

United States District Court for the Central District of California

If you received a call on a cell phone from Allstate Insurance Company between February 1, 2022 and ending December 31, 2022, inclusive, and did not consent to have that call being recorded, you may be entitled to benefits under a class action Settlement.

A federal court authorized this Notice. This is not a solicitation from a lawyer.

- A consumer (“Class Representative”) brought a lawsuit alleging that Allstate Insurance Company (“Allstate” or “Defendant”) violated the California Invasion of Privacy Act (“CIPA”), § 632.7(a), by recording its outgoing calls to her cell phone without her consent.
- A Settlement has been reached in this case, which affects certain individuals who were called on their cell phones by Allstate between February 1, 2022 and December 31, 2022, inclusive (“Class Period”) and who did not consent to have the call(s) with Allstate audio recorded.
- The Settlement, if approved, will provide a \$3,300,000.00 fund from which eligible persons who file valid and timely claims will receive cash awards (“Settlement Fund”).
- You are in the “Class” if you were called on a cell phone by Allstate during the Settlement Class Period and did not receive an advisement at the outset of the call that it may be recorded. Under California law, you may be deemed to have consented to the audio recording of a call to your cell phone if you received an advisement at the outset of the call that the call may be recorded.
- In addition to paying cash Settlement checks to Settlement Class Members, the Settlement Fund will be used to pay attorneys’ fees and costs to attorneys representing the Class Representative and the Class (the “Class Counsel”), any service award to the Class Representative, the reasonable costs of Notice and administration of the Settlement, and a possible charitable contribution to one or more charities if there are funds remaining from uncashed Settlement checks.
- **Your legal rights are affected whether you act or do not act. Read this Notice carefully.**
- **Hay una notificación completa del acuerdo en Español aquí. Para un operador telefónico de habla Español, llame al 1-855-598-0677.**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

Submit a Claim Form	This is the only way to get a cash payment. You can submit a valid and timely Claim Form online at www.TobajianSettlement.com or by mail to Tobajian Settlement Administrator, P.O. Box 301132, Los Angeles, CA 90030-1132. If you fail to submit a claim, you will not receive a Settlement payment.
Do Nothing	Get no payment. Give up any rights to sue Allstate or anyone else separately regarding the legal claims in this case.
Exclude Yourself or “Opt Out” of the Settlement	Get no payment. If you exclude yourself, you will not waive any rights you may have against Allstate or anyone else with respect to the legal claims in this case.
Object	Write to the Court about why you believe the Settlement is unfair and send the objection to the Settlement Administrator. Even if you file a valid and timely objection, you can still submit a Claim Form to receive a payment.
Go to a Hearing	Ask to speak in Court about the fairness of the Settlement if you file a valid and timely objection.

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 on valid and timely claims if the Court approves the Settlement and after any appeals are resolved. 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 this class action lawsuit, and about all of your options, before the Court decides whether to approve the Settlement. If the Court approves the Settlement, and after any objections or appeals are resolved, an administrator appointed by the Court will make the payments that the Settlement allows. Because your rights will be affected by this Settlement, it is important that you read this Notice carefully.

If you received a Notice by email or in the mail, it is because Allstate's records indicate you may have received one or more calls to your cell phone from Allstate between February 1, 2022 and December 31, 2022, inclusive.

The Court in charge of the case is the United States District Court for the Central District of California, and the case is known as *Tobajian v. Allstate Insurance Company*, Case No. CV 23-00753-DMG-PDx (C.D. Cal.). The proposed Settlement would resolve all claims in this case for the Settlement Class Members. The person who sued is called the "Plaintiff" or "Class Representative," and the company sued, Allstate Insurance Company, is referred to herein as "Allstate" or the "Defendant."

2. What is this class action lawsuit about?

A class action is a lawsuit in which the claims and rights of many people are decided in a single court proceeding. A representative plaintiff, also known as the "Class Representative," asserts claims on behalf of the entire Class. The Class Representative filed this Action alleging that Allstate violated § 632.7(a) of the California Invasion of Privacy Act ("CIPA") by calling cell phones and audio recording the call(s) with the recipients without their knowledge or consent.

Allstate denies that it did anything wrong, or that this case is appropriate for treatment as a class action.

3. Why is there a Settlement?

The Court did not decide in favor of the Class Representative or Allstate. Both sides agreed to a Settlement instead of going to trial. That way, they avoid the cost of a trial, and the people affected will get compensation. The Class Representative and her attorneys believe the Settlement is best for all Settlement Class Members.

