassAction.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 a Service 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?**

If you are a Settlement Class member and do nothing, meaning you do not file a timely 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.

**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.RamosTCPAClassAction.com](http://www.RamosTCPAClassAction.com). You also may write with questions to the Settlement Administrator at Ramos TCPA Settlement, c/o JND Legal Administration, PO Box 91203, Seattle, WA 98111, or call the toll-free number, 1-844-961-0315.

You may also access the Court docket in this case, for a fee, through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.flsd.uscourts.gov/cgi-bin/ShowIndex.pl>, or by visiting the office of the Clerk of the Court for the United States District Court for the Southern District of Florida, 400 North Miami Avenue, Miami, FL 33128, between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Court Holidays.

**PLEASE DO NOT TELEPHONE THE COURT OR THE DEFENDANTS TO INQUIRE ABOUT THIS SETTLEMENT.**