

**IF YOU RECEIVED A COMPASS BANK PHONE CALL FOR SURVEY PURPOSES DESPITE BEING A NON-CUSTOMER, YOU COULD RECEIVE A PAYMENT FROM A CLASS ACTION SETTLEMENT.**

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

- Plaintiff Robert Hossfeld (“Hossfeld”) brought a lawsuit alleging that Compass Bank (“Compass”) violated the Telephone Consumer Protection Act by making automated survey calls to non-customers’ cell phones.
- Compass denies that it did anything wrong. However, in order to avoid the risks and expense associated with continued litigation, Compass agreed to settle the case.
- The settlement affects non-customers of Compass whose cell phone number Compass had its vendor, The MSR Group, LLC (“MSR”), call for survey purposes between December 14, 2012 and February 8, 2019, as reflected in MSR’s call records.
- If you received a notice in the mail about this lawsuit, you are likely a class member.
- The Settlement, if approved, would provide \$1,150,000 to pay valid and timely claims of those who received any of these calls on behalf of Compass, as well as to pay Class Counsel’s attorneys’ fees and costs, an award to the Class Representative, and notice and administration costs of the Settlement.
- Class members that submit valid claims are expected to receive more than \$100.

**Your legal rights are affected whether you act or don’t act. Read this notice carefully.**

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>Submit a Claim Form</b>	This is the only way to get a payment from the Settlement. You can submit a valid and timely claim form by mail to Bank Survey TCPA Settlement, c/o Claims Administrator, PO Box 23369, Jacksonville, FL 32241-3369. If you received a postcard regarding the Settlement, you may also submit a claim online using the Claim ID on the postcard at <a href="http://www.BankSurveyTCPASettlement.com">www.BankSurveyTCPASettlement.com</a> . If you fail to submit a timely claim, you won’t receive a settlement payment.
<b>Do Nothing</b>	Get no payment. Give up any rights to sue Compass and other Released Parties separately regarding the legal claims in this case.
<b>Exclude Yourself or "Opt Out" of the Settlement</b>	If you ask to be excluded, you will get no payment. You will also not waive any rights you may have against Compass and the other Released Parties with respect to the legal claims in this case.
<b>Object</b>	Write to the Court about why you believe the Settlement is unfair.
<b>Go to a Hearing</b>	Ask to speak in Court about the fairness of the Settlement.

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.

For updates and other information about the settlement, please monitor the settlement website, [www.BankSurveyTCPASettlement.com](http://www.BankSurveyTCPASettlement.com).

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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 in the mail, it is because, according to the records of Compass Bank's ("Compass") vendor The MSR Group, LLC ("MSR"), you may be a non-customer whose cellular telephone number MSR called using its VOXCO dialer in predictive mode for survey purposes on Compass's behalf between December 14, 2012 and February 8, 2019.

The Court in charge of the case is Judge Annemarie Carney Axon of the United States District Court for the Northern District of Alabama, and the case is known as *Hossfeld v. Compass Bank*, No. 2:16-cv-02017 (N.D. Ala.). The proposed Settlement would resolve all claims in this case. The person who sued, Robert Hossfeld, is called the Plaintiff. The company sued, Compass Bank, is called the Defendant, and is referred to in this Notice as "Compass."

### 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. Representative plaintiffs, also known as "class representatives," assert claims on behalf of the entire class.

The Class Representative, Plaintiff Hossfeld, filed this Action alleging that Compass violated the Telephone Consumer Protection Act ("TCPA") by causing calls to be made to the cellular telephone numbers of himself and others using an automatic telephone dialing system, without the prior express consent of the called party.

Compass denies that it did anything wrong and denies that this case would be appropriate for treatment as a class action without a settlement.

### 3. Why is there a Settlement?

The Court did not decide in favor of the Plaintiff or Defendant. Both sides agreed to a settlement instead of going to trial. That way, they avoid the risk and cost of protracted litigation, and the people affected by the disputed phone calls that participate in the settlement will receive money. The Class Representative and his attorneys think 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?

If you were not a Compass customer, but received a survey call on your cell phone from Compass, you are likely a class member.

The technical class definition is: All non-customers of Compass Bank whose cell phones Compass Bank had The MSR Group, LLC (“MSR”) call for survey purposes, through use of a VOXCO dialer in predictive mode, where the call was made on or after December 14, 2012, until the date of execution of the Settlement Agreement [i.e., February 8, 2019] (the “Settlement Period”), limited to calls to phone numbers in the final call data provided by MSR. Excluded from the Class are: (1) governmental agencies, entities, or judicial officers; and (2) any person or entity which properly executes and submits a timely request for exclusion 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 1-800-372-5704 or visit [www.BankSurveyTCPASettlement.com](http://www.BankSurveyTCPASettlement.com) for more information.

## THE SETTLEMENT BENEFITS - WHAT YOU GET

### 5. What does the Settlement provide?

Compass has agreed to pay a total settlement amount of \$1,150,000, which will be used to create a Settlement Fund to pay Cash Awards to Settlement Class Members who submit a valid and timely Approved Claim, pay Class Counsel’s attorneys’ fees and costs, pay a service award to the Class Representative, and pay costs and expenses of settlement notice and administration.

