

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

Crossley, et al. v. Joya Communications, Inc., Case No. 16-CH-14771 (Cir. Ct. Cook Cnty.)

If you received a text message promoting the mobile apps “Marco Polo” or “VideoKik,” a class action settlement may affect your rights.

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

You may previously have received an earlier version of this notice on April 6, 2017.

The Settlement Fund now has been established in the amount of \$3.75 million and you may now file a claim for cash benefits under the Settlement.

- A Settlement has been reached in a class action lawsuit against Joya Communications, Inc., creator of the “Marco Polo” and “VideoKik” mobile apps. The suit concerns whether Joya violated a federal law called the Telephone Consumer Protection Act (“TCPA”) by allegedly sending unsolicited text messages to promote its mobile apps. Joya denies any wrongdoing and maintains that the text messages do not violate the TCPA. The Settlement does not establish who is correct, but rather is a compromise to end the lawsuit.
- You are a member of the “Settlement Class” if you live in the United States and received a text message from Joya regarding the mobile apps “Marco Polo” or “VideoKik” on or prior to March 2, 2017. These text messages would have contained a link to one of these websites: onmarcopolo.com, nowpolo.com, videokiks.com, onpolo.com, or polo-app.com.
- You may be entitled to payment under the Settlement if you file a Claim Form stating that you received text messages from Joya on or prior to March 2, 2017. On June 29, 2017, the Court finally approved the Settlement. The Settlement documents explained that because Joya was a start-up, it did not have enough money to pay for the Settlement at the time the Settlement was approved, but that Joya would be required to establish a Settlement Fund if it was sold or started making money. Specifically, under the Settlement, within four years Joya was required to create a Settlement Fund containing either (1) \$3.75 million, or (2) 12% of the sale price if Joya or its assets are sold, up to \$3.75 million. Joya has now established the Settlement Fund in the amount of \$3.75 million, and Class Members who submit valid claims will receive cash payments from the Settlement Fund after payment of fees and expenses. Under the Settlement, Joya also agreed to ensure that any text messages it sends comply with the law and maintain documents evidencing such compliance for four years.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT A CLAIM FORM	This is the only way to receive a payment.
EXCLUDE YOURSELF	You will receive no payment, but you will retain any rights you currently have to sue Joya about the issues in this case.
DO NOTHING	You will receive no payment under the Settlement and give up your rights to sue Joya about the issues 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 the Settlement with Joya. You have legal rights and options that you may act on. You may be eligible to receive a cash payment as part of the Settlement. This notice explains the lawsuit, the Settlement, and your legal rights.

Judge Michael T. Mullen of the Circuit Court of Cook County, Illinois is overseeing this class action. The case is called *Crossley, et al. v. Joya Communications, Inc., Case No. 16-CH-14771*. Mattie Crossley and Sheryl

QUESTIONS? CALL 1-855-306-1913 TOLL-FREE OR VISIT WWW.JOYATCPASETTLEMENT.COM

Seymour are the Plaintiffs. The company they sued, Joya, is the Defendant. You do not need to live in Illinois to get a payment under this Settlement.

2. What is a class action lawsuit?

A class action is a lawsuit in which one or more plaintiffs—in this case, Mattie Crossley and Sheryl Seymour—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. After the Parties reached an agreement to settle this case, the Court granted preliminary approval of the Settlement and recognized it as a case that should be treated as a class action for settlement purposes. Class Counsel then provided notice of the Settlement, and the Court finally approved the Settlement on June 29, 2017.

THE CLAIMS IN THE LAWSUIT AND THE SETTLEMENT

3. What is this lawsuit about?

The lawsuit alleges that Joya violated the TCPA by sending unsolicited text messages to promote its mobile apps “Marco Polo” and “VideoKik.”

Joya denies the allegations that the text messages violated the law. The Court never decided who was right. Instead, Plaintiffs and Joya entered into the Settlement to avoid time-consuming and expensive litigation. The Settlement is not an admission of wrongdoing by Joya. More information about the complaint in the lawsuit and Joya’s answers can be found in the “Court Documents” section of the Settlement Website at www.JoyaTCPASettlement.com.

4. Why is there a Settlement?

The Court never decided whether the Plaintiffs or the Defendant should win this case. Instead, Plaintiffs and Joya agreed to a Settlement. That way, they can avoid the uncertainty and expense of ongoing litigation, and Class Members could potentially get compensation. The Class Representatives and their attorneys (“Class Counsel”) believed that the Settlement is in the best interests of the Class Members.

WHO’S INCLUDED IN THE SETTLEMENT?

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

The Court decided that this Settlement Class includes all Persons in the United States that received a Promotional Text Message relating to Joya’s “Marco Polo” or “VideoKik” applications on or prior to March 2, 2017. If you meet the above definition, you are a Class Member.

6. What were the allegedly unconsented text messages about?

The text messages covered by this Settlement promoted Joya’s mobile apps “Marco Polo” and “VideoKik.” The text messages would have included an individual’s name, and a link to one of the following websites: onmarcopolo.com, nowpolo.com, videokiks.com, onpolo.com, or polo-app.com.