WHO IS IN THE SETTLEMENT

4. How do I know if I am part of the Settlement?

The Court has preliminarily certified a Class for Settlement purposes only. You are in the Class if you are a person whom Allstate called, through the LDU Business Unit, on a cell phone between February 1, 2022 and December 31, 2022, inclusive, and you did not receive an advisement at the outset of the call that it may be recorded.

Excluded from the Class are (i) individuals who are or were during the Class Period officers or directors of Defendant in the Litigation or any of its respective Affiliates; (ii) the District Judge and any Magistrate Judge assigned to the case, their spouses, their staff, and persons within the third degree of relationship to them, or the spouses of such persons; and (iii) all persons who file a timely and proper request to be excluded from the Class.

If you have questions about whether you are a Settlement Class Member, or are still not sure whether you are included, you can call 1-855-598-0677 or visit www.TobajianSettlement.com for more information.

THE SETTLEMENT BENEFITS - WHAT YOU GET

5. What does the Settlement provide?

Allstate has agreed to pay a total Settlement amount of \$3,300,000.00, which will be used to create a Settlement Fund to pay cash awards to Settlement Class Members who submit a valid and timely Claim Form, pay Class Counsel's attorneys' fees and costs, pay a service award to the Class Representative, and pay costs and expenses of Settlement administration, as approved by the Court.

It is estimated that if ten percent of the approximately 130,005 Settlement Class Members submit a Claim Form, then each Claimant would receive approximately \$244.04 as a cash payment; however, this is only an estimate. As the number of valid claims received increases, the amount of each Claimant's recovery will decrease accordingly. The actual amount of the Settlement Class Members' Settlement check depends on how many timely and valid Claim Forms are received and the amounts of the awards to Class Counsel for attorneys' fees and costs, a service award to the Class Representative, and costs and expenses of Settlement administration. Here, Class Counsel will seek up to 30% of the Settlement Fund as payment for attorneys' fees and costs, and up to \$3,000.00 from the Settlement Fund as a service award to the Class Representative for her efforts in bringing this lawsuit and representing the interests of the Settlement Class Members.

Any remaining monies from uncashed Settlement checks may be redistributed in further distributions to Settlement Class Members who submitted valid and timely claims and cashed Settlement checks. However, if a further distribution would be administratively infeasible (e.g., less than \$1.00 per qualifying Claimant), the remaining monies will instead be donated to one or more *cy pres* recipients agreed upon by the Class Representative and Allstate.

HOW YOU GET A PAYMENT

6. How and when can I get a payment?

Each Settlement Class Member who submits a valid and timely Claim Form will receive a cash payment from the Settlement Fund. The final cash payment amount will depend on the total number of valid and timely claims filed by all Settlement Class Members. Eligible Settlement Class Members should make only one claim per phone number called, and the Administrator will determine the number of phone calls made to that phone number.

Claims may be submitted electronically via the Settlement Website, www.TobajianSettlement.com, or by mail to:

Tobajian Settlement Administrator
P.O. Box 301132
Los Angeles, CA 90030-1132

The Court will hold a Final Approval Hearing on January 10, 2025 at 10:00 a.m., to decide whether to approve the Settlement. If the Settlement is approved, appeals may still follow. Whether the appeals, if any, can be resolved is uncertain, and resolving them can take time, perhaps more than a year. Please be patient.

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

If you are a Settlement Class Member, unless you exclude yourself, you will be bound by the release of claims in the Settlement. This means that, if the Settlement is approved, you cannot sue, continue to sue, or be part of any other lawsuit against Allstate or anyone else having to do with recordings of calls to a cell phone made by Allstate between February 1, 2022 and December 31, 2022, inclusive, and all of the decisions and judgments by the Court will bind you.

Section 632.7(a) of CIPA provides for damages of \$5,000.00 per call for any individual whose call(s) on a cordless or cell phone is intentionally recorded without that individual's knowledge or consent. However, Allstate has denied that it made any illegal recordings of calls to any cell phones or did not advise call recipients that the calls may be recorded, and in any future lawsuit it will have a full range of potential defenses, including that it had consent to make those recordings. In addition, CIPA does not provide for attorneys' fees to prevailing individual plaintiff. This Settlement permits Settlement Class Members the opportunity to obtain a smaller amount of money, risk-free, as a compromise.

