

SETTLEMENT WEBSITE NOTICE

Jennifer Waller, et al. vs. Times Publishing Company

Circuit Court of the Eleventh Judicial Circuit

Miami-Dade County, Florida

2023-027889-CA-01

Our Records Indicate You Have Subscribed to the *Tampa Bay Times* Digital Access and/or Newsletter and May Be Entitled to a Payment From a Class Action Settlement.

A 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 against Times Publishing Company. The class action lawsuit alleges Times Publishing of disclosing its subscribers’ personally identifiable information (“PII”) to Facebook via the Facebook Tracking Pixel without consent in violation of the Video Privacy Protection Act (the “VPPA”). The VPPA defines PII to include information which identifies a person as having requested or obtained specific video materials or services from a video tape service provider. Defendant denies that it violated any law, but has agreed to the settlement to avoid the uncertainties and expenses associated with continuing the case.
- You are included if you are a person in the United States who, between January 18, 2021, and December 28, 2023, had either a subscription to the *Tampa Bay Times* with activated digital access, or a newsletter subscription to the *Tampa Bay Times*, and viewed videos on the *Tampa Bay Times* website. You **must also** have had a Facebook account during this time.
- Persons included in the settlement will be eligible to receive a *pro rata* (meaning equal) portion of the Settlement Fund. The settlement also requires Defendant to suspend operation of the Facebook Tracking Pixel on any pages on its website that both include video content and have a URL that substantially identifies the video content viewed, unless and until the VPPA is amended, repealed, or otherwise invalidated (including by judicial decision on the use of website pixel technology by the United States Supreme Court, any federal court of appeals, a U.S. Federal District Court in Florida, or a Florida State Court of general jurisdiction), or until Defendant obtains VPPA-compliant consent for the disclosure of the video content viewed to Facebook.
- Read this notice carefully. Your legal rights are affected whether you act, or don’t act.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT A CLAIM FORM BY APRIL 16, 2024	This is the only way to receive a payment.
EXCLUDE YOURSELF BY MARCH 2, 2024	You will receive no benefits, but you will retain any rights you currently have to sue the Defendant about the claims in this case.
OBJECT BY MARCH 2, 2024	Write to the Court explaining why you don’t like the settlement.
DO NOTHING	You won’t get a share of the Settlement benefits and will give up your rights to sue the Defendant about the claims in this case.

Your rights and options—**and the deadlines to exercise them**—are explained in this Notice.

Questions? Call (833) 462-3515 Toll Free or Visit www.TimesPublishingCompanyVPPASettlement.com

BASIC INFORMATION

1. Why was this Notice issued?

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 give Final Judgment to the settlement. This Notice explains the lawsuit, the settlement, and your legal rights.

2. What is a class action?

In a class action, one or more people called the Class Representative sue on behalf of a group or a “Class” of people who have similar claims. In a class action, the court resolves the issues for all Settlement Class Members, except for those who exclude themselves from the Settlement Class.

3. What is this Action about?

This Action claims that Defendant violated the Video Privacy Protection Act, 18 U.S.C. § 2710, *et seq.* (“VPPA”) by disclosing its subscribers’ personally identifiable information (“PII”) to Facebook via the Facebook Tracking Pixel without consent. The VPPA defines PII to include information that identifies a person as having requested or obtained specific video materials or services from a video tape service provider. The Defendant denies that it violated any law. The Court has not determined who is right. Rather, the Parties have agreed to settle the lawsuit to avoid the uncertainties and expenses associated with ongoing litigation.

4. Why is there a settlement?

The Court has not decided whether the Plaintiffs or the Defendant should win this case. Instead, both sides agreed to a settlement. That way, they avoid the uncertainties and expenses associated with ongoing litigation, and Settlement Class Members will get compensation sooner rather than, if at all, after the completion of a trial.

WHO’S INCLUDED IN THE SETTLEMENT?

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

The **Settlement Class** is defined as: all persons in the United States who from January 18, 2021, and through the date the settlement is preliminarily approved (the “Class Period”) were subscribers with activated digital access or an email newsletter recipient to the Tampa Bay Times’ online website (www.tampabay.com) and also maintained during the same time a Facebook account. The Settlement Class excludes company-issued subscriptions to employees with @tampabay.com accounts.

