

**If you received an automated call between August 2011 and August 2012 offering a free cruise in exchange for taking a political and/or public opinion survey, a class action settlement may affect your rights.**

**You may be entitled to up to \$500 per call.**

*A Federal Court authorized this notice. You are not being sued. This is not a solicitation from a lawyer.*

- A Settlement has been reached in a class action lawsuit claiming that Caribbean Cruise Line, Inc., Vacation Ownership Marketing Tours, Inc., and The Berkley Group, Inc. (collectively, “Defendants”) violated a federal law called the Telephone Consumer Protection Act (the “TCPA”). The lawsuit claims Defendants placed calls using an artificial or prerecorded voice offering a free cruise in exchange for taking a public opinion and/or political survey. The Settlement doesn’t decide who is right, but rather is a compromise to end the lawsuit and avoid the uncertainties and costs associated with a trial.
- You are included if you received an automated telephone call (i.e., a call containing a prerecorded message or that used a robotic voice) on a cellular or landline residential telephone line between August 1, 2011 and August 31, 2012 that offered a free cruise in exchange for taking a public opinion and/or political survey. The full Settlement Class definition is listed below. If you did not receive a postcard notice or your telephone number is not in Defendants’ records you may be required to produce documents or other proof in order to make a claim. If you have questions about how to obtain this documentation, you may call the lawyers in this case at the phone number listed in question 23 for assistance.
- If the Court approves the Settlement, Settlement Class Members who submit valid claims will receive equal shares per call received of the Settlement Fund that Defendants have agreed to create, after payment of expenses and fees. That Settlement Fund will be at least \$56,000,000 and at most \$76,000,000. The Settlement also requires Defendants to take steps to ensure compliance with the TCPA.
- Please read this notice carefully. Your legal rights are affected whether you act, or don’t act.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>SUBMIT A CLAIM FORM</b>	This is the only way to receive a payment.
<b>EXCLUDE YOURSELF</b>	You will receive no payment, but you will retain any rights you currently have to sue the Defendants about the issues the Settlement covers in this case.
<b>OBJECT</b>	Write to the Court explaining why you don’t like the Settlement.
<b>ATTEND A HEARING</b>	Ask to speak in Court about the fairness of the Settlement.
<b>DO NOTHING</b>	You will receive no payment under the Settlement and give up your rights to sue the Defendants about the issues covered by the Settlement in this case.

These rights and options—and the deadlines to exercise them—are explained in this notice.

## BASIC INFORMATION

### 1. What is this notice and why should I read it?

A Court authorized this notice to let you know about a proposed Settlement with the Defendants. You have legal rights and options that you may act on before the Court decides whether to approve the proposed Settlement. This notice explains the lawsuit, the Settlement, and your legal rights.

Judge Matthew F. Kennelly of the United States District Court for the Northern District of Illinois is overseeing this class action. The case is called *Birchmeier et al. v. Caribbean Cruise Line, Inc. et al.*, Case No. 12-cv-04069 (N.D. Ill.). The people who filed the lawsuit, Gerardo Aranda, Grant Birchmeier, Stephen Parkes, and Regina Stone, are the Plaintiffs. The companies they sued, Caribbean Cruise Line, Inc., Vacation Ownership Marketing Tours, Inc., and The Berkley Group, Inc., are called the Defendants.

### 2. What is a class action lawsuit?

A class action is a lawsuit in which one or more plaintiffs—in this case, Gerardo Aranda, Grant Birchmeier, Stephen Parkes, and Regina Stone—sue on behalf of a group of people who have similar claims. Together, this group is called a “Class” and consists of “Class Members.” In a class action, the court resolves the issues for all class members, except those who exclude themselves from the class. Earlier in the lawsuit the Court recognized that this case should be treated as a class action, and you may have received a prior notice about the case.