If you file a Claim Form for a cash payment or do nothing at all, you will be unable to file your own lawsuit regarding the claims described in this Notice, and you will release Allstate from any liability for the Released Claims defined below and in the Settlement.

Remaining in the Class means that you, as well as anyone claiming through you such as heirs, administrators, successors, and assigns, relinquish and discharge each and all of the Released Parties from each of the Released Claims (as defined below).

Released Claims. Upon Final Approval, Releasing Persons, including Plaintiff and each Settlement Class Member, shall, by operation of the Final Approval Order, automatically be deemed to have fully, conclusively, irrevocably, forever, and finally released, relinquished, and discharged the Released Parties from any and all claims, actions, causes of action, suits, debts, sums of money, payments, obligations, reckonings, promises, damages, interest, penalties, attorney's fees and costs, liens, judgments, and demands of any kind whatsoever that accrued to each Releasing Person during the Class Period, whether in arbitration, administrative, or judicial proceedings, whether as individual claims or as claims asserted on a class basis, whether past or present, mature or not yet mature, known or unknown, suspected or unsuspected, whether based on federal, state, or local law, statute, ordinance, regulation, contract, common law, or any other source, at law or in equity, that were or could have been alleged in the Litigation based on the facts pleaded in the Complaint dated February 1, 2023 and/or any subsequent amended complaint filed in conjunction with the Court's approval of the Settlement, or that relate to, concern, arise from, or pertain in any way to Allstate's audio recording of telephone calls to a cellular telephone. Released Claims shall include all such claims accruing during the Class Period, whether such claims are known or unknown, suspected or unsuspected, contingent or matured. This Agreement is expressly conditioned upon the Judgment entered in connection with this Litigation containing a provision permanently barring and enjoining all Settlement Class Members (including Settlement Class Members who never received actual Notice of the Settlement and who did not have actual knowledge of the Settlement) from filing, commencing, prosecuting, maintaining (including claims or actions already brought), intervening in, or participating in (as Settlement Class Members, individuals or otherwise) any action in any jurisdiction against any Released Party based on, arising from, or relating to any Released Claim accruing on or before the close of the Class Period. The proposed Settlement will become null and void and Plaintiff and Defendant will be restored to their positions as of January 12, 2024, if the Court does not approve this condition barring Settlement Class Members who do not submit a timely and valid Request for Exclusion from bringing or maintaining claims.

The Settlement Agreement available at this link: www.tobajiansettlement.com/documents.aspx provides more detail regarding the release 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 Class listed in Question 9 for free, or you can, at your own expense, talk to your own lawyer if you have any questions about the Released Parties or the Released Claims or what they mean.

The release does not apply to potential Settlement Class Members who timely opt out of the Settlement.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want a cash payment from this Settlement, and you want to keep the right to sue or continue to sue Allstate on your own about the legal issues in this case, then you must take steps to timely exclude yourself from the Settlement.

8. How do I exclude myself from the Settlement?

To exclude yourself from the Settlement, you must send a letter by mail stating that you want to be excluded from *Tobajian v. Allstate Insurance Company*, Case No. CV 23-00753-DMG-PDx (C.D. Cal.). The request for exclusion must identify the case name and number. It must also include your full name, address, and the cell phone number(s) at which you were called by Allstate. You must also include a statement that you wish to be excluded from the Settlement and personally sign the statement, such as "I hereby request that I be excluded from the proposed Class in the Tobajian Class Action." **You must mail your exclusion request postmarked no later than October 30, 2024, to:**

Tobajian Settlement Administrator
P.O. Box 301132
Los Angeles, CA 90030-1132

If you ask to be excluded, you will not get any cash payment from the Settlement, 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) Allstate in the future. Although no other person may exclude you from the Class, nothing prohibits you from obtaining the assistance of another, such as a lawyer or family member, in preparing or submitting any individual exclusion.

THE LAWYERS REPRESENTING YOU

9. Do I have a lawyer in this case?

The Court appointed the law firm of Kazerouni Law Group, APC, to represent you and other Settlement Class Members. Those attorneys at this law firm are called Class Counsel.

You will not be charged separately for the services of these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

Additionally, you may enter an appearance through your own attorney if you so desire, but you do not need to do so.

10. How will the lawyers and Class Representative be paid?

Class Counsel will ask the Court to approve payment to compensate them for attorneys' fees for investigating the facts, litigating the case, and negotiating the Settlement, plus costs. Class Counsel will also request an award to the Class Representative as compensation for her time and effort in representing the Settlement Class Members. These payments, along with the costs of administering the Settlement, will be made out of the Settlement Fund (as described in Section 5) and as may be approved by the Court.