THE SETTLEMENT BENEFITS

6. What does the settlement provide?

Monetary Relief: Defendant has created a Settlement Fund totaling \$950,000. Settlement Class Member payments, the Settlement Administration Expenses, the cost to inform people about the settlement, Fee Award, and an incentive award to the Class Representatives will also come out of this fund (*see* Question 13).

Prospective Changes: In addition to this monetary relief, the settlement also requires Defendant to suspend operation of the Facebook Tracking Pixel on any pages on its website that both include video content and have a URL that identifies the video content viewed, unless and until the VPPA is amended, repealed, or otherwise invalidated (including by judicial decision on the use of website pixel technology by the United States Supreme Court, any federal court of appeals, a U.S. Federal District Court in Florida, or a Florida State Court of general jurisdiction), or until Defendant obtains VPPA-compliant consent for the disclosure of the video content viewed to Facebook.

A detailed description of the settlement benefits can be found in the [Settlement Agreement](#).

7. How much will my payment be?

If you are member of the Settlement Class you may submit a Claim Form to receive a portion of the Settlement Fund. The amount of this payment will depend on how many of the Settlement Class Members file Approved Claims. Each Settlement Class Member who files a Approved Claim will receive a proportionate share of the Settlement Fund.

8. When will I get my payment?

The hearing to consider the fairness of the settlement is scheduled for **April 1, 2024**, at 1:00 p.m. If the Court approves the settlement, eligible Settlement Class Members whose claims were approved by the Settlement Administrator will receive their payment 90 days after the settlement has been finally approved and/or any appeals process is complete. The payment will be made in the form of a check, unless you elect to receive electronic payment and all checks will expire and become void 180 days after they are issued.

HOW TO GET BENEFITS

9. How do I get a payment?

If you are a Settlement Class Member and you want to get a payment, you **must** complete and submit a Claim Form by **April 16, 2024**. Claim Forms can be found on the Settlement Website www.TimesPublishingCompanyVPPASettlement.com, or by printing and mailing a paper Claim Form, copies of which are available for download [on the Settlement Website](#).

We also encourage you to submit your claim on-line. Not only is it easier and more secure, but it is completely free and takes only minutes!

REMAINING IN THE SETTLEMENT

10. What am I giving up I stay in the Settlement Class?

If the settlement becomes Final, you will give up your right to sue Defendant for the claims this settlement resolve. The Settlement Agreement describes the specific Released Claims you are giving up against the Defendant. You will be “releasing” the Defendant and certain of its affiliates described in Section 1.25 of the Settlement Agreement. Unless you exclude yourself (*see* Question 14), you are “releasing” the claims, regardless of whether you submit a claim or not. The Settlement Agreement is available through the “Documents” link on the Settlement Website.

The Settlement Agreement describes the released claims with specific descriptions, so read it carefully. If you have any questions you can talk to the lawyers listed in Question 12 for free or you can, of course, talk to your own lawyer if you have questions about what this means.

11. What happens if I do nothing at all?

If you do nothing, you won't get any benefits from this settlement. But, unless you exclude yourself, you won't be able to start a lawsuit or be part of any other lawsuit against the Defendant for the claims being resolved by this Settlement.

THE LAWYERS REPRESENTING YOU

12. Do I have a lawyer in the case?

The Court has appointed lawyers from the law firms of Edelsberg Law, P.A., Shamis & Gentile, P.A., and Liddle Sheets Coulson P.C. to represent you. These attorneys are called Class Counsel. They believe, after conducting an extensive investigation, that the Settlement Agreement is fair, reasonable, and in the best interests of the Settlement Class. You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

13. How will the lawyers be paid?

Class Counsel's Fee Award, and expenses will be paid from the Settlement Fund in an amount determined and awarded by the Court. Class Counsel is entitled to seek no more than 25% of the Settlement Fund for these items, subject to Court approval.

As approved by the Court, the Class Representatives will each be paid an incentive award from the Settlement Fund for helping to bring and settle the case. The Class Representatives will seek no more than \$5,000 each as an incentive award, but the Court may award less than this amount.