## THE CLAIMS IN THE LAWSUIT AND THE SETTLEMENT

### 3. What is this lawsuit about?

This lawsuit claims that Defendants violated the TCPA by making automated survey calls offering a free cruise in exchange for taking a political and/or public opinion survey. The Plaintiffs allege that Defendants marketed timeshare and vacation properties through the calls. Many, but not all, of the surveys were from Political Surveys of America. If an individual was offered the opportunity to participate in the survey in exchange for a free cruise, after answering the survey questions, he or she then had the option of being transferred to a Caribbean Cruise Line representative.

Defendants deny these allegations and deny that the telephone calls violated the law. The Court has not decided whether the Defendants did anything wrong. The Settlement is a compromise to end the lawsuit and avoid the uncertainties and costs associated with a trial. The Settlement is not an admission of wrongdoing by Defendants. More information about the lawsuit can be found in the “Court Documents” section of the settlement website at [www.FreeCruiseCallClassAction.net](http://www.FreeCruiseCallClassAction.net).

### 4. What type of automated survey calls were allegedly made?

The lawsuit claims that between August 1, 2011 and August 31, 2012 calls were made to landline and cellular telephone numbers throughout the nation. The lawsuit claims that each call at issue in this lawsuit offered a free cruise in exchange for taking a political and/or public opinion survey. Many, but not all, of the calls mentioned that they were from Political Surveys of America. Plaintiffs allege that if a call offered a free cruise to take the survey, and an individual chose to answer the survey questions, they would be transferred to a Caribbean Cruise Line representative, who would provide additional information about the cruise and also attempt to upsell each person a more expensive vacation package that required the traveler to sit through a Berkley timeshare presentation. Click [here](#) to listen to an example of one of these calls or read a transcript.

## 5. Why is there a Settlement?

The Court has not decided whether the Plaintiffs or the Defendants should win this case. Instead, Plaintiffs and Defendants have agreed to a Settlement. That way, they can avoid the uncertainty and expense of a trial. The Class Representatives and their attorneys (“Class Counsel”) believe that the Settlement is in the best interests of the Class Members.

## WHO’S INCLUDED IN THE SETTLEMENT?

## 6. How do I know if I am in the Settlement Class?

Prior to Settlement, the Court certified two Classes—a Class on behalf of individuals who received calls on their landline telephones and a Class of people who received calls on their cellular telephones—and decided that the Classes include: any person who received (1) one or more telephone calls made by, on behalf of, or for the benefit of the Defendants, (2) purportedly offering a free cruise in exchange for taking an automated public opinion and/or political survey, (3) which delivered a message using a prerecorded or artificial voice, (4) between August 2011 and August 2012, (5) and your (i) telephone number appears in Defendants’ records of those calls and/or the records of their third party telephone carriers or the third party telephone carriers of their call centers or (ii) your own records prove that you received the calls—such as your telephone records, bills, and/or recordings of the calls—and you submit an affidavit or Claim Form if necessary to describe the content of the call. The Settlement covers these same classes, which together is called the “Settlement Class” in the agreement.

You may be part of the Settlement Class if you received one or more of these calls and any of the following is also true:

- Your information appeared in Defendants’ records, in which case you would have likely received an email or postcard and Claim Form in the mail;
- Even if you did not receive an email or postcard in the mail about this Settlement, you may still be part of one of the Settlement Class if your number appears in Defendants’ records. Click [here](#) to see if your number appears in Defendants’ records; or
- You recall getting one of the automated calls described above and one of the numbers appearing [here](#) appears on your cell phone and/or landline telephone bills or records; or
- You recall getting one of the automated survey calls described above and you are able to prove that you received such a call, with some documentation, such as a telephone bill showing that you received the call, a recording of the call, a caller ID record of the call, or a screenshot of the call, or some other form of documentation evidencing your receipt of the call.

You may be able to obtain your telephone bill and/or records from your telephone carrier. If you have any questions about how to obtain this evidence, call the lawyers in this case at the phone number listed in question 23 for assistance.

Additionally, if you are still not sure whether you are included in the Classes, you can call the Settlement Administrator at 1-844-343-1477 or you can get free help by calling the lawyers in this case at the phone number listed in question 23.