Any remaining monies from uncashed Cash Awards may be redistributed in further distributions to Settlement Class Members who submitted a valid and timely claim and cashed settlement checks. However, if a further distribution would no longer be administratively feasible, the remaining monies will instead be evenly donated to Legal Services Alabama and Texas Legal Services Center or another non-profit designated by the Court.

## HOW YOU GET A PAYMENT

### 6. How and when can I get a payment?

Each Class Member who submits a valid and timely Claim Form will receive a Cash Award. The amount of the Cash Award will depend on the total number of valid and timely claims filed by all Class Members. It is difficult to tell how many non-customers are in the class, which makes it difficult to predict how much money claimants will receive. However, Class Counsel estimate that the amount of the cash award be within the range of \$100 to \$350. Eligible Settlement Class Members may make one claim per associated unique cellular telephone number called.

Claims may be mailed to:

Bank Survey TCPA Settlement  
c/o Claims Administrator  
PO Box 23369  
Jacksonville, FL 32241-3369

Class Members who received a postcard notice in the mail may alternatively submit their claim electronically via the Settlement Website, using the unique Claim ID provided on the postcard.

**All claims must be postmarked or submitted online no later than June 24, 2019.**

The Court will hold a hearing at 10:00 a.m. on August 28, 2019, in Courtroom 6B of the Hugo L. Black United States Courthouse, 1729 5th Ave. N., Birmingham, AL 35203, to decide whether to approve the Settlement. You do not have to be present at the hearing.

If the Settlement is approved, appeals may still follow. While the parties want this settlement finalized efficiently, it is never completely certain how long it will take to issue checks, and resolving appeals can take time, sometimes more than a year. Please be patient. You can check for updates on the Settlement Website, [www.BankSurveyTCPASettlement.com](http://www.BankSurveyTCPASettlement.com).

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

If you are a Class Member, unless you exclude yourself, you can't sue, continue to sue, or be part of any other lawsuit against Compass and other Released Parties about the legal issues in this case, and all of the decisions and judgments by the Court will bind you.

The law upon which this case is based, the TCPA, 47 U.S.C. § 227, restricts calling cell phone numbers using an automatic telephone dialing system or an artificial or prerecorded voice without the called party's prior express consent. The TCPA provides for damages of \$500 per violation, or up to \$1,500 for willful violations, plus an injunction limiting future conduct. Persons who exclude themselves could try to obtain these damages at their own expense; the lawyers in this case will not represent you if you do so.

Filing your own case, however, is risky. Compass has raised a host of defenses, denies that the equipment used to make the calls at issue is covered by the TCPA, and will forcefully argue that it had prior express consent to make any calls, among other possible defenses. In addition, the TCPA does not provide for attorneys' fees to prevailing individual plaintiffs. This Settlement permits Class Members the opportunity to obtain a smaller amount of money than they could get if they sued on their own, risk and hassle-free.

If you file a Claim Form for benefits 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 Compass and other Released Parties from any liability for the Released Claims defined below and in the Settlement.

Remaining in the Class means that you will release each and all of the Released Parties from each of the Released Claims (as defined below).

"Released Parties" means Compass and each of its respective past, present, and future parents, subsidiaries, holding companies, affiliated companies and corporations, and each of its and their respective past, present, and future directors, officers, managers, employees, general partners, limited partners, principles, agents, employees, insurers, reinsurers, shareholders, attorneys, advisors, representatives, predecessors, successors, assigns, and legal representatives.

"Released Claims" means all claims (under any legal theory), as of the date of Preliminary Approval, that arise out of The MSR Group, LLC's use of automated equipment to contact or attempt to contact Settlement Class Members by telephone during the Settlement Class Period, including but not limited to claims that arise out of The MSR Group, LLC's use of an "automatic telephone dialing system", "automatic dialer," "automated dialer," "dialer," or "artificial or prerecorded voice" (as defined in the Telephone Consumer Protection Act) to make calls to a cellular telephone number or for alleged violations of the Telephone Consumer Protection Act.

The Settlement Agreement (available at the website) provides more detail regarding what people who do not exclude themselves will give up, so read it carefully. You can talk to the law firms 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 Class Members who timely opt out of the Settlement.

## **EXCLUDING YOURSELF FROM THE SETTLEMENT**

If you don't want a payment from this Settlement, and you want to keep the right to sue or continue to sue Compass and any of the Released Parties on your own about the legal issues in this case, then you must take steps to exclude yourself from the Settlement. The Court will exclude from the Class any member who requests exclusion.