EXCLUDING YOURSELF FROM THE SETTLEMENT

14. How do I get out of the settlement?

To exclude yourself from the settlement, you must mail or otherwise deliver a letter (or request for exclusion) stating that you want to be excluded from the *Waller, et al. vs. Times Publishing Company* class action settlement. Your letter or request for exclusion must also include your name, Class Member ID, your address, your telephone number, your signature, the name and number of this case, and a statement that you wish to be excluded. You must mail or deliver your exclusion request no later than **March 2, 2024**, to:

Waller, et al. vs. Times Publishing Company Settlement
c/o Kroll Settlement Administration LLC
PO Box 225391
New York, NY 10150-5391

15. 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 the Defendant for the claims being resolved by this settlement.

16. 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 benefits.

OBJECTING TO THE SETTLEMENT

17. How do I object to the settlement?

If you're a Settlement Class Member, 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 not approve it. The Court will consider your views. To object, you must file with the Court a letter or brief stating that you object to the settlement in *Waller, et al. vs. Times Publishing Company*, and identify all your reasons for your objections (including citations and supporting evidence) and attach any materials you rely on for your objections. Your letter or brief must also include your name, an explanation of the basis upon which you claim to be a Settlement Class Member, including information sufficient to identify your Facebook page, the name and contact information of any and all attorneys representing, advising, or in any way assisting you in connection with your objection, and your signature. If you, or an attorney assisting you with your objection, have ever objected to any class action settlement where you or the objecting attorney has asked for or received payment in exchange for dismissal of the objection (or any related appeal) without modification to the settlement, you must include a statement in your objection identifying each such case by full case caption. You must also mail or deliver a copy of your letter or brief to Class Counsel and Defendant's Counsel listed below.

Class Counsel will file with the Court and post on this website its request for a Fee Award by **March 18, 2024**.

If you want to appear and speak at the Final Approval Hearing to object to the Settlement, with or without a lawyer (explained below in answer to Question Number 21), you must say so in your letter or brief. File the objection with the Court and mail a copy to these two different places postmarked no later than **March 2, 2024**.

Court	Class Counsel	Defendant's Counsel
Dade County Courthouse 73 West Flagler St. Miami, FL 33130	Adam Schwartzbaum Edelsberg Law, P.A. 20900 NE 30 th Ave Aventura, FL 33180	Aaron Weiss David Karp Carlton Fields, P.A. 700 N.W. 1st Ave Suite 1200 Miami, FL 33136

18. 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 Class. Excluding yourself from the Class is telling the Court that you don't want to be part of the Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

THE COURT'S FINAL APPROVAL HEARING

19. When and where will the Court decide whether to approve the settlement?

The Court will hold the Final Approval Hearing at **1:00 p.m.** on **April 1, 2024**, via **Zoom**: <https://zoom.us/j/98458405897>.

The purpose of the hearing will be for the Court to determine whether to approve the settlement as fair, reasonable, adequate, and in the best interests of the Class; to consider the Class Counsel's request for Fee Award; and to consider the request for an incentive award to the Class Representatives. At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the settlement.

The hearing may be postponed to a different date or time without notice, so it is a good idea to check www.TimesPublishingCompanyVPPASettlement.com or call (833) 462-3515. If, however, you timely objected to the Settlement and advised the Court that you intend to appear and speak at the Final Approval Hearing, you will receive notice of any change in the date of such Final Approval Hearing.

20. 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 at your own expense. If you send an objection or comment, you don't have to come to Court to talk about it. As long as you filed and mailed your written objection on time, the Court will consider it. You may also pay another lawyer to attend, but it's not required.

21. May I speak at the hearing?

Yes. You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must include in your letter or brief objecting to the settlement a statement saying that it is your "Notice of Intent to Appear in *Waller, et al. vs. Times Publishing Company*" It must include your name, address, telephone number and signature as well as the name and address of your lawyer, if one is appearing for you. Your objection and notice of intent to appear must be filed with the Court and postmarked no later than **March 2, 2024**, and be sent to the addresses listed in Question 17.

GETTING MORE INFORMATION

22. Where do I get more information?

This Notice summarizes the settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement at www.TimesPublishingCompanyVPPASettlement.com. You may also write with questions to *Waller, et al. vs. Times Publishing Company Settlement*, c/o Kroll Settlement Administration LLC, PO Box 225391, New York, NY 10150-5391. You can contact the Settlement Administrator at (833) 462-3515 if you have any questions. Before doing so, however, please read this full Notice carefully. You may also find additional information elsewhere on the case Settlement Website.