

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA

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Pierce Duchene, *on behalf of himself and all others  
similarly situated,*

Plaintiff,

v.

Westlake Services, LLC d/b/a Westlake Financial  
Services,

Defendant.



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**NOTICE REGARDING RIGHT TO BENEFIT FROM  
CLASS ACTION SETTLEMENT**

A Settlement Agreement has been reached in a class action lawsuit alleging that Westlake Services, LLC d/b/a Westlake Financial Services used an automatic telephone dialing system and/or an artificial or prerecorded voice to call cellular telephones without the prior express consent of the person called. The calls were placed to references of automobile finance customers of Westlake. You may have been listed as a reference and received such calls. You may be a member of the Settlement Class and entitled to payment under that Settlement.

A settlement fund of \$10,000,000.00 has been established to pay valid claims, attorney's fees, costs, expenses and settlement administration costs. You may be entitled to receive up to \$150.00. The final cash payment for class members will depend on the total number of valid and timely claims filed by all Class Members. Your legal rights are affected whether you act or don't act. Read this notice carefully.

**YOUR OPTIONS**

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| <b>Option 1:</b><br>Submit a Claim form,<br>receive up to \$150.00 by<br>June 21, 2016 | <b>Submit the attached Claim form and receive up to \$150.00</b><br>By completing and submitting the attached claim form you may recover up to \$150.00 dollars in settlement of all claims.   |
| <b>Option 2:</b><br>Ask to be Excluded by<br>June 21, 2016                             | <b>Get out of this lawsuit and get no benefits from it</b><br>Instead of submitting a claim form, you may ask to be excluded from the lawsuit. By excluding yourself, you cannot recover as part of this settlement and you keep a right to sue on your own. |
| <b>Option 3:</b><br>Object by<br>June 21, 2016   | <b>Object to the terms of the Settlement Agreement.</b><br>Instead of submitting a claim form or asking to be excluded, you may object to the terms of the Settlement Agreement and have your objections heard at the July 12, 2016 Fairness Hearing.        |

## 1. What is this lawsuit about?

In the lawsuit, the Plaintiff alleges that Westlake violated the Telephone Consumer Protection Act, 47 U.S.C. § 227, et seq., when Westlake called his cellular telephone without his prior express consent with an automated and prerecorded message.

Westlake denies any wrongdoing and denies that it violated the Telephone Consumer Protection Act or any other law.

Both sides have agreed to settle the lawsuit to avoid the cost, delay, and uncertainty of litigation.

You can read Plaintiff's Complaint, the Settlement Agreement, other case documents, and submit a claim form at [www.WestlakeSettlement.com](http://www.WestlakeSettlement.com)

## 2. Why is this a class action?

In a class action, one or more people called Class Representatives (in this case, Pierce Duchene), sue on behalf of a group (or a "Class") of people. Here, Pierce Duchene sues on behalf of people who have similar claims regarding calls made to their cellular telephones by or on behalf of Westlake Financial.

## 3. Why is there a settlement?

To avoid the cost, risk, and delay of litigation, the Parties reached a settlement agreement as to Plaintiff's and the Class claims.

## 4. How do I know if I am a part of the settlement?

For settlement purposes, the Court has certified a Class consisting of all people who meet the following definition:

All persons to whom Westlake, its agents and/or its independent contractors between January 11, 2012, and November 7, 2013 placed a telephone call using an automatic telephone dialing system or an artificial or prerecorded voice to the person's cellular telephone in connection with the confirmation of a loan applicant's references.

Based on the records in this case, you are a Class member if you received a direct notice postcard.

## 5. How do I recover?

Answer: Submit a Claim Form. This is the only way to get a payment. You have the right as a member of the Settlement Class to up to \$150.00. The final cash payment will depend on the total number of valid and timely claims filed by all Class Members.

You can submit a claim form online at [www.WestlakeSettlement.com](http://www.WestlakeSettlement.com)

Or, you can complete the form enclosed with this notice (and available online) and mail your Claim form to: WESTLAKE SETTLEMENT, c/o A.B. Data, Ltd., PO Box 170700, Milwaukee, WI 53217.

All claim forms must be mailed or filed online no later than **June 21, 2016**.