THE SETTLEMENT BENEFITS

7. What does the Settlement provide?

Cash Payments to Class Members: Under the Settlement, Joya agreed to create a Settlement Fund containing either (1) \$3.75 million, or (2) 12% of the sale price if Joya or its assets are sold, up to \$3.75 million. Joya has now established the Settlement Fund in the amount of \$3.75 million, and Class Members who submit valid claims will receive cash payments from this Settlement Fund after payment of all Settlement Administration Expenses, the incentive awards to the Class Representatives, and any Fee Award.

All uncashed checks issued to Class Members, and if the amount of each Class Member’s claim is less than \$3.00, will be distributed to an agreed organization or organizations pursuant to 735 ILCS 5/2-807(b).

Change in Practices: Joya also agreed that if it permits users of its mobile apps to invite others by text message to download and use its apps, its text messaging program will comply with the law and that it will maintain documents evidencing such compliance.

HOW TO GET BENEFITS

8. How do I make a claim?

If you want to get payment, you must fill out and submit a valid Claim Form. If you received notice through a postcard in the mail, there are instructions for requesting a Claim Form or filing your claim online. 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 at www.JoyaTCPASettlement.com or requesting a paper Claim Form from the Settlement Administrator by calling 1-855-306-1913. We encourage you to submit a claim online. It's faster and it's free. Claim Forms must be postmarked by January 10, 2022.

The Claim Form requires you to provide the following information: (1) name, (2) current U.S. mail and email address, (3) telephone number that received the text messages, and (4) affirmation that you received a text message from Joya regarding the mobile apps "Marco Polo" or "VideoKik" on or prior to March 2, 2017.

9. When will I get my payment?

Class Members will have 180 days to file claims after the Settlement Fund is created. Class Members whose claims were approved by the Settlement Administrator will be sent a check. Claims will be paid within 60 days of the claims deadline. Please be patient. All checks will expire and become void 90 days after they are issued.

THE LAWYERS REPRESENTING YOU

10. Do I have a lawyer in this case?

Yes, the Court has appointed lawyers Jay Edelson and Eve-Lynn J. Rapp of Edelson PC as the attorneys to represent you and other Class Members. These attorneys are called "Class Counsel." In addition, the Court appointed Plaintiffs Mattie Crossley and Sheryl Seymour to serve as the Class Representatives. Each is a Class Member 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 that lawyer.

12. How will the lawyers be paid?

Under the Settlement, Class Counsel only got paid if Class Members received payment from the creation of the Settlement Fund. The Court determined the proper amount of attorneys' fees and expenses at the Final Fairness Hearing and awarded Class attorneys' fees in the amount of 33.333% of the Settlement Fund and expenses in the amount of \$1,250,000.00. The Court also awarded Plaintiffs Crossley and Seymour an incentive award of \$1,000.00 each, for their work as Class Representatives, to be paid from the Settlement Fund.

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 and you will also remain 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 Joya 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 Class. You will keep your right to start your own lawsuit against Joya for the same legal claims made in this lawsuit. You will not be legally bound by the Court's judgments related to the Class and Joya 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 *Crossley, et al. v. Joya Communications, Inc.*, Case No. 16-CH-14771. Your letter must also include your (1) name, address, and telephone number, (2) a statement that you wish to be excluded from the Class, (3) the caption for this case, and (4) your signature. You must mail your exclusion request so that it is postmarked no later than **September 18, 2021** to:

Crossley, et al. v. Joya Communications, Inc. Settlement Administrator
P.O. Box 43440
Providence, RI 02940-3440

You can't exclude yourself on the phone or by email. If you previously requested to be excluded, you don't need to ask again.

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

No. Unless you exclude yourself, you give up any right to sue Joya 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 now or excluded yourself before, you cannot submit a Claim Form to ask for a payment.

18. How do I object to the Settlement?

The deadline to object has passed. The Court preliminarily approved the Settlement on March 2, 2017, after which time notice of the Settlement was issued. The notice informed Class Members that the deadline to object to the Settlement was May 22, 2017. As such, you can no longer object to the Settlement at this time.

THE COURT'S FAIRNESS HEARING

19. Will the Court hold a hearing on the fairness of the Settlement?

The hearing has already happened. The Court held a Final Fairness Hearing on June 29, 2017, before the Honorable Michael T. Mullen at the Richard J. Daley Center, 50 West Washington St., Chicago, IL 60602 in Courtroom 2510. At that time, the Court determined that the Settlement was fair, reasonable, and adequate, and in the best interests of the Class. At the hearing, the Court also heard 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. The Court approved the Settlement on June 29, 2017. The Order finally approving the Settlement is on the Settlement Website and can be found at www.JoyaTCPASettlement.com.

GETTING MORE INFORMATION

20. Where can I get additional information?

This notice summarizes the Settlement. For the precise terms and conditions of the Settlement, please see the Settlement Agreement available at www.JoyaTCPASettlement.com, contact Class Counsel at 1-866-354-3015, or visit the office of the Clerk of the Circuit Court of Cook County, Richard J. Daley Center, Room 1001, 50 West Washington Street, Chicago, IL 60602 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 JOYA WITH
QUESTIONS ABOUT THE SETTLEMENT OR CLAIMS PROCESS.**