## THE SETTLEMENT BENEFITS

## 7. What does the Settlement provide?

Defendants have agreed to create a Settlement Fund of at least \$56,000,000 and at most \$76,000,000 from which Settlement Class Members who submit valid claims will receive a per call cash award after payment of all cost of administering the Settlement, any incentive awards to the Class Representatives, and any Fee Award. The exact amount Class Members will receive will depend on the total number of valid claims and covered calls in each claim received.

Each Class Member who submits a valid claim can get a payment of \$500 per call, unless the total of payments per call (plus payment of all costs and fees) would exceed \$76,000,000. In that case, each Settlement Class Member who submits an approved Claim would be entitled, per call, to a *pro rata* share of the total Settlement Fund (after payment of all costs and fees) based on the total number of calls resulting from valid claims. Or, if the total payments at \$500 per call (plus payment of all costs and fees) would be less than \$56,000,000, each Class Member who submits a valid claim can get a payment of more than \$500 per call, so that the total payout is at least \$56,000,000.

The Settlement provides two ways to get a payment:

**Option One (three (3) calls or less):** If you received three (3) calls or less, you should choose Option One on the Claim Form. You will be presumed to have received three calls and will receive payment for three calls. If your telephone number does not appear in Defendants' records, you will need to submit documents or other proof that you received the calls.

**Option Two (more than three (3) calls):** If you received more than three (3) calls, you should choose Option Two on the Claim Form. You will need to provide the number of calls you received on the Claim Form. You will be paid for each of the calls you received. If your telephone number does not appear in Defendants' records, you will need to submit documents or other proof that you received the calls.

The Settlement also requires the Defendants to take steps to ensure compliance with the TCPA.

## HOW TO GET BENEFITS

### 8. How do I make a claim?

The Settlement creates a claims process with two options. Choose Option One if you got three (3) calls or less. Choose Option Two if you got more than three (3) calls. If you received notice through a postcard in the mail, there is a Claim Form attached that you can mail in. If you received notice through email, there is a link to the Claim Form in that email, which will direct you to submit a claim online. All other Settlement Class Members must submit a Claim Form online by clicking [here](#) or requesting a paper Claim Form from the Settlement Administrator.

The Claim Form requires you to provide basic contact information and affirm that between August 2011 and August 2012 you received a call that used a prerecorded or robotic voice offering a free cruise in exchange for taking a public opinion and/or political survey. If your telephone number is not in Defendants' records, regardless of which option you choose you will need to provide documentation, including a telephone bill showing that you received the call, a recording of the call, a caller ID record of the call, a screenshot of the call, or some other form of documentation evidencing your receipt of the call.

The parties will have the opportunity to challenge the number of calls received by each Settlement Class Member. All challenges will be presented to a Special Master (a retired federal judge), who may contact you

about your claim and will decide the number of calls received by each Settlement Class Member. You may be asked to provide additional documents or information about your receiving more than one call. However, each Settlement Class Member will be entitled to receive a guaranteed payment based on one call even if the challenge is successful. Any Settlement Class Member who wishes to contest a decision made by the Special Master may do so by seeking the Court's review.

#### **9. When will I get my payment?**

The hearing to consider the fairness of the Settlement is scheduled for February 23, 2017. If the Court approves the Settlement, eligible Class Members whose claims were approved by the Settlement Administrator will receive their per call payment in two roughly equal installments. The first payment will be made within seven (7) months after the entry of an order finally approving the Settlement and the second payment will be made up to twenty-five (25) months later. Should the Defendants go out of business, your second payment may be reduced in whole or in part. The Fee Award and Settlement Administration Expenses will be paid in two installments in the same way.

All checks will expire and become void 90 days after they are issued. Any un-cashed checks issued to Settlement Class Members during the second round of payments, as well as any unclaimed funds remaining in the Settlement Fund after payment of all Approved Claims, all Settlement Administration Expenses, the Fee Award to Class Counsel, and the incentive awards to the Class Representatives shall be distributed to an appropriate *cy pres* recipient selected by the Special Master upon recommendations from Settlement Class Members. To recommend a *cy pres* recipient, please email the Settlement Administrator at [admin@FreeCruiseCallClassAction.net](mailto:admin@FreeCruiseCallClassAction.net).