OBJECTING TO THE SETTLEMENT

You can tell the Court that you do not agree with the Settlement or some part of it.

11. How do I tell the Court that I do not think the Settlement is fair?

If you are a Settlement Class Member and do not exclude yourself, you can object to the Settlement, or any part of the Settlement, for example if you do not think the Settlement is fair. You can state reasons why you think the Court should not approve it. The Court will consider your views. To object, you must send a written statement to the Settlement Administrator stating that you object to the proposed Settlement in *Tobajian v. Allstate Insurance Company*, Case No. CV 23-00753-DMG-PDx (C.D. Cal.). The objection must identify the case name and number. It must also include your full name, address, current phone number, the cellular telephone number(s) Allstate called you on, the reasons you object to the Settlement, whether you intend to appear at the Final Approval Hearing on your own behalf or through counsel, and include evidence that you are a Settlement Class Member. All objections shall identify any lawyer that represents you as to your objection and provide that lawyer's address and telephone number, but you do not have to have a lawyer. Any documents that you wish for the Court to consider must also be attached to the objection, and your objection should also be sent to Class Counsel and counsel for Allstate. Your objection to the Settlement must be sent to the Settlement Administrator and sent to Class Counsel and counsel for Allstate postmarked no later than October 30, 2024.

The objection must be provided as follows to the following:

By Mail:

Tobajian Settlement Administrator
P.O. Box 301132
Los Angeles, CA 90030-1132

Abbas Kazerounian
Kazerouni Law Group, APC
245 Fischer Avenue, Unit D1
Costa Mesa, CA 92626

Counsel for Plaintiff and the Class

Peggy Dayton
Winston & Strawn LLP
333 South Grand Avenue
38th Floor
Los Angeles, CA 90071-1543

Counsel for Defendant

THE FINAL APPROVAL HEARING

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

The Court will hold a Final Approval Hearing to decide whether to give final approval to the proposed Settlement. This Final Approval Hearing will be held at 10:00 a.m. on January 10, 2025, at the United States District Court for the Central District of California, 350 West 1st Street, Los Angeles, CA 90012, in Courtroom 8C. The hearing may be moved to a different date or time without additional Notice or conducted virtually, so it is a good idea to check the Settlement Website for updates. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate, and whether to award attorneys' fees, expenses, and incentive awards to the Class Representative as described above, and in what amounts. If there are objections, the Court will consider them. At or after the hearing, the Court will decide whether to approve the Settlement. We do not know how long it will take the Court to issue its decision.

You do not have to come to this hearing, but you may attend at your own expense. However, any Settlement Class

Member who fails to object to the Settlement in the manner described in Section 11 shall be deemed to have waived any such objection, shall not be permitted to object to any terms or approval of the Settlement at the Final Approval Hearing, and shall be foreclosed from seeking any review of the Settlement or the terms of the Agreement by appeal or other means.

13. May I speak at the hearing?

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must file a Notice with the Court stating that you intend to appear at the Final Approval Hearing in *Tobajian v. Allstate Insurance Company*, Case No. CV 23-00753-DMG-PDx (C.D. Cal.). Your Notice of intention to appear must identify the case name and number. It must also include your full name, address, and telephone number, as well as copies of any papers, exhibits, or other evidence that you intend to present to the Court. Your Notice of intention to appear must be filed no later than **October 30, 2024**. Copies of your Notice of intent to appear must also be sent to Class Counsel and counsel for Allstate at the addresses provided above. You cannot speak at the hearing if you exclude yourself from the Settlement or do not file a timely Notice of intention to appear at the hearing.

IF YOU DO NOTHING

14. What happens if I do nothing at all?

If you do nothing, and are a Settlement Class Member, you will not receive a cash payment after the Court approves the Settlement and any appeals are resolved. In order to receive a cash payment, you must submit a Claim Form.

If you do nothing, you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Allstate or any other person having to do with the legal issues in this case.

GETTING MORE INFORMATION

15. How do I get more information?

This Notice summarizes the proposed Settlement. More details are available in the Settlement Agreement. You can get a copy of the Settlement Agreement by visiting this link: www.tobajiansettlement.com/documents.aspx.

Hay una notificación completa del acuerdo en Español aquí.