## 6. What am I giving up to receive these benefits?

By staying in the Class, all of the Court's orders will apply to you, and you give Westlake a "release." A release means you cannot sue or be part of any other lawsuit against Defendant about the claims or issues in this lawsuit with respect to the claims in the Complaint and you will be bound by the Settlement Agreement.

## 7. How much will the Class Representative receive?

The Plaintiff will receive his portion of the settlement as a class member and a payment of up to \$10,000 as an incentive award for having pursued this action.

These payments are subject to the Court's Approval.

## 8. Do I have a lawyer in this case?

To represent the class, the Court has appointed attorneys with the law firm of Lemberg Law, LLC, 43 Danbury Road, Wilton, CT 06897, as "Class Counsel."

Class Counsel will request an award of attorney's fees and expenses from the Court of up to one-third of the settlement fund. You may hire your own attorney, but only at your own expense.

## 9. I don't want to be part of this case, how do I ask to be excluded?

Answer: Send a Request to Be Excluded.

If you don't want a payment from this settlement, but you want to keep the right to individually sue the Defendant about the issues in this case, then you must take steps to get out of the settlement. This is called excluding yourself, or "opting out", of the Settlement Class. To exclude yourself, you must send a letter by mail that (1) states your full name, address and telephone number, (2) contains, to the extent you know, the cellular telephone number as to which you seek exclusion, (3) contains your signature or the signature of the person authorized by law to sign on behalf of the class member, and (4) states unequivocally that the Class Member's intent is to be excluded from the Settlement Class, to be excluded from the Settlement, no to participate in the Settlement, and/or to waive all rights to the benefits of the Settlement.

You must mail your exclusion request postmarked no later than June 21, 2016, to WESTLAKE SETTLEMENT EXCLUSIONS, c/o A.B. Data, Ltd., PO Box 170700, Milwaukee, WI 53217.

## 10. How do I object?

Any Settlement Class Member who has not requested to be excluded from the Settlement Class may object to the Settlement. In order to exercise this right, you must submit your objection to the Court and to the settlement administrator. Your objection must (i) set forth your name, current address, and telephone number; (ii) identify the cellular telephone number that brings you within the scope of the Settlement Class; (iii) contain your original signature or the signature of your counsel; (iv) state that you object to the Settlement, in whole or in part; (v) set forth a statement of the legal and factual basis for the Objection; and (vi) provide copies of any documents that you wish to submit in support of your position.

Objections must be filed with the Clerk of the Court and mailed to the settlement administrator on or before **June 21, 2016**.

The Court's address is: Clerk of the Court, Western District of Pennsylvania, U.S. Courthouse, 700 Grant Street, Pittsburgh, PA 15219

The settlement administrator's address is: WESTLAKE SETTLEMENT OBJECTIONS, c/o A.B. Data, Ltd., PO Box 170700, Milwaukee, WI 53217.

## 11. Do I have a lawyer in this case?

To represent the class, the Court has appointed attorneys with the law firm of Lemberg Law, LLC, 43 Danbury Road, Wilton, CT 06897, as "Class Counsel." Class Counsel will request an award of attorney's fees and expenses from the Court of up to one-third of the settlement fund. You may hire your own attorney.

### THE FAIRNESS HEARING

The Court will hold a fairness hearing on July 12, 2016 in the courtroom of the Honorable Mark R. Hornak, U.S. Courthouse, 700 Grant Street, Pittsburgh, PA 15219. The purpose of the hearing will be for the Court to determine whether the proposed settlement is fair, reasonable, and adequate and in the best interests of the Class and to determine the appropriate amount of compensation for Class Counsel. At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the proposed settlement.

**YOU ARE NOT REQUIRED TO ATTEND THIS HEARING TO BENEFIT FROM THIS SETTLEMENT.**  
The hearing may be postponed to a later date without notice.

### FOR MORE INFORMATION

If you have any questions or seek more information or seek to review case documents, visit [WestlakeSettlement.com](http://WestlakeSettlement.com), or contact Class Counsel at:

Stephen Taylor, Esq.  
Lemberg Law, LLC  
[info@WestlakeSettlement.com](mailto:info@WestlakeSettlement.com)