### **THE LAWYERS REPRESENTING YOU**

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

The Court has appointed lawyers from the firms Edelson PC and Loevy & Loevy to represent you as "Class Counsel." The lawyers will request to be paid from the Settlement Fund. Gerardo Aranda, Grant Birchmeier, Stephen Parkes, and Regina Stone have been appointed by the Court as the "Class Representatives." They are Class Members like you. Class Counsel can be reached by calling 1-866-354-3015.

#### **11. Should I get my own lawyer?**

You don't need to hire your own lawyer because Class Counsel is working on your behalf. But if you want your own lawyer, you will have to pay for that lawyer. For example, you can ask your lawyer to appear in Court for you if you want someone other than Class Counsel to represent you.

#### **12. How will the lawyers be paid?**

Class Counsel will ask the Court for attorneys' fees and expenses of up to \$24,500,000 and will also request an award of \$10,000 for each of the Class Representatives. Any amount awarded to Class Counsel or the Class Representatives will be paid from the Settlement Fund. The Court will determine the proper amount of any attorneys' fees and expenses to award Class Counsel and the proper amount of any awards to the Class Representatives. The Court may award less than the amounts requested.

### **YOUR RIGHTS AND OPTIONS**

#### **13. What happens if I do nothing at all?**

If you do nothing, you will receive no payment under the Settlement, you will be in the Settlement Class, and if the Court approves the Settlement, you will also be bound by all orders and judgments of the Court. Unless you exclude yourself, you won't be able to start a lawsuit or be part of any other lawsuit against the Defendants for the claims or legal issues being resolved by this Settlement.

#### **14. What happens if I ask to be excluded?**

If you exclude yourself from the Settlement, you will receive no payment under the Settlement. However, you will not be in the Settlement Class. You will keep your right to start your own lawsuit against Defendants for the same legal claims made in this lawsuit. You will not be legally bound by the Court's judgments related to the Settlement Class and the Defendants in this class action.

#### **15. How do I ask to be excluded?**

You can ask to be excluded from the Settlement. To do so, you must send a letter stating that you want to be excluded from the Settlement in *Birchmeier et al. v. Caribbean Cruise Line, Inc. et al.*, Case No. 12-cv-04069. Your letter must also include (1) your name and address, (2) the telephone number at which you received the telephone calls at issue, (3) a statement that you wish to be excluded from the Class, (4) the caption for this case, and (5) your signature. You must mail your exclusion request no later than January 23, 2017 to:

Caribbean Cruise Line Class Action Administrator  
P.O. Box 43435  
Providence, RI 02940-3435

You can't exclude yourself on the phone or by email.

#### **16. If I don't exclude myself, can I sue the Defendants for the same thing later?**

No. Unless you exclude yourself, you give up any right to sue the Defendants for the claims being resolved by this Settlement.

#### **17. If I exclude myself, can I get anything from this Settlement?**

No. If you exclude yourself, do not submit a Claim Form to ask for a payment.

#### **18. How do I object to the Settlement?**

If you do not exclude yourself from the Class, you can object to the Settlement if you don't like any part of it. You can give reasons why you think the Court should deny approval by filing an objection. To object, you must file a letter or brief with the Court stating that you object to the Settlement in *Birchmeier et al. v. Caribbean Cruise Line, Inc. et al.*, Case No. 12-cv-04069 no later than January 23, 2017. Your objection should be sent to the United States District Court for the Northern District of Illinois at the following address:

Clerk of the United States District Court for the Northern District of Illinois  
Everett McKinley Dirksen United States Courthouse  
219 S. Dearborn St.  
Chicago, IL 60604

If you are represented by a lawyer, the lawyer must file your objection on CM/ECF.