### **8. How do I exclude myself from the Settlement?**

To exclude yourself from the Settlement, you must send a letter by mail saying that you want to be excluded from the Settlement Class in *Hossfeld v. Compass Bank*, No. 2:16-cv-02017 (N.D. Ala.). You must include your full name, address, phone number, and the phone number called by or on behalf of Compass. You must sign your request for exclusion. You must mail your exclusion request postmarked no later than May 9, 2019, to:

Bank Survey TCPA Settlement  
c/o Claims Administrator  
PO Box 23369  
Jacksonville, FL 32241-3369

If you ask to be excluded, you will not get any Cash Award 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) Compass and other Released Parties relating to any of the Released Claims in the future. Although no other person may exclude you from the Settlement Class, nothing prohibits you from obtaining the assistance of another, such as a lawyer or family member, in preparing or submitting any individual exclusion. However, "mass" or "class" opt-outs filed by third parties on behalf of a "mass" or "class" of Settlement Class Members, when not signed by each Settlement Class Member, will not be valid.

## **THE LAWYERS REPRESENTING YOU**

### **9. Do I have a lawyer in this case?**

The Court appointed Burke Law Offices, LLC and Scott D. Owens, P.A. to represent you and other Class Members.

These lawyers are called Class Counsel. You will not be charged separately for these lawyers' services. If you want to be represented by your own lawyer, you may hire one at your own expense and have that lawyer make an appearance for you if you so desire.

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 representatives be paid?

Class Counsel anticipates asking the Court to approve payment of up to \$383,333.33 (one-third of the Settlement Fund) to compensate them for attorneys' fees for investigating the facts, litigating the case, and negotiating the Settlement, plus out-of-pocket costs. Class Counsel will also request an award of \$15,000 to the Class Representative, as compensation for his time and effort. The Court may award less than these amounts. These payments, along with the costs of notice and administering the Settlement, will be made from the Settlement Fund.

### 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 Class Member, you may object to any part of the Settlement. The Court will consider your views. To object, you must file a written statement with the Court saying that you object to the proposed Settlement in *Hossfeld v. Compass Bank*, No. 2:16-cv-02017 (N.D. Ala.). Your written objection must state: (1) your full name, address, and telephone number, and the telephone number(s) called by or on behalf of Compass (if different); (2) whether the objection applies only to you, to a specific subset of the Class, or to the entire Class; (3) the specific grounds for the objection; (4) the identities and contact information for any counsel representing you in relation to the objection; and (5) whether you intend to appear at the Final Approval Hearing on your own behalf or through counsel. Any documents supporting the objection must also be attached to the objection. Although all objections must identify any lawyer that represents you as to the Action or your objection, you do not have to hire a lawyer to object. Your objection should be sent to Class Counsel and counsel for Compass. Objections must be filed and postmarked by May 9, 2019.

The objection must be sent to:

For Filing:

*Hossfeld v. Compass Bank*,  
No. 2:16-cv-02017 (N.D. Ala.).  
Clerk of the Court  
Hugo L. Black United States Courthouse  
1729 5th Ave. N.  
Birmingham, AL 35203

By Mail:

Alexander H Burke  
Burke Law Offices, LLC  
155 N. Michigan Ave., Suite 9020  
Chicago, IL 60601  
*Attorney for Plaintiff and the Settlement Class*

Gregory C. Cook  
Balch & Bingham LLP  
1901 6th Ave. N., Suite 1500  
Birmingham, AL 35203  
*Attorney for Compass Bank*

### THE FINAL APPROVAL HEARING

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

The Court will hold a hearing to decide whether to approve the Settlement. This Final Approval Hearing will be held at 10:00 a.m. on August 28, 2019, at the United States District Court for the Northern District of Alabama, Hugo L. Black United States Courthouse, 1729 5th Ave. N., Birmingham, AL 35203, in

Courtroom 6B. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check the 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 Class Representative incentive award, 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. **It is not necessary for you to appear at this hearing, but you may attend at your own expense.**

### 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 send a letter saying that you intend to appear at the Final Approval Hearing in *Hossfeld v. Compass Bank*, Case No. 2:16-cv-02017 (N.D. Ala.). Be sure to include your full name, address, and telephone number. Your letter stating your notice of intention to appear must be postmarked no later than May 9, 2019, and be sent to the Clerk of the Court, Hugo L. Black United States Courthouse, 1729 5th Ave. N., Birmingham, AL 35203, and to the lawyers listed above. You cannot speak at the hearing if you exclude yourself.

## IF YOU DO NOTHING

### 14. What happens if I do nothing at all?

If you do nothing, and are a Class Member, you will not receive a payment. In order to receive a payment, you must submit a claim form. Unless you exclude yourself, you won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Compass and the other Released Parties about the Released Claims in this case ever again.

## GETTING MORE INFORMATION

### 15. How do I get more information?

This Notice summarizes the proposed Settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement by calling the Claims Administrator toll-free at 1-800-372-5704, writing to: Bank Survey TCPA Settlement, c/o Claims Administrator, PO Box 23369, Jacksonville, FL 32241-3369; or visiting the website at [www.BankSurveyTCPASettlement.com](http://www.BankSurveyTCPASettlement.com), where you will also find answers to common questions about the Settlement, a claim form, plus other information to help you determine whether you are a Class Member and whether you are eligible for a payment.