

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLNOIS**

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Madeleine Yates, *on behalf of herself and all  
others similarly situated,*

Plaintiff,

v.

Checkers Drive-In Restaurants, Inc. and Vibes  
Media, LLC

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

*A federal court authorized this Notice. You are not being sued. This is not a solicitation from a lawyer.*

A Settlement Agreement has been reached in a class action lawsuit alleging that Checkers Drive-In Restaurants, Inc. and Vibes Media, LLC (“Defendants”) sent texts through an automated telephone dialing system (“ATDS”) to cellular telephones without prior express written consent of the called party. Defendants’ records show that you may have received a text and may be entitled to payment under the Settlement Agreement reached in the case.

Under the Settlement, Defendants have agreed to two \$5 dollar vouchers, injunctive relief, attorney’s fees, costs, any incentive award to the Class Representative (Madeleine Yates) and settlement administration costs. Your legal rights are affected whether you act or don’t act so read this notice carefully.

**YOUR OPTIONS**

<b>Option 1: Submit a Claim Form Deadline: July 27, 2020</b>	<b>Complete and submit a Claim Form and receive two \$5 vouchers.</b> By completing and submitting a Claim Form you may receive two \$5 dollar vouchers.
<b>Option 2: Ask to be Excluded Deadline: July 27, 2020</b>	<b>Get out of this lawsuit and get no benefits from it.</b> 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: Object Deadline: July 27, 2020</b>	<b>Object to the terms of the Settlement Agreement.</b> 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 <b>August 26, 2020</b> Fairness Hearing.

## **1. What is this lawsuit about?**

In the lawsuit, the Plaintiff alleges that Defendants violated the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.*, by sending her a text through an ATDS without her prior express written consent. Plaintiff alleges that she texted the keyword BUFORD to Defendants in order to receive a coupon for Checkers food, but that the response message she received from Defendants did not contain a coupon.

Defendants deny any wrongdoing, deny that they did not have prior express written consent and deny that they 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.burgerTCPAsettlement.com](http://www.burgerTCPAsettlement.com).

## **2. Why is this a class action?**

In a class action, a Class Representative (in this case, Plaintiff Madeleine Yates), sues on behalf of a group (or a "Class") of people. Here, the Class Representative sued on behalf of people who have similar claims regarding texts to their cellular telephones by Defendants.

## **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 individuals within the United States who were sent a Checkers or Rally's-branded promotional text message by or on behalf of Defendants from December 21, 2013, to March 8, 2019.

The Settlement Class excludes the following: (1) the trial judge presiding over this Action; (2) Defendants, as well as any parent, subsidiary, affiliate, or control person of Defendants, and the officers, directors, agents, servants, or employees of Defendants; (3) any of the Released Persons; (4) any Successful Opt-Outs; (5) Class Counsel, their employees, and their immediate family; and (6) members of the settlement class approved in *Medgebow v. Checkers Drive-In Restaurants, Inc.*, No. 9:19-cv-80090 (S.D. Fla.) on September 18, 2019.

## **5. How do I recover?**

Submit a Claim Form. This is the only way to receive your benefit. You have the right as a member of the Settlement Class to receive two \$5 dollar vouchers.

You can submit a Claim Form online at [www.burgerTCPAsettlement.com](http://www.burgerTCPAsettlement.com).

Or, you can download the Claim Form online and mail it to:

***Burger TCPA Settlement  
c/o JND Legal Administration  
P.O. Box 91219  
Seattle, WA 98111***

All Claim Forms must be mailed or filed online no later than **July 27, 2020**.

#### **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 Defendants a "release." A release means you cannot sue or be part of any other lawsuit against Defendants about the claims or issues in this lawsuit with respect to the claims in the action and you will be bound by the Settlement Agreement.

#### **7. How much will the Class Representatives receive?**

The Class Representative will receive her vouchers as a Class Member and a payment of up to \$7,000.00 as an incentive award for having pursued this action. Any incentive payment is subject to Court Approval.

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

To represent the class, the Court has appointed attorneys with the law firm of Beaumont Costales LLC, 107 W. Van Buren #209, Chicago, IL 60605, as "Class Counsel." You can contact Class Counsel at 773-831-8000 or at [info@beaumontcostales.com](mailto:info@beaumontcostales.com).

Class Counsel will request an award of attorney's fees and expenses from the Court of up to \$354,000.00. Any attorney's fee and expense award is subject to Court Approval. 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 Defendants 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 (i) states your full name, address and telephone number, (ii) contains the cellular telephone number as to which you seek exclusion, (iii) contains your signature or the signature of the person authorized by law to sign on behalf of the Class Member, and (iv) states unequivocally that the Class Member's intent is to be excluded from the Settlement Class, to be excluded from the Settlement, not 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 **July 27, 2020** to *Burger TCPA Settlement, c/o JND Legal Administration, P.O. Box 91219, Seattle, WA 98111*.

## 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 the Settlement Class Member's full name, current address, and telephone number; (ii) identify the cellular telephone number of the Settlement Class Member that brings him or her within the scope of the Settlement Class; (iii) contain the Settlement Class Member's original signature or the signature of counsel for the Settlement Class Member; (iv) state that the Settlement Class Member objects 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 the Settlement Class Member wishes to submit in support of his/her position.

Objections must be filed with the Clerk of the Court and delivered to the Settlement Administrator on or before **July 27, 2020**.

The Court's address is: *Clerk of the Court, Northern District of Illinois, 219 South Dearborn Street, Chicago, IL 60604.*

The Settlement Administrator's address is: *Burger TCPA Settlement, c/o JND Legal Administration, P.O. Box 91219, Seattle, WA 98111.*

### **The Fairness Hearing**

The Court will hold a fairness hearing on **August 26, 2020**, at 10:00 a.m. in the courtroom of the Honorable Sunil R. Harjani, U.S. Courthouse, *Northern District of Illinois, 219 South Dearborn Street, Chicago, IL 60604*. 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 rule on applications for compensation for Class Counsel and an incentive award for the Class Representative. 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**

Additional information and documents, including case documents, are available at [www.burgerTCPAsettlement.com](http://www.burgerTCPAsettlement.com), or you can contact Class Counsel at:

BEAUMONT COSTALES LLC  
info@beaumontcostales.com