QUESTIONS? CALL 1-844-343-1477 TOLL FREE OR VISIT [WWW.FREECRUISECALLCLASSACTION.NET](http://WWW.FREECRUISECALLCLASSACTION.NET)

The objection must be in writing and include the case name *Birchmeier et al. v. Caribbean Cruise Line, Inc. et al.*, Case No. 12-cv-04069. Your objection must be personally signed and include the following information: (1) your name and current address, (2) the specific grounds for your objection, (3) all arguments, citations, and evidence supporting your objection, including copies of any documents you intend to rely on, (4) a statement that you are a Class Member, (5) the telephone number(s) at which you received the call(s) at issue, (6) the name and contact information of any and all attorneys representing you, advising, or in any way assisting you in connection with the preparation or submission of your objection or who may profit from the pursuit of your objection, and (7) a statement indicating whether you (or your counsel) intend to appear at the Final Approval Hearing. If you are represented by a lawyer, he or she must file an appearance or seek *pro hac vice* admission to practice before the Court.

In addition to filing your objection with the Court, you must send copies of your objection and any supporting documents to both Class Counsel and Defendants' lawyers at the addresses listed below:

Class Counsel	Defense Counsel
Eve-Lynn J. Rapp Jay Edelson Edelson PC 350 North LaSalle Street Suite 1300 Chicago, Illinois 60654	Brian P. O'Meara Forde Law Offices LLP 111 West Washington Street Suite 1100 Chicago, Illinois 60602  Richard W. Epstein Greenspoon Marder, P.A. 200 East Broward Blvd. Suite 1800 Fort Lauderdale, Florida 33301

Class Counsel will file with the Court and post on the settlement website its request for attorneys' fees and incentive award on December 27, 2016.

**19. What's the difference between objecting and excluding myself from the Settlement?**

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

**THE COURT'S FAIRNESS HEARING**

**20. When and where will the Court hold a hearing on the fairness of the Settlement?**

The Court will hold the Final Approval Hearing at 9:30 a.m. on February 23, 2017 before the Honorable Matthew F. Kennelly in Courtroom 2103 of the Everett McKinley Dirksen United States Courthouse, 219 S. Dearborn St., Chicago, IL 60604. The purpose of the hearing is for the Court to determine whether the Settlement is fair, reasonable, and adequate, and in the best interests of the Class. At the hearing, the Court will hear any objections and arguments concerning the fairness of the proposed Settlement, including those related to the amount requested by Class Counsel for attorneys' fees and expenses and the incentive award to the Class Representatives.

**Note:** The date and time of the Final Approval Hearing are subject to change by Court Order. Any changes will be posted at the settlement website, [www.FreeCruiseCallClassAction.net](http://www.FreeCruiseCallClassAction.net) or through the Court's online docket search at <https://ecf.ilnd.uscourts.gov>.

#### **21. Do I have to come to the hearing?**

No. Class Counsel will answer any questions the Court may have. But you are welcome to come to the hearing at your own expense. If you send an objection, you don't have to come to Court to talk about it. As long as your written objection was filed or mailed on time and meets the other criteria described in the Settlement, the Court will consider it. You may also pay a lawyer to attend, but you don't have to.

#### **22. May I speak at the hearing?**

Yes. If you do not exclude yourself from the Settlement Class, you may ask the Court for permission to speak at the hearing concerning any part of the proposed Settlement. If you filed an objection (*see* question 18 above) and intend to appear at the hearing, you must state your intention to do so in your objection.

### **GETTING MORE INFORMATION**

#### **23. Where can I get additional information?**

This notice summarizes the proposed Settlement. For the precise terms and conditions of the Settlement, please see the Settlement Agreement available at [www.FreeCruiseCallClassAction.net](http://www.FreeCruiseCallClassAction.net), contact Class Counsel at 1-866-354-3015, through the Court's online electronic full case docket search at <https://ecf.ilnd.uscourts.gov>, or visit the office of the Clerk of the United States District Court for the Northern District of Illinois, Everett McKinley Dirksen United States Courthouse, 219 S. Dearborn St. Chicago, IL 60604, between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Court holidays.

**PLEASE DO NOT CONTACT THE COURT, THE JUDGE, OR THE DEFENDANTS  
WITH QUESTIONS ABOUT THE SETTLEMENT OR CLAIMS PROCESS.**